

Part 1

1 Sub. H.B. 153
2 As Pending in S. Finance
3 LSC 129 1066-6
4 SC-4661 - Omnibus

5 _____ moved to amend as follows:

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

9 INDEX

10 The following amendments are attached hereto:

Amendment No.	Subject
SC-4052	Private fire companies ineligible for state fire marshal grants
SC-4055-1	Jon Peterson Special Needs Scholarship
SC-4057	Prison privatization-state reversionary interest
SC-4061-2	Lake facilities authorities
SC-4064	Bath salts - have them treated as meth-amphetamines
SC-4068	Unemployment Compensation Review Commission
SC-4083-1	Continuity of care period - reduce from 120 days to 90 days

Amendment No.	Subject
SC-4085	Western Reserve Historical Society and Hale Farm
SC-4104	Repeal e-school moratorium and adopt national standards
SC-4105-3	Medicaid elevation
SC-4150-1	Obtaining Title as prereq to vehicle sale
SC-4152-1	License forms and fees
SC-4153	Spirituosous Liquor Sampling
SC-4155-2	E-check changes
SC-4159	JVS levy for SFC projects
SC-4160	Career center school supplies
SC-4161	Professional career - tech teaching licenses
SC-4166	Schoolhouse property tax exemption
SC-4171	Technical amendment
SC-4172	Corrective amendment
SC-4174	Pediatric quality assurance
SC-4179-1	Construction reform

Amendment No.	Subject
SC-4181-2	Prevailing wage changes
SC-4182	ICF modified formulary; ICF/MR bed hold days
SC-4192	Tax amnesty - self reporting
SC-4196	Poultry inspection
SC-4198	Convention center and golf course tax exemptions
SC-4224	Job retention tax credit - payroll for 500 employees plus or minus
SC-4261	DPS appropriation - liquor control
SC-4278	Turnpike project outsourcing
SC-4281	Conforming amendment
SC-4285	Qualified energy projects - extension of TPPT exemption
SC-4287-1	BCM/Medicaid related amendment
SC-4293	Court reporter language
SC-4294	Establish a police department
SC-4304	Residential Construction Advisory Committee membership
SC-4309	Tax credits for insurance companies

Amendment No.	Subject
SC-4363	Cleveland scholarships/Ed Choice
SC-4367	Tax levy for police/fire pensions
SC-4378	Home health care
SC-4384	Oil and Gas changes
SC-4385	Weighing and measuring devices
SC-4403	Privatize state university parking facilities and dorms and county buildings
SC-4406-1	Tuition surcharge and subsidy rate determination for aliens
SC-4407	Captive deer taxation
SC-4408-1	Judges - out of state practice
SC-4410	Modify application of small business prong of JCARR review
SC-4411	Small business prong - effect on 5 year no change rules
SC-4419	Jurisdiction in ordinance cases and traffic violations
SC-4420	Fatherhood commission
SC-4452	OAKS C/I: capital improvement project management services for public construction

Amendment No.	Subject
SC-4458	OCC advocacy
SC-4466	Retesting teachers
SC-4469	Constitutional challenges to prisons and parole
SC-4471-1	DAS recommendations for a state government reorganization plan
SC-4474	Gifted funding for ESCs - technical change
SC-4476	Gifted nonprofit community schools - need
SC-4478	Defense Conversion Assistance Program
SC-4486-1	Changes to Air Force Institute of Technology
SC-4489	Funding for drug coverages
SC-4495	Pilot Program - voicemail for the homeless
SC-4504	Veterans' Services membership
SC-4507	Increase special needs school district thresholds
SC-4511	County recorder fees
SC-4512	Ban insurance coverage of non-therapeutic abortions for political subdivision employees
SC-4513	Ban performance of nontherapeutic abortions in public hospitals

Amendment No.	Subject
SC-4518	PUCO recalculation of rates based on OCC assessments
SC-4519	Customer Loyalty Coupons not subject to sales tax
SC-4553-3	JobsOhio changes
SC-4558	Construction reform - remove reverse auction language
SC-4561	Removal of alternative high-stakes assessment provision
SC-4563	Hattie Larlham Community Living
SC-4564	County quarterly spending plans; quarterly budget
SC-4567	Public records lawsuits
SC-4570	Prescription Drug Benefit - remove section
SC-4577-1	Eligibility of community schools for high performing school subsidy
SC-4580-1	Supplemental employee deferral plan
SC-4582	Municipal corporation/township mergers
SC-4593	Joint vocational school districts to receive equivalent protection from TIFs
SC-4598	Court language deletion
SC-4599	County Automatic Data Processing Board

Amendment No.	Subject
SC-4610-1	Appropriation for Liquor Enterprise Transaction Support Services
SC-4615-1	Various Medicaid Rate Issues
SC-4618	ICFs/MR study group and transfer of DD programs to DODD
SC-4621	Remove oil and gas drilling language
SC-4627	Remove minimum wage provisions
SC-4632	Public Records
SC-4634	Psychiatric exemption - RX carve-in
SC-4637	Mental health deeming language
SC-4638	JFS DD board fees
SC-4640-2	Reauthorizes the National Accreditation Compliance Program
SC-4660-1	Data center sales and use tax exemption
SC-4666-2	JobsOhio - liquor changes
SC-4667	Agricultural labor camps/marinas
SC-4668	Higher education shared services - remove
SC-4670	Home schooled students - participate in school district activities

Amendment No.	Subject
SC-4671	Privatize the Lottery

11 The motion was _____ agreed to.

6 _____ moved to amend as follows:

7 In line 135034, delete "and"

8 In line 135036, after "townships" insert ", and private
9 fire companies as defined in section 9.60 of the Revised Code"

10 The motion was _____ agreed to.

11 SYNOPSIS

12 **Fire Department Grants**

13 **Section 243.10**

14 Adds private fire companies to list of entities eligible
15 for fire department grants awarded by the Department of
16 Commerce's Division of State Fire Marshal (currently, the
17 entities eligible for the grants are volunteer fire departments,
18 fire departments that serve one or more small municipalities or
19 small townships, joint fire districts comprised of fire
20 departments that primarily serve small municipalities or small
21 townships, local units of government responsible for such fire
22 departments, and local units of government responsible for the
23 provision of fire protection services for small municipalities
24 or small townships).

6 _____ moved to amend as follows:

7 In line 4137, after "the" insert "Jon Peterson"; delete
8 "education" and insert "needs"

9 In line 4705, after "the" insert "Jon Peterson"; delete
10 "education" and insert "needs"

11 In line 51967, after "the" insert "Jon Peterson"; delete
12 "education" and insert "needs"

13 In line 51975, after "the" insert "Jon Peterson"

14 In line 51976, delete "education" and insert "needs"

15 In line 51988, after "The" insert "Jon Peterson"; delete
16 "education" and insert "needs"

17 In line 52050, after "the" insert "Jon Peterson"

18 In line 52051, delete "education" and insert "needs"

19 In line 52082, after "the" insert "Jon Peterson"; delete
20 "education" and insert "needs"

21 In line 52098, after "the" insert "Jon Peterson"; delete
22 the second "education" and insert "needs"

23 In line 52163, after "the" insert "Jon Peterson"; delete
24 the second "education" and insert "needs"

25 In line 52217, after "the" insert "Jon Peterson"; delete
26 "education" and insert "needs"

27 In line 52257, after the second "the" insert "Jon Peterson"
28 In line 52258, delete the first "education" and insert
29 "needs"
30 In line 52289, after "the" insert "Jon Peterson"; delete
31 "education" and insert "needs"
32 In line 61542, after "the" insert "Jon Peterson"
33 In line 61543, delete "education" and insert "needs"
34 In line 65490, after "the" insert "Jon Peterson"; delete
35 "education" and insert "needs"
36 In line 137827, after the second "the" insert "Jon
37 Peterson"
38 In line 137828, delete "Education" and insert "Needs"
39 In line 137833, after "the" insert "Jon Peterson"; delete
40 "Education" and insert "Needs"
41 The motion was _____ agreed to.

42 SYNOPSIS

43 **Special Education Scholarship Program**

44 R.C. 109.57, 109.572, 3310.51, 3310.52, 3310.53, 3310.54,
45 3310.56, 3310.58, 3310.62, 3310.63, 3317.03, and 3323.052 and
46 Sections 267.60.30 and 267.60.31

47 Renames the bill's program as the "Jon Peterson Special
48 Needs Scholarship Program." (The bill creates the Special
49 Education Scholarship Program to provide scholarships for
50 children with disabilities in grades K through 12 to attend
51 alternative public or private special education programs.)

6 _____ moved to amend as follows:

7 In line 1260, delete "before" and insert "all of the
8 following apply:

9 (a) Before"

10 Between lines 1270 and 1271, insert:

11 "(b) Upon the default by the contractor of any financial
12 agreement for the purchase of the facility and the real property
13 on which it is situated, any surrounding land that also was
14 transferred under the contract, or both the facility and real
15 property on which it is situated plus the surrounding land that
16 was transferred under the contract, upon the default by the
17 contractor of any other term in the contract, or upon the
18 financial insolvency of the contractor or inability of the
19 contractor to meet its contractual obligations, the state may
20 repurchase the facility, real property, and surrounding land, if
21 the state so desires, pursuant to and in accordance with the
22 repurchase clause included in the contract."

23 In line 146061, delete "does all of the following:"

24 In line 146062, delete "(i) Provides that, before" and
25 insert "irrevocably grants to the state a right, upon the
26 occurrence of any triggering event described in division
27 (B)(2)(d)(i) or (ii) of this section and in accordance with the
28 particular division, to repurchase the facility and the real
29 property on which it is situated, any surrounding land that is
30 to be transferred under the contract, or both the facility and
31 real property on which it is situated plus the surrounding land
32 that is to be transferred under the contract. The triggering
33 events and the procedures for a repurchase under the irrevocable
34 grant described in this division are as follows:

35 (i) Before"

36 In line 146077, delete the semicolon

37 In line 146078, delete "(ii) Specifies that the" and
38 insert ". The repurchase"; after "in" insert "this"

39 In line 146079, delete "(B)(2)(d)(i) of this section"

40 In line 146082, delete the semicolon

41 In line 146083, delete "(iii) Irrevocably grants to the"
42 and insert ". After being offered the repurchase opportunity,
43 the"; after "state" insert "has"

44 In line 146085, after "in" insert "this"

45 In line 146086, delete "(B)(2)(d)(i) of this section"

46 Between lines 146086 and 146087, insert:

47 "(ii) Upon the contractor's default of any financial
48 agreement for the purchase of the facility and the real property
49 on which it is situated, any surrounding land that is to be
50 transferred under the contract, or both the facility and real
51 property on which it is situated plus the surrounding land that
52 is to be transferred under the contract, upon the contractor's
53 default of any other term in the contract, or upon the
54 contractor's financial insolvency or inability to meet its
55 contractual obligations, the state has the right to repurchase
56 the facility and real property, the surrounding land, or both
57 the facility and real property and the surrounding land, for a
58 price not greater than the purchase price paid to the state for
59 that facility, real property, or surrounding land, less
60 depreciation from the time of the conveyance of that facility,
61 real property, or surrounding land to the contractor, plus the
62 depreciated value of any capital improvements to that facility,
63 real property, or surrounding land that were made to it and
64 funded by anyone other than the state subsequent to the
65 conveyance to the contractor."

66 In line 147001, after "(B)" insert "(1)"

67 In line 147011, before "The" insert "(2)"; after "sale"
68 insert "of the real estate described in division (A) of this
69 section"

70 In line 147019, delete "does all of the following:"

71 In line 147020, delete "(1) Provides that, before" and
72 insert "irrevocably grants to the state a right, upon the
73 occurrence of any triggering event described in division
74 (B)(2)(a) or (b) of this section and in accordance with the
75 particular division, to repurchase the facility and the real
76 property on which it is situated, any surrounding land that is
77 to be transferred under the contract, or both the facility and
78 real property on which it is situated plus the surrounding land
79 that is to be transferred under the contract. The triggering
80 events and the procedures for a repurchase under the irrevocable
81 grant described in this division are as follows:

82 (a) Before"; delete "contractor" and insert "purchaser";
83 delete "contractor's" and insert "purchaser's"

84 In line 147026, delete "contractor" and insert "purchaser"

85 In line 147032, delete "contractor" and insert "purchaser"

86 In line 147035, delete "contractor;"

87 In line 147036, delete "(2) Specifies that the" and insert
88 "purchaser. The repurchase"; after "in" insert "this"

89 In line 147037, delete "(B)(2) of this section"

90 In line 147038, delete "contractor" and insert "purchaser"

91 In line 147040, delete the semicolon

92 In line 147041, delete "(3) Irrevocably grants to the" and
93 insert ". After being offered the repurchase opportunity, the";
94 after "state" insert "has"

95 In line 147043, after "in" insert "this"

96 In line 147044, delete "(B)(2) of this section"

97 Between lines 147044 and 147045, insert:

98 "(b) Upon the purchaser's default of any financial
99 agreement for the purchase of the facility and the real property
100 on which it is situated, any surrounding land that is to be
101 transferred under the contract, or both the facility and real
102 property on which it is situated plus the surrounding land that
103 is to be transferred under the contract, upon the purchaser's
104 default of any other term in the contract, or upon the
105 purchaser's financial insolvency or inability to meet its
106 contractual obligations, the state has the right to repurchase
107 the facility and real property, the surrounding land, or both
108 the facility and real property and the surrounding land, for a
109 price not greater than the purchase price paid to the state for
110 that facility, real property, or surrounding land, less
111 depreciation from the time of the conveyance of that facility,
112 real property, or surrounding land to the purchaser, plus the
113 depreciated value of any capital improvements to that facility,
114 real property, or surrounding land that were made to it and
115 funded by anyone other than the state subsequent to the
116 conveyance to the purchaser."

117 In line 147045, before "The" insert "(3)"

118 The motion was _____ agreed to.

120 **State Right to Repurchase DRC Facility Sold To Private**
121 **Contractor or DYS Facility Sold to Purchaser Under the Bill**

122 **R.C. 9.06; Sections 753.10 and 753.30**

123 Expands the right of the state to repurchase a Department
124 of Rehabilitation and Correction facility sold to a contractor
125 under the bill, or a Department of Youth Services facility sold
126 to a purchaser under the bill, so that the right also is granted
127 if the contractor who purchases the Department of Rehabilitation
128 and Correction facility or the purchaser of the Department of
129 Youth Services facility defaults on any financial agreement for
130 the purchase of the facility, defaults on any other term in the
131 contract of sale, or is financially insolvent or unable to meet
132 its contractual obligations. The provision also applies to
133 related land included in the sale. Currently under the bill,
134 the repurchase right is granted to the state only as a right of
135 first refusal if the contractor or purchaser wishes to resell or
136 otherwise transfer the facility and/or related land.

Sub. H.B. 153

As Pending in S. Finance

LSC 129 1066-6

SC-4061-2

_____ moved to amend as follows:

- In line 412, after "135.66," insert "135.80," 1
- In line 423, after "308.13," insert "309.09," 2
- In line 544, after "4911.02," insert "4928.01," 3
- In line 575, after "5705.16," insert "5705.19," 4
- In line 624, after "317.06," insert "353.01, 353.02, 353.03,
353.04, 353.05, 353.06, 353.07, 353.08, 353.09, 353.10, 353.11,
353.12, 353.13, 353.14, 353.15, 353.16, 353.17," 5
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7
- In line 650, after "5703.059," insert "5705.55," 8
- In line 12024, delete "(18)" and insert "(19)" 9
- In line 12027, after the second "district" insert ":", 10
(17) A lake facilities authority, the fiscal officer 11
designated under section 353.02 of the Revised Code" 12
- In line 12249, after "(18)" insert "A lake facilities 13
authority created under Chapter 353. of the Revised Code; 14
(19)" 15
- In line 12279, delete "(18)" and insert "(19)" 16
- In line 12282, after "board" insert ":", 17
(11) A lake facilities authority, the board of directors" 18
- Between lines 13058 and 13059, insert: 19

"Sec. 135.80. (A) The legislative authority of a municipal corporation, by ordinance; the board of directors of a port authority or a lake facilities authority, by resolution; or the board of county commissioners, by resolution, may establish a linked deposit program authorizing the treasurer or governing board of the municipal corporation, the board of directors of the port authority or lake facilities authority, or the investing authority of the county, as created or designated by the ordinance or resolution, to place certificates of deposit at up to three per cent below market rates with an eligible lending institution applying for interim moneys as provided in section 135.08 of the Revised Code, selected to invest port authority or lake facilities authority moneys in linked deposit programs pursuant to section 4582.54 or 353.16 of the Revised Code, or applying for inactive moneys as provided in section 135.32 of the Revised Code, provided the institution agrees to lend the value of such deposit to eligible borrowers at up to three per cent below the present borrowing rate applicable to each borrower. The ordinance or resolution shall include requirements and provisions that are necessary to establish the program, including, but not limited to:

- (1) Eligibility requirements for borrowers who may receive reduced rate loans under the program;
- (2) Application procedures for borrowers and institutions wishing to participate in the program;
- (3) Review procedures for applications and criteria for acceptance or rejection of applications for reduced rate loans;
- (4) Necessary agreements between the eligible lending institution and the treasurer or governing board of the municipal corporation, the board of directors of the port authority or lake facilities authority, or the investing authority of the county to

carry out the purposes of the linked deposit program; 50

(5) Annual reports regarding the operation of the program to 51
be made by the treasurer or governing board to the legislative 52
authority, the eligible lending institution to the board of 53
directors of the port authority or lake facilities authority, or 54
the investing authority to the board of county commissioners. 55

(B) The municipal corporation and the treasurer or governing 56
board, the port authority or lake facilities authority and the 57
board of directors, and the county and the investing authority or 58
the board of county commissioners, are not liable to any eligible 59
lending institution in any manner for the payment of the principal 60
or interest on any reduced rate loan made under the program, and 61
any delay in payment or default on the part of any borrower does 62
not in any manner affect the deposit agreement between the 63
eligible lending institution and the treasurer or governing board, 64
the board of directors, or the investing authority or board of 65
county commissioners. 66

(C) For purposes of this section, ~~both of the following~~ 67
~~apply:~~ 68

(1) "Investing authority" has the same meaning as in section 69
135.31 of the Revised Code. 70

(2) "Port authority" means a port authority created in 71
accordance with section 4582.22 of the Revised Code. 72

(3) "Lake facilities authority" means a lake facilities 73
authority created in accordance with section 353.02 of the Revised 74
Code." 75

Between lines 20439 and 20440, insert: 76

"Sec. 309.09. (A) The prosecuting attorney shall be the legal 77
adviser of the board of county commissioners, board of elections, 78

and all other county officers and boards, including all 79
tax-supported public libraries, and any of them may require 80
written opinions or instructions from the prosecuting attorney in 81
matters connected with their official duties. The prosecuting 82
attorney shall prosecute and defend all suits and actions which 83
any such officer or board directs or to which it is a party, and 84
no county officer may employ any other counsel or attorney at the 85
expense of the county, except as provided in section 305.14 of the 86
Revised Code. 87

(B) (1) The prosecuting attorney shall be the legal adviser 88
for all township officers, boards, and commissions, unless, 89
subject to division (B) (2) of this section, the township has 90
adopted a limited home rule government pursuant to Chapter 504. of 91
the Revised Code and has not entered into a contract to have the 92
prosecuting attorney serve as the township law director, in which 93
case, subject to division (B) (2) of this section, the township law 94
director, whether serving full-time or part-time, shall be the 95
legal adviser for all township officers, boards, and commissions. 96
When the board of township trustees finds it advisable or 97
necessary to have additional legal counsel, it may employ an 98
attorney other than the township law director or the prosecuting 99
attorney of the county, either for a particular matter or on an 100
annual basis, to represent the township and its officers, boards, 101
and commissions in their official capacities and to advise them on 102
legal matters. No such legal counsel may be employed, except on 103
the order of the board of township trustees, duly entered upon its 104
journal, in which the compensation to be paid for the legal 105
services shall be fixed. The compensation shall be paid from the 106
township fund. 107

Nothing in this division confers any of the powers or duties 108
of a prosecuting attorney under section 309.08 of the Revised Code 109
upon a township law director. 110

(2) (a) If any township in the county served by the prosecuting attorney has adopted any resolution regarding the operation of adult entertainment establishments pursuant to the authority that is granted under section 503.52 of the Revised Code or if a resolution of that nature has been adopted under section 503.53 of the Revised Code in a township in the county served by the prosecuting attorney, all of the following apply:

(i) Upon the request of a township in the county that has adopted, or in which has been adopted, a resolution of that nature that is made pursuant to division (E) (1) (c) of section 503.52 of the Revised Code, the prosecuting attorney shall prosecute and defend on behalf of the township in the trial and argument in any court or tribunal of any challenge to the validity of the resolution. If the challenge to the validity of the resolution is before a federal court, the prosecuting attorney may request the attorney general to assist the prosecuting attorney in prosecuting and defending the challenge and, upon the prosecuting attorney's making of such a request, the attorney general shall assist the prosecuting attorney in performing that service if the resolution was drafted in accordance with legal guidance provided by the attorney general as described in division (B) (2) of section 503.52 of the Revised Code. The attorney general shall provide this assistance without charge to the township for which the service is performed. If a township adopts a resolution without the legal guidance of the attorney general, the attorney general is not required to provide assistance as described in this division to a prosecuting attorney.

(ii) Upon the request of a township in the county that has adopted, or in which has been adopted, a resolution of that nature that is made pursuant to division (E) (1) (a) of section 503.52 of the Revised Code, the prosecuting attorney shall prosecute and

defend on behalf of the township a civil action to enjoin the 142
violation of the resolution in question. 143

(iii) Upon the request of a township in the county that has 144
adopted, or in which has been adopted, a resolution of that nature 145
that is made pursuant to division (E) (1) (b) of section 503.52 of 146
the Revised Code, the prosecuting attorney shall prosecute and 147
defend on behalf of the township a civil action under Chapter 148
3767. of the Revised Code to abate as a nuisance the place in the 149
unincorporated area of the township at which the resolution is 150
being or has been violated. Proceeds from the sale of personal 151
property or contents seized pursuant to the action shall be 152
applied and deposited in accordance with division (E) (1) (b) of 153
section 503.52 of the Revised Code. 154

(b) The provisions of division (B) (2) (a) of this section 155
apply regarding all townships, including townships that have 156
adopted a limited home rule government pursuant to Chapter 504. of 157
the Revised Code, and regardless of whether a township that has so 158
adopted a limited home rule government has entered into a contract 159
with the prosecuting attorney as described in division (B) of 160
section 504.15 of the Revised Code or has appointed a law director 161
as described in division (A) of that section. 162

The prosecuting attorney shall prosecute and defend in the 163
actions and proceedings described in division (B) (2) (a) of this 164
section without charge to the township for which the services are 165
performed. 166

(C) Whenever the board of county commissioners employs an 167
attorney other than the prosecuting attorney of the county, 168
without the authorization of the court of common pleas as provided 169
in section 305.14 of the Revised Code, either for a particular 170
matter or on an annual basis, to represent the board in its 171
official capacity and to advise it on legal matters, the board 172

shall enter upon its journal an order of the board in which the
 compensation to be paid for the legal services shall be fixed. The
 compensation shall be paid from the county general fund. The total
 compensation paid, in any year, by the board for legal services
 under this division shall not exceed the total annual compensation
 of the prosecuting attorney for that county.

(D) The prosecuting attorney and the board of county
 commissioners jointly may contract with a board of park
 commissioners under section 1545.07 of the Revised Code for the
 prosecuting attorney to provide legal services to the park
 district the board of park commissioners operates.

(E) The prosecuting attorney may be, in the prosecuting
 attorney's discretion and with the approval of the board of county
 commissioners, the legal adviser of a joint fire district created
 under section 505.371 of the Revised Code at no cost to the
 district or may be the legal adviser to the district under a
 contract that the prosecuting attorney and the district enter
 into, and that the board of county commissioner approves, to
 authorize the prosecuting attorney to provide legal services to
 the district.

(F) The prosecuting attorney may be, in the prosecuting
 attorney's discretion and with the approval of the board of county
 commissioners, the legal adviser of a joint ambulance district
 created under section 505.71 of the Revised Code at no cost to the
 district or may be the legal adviser to the district under a
 contract that the prosecuting attorney and the district enter
 into, and that the board of county commissioners approves, to
 authorize the prosecuting attorney to provide legal services to
 the district.

(G) The prosecuting attorney may be, in the prosecuting
 attorney's discretion and with the approval of the board of county

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commissioners, the legal adviser of a joint emergency medical services district created under section 307.052 of the Revised Code at no cost to the district or may be the legal adviser to the district under a contract that the prosecuting attorney and the district enter into, and that the board of county commissioners approves, to authorize the prosecuting attorney to provide legal services to the district. 204
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(H) The prosecuting attorney may be, in the prosecuting attorney's discretion and with the approval of the board of county commissioners, the legal adviser of a fire and ambulance district created under section 505.375 of the Revised Code at no cost to the district or may be the legal adviser to the district under a contract that the prosecuting attorney and the district enter into, and that the board of county commissioners approves, to authorize the prosecuting attorney to provide legal services to the district. 211
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(I) All money received pursuant to a contract entered into under division (D), (E), (F), (G), or (H) of this section shall be deposited into the prosecuting attorney's legal services fund, which shall be established in the county treasury of each county in which such a contract exists. Moneys in that fund may be appropriated only to the prosecuting attorney for the purpose of providing legal services to a park district, joint fire district, joint ambulance district, joint emergency medical services district, or a fire and ambulance district, as applicable, under a contract entered into under the applicable division. 220
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(J) The prosecuting attorney shall be the legal advisor of a lake facilities authority as provided in section 353.02 of the Revised Code. 230
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Between lines 22840 and 22841, insert: 233

<u>"Sec. 353.01. For purposes of this chapter:</u>	234
<u>(A) "Lake facilities authority" means a body corporate and</u>	235
<u>politic created pursuant to section 353.02 of the Revised Code.</u>	236
<u>(B) "Watershed" means a watershed as determined by the United</u>	237
<u>States geological survey.</u>	238
<u>(C) "Distressed watershed" means a watershed meeting all of</u>	239
<u>the following conditions:</u>	240
<u>(1) The last resolution necessary for the creation of a lake</u>	241
<u>facilities authority under section 353.02 of the Revised Code is</u>	242
<u>adopted before the end of the calendar year that includes the date</u>	243
<u>that is two years after the director of natural resources</u>	244
<u>designated the watershed as a "watershed in distress" pursuant to</u>	245
<u>section 1511.02 of the Revised Code;</u>	246
<u>(2) The watershed contains a natural or man-made lake of at</u>	247
<u>least one-half square mile that has experienced levels of</u>	248
<u>microcystin toxins in excess of eighty parts-per-billion, as</u>	249
<u>measured by the Ohio environmental protection agency, during the</u>	250
<u>twenty-four month period immediately preceding the date the last</u>	251
<u>resolution necessary for the creation of a lake facilities</u>	252
<u>authority under section 353.02 of the Revised Code was adopted;</u>	253
<u>(3) The watershed is partially or completely located within a</u>	254
<u>state park, as defined in section 154.01 of the Revised Code, that</u>	255
<u>has averaged at least four hundred thousand visitors per year for</u>	256
<u>the four calendar years preceding the calendar year in which the</u>	257
<u>last resolution necessary for the creation of a lake facilities</u>	258
<u>authority under section 353.02 of the Revised Code was adopted.</u>	259
<u>(D) "Impacted lake district" means the territory of all</u>	260
<u>townships and municipal corporations having territory in a</u>	261
<u>distressed watershed.</u>	262

(E) "Cost" as applied to a lake facilities authority facility 263
means the cost of acquisition or construction of the facility; the 264
cost of acquisition of all land, rights-of-way, property rights, 265
easements, franchise rights, and interests required for such 266
acquisition; the cost of demolishing or removing any buildings or 267
structures on land so acquired, including the cost of acquiring 268
any lands to which such buildings or structures may be moved; the 269
cost of acquiring or constructing and equipping a principal office 270
of the lake facilities authority; the cost of diverting highways, 271
interchange of highways, and access roads to private property, 272
including the cost of land or easements for the access roads, the 273
cost of public utility and common carrier relocation or 274
duplication, the cost of all machinery, furnishings, and 275
equipment, financing charges, interest prior to and during any 276
construction and for no more than eighteen months after completion 277
of any construction; engineering; expenses of research and 278
development with respect to an impacted lake district; legal 279
expenses; expenses of developing or obtaining plans, 280
specifications, engineering surveys, studies, and estimates of 281
cost and revenues; expenses necessary or incident to determining 282
the feasibility or practicability of acquiring or constructing the 283
facility or remediating the impacted lake district; administrative 284
expense; and such other expenses as may be necessary or incident 285
to the acquisition or construction of the facility, the 286
remediation of the impacted lake district and other activities 287
authorized by this chapter, the financing of such acquisition, 288
construction or remediation, including the amount authorized in 289
the resolution of the lake facilities authority providing for the 290
issuance of lake facilities authority revenue bonds to be paid 291
into any special funds from the proceeds of such bonds and the 292
financing of the placing of the facility in operation, the cost of 293
issuing the bonds, and the financing of remediation and other 294

purposes authorized by this chapter. 295

(F) "Revenues" means all rentals and other charges received 296
by the lake facilities authority with respect to a distressed 297
watershed; any gift or grant received with respect to any 298
distressed watershed; money received in repayment of, and for 299
interest on, any loans made by the authority to a person or 300
governmental agency, whether from the United States or any 301
department, administration, or agency thereof, or otherwise; 302
proceeds of lake facilities authority revenue bonds to the extent 303
the use thereof for payment of principal or of premium, if any, or 304
interest on the bonds is authorized by the authority; proceeds 305
from any insurance, appropriation, or guaranty pertaining to a 306
distressed watershed or property mortgaged to secure bonds or 307
pertaining to the financing of any activities authorized under 308
this chapter; income and profit from the investment of the 309
proceeds of lake facilities authority revenue bonds or of any 310
revenues; contributions of service payments in lieu of taxes 311
generated pursuant to section 5709.40, 5709.41, 5709.73, or 312
5709.78 of the Revised Code, and all other nontax revenues paid or 313
payable to the lake facilities authority; and the proceeds of 314
charges levied pursuant to section 353.06 of the Revised Code. 315

(G) "Lake facilities revenue bonds," unless the context 316
indicates a different meaning or intent, includes revenue notes, 317
revenue renewal notes, and revenue refunding bonds. 318

(H) "Authorized purpose" means activities that remediate, 319
rehabilitate, enhance, foster, aid, improve, provide, or promote a 320
distressed watershed within the jurisdiction of the lake 321
facilities authority, including, without limitation, research and 322
development efforts related thereto. 323

(I) "Lake facilities authority facility" or "facility" means 324
real or personal property, or any combination thereof owned, 325

leased, or otherwise controlled or financed by a lake facilities authority and directly related to an authorized purpose. 326
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Sec. 353.02. A lake facilities authority may be created by the board of county commissioners of a county that contains all of the territory of a distressed watershed. If the territory of a distressed watershed is contained within more than one county, a joint facilities lake authority may be created by resolution of the board of commissioners of each county in which the distressed watershed is located. A resolution creating a lake facilities authority must include a finding that the watershed sought to be improved or remediated pursuant to this chapter is a distressed watershed. 328
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A lake facilities authority created pursuant to this section is a body corporate and politic which may sue and be sued, plead and be impleaded, and has the powers and jurisdiction enumerated in this chapter. The exercise by an authority of the powers conferred upon it shall be deemed to be essential governmental functions of this state. 338
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Within sixty days after the creation of a lake facilities authority, the county engineer of each county with territory in the distressed watershed shall prepare a survey denoting the boundaries of the distressed watershed in the county. The survey shall include references to the county auditor's permanent parcel number designations as those parcel number designations correspond to the boundaries of the distressed watershed. If requested by the county engineer of each county with territory in the distressed watershed, the cost of such surveys shall be paid from the funds of the lake facilities authority pursuant to an agreement between the lake facilities authority and the county engineer of each county. Such funds may be advanced by the board of county commissioners of any county with territory in the distressed 344
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watershed. 357

The county auditor of the county with the greatest amount of territory in the distressed watershed shall be the fiscal officer for the lake facilities authority. The county prosecutor of the county with the greatest amount of territory in the distressed watershed shall be the legal advisor of the lake facilities authority and shall prosecute and defend all suits and actions that the lake facilities authority directs or to which it is a party. 358-365

Upon the creation of a lake facilities authority, no authority that is granted by law any powers or duties that are substantially the same as the powers and duties of a lake facilities authority may be created if its territorial jurisdiction includes any territory within the impacted lake district. 366-371

Sec. 353.03. A lake facilities authority may do all of the following: 372-373

(A) Acquire by purchase, lease, gift, or otherwise, on such terms and in such manner as it considers proper, real and personal property necessary for an authorized purpose or any estate, interest, or right therein, within or without the impacted lake district; 374-378

(B) Improve, remediate, maintain, sell, lease, or otherwise dispose of real and personal property on such terms and in such manner as it considers proper; 379-381

(C) Adopt, modify, and enforce reasonable rules and regulations governing distressed watersheds; 382-383

(D) Employ such managers, administrative officers, agents, engineers, architects, attorneys, contractors, subcontractors, and 384-385

employees as may be appropriate in the exercise of the rights, 386
powers, and duties conferred on it, prescribe the duties and 387
compensation for such persons, require bonds to be given by any 388
such persons and by officers of the authority for the faithful 389
performance of their duties, and fix the amount and surety 390
therefor, and pay the surety; 391

(E) Sue and be sued in its corporate name; 392

(F) (1) Make and enter into all contracts and agreements and 393
execute all instruments relating to the provisions of this 394
chapter; 395

(2) Except as provided otherwise under division (F) (2) and 396
(3) of this section, when the cost of a contract for the 397
construction of any building, structure, or other improvement 398
undertaken by a lake facilities authority involves an expenditure 399
exceeding twenty-five thousand dollars, and the lake facilities 400
authority is the contracting authority, the lake facilities 401
authority shall make a written contract after notice calling for 402
bids for the award of the contract has been given by publication 403
twice, with at least seven days between publications, in a 404
newspaper of general circulation in the impacted lake district. 405
Each such contract shall be awarded to the lowest responsive and 406
responsible bidder in accordance with section 9.312 of the Revised 407
Code. The board of directors by rule may provide criteria for the 408
negotiation and award without competitive bidding of any contract 409
as to which the lake facilities authority is the contracting 410
authority for the construction of any building or structure or 411
other improvement under any of the following circumstances: 412

(a) There exists a real and present emergency that threatens 413
damage to property or injury to persons of the lake facilities 414
authority or other persons, provided that a statement specifying 415
the nature of the emergency that is the basis for the negotiation 416

and award of a contract without competitive bidding shall be 417
signed at the time of the contract's execution by the officer of 418
the lake facilities authority that executes the contract and shall 419
be attached to the contract; 420

(b) A commonly recognized industry or other standard or 421
specification does not exist and cannot objectively be articulated 422
for the improvement; 423

(c) The contract is for any energy conservation measure as 424
defined in section 307.041 of the Revised Code; 425

(d) With respect to material to be incorporated into the 426
improvement, only a single source or supplier exists for the 427
material; 428

(e) A single bid is received by the lake facilities authority 429
after complying with the above provisions; 430

(3) In addition to the exceptions to competitive bidding 431
requirements under division (F)(2) of this section, a lake 432
facilities authority may contract for the acquisition or 433
construction of any property for an authorized purpose and for the 434
leasing, subleasing, sale, or other disposition of the property in 435
a manner determined by the lake facilities authority in its sole 436
discretion, without necessity for competitive bidding or 437
performance bonds. 438

(4) With respect to any public improvement undertaken by, or 439
under contract for, the lake facilities authority, the authority 440
may elect to apply sections 4115.03 to 4115.21 of the Revised 441
Code. 442

(G) Accept aid or contributions from any source of money, 443
property, labor, or other things of value, to be held, used, and 444
applied only for the purposes for which the grants and 445
contributions are made; 446

(H) Apply for and accept grants, loans, or commitments of 447
guarantee or insurance, including any guarantees of lake 448
facilities authority bonds and notes, from the United States, the 449
state, or other public body or other sources, and provide any 450
consideration which may be required in order to obtain such 451
grants, loans, or contracts of guarantee or insurance; 452

(I) Procure insurance against loss to the lake facilities 453
authority by reason of damage to its properties resulting from 454
fire, theft, accident, or other casualties, or by reason of its 455
liability for any damages to persons or property occurring in the 456
construction or operation of facilities or areas under its 457
jurisdiction or the conduct of its activities; 458

(J) Maintain such funds or reserves as it considers necessary 459
for the efficient performance of its duties; 460

(K) (1) Enforce any covenants, of which the lake facilities 461
authority is the beneficiary, running with the land, including the 462
collection of any lake facilities development charge deemed to be 463
a covenant running with the land and enforceable by the lake 464
facilities authority pursuant to section 353.06 of the Revised 465
Code; 466

(2) Waive, reduce, or terminate any lake facilities 467
development charge of which the lake facilities authority is the 468
beneficiary, to the extent not needed for any of the purposes 469
provided in section 353.06 of the Revised Code and to the extent a 470
resolution authorizing the issuance of lake facilities authority 471
revenue bonds or a trust agreement or indenture of mortgage 472
securing the bonds does not prohibit such waiver, reduction, or 473
termination. The procedure for any waiver, reduction, or 474
termination shall be provided in the covenants. 475

(L) Appropriate for its use, under sections 163.01 to 163.22 476
of the Revised Code, any land, easement, rights, rights-of-way, 477

franchises, or other property in the distressed watershed 478
necessary for an authorized purpose; 479

(M) Issue securities for the remediation of a distressed 480
watershed and directly related permanent improvements in 481
compliance with Chapter 133. of the Revised Code, except that such 482
bonds or notes may be issued only pursuant to a vote of the 483
electors residing within the impacted lake district. The net 484
indebtedness incurred by a lake facilities authority pursuant to 485
this division may not exceed one-tenth of one per cent of the 486
total value of all property within the territory comprising the 487
impacted lake district as listed and assessed for taxation. 488

(N) Issue lake facilities authority revenue bonds beyond the 489
limit of bonded indebtedness provided by law, payable solely from 490
revenues as provided in section 353.10 of the Revised Code for the 491
purpose of providing funds to pay costs of any facility or 492
facilities or parts thereof; 493

(O) Advise and provide input to political subdivisions within 494
the impacted lake district with respect to zoning and land use 495
planning within the impacted lake district; 496

(P) Enter into agreements for the management, ownership, 497
possession, or control of lands or property to be used for wetland 498
mitigation banking; 499

(Q) With the approval of the director of natural resources 500
with respect to a state park, charge user fees within the 501
distressed watershed, including, but not limited to, dock fees and 502
campsite fees in amounts to be determined by the lake facilities 503
authority in its sole discretion. 504

Sec. 353.04. (A) Upon the creation of a lake facilities 505
authority under section 353.02 of the Revised Code, a board of 506
directors consisting of the county commissioners of each county 507

with territory in the impacted lake district shall be created. 508
Membership on the board is not a direct or indirect interest in a 509
contract or expenditure of money by the county. Notwithstanding 510
any provision of law to the contrary, no member of the board shall 511
be disqualified from holding any public office or employment by 512
reason of membership on the board. The board is a public body for 513
the purposes of section 121.22 of the Revised Code and a public 514
office for the purposes of section 149.43 of the Revised Code. 515
Notwithstanding those sections, the board may hold closed meetings 516
and protect the confidentiality of information under the same 517
circumstances as authorized for a community improvement 518
corporation under section 1724.11 of the Revised Code. Chapter 519
2744. of the Revised Code applies to the board. Each year, the 520
board shall prepare an annual report of its activities and make it 521
available to the public. 522

(B) A board of directors shall consult with the advisory 523
council created under this division in performing the remediation 524
and other activities authorized by this chapter. 525

Not later than sixty days after the creation of the board of 526
directors, the board shall provide written notice of its creation 527
to the legislative authority of each political subdivision with 528
territory in the impacted lake district. The notice shall describe 529
the process for the appointment of an advisory council. Upon 530
receipt of such notice, the legislative authority of each 531
political subdivision with territory in the impacted lake district 532
shall appoint one representative each to serve on the advisory 533
council. The representative need not be an elected or appointed 534
official of the political subdivision. 535

Sec. 353.05. The board of directors of a lake facilities 536
authority, by resolution, may propose the levy of a tax upon the 537

taxable property in the impacted lake district pursuant to section 538
5705.55 of the Revised Code. 539

Sec. 353.06. (A) Upon the affirmative vote of at least a 540
majority of the qualified electors in a primary or general 541
election within the distressed watershed voting at an election 542
held for the purpose of authorizing same, the board of directors 543
of a lake facilities authority may, by resolution, levy a lake 544
facilities development charge on property within the territory of 545
the distressed watershed. The charge may be used for any costs 546
authorized under this chapter. A charge levied under this section 547
may not exceed one-half per cent of the true value of a parcel of 548
real property as enhanced by the improvement for which the charge 549
is levied. The true value shall be determined as of the date of 550
the resolution adopted under this division. The term of the lake 551
facilities development charge shall not exceed thirty years. The 552
charge shall be apportioned to and levied on each tract of land or 553
other property in the distressed watershed based on either of the 554
following allocation methods: 555

(1) The benefit conferred on property owners within the 556
distressed watershed as a result of remediation activities and 557
other capital expenditures occurring within the distressed 558
watershed pursuant to this chapter; 559

(2) The measurable pollution or other harm caused by the 560
property owners within the distressed watershed. 561

The lake facilities development charges authorized under this 562
section shall be used for any and all costs authorized by this 563
chapter. 564

(B) The board of directors shall prepare a listing of the 565
properties to be affected by the lake facilities development 566

charge and the estimated amount of such charges. Not later than 567
thirty days before the date of the primary or general election at 568
which the electors will vote on the imposition of the charge, the 569
listing shall be placed on file in the office of the lake 570
facilities authority, and notice by publication shall be given to 571
property owners to be assessed. Not earlier than thirty days after 572
the approval of the charge by the electors, the board of directors 573
shall provide property owners with a final assessment notice for 574
the first year of the charge by mail. Any owner of real property 575
assessed shall pay the first year of the charge to the treasurer 576
of the lake facilities authority within thirty days after receipt 577
of the final assessment notice. 578

For the first year of the charge, after the expiration of the 579
thirty-day period during which property owners shall pay the lake 580
facilities development charges, a copy of that part of the charge 581
record shall be filed with the county auditor of the county and 582
placed on the tax list, and the charges shall be a lien upon the 583
several parcels of land respectively from and after the date of 584
the order of the board approving and levying the charge until it 585
is paid. For all subsequent years, the charges shall be a lien 586
upon the several parcels of land, and the county treasurer of the 587
county shall collect the charges in the same manner and at the 588
time as property taxes are collected, and shall pay the amounts 589
collected, together with any interest and penalty, to the 590
treasurer of the lake facilities authority. For the purpose of 591
enforcing the charge, the county treasurer has the same power and 592
authority as allowed by law for the collection of property taxes. 593
The lien imposed under this division shall be treated in the same 594
manner as taxes for the purposes of the lien described in section 595
323.11 of the Revised Code, including the priority and enforcement 596
of the lien and the collection of the charges secured by the lien. 597

In the event the charge specified in this section is not paid 598
within the time limits prescribed by this section, a penalty equal 599
to ten per cent of the charge amount then due, plus interest 600
charged at the rate provided under section 5703.47 of the Revised 601
Code, shall be added to the balance of the charges due. 602

The form of the ballot in an election held on the question of 603
levying a charge proposed pursuant to this section shall be as 604
follows or in any other form acceptable to the secretary of state: 605

"A charge for the benefit of (name of lake facilities 606
authority) for the purpose of to be based on 607
..... (the benefit conferred on property owners within the 608
distressed watershed as a result of remediation activities and 609
other capital expenditures occurring within the distressed 610
watershed or the measurable pollution or other harm caused by the 611
property owners within the distressed watershed), but not to 612
exceed 10 mills for each one dollar of valuation, for 613
(number of years the charge is to run). 614

	<u>For the Charge</u>	"
	<u>Against the Charge</u>	

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Sec. 353.07. As used in this section, "hotel" and "transient 619
guests" have the same meanings as in section 5739.01 of the 620
Revised Code, except that "transient guests" includes persons 621
renting a private or public campground. 622

A resolution creating a lake facilities authority under 623
section 353.02 of the Revised Code, or any amendments or 624
supplements thereto, may authorize the authority to levy an excise 625
tax on transactions by which lodging in a hotel or rental of a 626
private or public campground is or is to be furnished to transient 627

guests to pay any costs authorized under this chapter; to pay principal, interest, and premium on lake facilities authority tax anticipation bonds issued to pay those costs; to pay the operating costs of the authority; and to pay the costs of administering the tax.

Upon the affirmative vote of at least a majority of the qualified electors in a primary or general election within the impacted lake district voting at an election held for the purpose of authorizing the tax, the board of directors of a lake facilities authority authorized to levy a tax under this section may, by resolution, levy an additional excise tax within the territory of the impacted lake district on all transactions by which lodging in a hotel or rental of a private or public campground is or is to be furnished to transient guests. The rate of the tax, when added to the aggregate rate of excise taxes levied in the impacted lake district pursuant to section 351.021, 5739.08, or 5739.09 of the Revised Code, shall not cause the total aggregate rate to exceed five per cent on any such transaction.

The lake facilities authority shall provide for the administration and allocation of a tax levied pursuant to this section. All receipts arising from the tax shall be expended for the purposes provided in, and in accordance with, this section. An excise tax levied under this section shall remain in effect at the rate at which it is levied for at least the duration of the period for which the receipts from the tax have been anticipated and pledged pursuant to section 353.09 of the Revised Code.

The form of the ballot in an election held on the question of levying a tax proposed pursuant to this section shall be as follows or in any other form acceptable to the secretary of state:

"An excise tax on all transactions by which lodging in a hotel or rental of a private or public campground is or is to be

furnished to transient guests within the territory of the (name of 659
impacted lake district) for the purpose of 660
at a rate of for (number of years the tax 661
is to be levied). 662

	<u>For the Excise Tax</u>	
	<u>Against the Excise Tax</u>	"

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Sec. 353.08. The director of natural resources may transfer 666
real property owned by the state to a lake facilities authority 667
for the purpose of promoting wetland banking, wildlife, or 668
sporting activities. The division of wildlife within the 669
department of natural resources may enter into an agreement with a 670
lake facilities authority to establish wetland or natural areas to 671
benefit wildlife or sporting activities. The agreement may be 672
entered as part of, or in conjunction with, a mitigation banking 673
program. 674

Sec. 353.09. A lake facilities authority that levies the tax 675
or development charge authorized by sections 353.05 and 5705.55 or 676
section 353.06 of the Revised Code may, by resolution, anticipate 677
the proceeds of the tax or charge and issue lake facilities 678
authority anticipation bonds, and notes anticipating the proceeds 679
or the bonds, in the principal amount that, in the opinion of the 680
authority, are necessary for the purpose of paying the cost of an 681
authorized purpose, and that the authority is able to pay over the 682
term of the issue with the interest on the bonds or notes, or in 683
the case of notes anticipating bonds over the term of the bonds, 684
by the estimated amount of the taxes or charges anticipated. The 685
taxes or charges are determined by the general assembly to satisfy 686
any applicable requirement of Section 11 of Article XII, Ohio 687
Constitution. 688

Every issue of outstanding anticipation bonds shall be 689
payable out of the proceeds of the taxes or charges anticipated 690
and other revenues of the authority that are pledged for such 691
payment. The pledge shall be valid and binding from the time the 692
pledge is made, and the anticipated excise taxes, charges, and 693
revenues so pledged and thereafter received by the authority 694
immediately shall be subject to the lien of that pledge without 695
any physical delivery of those taxes, charges, and revenues or 696
further act. The lien of any pledge is valid and binding as 697
against all parties having claims of any kind in tort, contract, 698
or otherwise against the authority, whether or not such parties 699
have notice of the lien. Neither the resolution nor any trust 700
agreement by which a pledge is created need be filed or recorded 701
except in the authority's records. 702

The anticipation bonds shall bear such date or dates, and 703
shall mature at such time or times, in the case of any such notes 704
or any renewals of such notes not exceeding twenty years from the 705
date of issue of such original notes and in the case of any such 706
bonds or any refunding bonds not exceeding forty years from the 707
date of the original issue of notes or bonds for the purpose, and 708
shall be executed in the manner that the resolution authorizing 709
the bonds may provide. The anticipation bonds shall bear interest 710
at such rates, or at variable rate or rates changing from time to 711
time, in accordance with provisions provided in the authorizing 712
resolution, be in such denominations and form, either coupon or 713
registered, carry such registration privileges, be payable in such 714
medium of payment and at such place or places, and be subject to 715
such terms of redemption, as the authority may authorize or 716
provide. 717

Sec. 353.10. A lake facilities authority at any time may 718
issue lake facilities authority revenue bonds in such principal 719

amounts as, in the opinion of the lake facilities authority, are 720
necessary for the purpose of paying the cost of one or more lake 721
facilities authority facilities or parts thereof. A lake 722
facilities authority at any time may issue renewal notes, issue 723
bonds to retire its notes and, whenever it considers refunding 724
expedient, refund any bonds by the issuance of lake facilities 725
authority revenue refunding bonds, whether the bonds to be 726
refunded have or have not matured, and issue lake facilities 727
authority revenue bonds partly to refund outstanding bonds and 728
partly for any other authorized purpose. The lake facilities 729
authority revenue refunding bonds shall be sold and the proceeds 730
applied to the purchase, redemption, or payment of the bonds to be 731
refunded. Lake facilities authority revenue bonds shall be special 732
obligations of the lake facilities authority payable out of the 733
revenues of the lake facilities authority that are pledged for 734
such payment. The pledge shall be valid and binding from the time 735
the pledge is made and the revenues so pledged and thereafter 736
received by the lake facilities authority immediately shall be 737
subject to the lien of the pledge without any physical delivery 738
thereof or further act, and the lien of the pledge is valid and 739
binding as against all parties having claims of any kind in tort, 740
contract, or otherwise against the lake facilities authority, 741
irrespective of whether those parties have notice thereof. Neither 742
the resolution nor any trust agreement by which a pledge is 743
created need be filed or recorded except in the records of the 744
lake facilities authority. 745

Whether or not the lake facilities authority revenue bonds 746
are of such form and character as to be negotiable instruments, 747
the lake facilities authority revenue bonds shall have all the 748
qualities and incidents of negotiable instruments, subject only to 749
the provisions of the bonds for registration. 750

The lake facilities authority revenue bonds shall be 751
authorized by resolution of the lake facilities authority, and 752
shall bear interest at such rate or rates, shall bear such date or 753
dates, and shall mature at such time or times, and in such number 754
of installments as may be provided in or pursuant to that 755
resolution. The final maturity of any lake facilities authority 756
revenue bond in the form of a note and any renewals thereof shall 757
not exceed five years from the date of issue of the original note. 758
The final maturity of any issue of lake facilities authority 759
revenue bonds shall not be later than forty-five years from the 760
date of issue of the original issue of bonds. Any such bonds or 761
notes shall be executed in a manner as the resolution or 762
resolutions may provide. The lake facilities authority revenue 763
bonds shall be in such denominations, be in such form, either 764
coupon or registered, carry such registration privileges, be 765
payable in such medium of payment, at such place or places, and be 766
subject to such terms of redemption as may be provided in or 767
pursuant to the resolution authorizing their issuance. Lake 768
facilities authority revenue bonds of the lake facilities 769
authority may be sold by the lake facilities authority, at public 770
or private sale, at or at not less than a price or prices as the 771
lake facilities authority determines. In case any officer whose 772
signature or a facsimile of whose signature appears on any bonds, 773
notes, or coupons, ceases to be such officer before delivery of 774
bonds or notes, the signature or facsimile shall nevertheless be 775
sufficient for all purposes the same as if the officer had 776
remained in office until such delivery, and in case the seal of 777
the lake facilities authority has been changed after a facsimile 778
has been imprinted on such bonds or notes, the facsimile seal will 779
continue to be sufficient for all purposes. 780

Any resolution or resolutions authorizing any lake facilities 781
authority revenue bonds or any issue of bonds may contain 782

provisions, subject to any agreements with bondholders as may then 783
exist, which provisions shall be a part of the contract with the 784
holders of bonds, as to the pledging of all or any part of the 785
revenues of the lake facilities authority to secure the payment of 786
the lake facilities authority bonds or of any issue of the bonds; 787
the use and disposition of revenues of the lake facilities 788
authority; a covenant to fix, alter, and collect rentals and other 789
charges so that pledged revenues will be sufficient to pay costs 790
of operation, maintenance, and repairs, pay principal of and 791
interest on bonds secured by the pledge of such revenues, and 792
provide any reserves that may be required by the applicable 793
resolution or trust agreement; the setting aside of reserve funds, 794
sinking funds, or replacement and improvement funds and the 795
regulation and disposition thereof; the crediting of the proceeds 796
of the sale of bonds to and among the funds referred to or 797
provided for in or pursuant to the resolution authorizing the 798
issuance of the bonds or notes; the use, lease, sale, or other 799
disposition of any lake facilities authority facility or any other 800
assets of the lake facilities authority; limitations on the 801
purpose to which the proceeds of sale of bonds may be applied and 802
the pledging of those proceeds to secure the payment of the bonds 803
or of any issue of the bonds; as to notes issued in anticipation 804
of the issuance of bonds, the agreement of the lake facilities 805
authority to do all things necessary for the authorization, 806
issuance, and sale of the bonds in amounts that may be necessary 807
for the timely retirement of the notes; limitations on the 808
issuance of additional bonds; the terms upon which additional 809
bonds may be issued and secured; the refunding of outstanding 810
bonds; the procedure, if any, by which the terms of any contract 811
with bondholders may be amended or abrogated, the amount of bonds 812
the holders of which must consent thereto, and the manner in which 813
such consent may be given; limitations on the amount of moneys to 814

be expended by the lake facilities authority for operating, 815
administrative, or other expenses of the lake facilities 816
authority; securing any bonds or notes by a trust agreement; and 817
any other matters, of like or different character, that in any way 818
affect the security or protection of the bonds or notes. 819

Neither the board of directors of the lake facilities 820
authority nor any person executing the bonds shall be liable 821
personally on the bonds or be subject to any personal liability or 822
accountability by reason of the issuance thereof. 823

The issuance of lake facilities authority revenue bonds under 824
this section need not comply with any other law applicable to the 825
issuance of bonds or notes. 826

Sec. 353.11. (A) With respect to facilities, and their 827
financing, for an authorized purpose, under agreements whereby the 828
person to whom the facility is to be leased, subleased, or sold, 829
or to whom a loan is to be made for the facility, is to make 830
payments sufficient to pay all of the principal of, premium, if 831
any, and interest on the lake facilities authority revenue bonds 832
issued for the facility, the lake facilities authority, in 833
addition to other powers under this chapter, may do any of the 834
following: 835

(1) Make loans for the acquisition or construction of the 836
facility to such person upon such terms as the lake facilities 837
authority may determine or authorize including secured or 838
unsecured loans, and, in connection therewith, enter into loan 839
agreements and other agreements, accept notes and other forms of 840
obligation to evidence such indebtedness and mortgages, liens, 841
pledges, assignments, or other security interests to secure such 842
indebtedness, which may be prior or subordinate to or on a parity 843
with other indebtedness, obligations, mortgages, pledges, 844

assignments, other security interests, or liens or encumbrances, 845
and take actions it considers appropriate to protect such security 846
and safeguard against losses, including, without limitation, 847
foreclosure and the bidding upon and purchase of property upon 848
foreclosure or other sale; 849

(2) Sell the facility under such terms as it may determine, 850
including, without limitation, sale by conditional sale or 851
installment sale, under which title may pass prior to or after 852
completion of the facility or payment or provisions for payment of 853
all principal of, premium, if any, and interest on the bonds, or 854
at any other time provided in the agreement pertaining to the 855
sale, and including sale under an option to purchase at a price 856
which may be a nominal amount or less than true value at the time 857
of purchase; 858

(3) Grant a mortgage, lien, or other encumbrance on, or 859
pledge or assignment of, or other security interest with respect 860
to, all or any part of the facility, revenues, reserve funds, or 861
other funds established in connection with the bonds, or on, of, 862
or with respect to any lease, sublease, sale, conditional sale or 863
installment sale agreement, loan agreement, or other agreement 864
pertaining to the lease, sublease, sale, or other disposition of a 865
facility or pertaining to a loan made for a facility, or any 866
guaranty or insurance agreement made with respect thereto, or any 867
interest of the lake facilities authority therein, or any other 868
interest granted, assigned, or released to secure payments of the 869
principal of, premium, if any, or interest on the bonds or to 870
secure any other payments to be made by the lake facilities 871
authority, which mortgage, lien, encumbrance, pledge, assignment, 872
or other security interest may be prior or subordinate to or on a 873
parity with any other mortgage, assignment, or other security 874
interest, or lien or encumbrance; 875

(4) Provide that the interest on the bonds may be at a 876
variable rate or rates changing from time to time in accordance 877
with a base or formula as authorized by the lake facilities 878
authority; 879

(5) Contract for the acquisition or construction of the 880
facility or any part thereof and for the leasing, subleasing, 881
sale, or other disposition of the facility in a manner determined 882
by the lake facilities authority in its sole discretion, without 883
necessity for competitive bidding or performance bonds; 884

(6) Make appropriate provision for adequate maintenance of 885
the facility. 886

(B) With respect to the facilities referred to in this 887
section, the authority granted by this section is cumulative and 888
supplementary to all other authority granted in this chapter. The 889
authority granted by this section does not alter or impair any 890
similar authority granted elsewhere in this chapter for or with 891
respect to other facilities. 892

Sec. 353.12. In the discretion of the lake facilities 893
authority, any lake facilities authority revenue bonds issued 894
under this chapter may be secured by a trust agreement between the 895
lake facilities authority and a corporate trustee that may be any 896
trust company or bank having the powers of a trust company within 897
or without the state. 898

The trust agreement may pledge or assign revenues of the lake 899
facilities authority to be received and may convey or mortgage any 900
facility or any part thereof. The trust agreement or any 901
resolution providing for the issuance of such bonds may contain 902
any provisions for protecting and enforcing the rights and 903
remedies of the bondholders as are reasonable and proper and not 904
in violation of law, including covenants setting forth the duties 905

of the lake facilities authority in relation to the acquisition of 906
property, the construction, improvement, maintenance, repair, 907
operation, and insurance of the facility in connection with which 908
the bonds are authorized, the rentals or other charges to be 909
imposed for the use or services of any facility, the custody, 910
safeguarding, and application of all moneys, and provisions for 911
the employment of consulting engineers in connection with the 912
construction or operation of the facility. 913

Any bank or trust company incorporated under the laws of this 914
state that may act as depository of the proceeds of bonds or of 915
revenues may furnish any indemnifying bonds or may pledge any 916
securities that are required by the lake facilities authority. The 917
trust agreement may set forth the rights and remedies of the 918
bondholders and of the trustee, and may restrict the individual 919
right of action by bondholders as is customary in trust agreements 920
or trust indentures securing similar bonds. The trust agreement 921
may contain any other provisions that the lake facilities 922
authority determines reasonable and proper for the security of the 923
bondholders. All expenses incurred in carrying out the provisions 924
of the trust agreement may be treated as a part of the cost of the 925
operation of the facility. 926

Sec. 353.13. Any holder of lake facilities authority revenue 927
bonds issued under sections 353.10 to 353.16 of the Revised Code, 928
or any of the coupons pertaining to those bonds, and the trustee 929
under any trust agreement, except to the extent the rights given 930
by those sections may be restricted by the applicable resolution 931
or that trust agreement, may by suit, action, mandamus, or other 932
proceedings, protect and enforce any rights under the laws of the 933
state or granted under those sections, the trust agreement, or the 934
resolution authorizing the issuance of the bonds, and may enforce 935
and compel the performance of all duties required by those 936

sections, or by the trust agreement or resolution, to be performed 937
by the lake facilities authority or any officer of the lake 938
facilities authority, including the fixing, charging, and 939
collecting of rentals or other charges. 940

Sec. 353.14. Lake facilities authority revenue bonds issued 941
under sections 353.10 to 353.16 of the Revised Code do not 942
constitute a debt, or a pledge of the faith and credit, of the 943
state or any political subdivision of the state. The holders or 944
owners of the bonds have no right to have taxes levied by the 945
general assembly or taxing authority of any political subdivision 946
of the state for the payment of the principal of or interest on 947
the bonds. The bonds are payable solely from the revenues and 948
funds pledged for their payment as authorized by this chapter, 949
unless the revenue bonds are notes issued in anticipation of the 950
issuance of the bonds, or the revenue bonds are refunded by 951
refunding bonds issued under section 353.10 of the Revised Code, 952
provided that the refunding bonds shall be payable solely from 953
revenues and funds pledged for their payment as authorized by that 954
section. All bonds shall contain on the face thereof a statement 955
to the effect that the bonds, as to both principal and interest, 956
are not debts of the state or any political subdivision of the 957
state, but are payable solely from revenues and funds pledged for 958
their payment. 959

Sec. 353.15. All moneys, funds, properties, and assets 960
acquired by the lake facilities authority under this chapter, 961
whether as proceeds from the sale of lake facilities authority 962
revenue bonds or as revenues, or otherwise, shall be held by it in 963
trust for the purposes of carrying out its powers and duties, 964
shall be used and reused as provided in this chapter, and shall at 965
no time be part of other public funds. Such funds, except as 966

otherwise provided in any resolution authorizing its lake 967
facilities authority revenue bonds or in any trust agreement 968
securing those bonds, or except when invested pursuant to section 969
353.16 of the Revised Code, shall be kept in depositories selected 970
by the lake facilities authority in the manner provided in Chapter 971
135. of the Revised Code for the selection of eligible public 972
depositories, and the deposits shall be secured as provided in 973
that chapter. The resolution authorizing the issuance of such 974
bonds or the trust agreement securing the bonds shall provide that 975
any officer to whom, or any bank or trust company to which, such 976
money is paid shall act as trustee of the money and hold and apply 977
the money for the purposes for which the bonds are issued, subject 978
to such conditions as Chapter 135. of the Revised Code and such 979
resolutions or trust agreement provide. 980

Sec. 353.16. Except as otherwise provided in any resolution 981
authorizing the issuance of its lake facilities authority revenue 982
bonds or in any trust agreement securing the bonds, moneys in the 983
funds of the lake facilities authority in excess of current needs 984
may be invested as permitted by sections 135.01 to 135.21 of the 985
Revised Code or invested in linked deposit programs established by 986
resolution of the board of directors in accordance with section 987
135.80 of the Revised Code. Income from all investments of moneys 988
in any fund shall be credited to funds as the lake facilities 989
authority determines, subject to the provisions of any such 990
resolution or trust agreement, and the investments may be sold at 991
any time the lake facilities authority determines. 992

Sec. 353.17. Bonds of a lake facilities authority and lake 993
facilities authority revenue bonds are lawful investments of 994
banks, societies for savings, trust companies, savings and loan 995
associations, deposit guaranty associations, trustees, 996

fiduciaries, trustees or other officers having charge of the bond 997
retirement funds or sinking funds of port authorities and 998
political subdivisions, and taxing districts of this state, the 999
commissioners of the sinking fund of this state, the administrator 1000
of workers' compensation, the state teachers retirement system, 1001
the school employees retirement system, the public employees 1002
retirement system, the Ohio police and fire pension fund, and 1003
insurance companies, including domestic life insurance companies 1004
and domestic insurance companies other than life, and are 1005
acceptable as security for the deposit of public moneys." 1006

Between lines 94806 and 94807, insert: 1007

"Sec. 4928.01. (A) As used in this chapter: 1008

(1) "Ancillary service" means any function necessary to the 1009
provision of electric transmission or distribution service to a 1010
retail customer and includes, but is not limited to, scheduling, 1011
system control, and dispatch services; reactive supply from 1012
generation resources and voltage control service; reactive supply 1013
from transmission resources service; regulation service; frequency 1014
response service; energy imbalance service; operating 1015
reserve-spinning reserve service; operating reserve-supplemental 1016
reserve service; load following; back-up supply service; 1017
real-power loss replacement service; dynamic scheduling; system 1018
black start capability; and network stability service. 1019

(2) "Billing and collection agent" means a fully independent 1020
agent, not affiliated with or otherwise controlled by an electric 1021
utility, electric services company, electric cooperative, or 1022
governmental aggregator subject to certification under section 1023
4928.08 of the Revised Code, to the extent that the agent is under 1024
contract with such utility, company, cooperative, or aggregator 1025
solely to provide billing and collection for retail electric 1026

service on behalf of the utility company, cooperative, or	1027
aggregator.	1028
(3) "Certified territory" means the certified territory	1029
established for an electric supplier under sections 4933.81 to	1030
4933.90 of the Revised Code.	1031
(4) "Competitive retail electric service" means a component	1032
of retail electric service that is competitive as provided under	1033
division (B) of this section.	1034
(5) "Electric cooperative" means a not-for-profit electric	1035
light company that both is or has been financed in whole or in	1036
part under the "Rural Electrification Act of 1936," 49 Stat. 1363,	1037
7 U.S.C. 901, and owns or operates facilities in this state to	1038
generate, transmit, or distribute electricity, or a not-for-profit	1039
successor of such company.	1040
(6) "Electric distribution utility" means an electric utility	1041
that supplies at least retail electric distribution service.	1042
(7) "Electric light company" has the same meaning as in	1043
section 4905.03 of the Revised Code and includes an electric	1044
services company, but excludes any self-generator to the extent	1045
that it consumes electricity it so produces, sells that	1046
electricity for resale, or obtains electricity from a generating	1047
facility it hosts on its premises.	1048
(8) "Electric load center" has the same meaning as in section	1049
4933.81 of the Revised Code.	1050
(9) "Electric services company" means an electric light	1051
company that is engaged on a for-profit or not-for-profit basis in	1052
the business of supplying or arranging for the supply of only a	1053
competitive retail electric service in this state. "Electric	1054
services company" includes a power marketer, power broker,	1055
aggregator, or independent power producer but excludes an electric	1056

cooperative, municipal electric utility, governmental aggregator,
or billing and collection agent. 1057
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(10) "Electric supplier" has the same meaning as in section 1059
4933.81 of the Revised Code. 1060

(11) "Electric utility" means an electric light company that 1061
has a certified territory and is engaged on a for-profit basis 1062
either in the business of supplying a noncompetitive retail 1063
electric service in this state or in the businesses of supplying 1064
both a noncompetitive and a competitive retail electric service in 1065
this state. "Electric utility" excludes a municipal electric 1066
utility or a billing and collection agent. 1067

(12) "Firm electric service" means electric service other 1068
than nonfirm electric service. 1069

(13) "Governmental aggregator" means a legislative authority 1070
of a municipal corporation, a board of township trustees, or a 1071
board of county commissioners acting as an aggregator for the 1072
provision of a competitive retail electric service under authority 1073
conferred under section 4928.20 of the Revised Code. 1074

(14) A person acts "knowingly," regardless of the person's 1075
purpose, when the person is aware that the person's conduct will 1076
probably cause a certain result or will probably be of a certain 1077
nature. A person has knowledge of circumstances when the person is 1078
aware that such circumstances probably exist. 1079

(15) "Level of funding for low-income customer energy 1080
efficiency programs provided through electric utility rates" means 1081
the level of funds specifically included in an electric utility's 1082
rates on October 5, 1999, pursuant to an order of the public 1083
utilities commission issued under Chapter 4905. or 4909. of the 1084
Revised Code and in effect on October 4, 1999, for the purpose of 1085
improving the energy efficiency of housing for the utility's 1086

low-income customers. The term excludes the level of any such funds committed to a specific nonprofit organization or organizations pursuant to a stipulation or contract. 1087
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(16) "Low-income customer assistance programs" means the percentage of income payment plan program, the home energy assistance program, the home weatherization assistance program, and the targeted energy efficiency and weatherization program. 1090
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(17) "Market development period" for an electric utility means the period of time beginning on the starting date of competitive retail electric service and ending on the applicable date for that utility as specified in section 4928.40 of the Revised Code, irrespective of whether the utility applies to receive transition revenues under this chapter. 1094
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(18) "Market power" means the ability to impose on customers a sustained price for a product or service above the price that would prevail in a competitive market. 1100
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(19) "Mercantile customer" means a commercial or industrial customer if the electricity consumed is for nonresidential use and the customer consumes more than seven hundred thousand kilowatt hours per year or is part of a national account involving multiple facilities in one or more states. 1103
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(20) "Municipal electric utility" means a municipal corporation that owns or operates facilities to generate, transmit, or distribute electricity. 1108
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(21) "Noncompetitive retail electric service" means a component of retail electric service that is noncompetitive as provided under division (B) of this section. 1111
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(22) "Nonfirm electric service" means electric service provided pursuant to a schedule filed under section 4905.30 of the Revised Code or pursuant to an arrangement under section 4905.31 1114
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of the Revised Code, which schedule or arrangement includes 1117
 conditions that may require the customer to curtail or interrupt 1118
 electric usage during nonemergency circumstances upon notification 1119
 by an electric utility. 1120

(23) "Percentage of income payment plan arrears" means funds 1121
 eligible for collection through the percentage of income payment 1122
 plan rider, but uncollected as of July 1, 2000. 1123

(24) "Person" has the same meaning as in section 1.59 of the 1124
 Revised Code. 1125

(25) "Advanced energy project" means any technologies, 1126
 products, activities, or management practices or strategies that 1127
 facilitate the generation or use of electricity or energy and that 1128
 reduce or support the reduction of energy consumption or support 1129
 the production of clean, renewable energy for industrial, 1130
 distribution, commercial, institutional, governmental, research, 1131
 not-for-profit, or residential energy users, including, but not 1132
 limited to, advanced energy resources and renewable energy 1133
 resources. "Advanced energy project" also includes any project 1134
 described in division (A), (B), or (C) of section 4928.621 of the 1135
 Revised Code. 1136

(26) "Regulatory assets" means the unamortized net regulatory 1137
 assets that are capitalized or deferred on the regulatory books of 1138
 the electric utility, pursuant to an order or practice of the 1139
 public utilities commission or pursuant to generally accepted 1140
 accounting principles as a result of a prior commission 1141
 rate-making decision, and that would otherwise have been charged 1142
 to expense as incurred or would not have been capitalized or 1143
 otherwise deferred for future regulatory consideration absent 1144
 commission action. "Regulatory assets" includes, but is not 1145
 limited to, all deferred demand-side management costs; all 1146
 deferred percentage of income payment plan arrears; 1147

post-in-service capitalized charges and assets recognized in 1148
 connection with statement of financial accounting standards no. 1149
 109 (receivables from customers for income taxes); future nuclear 1150
 decommissioning costs and fuel disposal costs as those costs have 1151
 been determined by the commission in the electric utility's most 1152
 recent rate or accounting application proceeding addressing such 1153
 costs; the undepreciated costs of safety and radiation control 1154
 equipment on nuclear generating plants owned or leased by an 1155
 electric utility; and fuel costs currently deferred pursuant to 1156
 the terms of one or more settlement agreements approved by the 1157
 commission. 1158

(27) "Retail electric service" means any service involved in 1159
 supplying or arranging for the supply of electricity to ultimate 1160
 consumers in this state, from the point of generation to the point 1161
 of consumption. For the purposes of this chapter, retail electric 1162
 service includes one or more of the following "service 1163
 components": generation service, aggregation service, power 1164
 marketing service, power brokerage service, transmission service, 1165
 distribution service, ancillary service, metering service, and 1166
 billing and collection service. 1167

(28) "Starting date of competitive retail electric service" 1168
 means January 1, 2001. 1169

(29) "Customer-generator" means a user of a net metering 1170
 system. 1171

(30) "Net metering" means measuring the difference in an 1172
 applicable billing period between the electricity supplied by an 1173
 electric service provider and the electricity generated by a 1174
 customer-generator that is fed back to the electric service 1175
 provider. 1176

(31) "Net metering system" means a facility for the 1177
 production of electrical energy that does all of the following: 1178

- (a) Uses as its fuel either solar, wind, biomass, landfill gas, or hydropower, or uses a microturbine or a fuel cell; 1179
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- (b) Is located on a customer-generator's premises; 1181
- (c) Operates in parallel with the electric utility's transmission and distribution facilities; 1182
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- (d) Is intended primarily to offset part or all of the customer-generator's requirements for electricity. 1184
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- (32) "Self-generator" means an entity in this state that owns or hosts on its premises an electric generation facility that produces electricity primarily for the owner's consumption and that may provide any such excess electricity to another entity, whether the facility is installed or operated by the owner or by an agent under a contract. 1186
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- (33) "Rate plan" means the standard service offer in effect on the effective date of the amendment of this section by S.B. 221 of the 127th general assembly, July 31, 2008. 1192
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- (34) "Advanced energy resource" means any of the following: 1195
- (a) Any method or any modification or replacement of any property, process, device, structure, or equipment that increases the generation output of an electric generating facility to the extent such efficiency is achieved without additional carbon dioxide emissions by that facility; 1196
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- (b) Any distributed generation system consisting of customer cogeneration of electricity and thermal output simultaneously; 1201
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- (c) Clean coal technology that includes a carbon-based product that is chemically altered before combustion to demonstrate a reduction, as expressed as ash, in emissions of nitrous oxide, mercury, arsenic, chlorine, sulfur dioxide, or sulfur trioxide in accordance with the American society of testing 1203
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and materials standard D1757A or a reduction of metal oxide
emissions in accordance with standard D5142 of that society, or
clean coal technology that includes the design capability to
control or prevent the emission of carbon dioxide, which design
capability the commission shall adopt by rule and shall be based
on economically feasible best available technology or, in the
absence of a determined best available technology, shall be of the
highest level of economically feasible design capability for which
there exists generally accepted scientific opinion;

(d) Advanced nuclear energy technology consisting of
generation III technology as defined by the nuclear regulatory
commission; other, later technology; or significant improvements
to existing facilities;

(e) Any fuel cell used in the generation of electricity,
including, but not limited to, a proton exchange membrane fuel
cell, phosphoric acid fuel cell, molten carbonate fuel cell, or
solid oxide fuel cell;

(f) Advanced solid waste or construction and demolition
debris conversion technology, including, but not limited to,
advanced stoker technology, and advanced fluidized bed
gasification technology, that results in measurable greenhouse gas
emissions reductions as calculated pursuant to the United States
environmental protection agency's waste reduction model (WARM).

(g) Demand-side management and any energy efficiency
improvement.

(35) "Renewable energy resource" means solar photovoltaic or
solar thermal energy, wind energy, power produced by a
hydroelectric facility, geothermal energy, fuel derived from solid
wastes, as defined in section 3734.01 of the Revised Code, through
fractionation, biological decomposition, or other process that
does not principally involve combustion, biomass energy,

biologically derived methane gas, ~~or~~ energy derived from 1239
nontreated by-products of the pulping process or wood 1240
manufacturing process, including bark, wood chips, sawdust, and 1241
lignin in spent pulping liquors, or energy or fuel derived from 1242
algae or manure from an impacted lake district created under 1243
section 353.02 of the Revised Code. "Renewable energy resource" 1244
includes, but is not limited to, any fuel cell used in the 1245
generation of electricity, including, but not limited to, a proton 1246
exchange membrane fuel cell, phosphoric acid fuel cell, molten 1247
carbonate fuel cell, or solid oxide fuel cell; wind turbine 1248
located in the state's territorial waters of Lake Erie; methane 1249
gas emitted from an abandoned coal mine; storage facility that 1250
will promote the better utilization of a renewable energy resource 1251
that primarily generates off peak; or distributed generation 1252
system used by a customer to generate electricity from any such 1253
energy. As used in division (A) (35) of this section, 1254
"hydroelectric facility" means a hydroelectric generating facility 1255
that is located at a dam on a river, or on any water discharged to 1256
a river, that is within or bordering this state or within or 1257
bordering an adjoining state and meets all of the following 1258
standards: 1259

(a) The facility provides for river flows that are not 1260
detrimental for fish, wildlife, and water quality, including 1261
seasonal flow fluctuations as defined by the applicable licensing 1262
agency for the facility. 1263

(b) The facility demonstrates that it complies with the water 1264
quality standards of this state, which compliance may consist of 1265
certification under Section 401 of the "Clean Water Act of 1977," 1266
91 Stat. 1598, 1599, 33 U.S.C. 1341, and demonstrates that it has 1267
not contributed to a finding by this state that the river has 1268
impaired water quality under Section 303(d) of the "Clean Water 1269

Act of 1977," 114 Stat. 870, 33 U.S.C. 1313.	1270
(c) The facility complies with mandatory prescriptions regarding fish passage as required by the federal energy regulatory commission license issued for the project, regarding fish protection for riverine, anadromous, and catadromous fish.	1271 1272 1273 1274
(d) The facility complies with the recommendations of the Ohio environmental protection agency and with the terms of its federal energy regulatory commission license regarding watershed protection, mitigation, or enhancement, to the extent of each agency's respective jurisdiction over the facility.	1275 1276 1277 1278 1279
(e) The facility complies with provisions of the "Endangered Species Act of 1973," 87 Stat. 884, 16 U.S.C. 1531 to 1544, as amended.	1280 1281 1282
(f) The facility does not harm cultural resources of the area. This can be shown through compliance with the terms of its federal energy regulatory commission license or, if the facility is not regulated by that commission, through development of a plan approved by the Ohio historic preservation office, to the extent it has jurisdiction over the facility.	1283 1284 1285 1286 1287 1288
(g) The facility complies with the terms of its federal energy regulatory commission license or exemption that are related to recreational access, accommodation, and facilities or, if the facility is not regulated by that commission, the facility complies with similar requirements as are recommended by resource agencies, to the extent they have jurisdiction over the facility; and the facility provides access to water to the public without fee or charge.	1289 1290 1291 1292 1293 1294 1295 1296
(h) The facility is not recommended for removal by any federal agency or agency of any state, to the extent the particular agency has jurisdiction over the facility.	1297 1298 1299

(B) For the purposes of this chapter, a retail electric service component shall be deemed a competitive retail electric service if the service component is competitive pursuant to a declaration by a provision of the Revised Code or pursuant to an order of the public utilities commission authorized under division (A) of section 4928.04 of the Revised Code. Otherwise, the service component shall be deemed a noncompetitive retail electric service."

In line 116156, after the semicolon insert "a lake facilities authority created under Chapter 353. of the Revised Code;"

In line 116191, after the semicolon insert "in the case of a lake facilities authority, the board of directors;"

In line 116244, after the semicolon insert "in the case of a lake facilities authority, the fiscal officer designated under section 353.02 of the Revised Code;"

Between lines 116444 and 116445, insert:

"Sec. 5705.19. This section does not apply to school districts ~~or~~, county school financing districts, or lake facilities authorities.

The taxing authority of any subdivision at any time and in any year, by vote of two-thirds of all the members of the taxing authority, may declare by resolution and certify the resolution to the board of elections not less than ninety days before the election upon which it will be voted that the amount of taxes that may be raised within the ten-mill limitation will be insufficient to provide for the necessary requirements of the subdivision and that it is necessary to levy a tax in excess of that limitation for any of the following purposes:

(A) For current expenses of the subdivision, except that the

total levy for current expenses of a detention facility district	1329
or district organized under section 2151.65 of the Revised Code	1330
shall not exceed two mills and that the total levy for current	1331
expenses of a combined district organized under sections 2151.65	1332
and 2152.41 of the Revised Code shall not exceed four mills;	1333
(B) For the payment of debt charges on certain described	1334
bonds, notes, or certificates of indebtedness of the subdivision	1335
issued subsequent to January 1, 1925;	1336
(C) For the debt charges on all bonds, notes, and	1337
certificates of indebtedness issued and authorized to be issued	1338
prior to January 1, 1925;	1339
(D) For a public library of, or supported by, the subdivision	1340
under whatever law organized or authorized to be supported;	1341
(E) For a municipal university, not to exceed two mills over	1342
the limitation of one mill prescribed in section 3349.13 of the	1343
Revised Code;	1344
(F) For the construction or acquisition of any specific	1345
permanent improvement or class of improvements that the taxing	1346
authority of the subdivision may include in a single bond issue;	1347
(G) For the general construction, reconstruction,	1348
resurfacing, and repair of streets, roads, and bridges in	1349
municipal corporations, counties, or townships;	1350
(H) For parks and recreational purposes;	1351
(I) For the purpose of providing and maintaining fire	1352
apparatus, appliances, buildings, or sites therefor, or sources of	1353
water supply and materials therefor, or the establishment and	1354
maintenance of lines of fire alarm telegraph, or the payment of	1355
permanent, part-time, or volunteer firefighters or firefighting	1356
companies to operate the same, including the payment of the	1357
firefighter employers' contribution required under section 742.34	1358

of the Revised Code, or the purchase of ambulance equipment, or	1359
the provision of ambulance, paramedic, or other emergency medical	1360
services operated by a fire department or firefighting company;	1361
(J) For the purpose of providing and maintaining motor	1362
vehicles, communications, other equipment, buildings, and sites	1363
for such buildings used directly in the operation of a police	1364
department, or the payment of salaries of permanent police	1365
personnel, including the payment of the police officer employers'	1366
contribution required under section 742.33 of the Revised Code, or	1367
the payment of the costs incurred by townships as a result of	1368
contracts made with other political subdivisions in order to	1369
obtain police protection, or the provision of ambulance or	1370
emergency medical services operated by a police department;	1371
(K) For the maintenance and operation of a county home or	1372
detention facility;	1373
(L) For community mental retardation and developmental	1374
disabilities programs and services pursuant to Chapter 5126. of	1375
the Revised Code, except that the procedure for such levies shall	1376
be as provided in section 5705.222 of the Revised Code;	1377
(M) For regional planning;	1378
(N) For a county's share of the cost of maintaining and	1379
operating schools, district detention facilities, forestry camps,	1380
or other facilities, or any combination thereof, established under	1381
section 2151.65 or 2152.41 of the Revised Code or both of those	1382
sections;	1383
(O) For providing for flood defense, providing and	1384
maintaining a flood wall or pumps, and other purposes to prevent	1385
floods;	1386
(P) For maintaining and operating sewage disposal plants and	1387
facilities;	1388

(Q) For the purpose of purchasing, acquiring, constructing,	1389
enlarging, improving, equipping, repairing, maintaining, or	1390
operating, or any combination of the foregoing, a county transit	1391
system pursuant to sections 306.01 to 306.13 of the Revised Code,	1392
or of making any payment to a board of county commissioners	1393
operating a transit system or a county transit board pursuant to	1394
section 306.06 of the Revised Code;	1395
(R) For the subdivision's share of the cost of acquiring or	1396
constructing any schools, forestry camps, detention facilities, or	1397
other facilities, or any combination thereof, under section	1398
2151.65 or 2152.41 of the Revised Code or both of those sections;	1399
(S) For the prevention, control, and abatement of air	1400
pollution;	1401
(T) For maintaining and operating cemeteries;	1402
(U) For providing ambulance service, emergency medical	1403
service, or both;	1404
(V) For providing for the collection and disposal of garbage	1405
or refuse, including yard waste;	1406
(W) For the payment of the police officer employers'	1407
contribution or the firefighter employers' contribution required	1408
under sections 742.33 and 742.34 of the Revised Code;	1409
(X) For the construction and maintenance of a drainage	1410
improvement pursuant to section 6131.52 of the Revised Code;	1411
(Y) For providing or maintaining senior citizens services or	1412
facilities as authorized by section 307.694, 307.85, 505.70, or	1413
505.706 or division (EE) of section 717.01 of the Revised Code;	1414
(Z) For the provision and maintenance of zoological park	1415
services and facilities as authorized under section 307.76 of the	1416
Revised Code;	1417

(AA) For the maintenance and operation of a free public museum of art, science, or history;	1418 1419
(BB) For the establishment and operation of a 9-1-1 system, as defined in section 4931.40 of the Revised Code;	1420 1421
(CC) For the purpose of acquiring, rehabilitating, or developing rail property or rail service. As used in this division, "rail property" and "rail service" have the same meanings as in section 4981.01 of the Revised Code. This division applies only to a county, township, or municipal corporation.	1422 1423 1424 1425 1426
(DD) For the purpose of acquiring property for, constructing, operating, and maintaining community centers as provided for in section 755.16 of the Revised Code;	1427 1428 1429
(EE) For the creation and operation of an office or joint office of economic development, for any economic development purpose of the office, and to otherwise provide for the establishment and operation of a program of economic development pursuant to sections 307.07 and 307.64 of the Revised Code, or to the extent that the expenses of a county land reutilization corporation organized under Chapter 1724. of the Revised Code are found by the board of county commissioners to constitute the promotion of economic development, for the payment of such operations and expenses;	1430 1431 1432 1433 1434 1435 1436 1437 1438 1439
(FF) For the purpose of acquiring, establishing, constructing, improving, equipping, maintaining, or operating, or any combination of the foregoing, a township airport, landing field, or other air navigation facility pursuant to section 505.15 of the Revised Code;	1440 1441 1442 1443 1444
(GG) For the payment of costs incurred by a township as a result of a contract made with a county pursuant to section 505.263 of the Revised Code in order to pay all or any part of the	1445 1446 1447

cost of constructing, maintaining, repairing, or operating a water supply improvement; 1448
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(HH) For a board of township trustees to acquire, other than by appropriation, an ownership interest in land, water, or wetlands, or to restore or maintain land, water, or wetlands in which the board has an ownership interest, not for purposes of recreation, but for the purposes of protecting and preserving the natural, scenic, open, or wooded condition of the land, water, or wetlands against modification or encroachment resulting from occupation, development, or other use, which may be styled as protecting or preserving "greenspace" in the resolution, notice of election, or ballot form. Except as otherwise provided in this division, land is not acquired for purposes of recreation, even if the land is used for recreational purposes, so long as no building, structure, or fixture used for recreational purposes is permanently attached or affixed to the land. Except as otherwise provided in this division, land that previously has been acquired in a township for these greenspace purposes may subsequently be used for recreational purposes if the board of township trustees adopts a resolution approving that use and no building, structure, or fixture used for recreational purposes is permanently attached or affixed to the land. The authorization to use greenspace land for recreational use does not apply to land located in a township that had a population, at the time it passed its first greenspace levy, of more than thirty-eight thousand within a county that had a population, at that time, of at least eight hundred sixty thousand. 1450
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(II) For the support by a county of a crime victim assistance program that is provided and maintained by a county agency or a private, nonprofit corporation or association under section 307.62 of the Revised Code; 1475
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(JJ) For any or all of the purposes set forth in divisions	1479
(I) and (J) of this section. This division applies only to a	1480
township.	1481
(KK) For a countywide public safety communications system	1482
under section 307.63 of the Revised Code. This division applies	1483
only to counties.	1484
(LL) For the support by a county of criminal justice services	1485
under section 307.45 of the Revised Code;	1486
(MM) For the purpose of maintaining and operating a jail or	1487
other detention facility as defined in section 2921.01 of the	1488
Revised Code;	1489
(NN) For purchasing, maintaining, or improving, or any	1490
combination of the foregoing, real estate on which to hold	1491
agricultural fairs. This division applies only to a county.	1492
(OO) For constructing, rehabilitating, repairing, or	1493
maintaining sidewalks, walkways, trails, bicycle pathways, or	1494
similar improvements, or acquiring ownership interests in land	1495
necessary for the foregoing improvements;	1496
(PP) For both of the purposes set forth in divisions (G) and	1497
(OO) of this section.	1498
(QQ) For both of the purposes set forth in divisions (H) and	1499
(HH) of this section. This division applies only to a township.	1500
(RR) For the legislative authority of a municipal	1501
corporation, board of county commissioners of a county, or board	1502
of township trustees of a township to acquire agricultural	1503
easements, as defined in section 5301.67 of the Revised Code, and	1504
to supervise and enforce the easements.	1505
(SS) For both of the purposes set forth in divisions (BB) and	1506
(KK) of this section. This division applies only to a county.	1507

(TT) For the maintenance and operation of a facility that is organized in whole or in part to promote the sciences and natural history under section 307.761 of the Revised Code.

(UU) For the creation and operation of a county land reutilization corporation and for any programs or activities of the corporation found by the board of directors of the corporation to be consistent with the purposes for which the corporation is organized;

(VV) For construction and maintenance of improvements and expenses of soil and water conservation district programs under Chapter 1515. of the Revised Code;

(WW) For the Ohio cooperative extension service fund created under section 3335.35 of the Revised Code for the purposes prescribed under section 3335.36 of the Revised Code for the benefit of the citizens of a county. This division applies only to a county.

The resolution shall be confined to the purpose or purposes described in one division of this section, to which the revenue derived therefrom shall be applied. The existence in any other division of this section of authority to levy a tax for any part or all of the same purpose or purposes does not preclude the use of such revenues for any part of the purpose or purposes of the division under which the resolution is adopted.

The resolution shall specify the amount of the increase in rate that it is necessary to levy, the purpose of that increase in rate, and the number of years during which the increase in rate shall be in effect, which may or may not include a levy upon the duplicate of the current year. The number of years may be any number not exceeding five, except as follows:

(1) When the additional rate is for the payment of debt

charges, the increased rate shall be for the life of the 1538
indebtedness. 1539

(2) When the additional rate is for any of the following, the 1540
increased rate shall be for a continuing period of time: 1541

(a) For the current expenses for a detention facility 1542
district, a district organized under section 2151.65 of the 1543
Revised Code, or a combined district organized under sections 1544
2151.65 and 2152.41 of the Revised Code; 1545

(b) For providing a county's share of the cost of maintaining 1546
and operating schools, district detention facilities, forestry 1547
camps, or other facilities, or any combination thereof, 1548
established under section 2151.65 or 2152.41 of the Revised Code 1549
or under both of those sections. 1550

(3) When the additional rate is for either of the following, 1551
the increased rate may be for a continuing period of time: 1552

(a) For the purposes set forth in division (I), (J), (U), or 1553
(KK) of this section; 1554

(b) For the maintenance and operation of a joint recreation 1555
district. 1556

(4) When the increase is for the purpose or purposes set 1557
forth in division (D), (G), (H), (CC), or (PP) of this section, 1558
the tax levy may be for any specified number of years or for a 1559
continuing period of time, as set forth in the resolution. 1560

(5) When the additional rate is for the purpose described in 1561
division (Z) of this section, the increased rate shall be for any 1562
number of years not exceeding ten. 1563

A levy for one of the purposes set forth in division (G), 1564
(I), (J), or (U) of this section may be reduced pursuant to 1565
section 5705.261 or 5705.31 of the Revised Code. A levy for one of 1566

the purposes set forth in division (G), (I), (J), or (U) of this section may also be terminated or permanently reduced by the taxing authority if it adopts a resolution stating that the continuance of the levy is unnecessary and the levy shall be terminated or that the millage is excessive and the levy shall be decreased by a designated amount.

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A resolution of a detention facility district, a district organized under section 2151.65 of the Revised Code, or a combined district organized under both sections 2151.65 and 2152.41 of the Revised Code may include both current expenses and other purposes, provided that the resolution shall apportion the annual rate of levy between the current expenses and the other purpose or purposes. The apportionment need not be the same for each year of the levy, but the respective portions of the rate actually levied each year for the current expenses and the other purpose or purposes shall be limited by the apportionment.

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Whenever a board of county commissioners, acting either as the taxing authority of its county or as the taxing authority of a sewer district or subdistrict created under Chapter 6117. of the Revised Code, by resolution declares it necessary to levy a tax in excess of the ten-mill limitation for the purpose of constructing, improving, or extending sewage disposal plants or sewage systems, the tax may be in effect for any number of years not exceeding twenty, and the proceeds of the tax, notwithstanding the general provisions of this section, may be used to pay debt charges on any obligations issued and outstanding on behalf of the subdivision for the purposes enumerated in this paragraph, provided that any such obligations have been specifically described in the resolution.

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The resolution shall go into immediate effect upon its passage, and no publication of the resolution is necessary other

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than that provided for in the notice of election.

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When the electors of a subdivision have approved a tax levy under this section, the taxing authority of the subdivision may anticipate a fraction of the proceeds of the levy and issue anticipation notes in accordance with section 5705.191 or 5705.193 of the Revised Code."

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Between lines 117765 and 117766, insert:

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"Sec. 5705.55. (A) The board of directors of a lake facilities authority, by a vote of two-thirds of all its members, may at any time declare by resolution that the amount of taxes which may be raised within the ten-mill limitation by levies on the current tax duplicate will be insufficient to provide an adequate amount for the necessary requirements of the authority, that it is necessary to levy a tax in excess of such limitation for any of the purposes specified in divisions (A), (B), (F), and (H) of section 5705.19 of the Revised Code, and that the question of such additional tax levy shall be submitted by the board to the electors residing within the boundaries of the impacted lake district on the day of a primary or general election. The resolution shall conform to section 5705.19 of the Revised Code, except that the tax levy may be in effect for no more than five years, as set forth in the resolution, unless the levy is for the payment of debt charges, and the total number of mills levied for each dollar of taxable valuation that may be levied under this section for any tax year shall not exceed one mill. If the levy is for the payment of debt charges, the levy shall be for the life of the bond indebtedness.

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The resolution shall specify the date of holding the election, which shall not be earlier than ninety days after the adoption and certification of the resolution to the board of

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elections. The resolution shall not include a levy on the current 1628
tax list and duplicate unless the election is to be held at or 1629
prior to the first Tuesday after the first Monday in November of 1630
the current tax year. 1631

The resolution shall be certified to the board of elections 1632
of the proper county or counties not less than ninety days before 1633
the date of the election. The resolution shall go into immediate 1634
effect upon its passage, and no publication of the resolution 1635
shall be necessary other than that provided in the notice of 1636
election. Section 5705.25 of the Revised Code shall govern the 1637
arrangements for the submission of such question and other matters 1638
concerning the election, to which that section refers, except that 1639
the election shall be held on the date specified in the 1640
resolution. If a majority of the electors voting on the question 1641
so submitted in an election vote in favor of the levy, the board 1642
of directors may forthwith make the necessary levy within the 1643
boundaries of the impacted lake district at the additional rate in 1644
excess of the ten-mill limitation on the tax list, for the purpose 1645
stated in the resolution. The tax levy shall be included in the 1646
next annual tax budget that is certified to the county budget 1647
commission. 1648

(B) The form of the ballot in an election held on the 1649
question of levying a tax proposed pursuant to this section shall 1650
be as follows or in any other form acceptable to the secretary of 1651
state: 1652

"A tax for the benefit of (name of lake facilities authority) 1653
..... for the purpose of at a rate not exceeding 1654
..... mills for each one dollar of valuation, which amounts to 1655
(rate expressed in dollars and cents) for each one 1656
hundred dollars of valuation, for (life of 1657
indebtedness or number of years the levy is to run). 1658

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	For the Tax Levy
	Against the Tax Levy

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(C) On approval of the levy, notes may be issued in anticipation of the collection of the proceeds of the tax levy, other than the proceeds to be received for the payment of bond debt charges, in the amount and manner and at the times as are provided in section 5705.193 of the Revised Code, for the issuance of notes by a county in anticipation of the proceeds of a tax levy. The lake facilities authority may borrow money in anticipation of the collection of current revenues as provided in section 133.10 of the Revised Code.

(D) If a tax is levied under this section in a tax year, no other taxing authority of a subdivision or taxing unit, including a port authority, may levy a tax on property in the impacted lake district in the same tax year if the purpose of the levy is substantially the same as the purpose for which the lake facilities authority of the impacted lake district was created."

In line 124238, after "services" insert ";

(11) To provide revenue for the operation of a lake facilities authority and the remediation of a distressed watershed by a lake facilities authority, as provided in Chapter 353. of the Revised Code"

In line 130999, after "135.66," insert "135.80,"

In line 131010, after "308.13," insert "309.09,"

In line 131132, after "4911.02," insert "4928.01,"

In line 131164, after "5705.16," insert "5705.19,"

Between lines 147752 and 147753, insert:

"Section 4928.01 of the Revised Code as amended by both Am. Sub. S.B. 181 and Am. Sub. S.B. 232 of the 128th General Assembly."	1688
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Between lines 147774 and 147775, insert:	1691
"Section 5705.19 of the Revised Code as amended by both Am. Sub. H.B. 48 and Sub. H.B. 313 of the 128th General Assembly."	1692
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In line 17 of the title, after "135.66," insert "135.80,"	1694
In line 31 of the title, after "308.13," insert "309.09,"	1695
In line 197 of the title, after "4911.02," insert "4928.01,"	1696
In line 240 of the title, after "5705.16," insert "5705.19,"	1697
In line 303 of the title, after "317.06," insert "353.01,	1698
353.02, 353.03, 353.04, 353.05, 353.06, 353.07, 353.08, 353.09,	1699
353.10, 353.11, 353.12, 353.13, 353.14, 353.15, 353.16, 353.17,"	1700
In line 334 of the title, after "5703.059," insert "5705.55,"	1701

The motion was _____ agreed to.

SYNOPSIS

"Distressed" Watersheds; Lake Facilities Authority	1702
R.C. 353.01 to 353.17 and 5705.55 with conforming changes in	1703
R.C. 133.01, 135.80, 309.09, 4928.01, 5705.01, 5705.19, and	1704
5739.026	1705
Authorizes one or more board of county commissioners to	1706
create a Lake Facilities Authority (LFA), a body politic and	1707
corporate, for the purpose of remediating watersheds declared by	1708
the Director of Natural Resources to be a "watershed in distress."	1709
Creates a board of directors for an LFA consisting of the	1710

county commissioners of each county with territory in the	1711
"impacted lake district"-i.e., the territory of all townships and	1712
municipal corporations with territory in the distressed watershed.	1713
Requires the creation of an advisory council for each LFA,	1714
consisting of the appointee of each political subdivision with	1715
territory in the impacted lake district, to consult with the board	1716
of directors.	1717
Authorizes an LFA to levy a property tax with voter approval	1718
for current expenses, debt charges, permanent improvements, and	1719
streets, roads, and bridges, not to exceed one mill.	1720
Authorizes an LFA to impose a charge, with voter approval,	1721
against property within the distressed watershed to be based on	1722
the benefit conferred or the relative pollution or other harm	1723
caused by the property owner, not to exceed one-half per cent of a	1724
parcel's true value.	1725
Authorizes an LFA to levy a lodging tax with voter approval.	1726
The tax rate may not cause the aggregate rate of lodging taxes	1727
applicable in the impacted lake district to exceed five per cent.	1728
Authorizes an LFA to charge user fees, including dock and	1729
campsite fees, in a distressed watershed in a state park with	1730
approval by the Director of Natural Resources.	1731
Authorizes an LFA to issue general obligation securities for	1732
the remediation of a distressed watershed and related permanent	1733
improvements, not to exceed one-tenth per cent of the total value	1734
of property in the impacted lake district.	1735
Authorizes an LFA to issue revenue bonds and anticipation	1736
bonds and notes.	1737
Prohibits the creation of any new special district that would	1738
overlap with an LFA district (e.g., sanitary district or	1739
conservancy district) if the new district would have powers or	1740

duties that are the same as the LFA's.	1741
Prohibits any taxing authority from levying a property tax in the territory of an LFA if the purpose of the tax is similar to the purpose of a tax that the LFA is authorized to levy.	1742 1743 1744
Authorizes the Director of Natural Resources to transfer real property to an LFA to promote wetland mitigation banking, wildlife, or sporting activities, and authorizes the Division of Wildlife to enter agreements with an LFA to establish wetland or natural areas to benefit wildlife or sporting activities.	1745 1746 1747 1748 1749
Requires competitive bidding for construction projects in excess of \$25,000 except under certain circumstances.	1750 1751
Permits, but does not require, a Lake Facility Authority to apply prevailing wage requirements to public improvements it undertakes or contracts for.	1752 1753 1754
Specifies that energy or fuel derived from algae or manure from an impacted lake district is a "renewable energy source" for the purposes of electricity generation alternative energy resource portfolio requirements of current law.	1755 1756 1757 1758

Sub. H.B. 153
As Pending in S. Finance
LSC 129 1066-6
SC-4064

_____ moved to amend as follows:

In line 506, after "3719.141," insert "3719.41," 1

Between lines 70720 and 70721, insert: 2

"Sec. 3719.41. Controlled substance schedules I, II, III, IV, 3
and V are hereby established, which schedules include the 4
following, subject to amendment pursuant to section 3719.43 or 5
3719.44 of the Revised Code. 6

SCHEDULE I 7

(A) Narcotics-opiates 8

Any of the following opiates, including their isomers, 9
esters, ethers, salts, and salts of isomers, esters, and ethers, 10
unless specifically excepted under federal drug abuse control 11
laws, whenever the existence of these isomers, esters, ethers, and 12
salts is possible within the specific chemical designation: 13

(1) Acetyl-alpha-methylfentanyl 14

(N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); 15

(2) Acetylmethadol; 16

(3) Allylprodine; 17

(4) Alphacetylmethadol (except levo-alphacetylmethadol, also 18

known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM);	19 20
(5) Alphameprodine;	21
(6) Alphamethadol;	22
(7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);	23 24 25
(8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N- phenylpropanamide);	26 27 28
(9) Benzethidine;	29
(10) Betacetylmethadol;	30
(11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl)]-N- phenylpropanamide);	31 32
(12) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N- phenylpropanamide);	33 34 35
(13) Betameprodine;	36
(14) Betamethadol;	37
(15) Betaprodine;	38
(16) Clonitazene;	39
(17) Dextromoramide;	40
(18) Diampromide;	41
(19) Diethylthiambutene;	42
(20) Difenoxin;	43
(21) Dimenoxadol;	44
(22) Dimepheptanol;	45

(23) Dimethylthiambutene;	46
(24) Dioxaphetyl butyrate;	47
(25) Dipipanone;	48
(26) Ethylmethylthiambutene;	49
(27) Etonitazene;	50
(28) Etoxeridine;	51
(29) Furethidine;	52
(30) Hydroxypethidine;	53
(31) Ketobemidone;	54
(32) Levomoramide;	55
(33) Levophenacymorphan;	56
(34) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);	57 58
(35) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide);	59 60 61
(36) Morpheridine;	62
(37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);	63
(38) Noracymethadol;	64
(39) Norlevorphanol;	65
(40) Normethadone;	66
(41) Norpipanone;	67
(42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide);	68 69
(43) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);	70
(44) Phenadoxone;	71

(45) Phenampromide;	72
(46) Phenomorphan;	73
(47) Phenoperidine;	74
(48) Piritramide;	75
(49) Proheptazine;	76
(50) Properidine;	77
(51) Propiram;	78
(52) Racemoramide;	79
(53) Thiofentanyl	80
(N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide;	81
(54) Tilidine;	82
(55) Trimeperidine.	83
(B) Narcotics-opium derivatives	84
Any of the following opium derivatives, including their	85
salts, isomers, and salts of isomers, unless specifically excepted	86
under federal drug abuse control laws, whenever the existence of	87
these salts, isomers, and salts of isomers is possible within the	88
specific chemical designation:	89
(1) Acetorphine;	90
(2) Acetyldihydrocodeine;	91
(3) Benzylmorphine;	92
(4) Codeine methylbromide;	93
(5) Codeine-n-oxide;	94
(6) Cyprenorphine;	95
(7) Desomorphine;	96
(8) Dihydromorphine;	97

(9) Drotebanol;	98
(10) Etorphine (except hydrochloride salt);	99
(11) Heroin;	100
(12) Hydromorphenol;	101
(13) Methyldesorphine;	102
(14) Methyldihydromorphine;	103
(15) Morphine methylbromide;	104
(16) Morphine methylsulfonate;	105
(17) Morphine-n-oxide;	106
(18) Myrophine;	107
(19) Nicocodeine;	108
(20) Nicomorphine;	109
(21) Normorphine;	110
(22) Pholcodine;	111
(23) Thebacon.	112
(C) Hallucinogens	113
Any material, compound, mixture, or preparation that contains	114
any quantity of the following hallucinogenic substances, including	115
their salts, isomers, and salts of isomers, unless specifically	116
excepted under federal drug abuse control laws, whenever the	117
existence of these salts, isomers, and salts of isomers is	118
possible within the specific chemical designation. For the	119
purposes of this division only, "isomer" includes the optical	120
isomers, position isomers, and geometric isomers.	121
(1) Alpha-ethyltryptamine (some trade or other names:	122
etryptamine; Monase; alpha-ethyl-1H-indole-3-ethanamine;	123
3-(2-aminobutyl) indole; alpha-ET; and AET);	124

(2) 4-bromo-2,5-dimethoxyamphetamine (some trade or other names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo-2,5-DMA);	125 126 127
(3) 4-bromo-2,5-dimethoxyphenethylamine (some trade or other names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl DOB; 2C-B, Nexus);	128 129 130
(4) 2,5-dimethoxyamphetamine (some trade or other names: 2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA);	131 132
(5) 2,5-dimethoxy-4-ethylamphetamine (some trade or other names: DOET);	133 134
(6) 4-methoxyamphetamine (some trade or other names: 4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine; PMA);	135 136 137
(7) 5-methoxy-3,4-methylenedioxy-amphetamine;	138
(8) 4-methyl-2,5-dimethoxy-amphetamine (some trade or other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; "DOM" and "STP");	139 140 141
(9) 3,4-methylenedioxy amphetamine;	142
(10) 3,4-methylenedioxymethamphetamine (MDMA);	143
(11) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA);	144 145 146
(12) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine and N-hydroxy MDA);	147 148 149
(13) 3,4,5-trimethoxy amphetamine;	150
(14) Bufotenine (some trade or other names: 3-(beta-dimethylaminoethyl)-5-hydroxyindole;	151 152

3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin;	153
5-hydroxy-N, N-dimethyltryptamine; mappine);	154
(15) Diethyltryptamine (some trade or other names: N,	155
N-diethyltryptamine; DET);	156
(16) Dimethyltryptamine (some trade or other names: DMT);	157
(17) Ibogaine (some trade or other names:	158
7-ethyl-6,6beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-	159
5H-pyrido[1',2':1,2] azepino [5, 4-b] indole; tabernanthe iboga);	160
(18) Lysergic acid diethylamide;	161
(19) Marihuana;	162
(20) Mescaline;	163
(21) Parahexyl (some trade or other names: 3-hexyl-1-	164
hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran;	165
synhexyl);	166
(22) Peyote (meaning all parts of the plant presently	167
classified botanically as "Lophophora williamsii Lemaire," whether	168
growing or not, the seeds of that plant, any extract from any part	169
of that plant, and every compound, manufacture, salts, derivative,	170
mixture, or preparation of that plant, its seeds, or its	171
extracts);	172
(23) N-ethyl-3-piperidyl benzilate;	173
(24) N-methyl-3-piperidyl benzilate;	174
(25) Psilocybin;	175
(26) Psilocyn;	176
(27) Tetrahydrocannabinols (synthetic equivalents of the	177
substances contained in the plant, or in the resinous extractives	178
of Cannabis, sp. and/or synthetic substances, derivatives, and	179
their isomers with similar chemical structure and pharmacological	180

activity such as the following: delta-1-cis or trans	181
tetrahydrocannabinol, and their optical isomers; delta-6-cis or	182
trans tetrahydrocannabinol, and their optical isomers;	183
delta-3,4-cis or trans tetrahydrocannabinol, and its optical	184
isomers. (Since nomenclature of these substances is not	185
internationally standardized, compounds of these structures,	186
regardless of numerical designation of atomic positions, are	187
covered.));	188
(28) Ethylamine analog of phencyclidine (some trade or other	189
names: N-ethyl-1-phenylcyclohexylamine;	190
(1-phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine;	191
cyclohexamine; PCE);	192
(29) Pyrrolidine analog of phencyclidine (some trade or other	193
names: 1-(1-phenylcyclohexyl)pyrrolidine; PCPy; PHP);	194
(30) Thiophene analog of phencyclidine (some trade or other	195
names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine; 2-thienyl analog	196
of phencyclidine; TPCP; TCP);	197
(31) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;	198
(32) Hashish;	199
(33) Salvia divinorum;	200
(34) Salvinorin A;	201
<u>(35) Methylone (3,4-methylenedioxymethcathinone);</u>	202
<u>(36) MDPV (3,4-methylenedioxypropylone);</u>	203
<u>(37) Mephedrone (4-methylmethcathinone);</u>	204
<u>(38) 4-methoxymethcathinone;</u>	205
<u>(39) 4-fluoromethcathinone;</u>	206
<u>(40) 3-fluoromethcathinone.</u>	207
(D) Depressants	208

Any material, compound, mixture, or preparation that contains	209
any quantity of the following substances having a depressant	210
effect on the central nervous system, including their salts,	211
isomers, and salts of isomers, unless specifically excepted under	212
federal drug abuse control laws, whenever the existence of these	213
salts, isomers, and salts of isomers is possible within the	214
specific chemical designation:	215
(1) Mecloqualone;	216
(2) Methaqualone.	217
(E) Stimulants	218
Unless specifically excepted or unless listed in another	219
schedule, any material, compound, mixture, or preparation that	220
contains any quantity of the following substances having a	221
stimulant effect on the central nervous system, including their	222
salts, isomers, and salts of isomers:	223
(1) Aminorex (some other names: aminoxaphen;	224
2-amino-5-phenyl-2-oxazoline; or	225
4,5-dihydro-5-phenyl-2-oxazolamine);	226
(2) Cathinone (some trade or other names:	227
2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone,	228
2-aminopropiophenone, and norephedrone);	229
(3) Fenethylline;	230
(4) Methcathinone (some other names:	231
2-(methylamino)-propiophenone; alpha-(methylamino)propiophenone;	232
2-methylamino)-1-phenylpropan-1-one;	233
alpha-N-methylaminopropiophenone; monomethylpropion; ephedrone;	234
N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463; and	235
UR1432, its salts, optical isomers, and salts of optical isomers;	236
(5) (+/-)cis-4-methylaminorex	237

((+/-)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);	238
(6) N-ethylamphetamine;	239
(7) N,N-dimethylamphetamine (also known as N,N-alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine).	240 241 242
SCHEDULE II	243
(A) Narcotics-opium and opium derivatives	244
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:	245 246 247 248 249 250
(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, thebaine-derived butorphanol, dextrophan, nalbuphine, nalmefene, naloxone, and naltrexone, and their respective salts, but including the following:	251 252 253 254 255
(a) Raw opium;	256
(b) Opium extracts;	257
(c) Opium fluid extracts;	258
(d) Powdered opium;	259
(e) Granulated opium;	260
(f) Tincture of opium;	261
(g) Codeine;	262
(h) Ethylmorphine;	263
(i) Etorphine hydrochloride;	264

(j) Hydrocodone;	265
(k) Hydromorphone;	266
(l) Metopon;	267
(m) Morphine;	268
(n) Oxycodone;	269
(o) Oxymorphone;	270
(p) Thebaine.	271
(2) Any salt, compound, derivative, or preparation thereof	272
that is chemically equivalent to or identical with any of the	273
substances referred to in division (A) (1) of this schedule, except	274
that these substances shall not include the isoquinoline alkaloids	275
of opium;	276
(3) Opium poppy and poppy straw;	277
(4) Coca leaves and any salt, compound, derivative, or	278
preparation of coca leaves (including cocaine and ecgonine, their	279
salts, isomers, and derivatives, and salts of those isomers and	280
derivatives), and any salt, compound, derivative, or preparation	281
thereof that is chemically equivalent to or identical with any of	282
these substances, except that the substances shall not include	283
decocainized coca leaves or extraction of coca leaves, which	284
extractions do not contain cocaine or ecgonine;	285
(5) Concentrate of poppy straw (the crude extract of poppy	286
straw in either liquid, solid, or powder form that contains the	287
phenanthrene alkaloids of the opium poppy).	288
(B) Narcotics-opiates	289
Unless specifically excepted under federal drug abuse control	290
laws or unless listed in another schedule, any of the following	291
opiates, including their isomers, esters, ethers, salts, and salts	292

of isomers, esters, and ethers, whenever the existence of these	293
isomers, esters, ethers, and salts is possible within the specific	294
chemical designation, but excluding dextrorphan and	295
levopropoxyphene:	296
(1) Alfentanil;	297
(2) Alphaprodine;	298
(3) Anileridine;	299
(4) Bezitramide;	300
(5) Bulk dextropropoxyphene (non-dosage forms);	301
(6) Carfentanil;	302
(7) Dihydrocodeine;	303
(8) Diphenoxylate;	304
(9) Fentanyl;	305
(10) Isomethadone;	306
(11) Levo-alpha-acetylmethadol (some other names:	307
levo-alpha-acetylmethadol; levomethadyl acetate; LAAM);	308
(12) Levomethorphan;	309
(13) Levorphanol;	310
(14) Metazocine;	311
(15) Methadone;	312
(16) Methadone-intermediate,	313
4-cyano-2-dimethylamino-4,4-diphenyl butane;	314
(17) Moramide-intermediate,	315
2-methyl-3-morpholino-1,1-diphenylpropane-carboxylic acid;	316
(18) Pethidine (meperidine);	317
(19) Pethidine-intermediate-A,	318

4-cyano-1-methyl-4-phenylpiperidine;	319
(20) Pethidine-intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;	320 321
(21) Pethidine-intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;	322 323
(22) Phenazocine;	324
(23) Piminodine;	325
(24) Racemethorphan;	326
(25) Racemorphan;	327
(26) Remifentanil;	328
(27) Sufentanil.	329
(C) Stimulants	330
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system:	331 332 333 334 335
(1) Amphetamine, its salts, its optical isomers, and salts of its optical isomers;	336 337
(2) Methamphetamine, its salts, its isomers, and salts of its isomers;	338 339
(3) Methylphenidate;	340
(4) Phenmetrazine and its salts.	341
(D) Depressants	342
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the	343 344 345

following substances having a depressant effect on the central nervous system, including their salts, isomers, and salts of isomers, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:	346
	347
	348
	349
(1) Amobarbital;	350
(2) Gamma-hydroxy-butyrate;	351
(3) Glutethimide;	352
(4) Pentobarbital;	353
(5) Phencyclidine (some trade or other names:	354
1-(1-phenylcyclohexyl)piperidine; PCP);	355
(6) Secobarbital;	356
(7) 1-aminophenylcyclohexane and all N-mono-substituted and/or all N-N-disubstituted analogs including, but not limited to, the following:	357
	358
	359
(a) 1-phenylcyclohexylamine;	360
(b) (1-phenylcyclohexyl) methylamine;	361
(c) (1-phenylcyclohexyl) dimethylamine;	362
(d) (1-phenylcyclohexyl) methylethylamine;	363
(e) (1-phenylcyclohexyl) isopropylamine;	364
(f) 1-(1-phenylcyclohexyl) morpholine.	365
(E) Hallucinogenic substances	366
(1) Nabilone (another name for nabilone:	367
(+)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one).	368
	369
(F) Immediate precursors	370
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound,	371
	372

mixture, or preparation that contains any quantity of the 373
 following substances: 374

(1) Immediate precursor to amphetamine and methamphetamine: 375

(a) Phenylacetone (some trade or other names: 376
 phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl 377
 ketone); 378

(2) Immediate precursors to phencyclidine (PCP): 379

(a) 1-phenylcyclohexylamine; 380

(b) 1-piperidinocyclohexanecarbonitrile (PCC). 381

SCHEDULE III 382

(A) Stimulants 383

Unless specifically excepted under federal drug abuse control 384
 laws or unless listed in another schedule, any material, compound, 385
 mixture, or preparation that contains any quantity of the 386
 following substances having a stimulant effect on the central 387
 nervous system, including their salts, their optical isomers, 388
 position isomers, or geometric isomers, and salts of these 389
 isomers, whenever the existence of these salts, isomers, and salts 390
 of isomers is possible within the specific chemical designation: 391

(1) All stimulant compounds, mixtures, and preparations 392
 included in schedule III pursuant to the federal drug abuse 393
 control laws and regulations adopted under those laws; 394

(2) Benzphetamine; 395

(3) Chlorphentermine; 396

(4) Clortermine; 397

(5) Phendimetrazine. 398

(B) Depressants 399

Unless specifically excepted under federal drug abuse control 400

laws or unless listed in another schedule, any material, compound,	401
mixture, or preparation that contains any quantity of the	402
following substances having a depressant effect on the central	403
nervous system:	404
(1) Any compound, mixture, or preparation containing	405
amobarbital, secobarbital, pentobarbital, or any salt of any of	406
these drugs, and one or more other active medicinal ingredients	407
that are not listed in any schedule;	408
(2) Any suppository dosage form containing amobarbital,	409
secobarbital, pentobarbital, or any salt of any of these drugs and	410
approved by the food and drug administration for marketing only as	411
a suppository;	412
(3) Any substance that contains any quantity of a derivative	413
of barbituric acid or any salt of a derivative of barbituric acid;	414
(4) Chlorhexadol;	415
(5) Ketamine, its salts, isomers, and salts of isomers (some	416
other names for ketamine:	417
(+/-)-2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone);	418
(6) Lysergic acid;	419
(7) Lysergic acid amide;	420
(8) Methyprylon;	421
(9) Sulfondiethylmethane;	422
(10) Sulfonethylmethane;	423
(11) Sulfonmethane;	424
(12) Tiletamine, zolazepam, or any salt of tiletamine or	425
zolazepam (some trade or other names for a tiletamine-zolazepam	426
combination product: Telazol); (some trade or other names for	427
tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone); (some	428

trade or other names for zolazepam: 4-(2-fluorophenyl)-6,8-	429
dihydro-1,3,8-trimethylpyrazolo-[3, 4-e] [1,4]-diazepin-7(1H)-one;	430
flupyrzapon).	431
(C) Narcotic antidotes	432
(1) Nalorphine.	433
(D) Narcotics-narcotic preparations	434
Unless specifically excepted under federal drug abuse control	435
laws or unless listed in another schedule, any material, compound,	436
mixture, or preparation that contains any of the following	437
narcotic drugs, or their salts calculated as the free anhydrous	438
base or alkaloid, in limited quantities as set forth below:	439
(1) Not more than 1.8 grams of codeine per 100 milliliters or	440
not more than 90 milligrams per dosage unit, with an equal or	441
greater quantity of an isoquinoline alkaloid of opium;	442
(2) Not more than 1.8 grams of codeine per 100 milliliters or	443
not more than 90 milligrams per dosage unit, with one or more	444
active, nonnarcotic ingredients in recognized therapeutic amounts;	445
(3) Not more than 300 milligrams of dihydrocodeinone per 100	446
milliliters or not more than 15 milligrams per dosage unit, with a	447
fourfold or greater quantity of an isoquinoline alkaloid of opium;	448
(4) Not more than 300 milligrams of dihydrocodeinone per 100	449
milliliters or not more than 15 milligrams per dosage unit, with	450
one or more active, nonnarcotic ingredients in recognized	451
therapeutic amounts;	452
(5) Not more than 1.8 grams of dihydrocodeine per 100	453
milliliters or not more than 90 milligrams per dosage unit, with	454
one or more active, nonnarcotic ingredients in recognized	455
therapeutic amounts;	456
(6) Not more than 300 milligrams of ethylmorphine per 100	457

milliliters or not more than 15 milligrams per dosage unit, with
one or more active, nonnarcotic ingredients in recognized
therapeutic amounts;

(7) Not more than 500 milligrams of opium per 100 milliliters
or per 100 grams or not more than 25 milligrams per dosage unit,
with one or more active, nonnarcotic ingredients in recognized
therapeutic amounts;

(8) Not more than 50 milligrams of morphine per 100
milliliters or per 100 grams, with one or more active, nonnarcotic
ingredients in recognized therapeutic amounts.

(E) Anabolic steroids

Unless specifically excepted under federal drug abuse control
laws or unless listed in another schedule, any material, compound,
mixture, or preparation that contains any quantity of the
following substances, including their salts, esters, isomers, and
salts of esters and isomers, whenever the existence of these
salts, esters, and isomers is possible within the specific
chemical designation:

(1) Anabolic steroids. Except as otherwise provided in
division (E) (1) of schedule III, "anabolic steroids" means any
drug or hormonal substance that is chemically and
pharmacologically related to testosterone (other than estrogens,
progestins, and corticosteroids) and that promotes muscle growth.
"Anabolic steroids" does not include an anabolic steroid that is
expressly intended for administration through implants to cattle
or other nonhuman species and that has been approved by the United
States secretary of health and human services for that
administration, unless a person prescribes, dispenses, or
distributes this type of anabolic steroid for human use. "Anabolic
steroid" includes, but is not limited to, the following:

(a) Boldenone;	488
(b) Chlorotestosterone (4-chlortestosterone);	489
(c) Clostebol;	490
(d) Dehydrochlormethyltestosterone;	491
(e) Dihydrotestosterone (4-dihydrotestosterone);	492
(f) Drostanolone;	493
(g) Ethylestrenol;	494
(h) Fluoxymesterone;	495
(i) Formebolone (formebolone);	496
(j) Mesterolone;	497
(k) Methandienone;	498
(l) Methandranone;	499
(m) Methandriol;	500
(n) Methandrostenolone;	501
(o) Methenolone;	502
(p) Methyltestosterone;	503
(q) Mibolerone;	504
(r) Nandrolone;	505
(s) Norethandrolone;	506
(t) Oxandrolone;	507
(u) Oxymesterone;	508
(v) Oxymetholone;	509
(w) Stanolone;	510
(x) Stanozolol;	511
(y) Testolactone;	512

(z) Testosterone;	513
(aa) Trenbolone;	514
(bb) Any salt, ester, isomer, or salt of an ester or isomer of a drug or hormonal substance described or listed in division (E) (1) of schedule III if the salt, ester, or isomer promotes muscle growth.	515 516 517 518
(F) Hallucinogenic substances	519
(1) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States food and drug administration approved drug product (some other names for dronabinol: (6aR-trans)-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-1-ol, or (-)-delta-9-(trans)-tetrahydrocannabinol).	520 521 522 523 524 525
SCHEDULE IV	526
(A) Narcotic drugs	527
Unless specifically excepted by federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:	528 529 530 531 532
(1) Not more than one milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit;	533 534
(2) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane) [final dosage forms].	535 536 537
(B) Depressants	538
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the	539 540 541

following substances, including their salts, isomers, and salts of	542
isomers, whenever the existence of these salts, isomers, and salts	543
of isomers is possible within the specific chemical designation:	544
(1) Alprazolam;	545
(2) Barbital;	546
(3) Bromazepam;	547
(4) Camazepam;	548
(5) Chloral betaine;	549
(6) Chloral hydrate;	550
(7) Chlordiazepoxide;	551
(8) Clobazam;	552
(9) Clonazepam;	553
(10) Clorazepate;	554
(11) Clotiazepam;	555
(12) Cloxazolam;	556
(13) Delorazepam;	557
(14) Diazepam;	558
(15) Estazolam;	559
(16) Ethchlorvynol;	560
(17) Ethinamate;	561
(18) Ethyl loflazepate;	562
(19) Fludiazepam;	563
(20) Flunitrazepam;	564
(21) Flurazepam;	565
(22) Halazepam;	566

(23) Haloxazolam;	567
(24) Ketazolam;	568
(25) Loprazolam;	569
(26) Lorazepam;	570
(27) Lormetazepam;	571
(28) Mebutamate;	572
(29) Medazepam;	573
(30) Meprobamate;	574
(31) Methohexital;	575
(32) Methylphenobarbital (mephobarbital);	576
(33) Midazolam;	577
(34) Nimetazepam;	578
(35) Nitrazepam;	579
(36) Nordiazepam;	580
(37) Oxazepam;	581
(38) Oxazolam;	582
(39) Paraldehyde;	583
(40) Petrichloral;	584
(41) Phenobarbital;	585
(42) Pinazepam;	586
(43) Prazepam;	587
(44) Quazepam;	588
(45) Temazepam;	589
(46) Tetrazepam;	590
(47) Triazolam;	591

(48) Zaleplon;	592
(49) Zolpidem.	593
(C) Fenfluramine	594
Any material, compound, mixture, or preparation that contains	595
any quantity of the following substances, including their salts,	596
their optical isomers, position isomers, or geometric isomers, and	597
salts of these isomers, whenever the existence of these salts,	598
isomers, and salts of isomers is possible within the specific	599
chemical designation:	600
(1) Fenfluramine.	601
(D) Stimulants	602
Unless specifically excepted under federal drug abuse control	603
laws or unless listed in another schedule, any material, compound,	604
mixture, or preparation that contains any quantity of the	605
following substances having a stimulant effect on the central	606
nervous system, including their salts, their optical isomers,	607
position isomers, or geometric isomers, and salts of these	608
isomers, whenever the existence of these salts, isomers, and salts	609
of isomers is possible within the specific chemical designation:	610
(1) Cathine ((+)-norpseudoephedrine);	611
(2) Diethylpropion;	612
(3) Fencamfamin;	613
(4) Fenproporex;	614
(5) Mazindol;	615
(6) Mefenorex;	616
(7) Modafinil;	617
(8) Pemoline (including organometallic complexes and chelates	618
thereof);	619

- | | |
|--|-----|
| (9) Phentermine; | 620 |
| (10) Pipradrol; | 621 |
| (11) Sibutramine; | 622 |
| (12) SPA [(-)-1-dimethylamino-1,2-diphenylethane]. | 623 |
| (E) Other substances | 624 |

Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances, including their salts:

- | | |
|--|-----|
| (1) Pentazocine; | 629 |
| (2) Butorphanol (including its optical isomers). | 630 |

SCHEDULE V

- | | |
|--------------------|-----|
| (A) Narcotic drugs | 632 |
|--------------------|-----|

Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any of the following narcotic drugs, and their salts, as set forth below:

- | | |
|--------------------|-----|
| (1) Buprenorphine. | 637 |
|--------------------|-----|

- | | |
|-------------------------------------|-----|
| (B) Narcotics-narcotic preparations | 638 |
|-------------------------------------|-----|

Narcotic drugs containing non-narcotic active medicinal ingredients. Any compound, mixture, or preparation that contains any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below, and that includes one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by narcotic drugs alone:

- | | |
|---|-----|
| (1) Not more than 200 milligrams of codeine per 100 | 647 |
|---|-----|

milliliters or per 100 grams;	648
(2) Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams;	649
(3) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams;	651
(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;	653
(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams;	655
(6) Not more than 0.5 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.	657
(C) Stimulants	659
Unless specifically exempted or excluded under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers, and salts of isomers:	660
(1) Ephedrine, except as provided in division (K) of section 3719.44 of the Revised Code;	666
(2) Pyrovalerone."	668
In line 131094, after "3719.141," insert "3719.41,"	669
In line 145 of the title, after "3719.141," insert "3719.41,"	670

The motion was _____ agreed to.

SYNOPSIS

Chemicals in Bath Salts as Schedule I Controlled Substances	671
R.C. 3719.41	672
Adds six synthetic derivatives of cathinone that have been found in bath salts to the list of Schedule I controlled substances.	673 674 675

6 _____ moved to amend as follows:

7 In line 138900, delete "\$2,873,167 \$2,817,031" and insert
8 "\$2,173,167 \$2,117,031"

9 In lines 138918 and 138928, subtract \$700,000 from each
10 fiscal year

11 The motion was _____ agreed to.

12 SYNOPSIS

13 **Department of Job and Family Services**

14 **Section 309.10**

15 Decreases line item 600694, Unemployment Compensation
16 Review Commission, by \$700,000 in each fiscal year.

6 _____ moved to amend as follows:

7 In line 139963, after "(B)" insert "For a period of ninety
8 days immediately following the effective date of the inclusion
9 of prescription drug coverage under a new or amended contract
10 with a health insuring corporation pursuant to division (A) of
11 this section, if, immediately prior to the effective date of the
12 coverage, a Medicaid recipient enrolled in the health insuring
13 corporation was being treated with a drug prescribed by a
14 licensed health professional authorized to prescribe drugs, as
15 defined in section 4729.01 of the Revised Code, and the drug is
16 not an antidepressant or antipsychotic described in division
17 (B)(2) of section 5111.172 of the Revised Code, as amended by
18 this act, the health insuring corporation shall provide coverage
19 of the drug without using drug utilization or management
20 techniques, including any prior authorization requirements, that
21 are more stringent than the utilization or management
22 techniques, if any, that the Medicaid recipient was subject to
23 immediately prior to the effective date of the coverage.

24 (C) "

25

SYNOPSIS

26 **90-Day Medicaid Managed Care Drug Coverage**

27 **Section 309.37.50**

28 Requires, under the bill's Medicaid managed care drug
29 coverage requirements, that Medicaid managed care organizations
30 maintain coverage for all drugs for a 90-day period without
31 using drug utilization or management techniques that are more
32 stringent for a Medicaid recipient than before the recipient's
33 coverage is transferred to the managed care system.

34 Maintains a provision prohibiting prior authorization
35 requirements during a 120-day period for drugs that are
36 antidepressants or antipsychotics.

6 _____ moved to amend as follows:

7 Reinsert line 145333

8 In line 145334, reinsert "30,623,136"

9 Delete lines 145334a through 145338

10 In line 145340, strike through "any"

11 In line 145342, after the comma insert "totaling

12 \$2,800,000"; reinsert "the foregoing"

13 The motion was _____ agreed to.

14 SYNOPSIS

15 **Board of Regents and Cultural Facilities Commission**

16 **Section 620.40**

17 Limits the amount of encumbrances against capital
18 appropriation item C371A9, Western Reserve Historical Society,
19 in the Cultural Facilities Commission, canceled and
20 reestablished against capital appropriation item C37835, Western
21 Reserve Historical Society, in Cuyahoga Community College, to
22 \$2,800,000. Appropriates that amount to C37835.

6 _____ moved to amend as follows:

7 In line 615, after "3314.016," insert "3314.20,"

8 In line 634, after "3314.0210," insert "3314.23,"

9 In line 56914, reinsert "Subject to sections"; reinsert
10 "3314.016"; reinsert "and"

11 In line 56915, after "~~3314.017~~" insert "3314.20"; reinsert
12 "of the Revised Code, an"; delete "An"

13 Between lines 58689 and 58690 insert:

14 "Sec. 3314.20. On and after the effective date of this
15 section, no new internet- or computer-based community school
16 shall open for operation in this state unless the school, for at
17 least the three years preceding its opening in this state,
18 operated in another state and performed at a level higher than
19 academic watch, as determined by the department of education."

20 Between lines 58766 and 58767, insert:

21 "Sec. 3314.23. (A) The state board of education shall
22 adopt rules under Chapter 119. of the Revised Code establishing
23 operating standards for internet- and computer-based community
24 schools based on standards developed by the international
25 association for K-12 online learning. The rules shall include a

26 method by which the department of education shall monitor
27 schools' compliance with the standards adopted under this
28 section.

29 (B) Internet- and computer-based community schools
30 operating on the effective date of this section shall have three
31 years after the initial adoption of rules under division (A) of
32 this section to be in compliance with those rules."

33 In line 291 of the title, after "3314.016," insert
34 "3314.20,"

35 In line 315 of the title, after "3314.0210," insert
36 "3314.23,"

37 The motion was _____ agreed to.

38 SYNOPSIS

39 **Moratorium on E-schools**

40 **R.C. 3314.20 and 3314.23**

41 Requires the State Board of Education to adopt rules
42 establishing operating standards for e-schools based on
43 standards developed by the International Association for K-12
44 Online Learning. The rules must also include methods by which
45 the Department of Education must monitor schools' compliance
46 with those standards.

47 Grants existing e-schools three years after adoption of
48 operating standards rules to comply.

49 Prohibits a new e-school from opening unless, for the three
50 prior years, it operated in another state and performed at a
51 level higher than academic watch, as determined by the
52 Department.

1 129HB153-SC4105X3.docx/ss

2 Sub. H.B. 153
3 As Pending in S. Finance
4 LSC 129 1066-6
5 SC-4105-3

6 _____ moved to amend as follows:

7 In line 105398, after "a" insert "medicaid"; delete
8 "medicaid"

9 In line 105403, reinsert "the"

10 In line 105404, reinsert "department of"; strike through
11 "boards of"

12 In line 105405, strike through "alcohol, drug addiction,
13 and mental health" and insert "job and family"

14 In line 105408, delete "A"

15 Delete line 105409

16 In line 105410, delete "of the Revised Code to pay the
17 nonfederal share" and insert "If necessary, the director of job
18 and family services shall submit a medicaid state plan amendment
19 to the United States secretary of health and human services
20 regarding the department of job and family services' duty under
21 this section"

22 Delete lines 131208 through 131229

23 In line 134591, delete "\$35,184,703" and insert
24 "\$11,225,590"

25 Between lines 134591 and 134592, insert:

26 "GRF 038501 Medicaid Match \$23,959,113 \$0"

27 Between lines 134610 and 134612, insert:

28 **"Section 215.10.____.** ALCOHOL AND DRUG ADDICTION MEDICAID
29 MATCH

30 (A) As used in this section, "community alcohol and drug
31 addiction Medicaid services" means services provided under the
32 component, or aspect of the component, of the Medicaid program
33 that the Department of Alcohol and Drug Addiction Services
34 administers pursuant to a contract entered into with the
35 Department of Job and Family Services under section 5111.91 of
36 the Revised Code.

37 (B) Subject to division (C) of this section, the foregoing
38 appropriation item 038501, Medicaid Match, shall be used by the
39 Department of Alcohol and Drug Addiction Services to make
40 payments for community alcohol and drug addiction Medicaid
41 services.

42 (C) For state fiscal year 2012, the Department shall
43 allocate foregoing appropriation item 038501, Medicaid Match, to
44 boards of alcohol, drug addiction, and mental health services in
45 accordance with a distribution methodology the Department shall
46 establish. Notwithstanding sections 5111.911 and 5111.913 of
47 the Revised Code, the boards shall use the funds allocated to
48 them under this section to pay claims for community alcohol and

49 drug addiction Medicaid services provided during fiscal year
50 2012. The boards shall use all federal financial participation
51 that the Department receives for claims paid for community
52 alcohol and drug addiction Medicaid services provided during
53 fiscal year 2012 as the first payment source to pay claims for
54 community alcohol and drug addiction Medicaid services provided
55 during fiscal year 2012. The boards are not required to use any
56 funds other than the funds allocated to them under this section
57 and the federal financial participation received for claims for
58 community alcohol and drug addiction Medicaid services provided
59 during fiscal year 2012 to pay for such claims.

60 (D) The Department shall enter into an agreement with each
61 board regarding the issue of paying claims that are for
62 community alcohol and drug addiction Medicaid services provided
63 before July 1, 2011, and submitted for payment on or after that
64 date. Such claims shall be paid in accordance with the
65 agreements. A board shall receive the federal financial
66 participation received for claims for community alcohol and drug
67 addiction Medicaid services that were provided before July 1,
68 2011, and paid by the board."

69 In line 140801, delete "No board is" and insert "The boards
70 are not"

71 In line 377 of the title, delete "and to amend the version
72 of"

73 Delete lines 378 and 379 of the title

74 The motion was _____ agreed to.

75 SYNOPSIS

76 **Payment for Alcohol and Drug Addiction Services Provided**
77 **under Medicaid**

78 **R.C. 5111.913 (primary) and 5111.912; Sections 120.10 to**
79 **120.12, 215.10.____, and 337.30.30**

80 Revises the bill's provisions regarding the responsibility
81 of boards of alcohol, drug addiction, and mental health services
82 to pay for community alcohol and drug addiction Medicaid
83 services provided during fiscal year 2012 as follows:

84 (1) Requires the boards to pay for the services with funds
85 allocated to them from the Department of Alcohol and Drug
86 Addiction Services' appropriation item 038501, Medicaid Match;

87 (2) Provides that no board is required to pay for the
88 services with any funds other than the appropriation item 038501
89 funds allocated to the board and federal financial participation
90 received for the services.

91 Requires the Department to enter into an agreement with
92 each board regarding the issue of paying for community alcohol
93 and drug addiction Medicaid services provided before July 1,
94 2011, for which the claims are submitted on or after that date.

95 Provides for a board to receive the federal financial
96 participation received for community alcohol and drug addiction
97 Medicaid services provided before July 1, 2011, if the board
98 paid for the services.

99 **Department of Alcohol and Drug Addiction Services**

100 **Section 215.10**

101 Appropriates \$23,959,113 in FY 2012 to GRF line item
102 038501, Medicaid Match. Decreases the appropriation to GRF line
103 item 038401, Treatment Services, by the same amount in FY 2012.