

OHIO

House

of

Representatives

JOURNAL

WEDNESDAY, APRIL 25, 2007

FORTY-SECOND DAY

Hall of the House of Representatives, Columbus, Ohio
Wednesday, April 25, 2007, 2:00 o'clock p.m.

The hour having arrived for the meeting of the two houses in joint convention for the purpose of listening to the address of The Honorable Thomas J. Moyer, Chief Justice of the Supreme Court of the State of Ohio, before the joint convention.

The members of the Senate preceded by the president and clerks appeared within the bar of the House.

The president of the Senate called the joint convention to order.

Representative DeWine and Senator Jacobson announced that a quorum of each House, respectively, was present.

The Chief Justice was escorted to the rostrum by the committee appointed where he addressed the joint convention.

On motion of Senator Jacobson, the joint convention was dissolved.

The House met pursuant to adjournment.

Prayer was offered by Reverend Jeff Johnston of the St. Paul United Church of Christ in Greenville, Ohio, followed by the Pledge of Allegiance to the Flag.

The journal of yesterday was read and approved.

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

The Piqua High School football team received H. R. No. 15, presented by Representative Fessler-79th district.

The River View High School girls basketball team received H. R. No. 37, presented by Representative Aslandies-94th district.

Mary Lou Bennett, a guest of Representative Mandel-17th district.

Joe Stevens, a guest of Representative Wolpert-23rd district.

Tony Upton and Kevin Celarek, guests of Representative Seitz-30th district.

Todd Guidry, a guest of Representative Driehaus-31st district.

Monroe Elementary fourth grade students, guests of Representative Coley-55th district.

Tom Weidman, Rob Molloy, and Greg Bickford, guests of Representative

Schneider-35th district.

Bonnie Horsfall and H.O.P.E. Academy students, guests of Representative Batchelder-69th district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 184-Representative Dodd.

Cosponsor: Representative Garrison.

To establish the Elected Officials Review Commission to study the adequacy of the salaries of elected officials relative to the duties these officials are required to perform and to require the Commission to report its findings to the Governor, General Assembly, and Supreme Court.

H. B. No. 185-Representative Beatty.

Cosponsors: Representatives Dodd, Letson, Healy, Luckie, Bolon, Garrison, Miller, Yuko, Otterman, Budish.

To amend sections 5747.01, 5747.08, and 5747.98 and to enact sections 3727.18, 3727.181, 3727.182, 3727.183, 3727.184, 3727.185, 3727.186, 3727.187, 4723.11, 4723.111, and 5747.72 of the Revised Code regarding tuition reimbursement, tax credits, and mandatory overtime for nurses and nurse aides.

H. B. No. 186-Representative Skindell.

Cosponsors: Representatives Hagan, R., Foley, Domenick, Ujvagi, Williams, S., Koziura, Yuko, Luckie, Letson, Mallory, Stewart, D., DeBose, Miller, Brady, Brown, Fende.

To enact sections 3922.01 to 3922.15, 3922.21 to 3922.28, 3922.31, 3922.32, and 3922.33 of the Revised Code to establish and operate the Ohio Health Care Plan to provide universal health care coverage to all Ohio residents.

H. B. No. 187-Representative Reinhard.

Cosponsors: Representatives Adams, Combs, Domenick, Flowers, Gibbs, Peterson, Setzer, Uecker, Webster, Zehringer.

To amend section 4513.60, 4921.04, 4921.30, and 4923.12 and to enact sections 4925.01 to 4925.06, and 4925.99 of the Revised Code to require the Public Utilities Commission to regulate towing companies.

H. B. No. 188-Representatives Adams, Boyd.

Cosponsors: Representatives McGregor, J., Peterson, Flowers, Aslanides, Fessler, Otterman, Stebelton, Huffman, Raussen, Healy.

To amend sections 4715.22, 4715.23, 4715.39, and 4715.64 and to enact sections 4715.221, 4715.222, 4715.223, 4715.224, 4715.225, 4715.226, 4715.227, 4715.228, 4715.229, and 4715.2210 of the Revised Code to permit dental hygienists to enter into collaboration agreements with dentists.

Said bills were considered the first time.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative Luckie submitted the following report:

The standing committee on Insurance to which was referred **H. B. No. 100**-Representative Brinkman, having had the same under consideration, reports it back with the following amendments and recommends its passage when so amended.

RE: WORKERS' COMPENSATION LAW/BWC AND IC
APPROPRIATIONS

Representative Coley moved to amend as follows:

In line 2501, after the underlined period insert, "If the audit committee meets on the same day the board holds a meeting, no member shall be compensated for more than one meeting held on that day."

In line 2525, after the underlined period insert, "If the actuarial committee meets on the same day the board holds a meeting, no member shall be compensated for more than one meeting held on that day."

In line 2558, after the underlined period insert, "If the investment committee meets on the same day the board holds a meeting, no member shall be compensated for more than one meeting held on that day."

The motion was agreed to and the bill so amended.

Representative Batchelder moved to amend as follows:

In line 39, delete "4123.01, 4123.025, 4123.21,"

In line 41, delete "4123.38, 4123.39, 4123.40, 4123.41,"

In line 42, delete "4123.419,"

In line 43, delete "4123.57, 4123.65, "; delete "4123.75,"

In line 2027, reinsert "making recommendations to the administrator regarding"

In line 2028, delete "determining"

In line 2093, after "(a)" reinsert the balance of the line

Reinsert lines 2094 through 2098

In line 2099, reinsert "(b)"

In line 2103, delete "(b)" and insert "(c)"

In line 2107, delete "(c)" and insert "(d)"

In line 2283, reinsert "Prepare and submit to the"; after "~~commission~~" insert "board"

In line 2284, reinsert "information the administrator considers pertinent or the"

In line 2285, after "~~commission~~" insert "board" and reinsert the balance of the line

Reinsert line 2286

In line 2287, reinsert "advice and consent of the"; after "~~commission~~" insert "board"; reinsert ", for"

Reinsert lines 2288 through 2290

In line 2291, reinsert "rating. The administrator shall obtain"; delete "Obtain"

In line 2292, reinsert "other"

In line 2294, reinsert "the accounts required by division (A) of section"

In line 2295, reinsert "4123.34 of the Revised Code" and delete the balance of the line

Delete lines 2296 through 2301

In line 2302, delete "employees of the employer:"

In line 2525, delete "all" and insert "both"

In line 2532, delete the underlined semicolon

Delete lines 2533 through 2537

In line 2538, delete "Revised Code"

Delete lines 2898 through 3154

In line 3189, reinsert "administrator"; delete "bureau"

In line 3190, delete "board of directors"; reinsert "subject to the approval"; delete "based"

In line 3191, delete "upon recommendations"; after "the" insert "bureau of"

In line 3192, delete "actuarial committee" and insert "board of directors"

In lines 3202 and 3205, reinsert "administrator"; delete "board"

In line 3206, reinsert "administrator"

In line 3207, delete " board"

In lines 3213, 3214, 3220, 3237, 3249, and 3255, reinsert "administrator"; delete " board"

In line 3259, reinsert "administrator"

In line 3260, delete " board"

In lines 3262 and 3268, reinsert "administrator"; delete " board"

In line 3272, reinsert "(5)" and delete the balance of the line

Delete lines 3273 through 3278

In line 3279, delete " (1)"

In line 3286, reinsert "(6)"; delete " (2)"

In line 3303, reinsert "(A)(6)"; delete " (C)(2)"

In line 3304, reinsert "(B)"; delete " (D)"

In line 3305, reinsert "do both of the following:"

Reinsert lines 3306 through 3309

In line 3310, reinsert "(2) Levy"; delete " levy"

In line 3314, reinsert "(A) An"; delete the balance of the line

In line 3315, delete " compensation"; reinsert "appointed by the"

In line 3316, reinsert "administrator"; delete " The bureau"; reinsert "to"; delete " board of"

Delete lines 3317 and 3318

In line 3319, delete " committee. The adjudicating committee shall"

In lines 3320 and 3324, reinsert "(B)(1)"; delete " (A)"; reinsert "(7)"; delete " (G)"

In line 3327, delete " of workers' compensation"

Reinsert lines 3329 through 3333

In line 3334, reinsert "decision of the adjudicating committee."; reinsert "administrator or the"

Reinsert line 3335

In line 3336, reinsert "the decision of the"; reinsert "relates"; delete " shall hear"

In line 3337, delete " matters that relate"

In line 3338, reinsert "(1)"; delete " (A)"

In line 3341, reinsert "(2)"; delete " (B)"

In line 3343, reinsert "(3)"; delete "(C)"

In line 3346, reinsert "(4)"; delete "(D)"

In line 3349, reinsert "(5)"; delete "(E)"

In line 3352, reinsert "(6)"; delete "(F)"

In line 3354, reinsert "(7)"; delete "(G)"

In line 3357, before "The" insert "(C)"; after "The" insert "bureau of workers' compensation"; after "board" insert "of directors"; after "the" insert "workers' compensation"

In line 3399, reinsert "administrator"; delete "bureau"

In line 3400, delete "board of directors"; reinsert "with the advice and consent"; delete "based"

In line 3401, delete "upon recommendations"; after "the" insert "bureau of"

In line 3402, delete "actuarial committee" and insert "board of directors"

In line 3403, reinsert "collection,"; reinsert ", and disbursements"

In line 3405, after "(A)" strike through the balance of the line

Strike through line 3406

In line 3407, strike through "all losses which, in the judgment of the"; delete "board"; strike through ", is"

Strike through line 3408

In line 3409, strike through "the fund, the"; delete "board"; strike through "may return such excess surplus"

Strike through lines 3410 through 3412

In line 3413, strike through "(B)"; reinsert the balance of the line

Reinsert lines 3414 through 3420

In line 3421, after "~~(C)~~" insert "(B)" and reinsert the balance of the line

Reinsert lines 3422 through 3428

In lines 3429 and 3434, reinsert "administrator"; delete "board"

In line 3437, delete "of"

In line 3438, delete "workers' compensation"

In line 3440, after "~~(E)~~" insert "(D)" and reinsert the balance of the line

Reinsert lines 3441 through 3475

In line 3476, after "~~(E)~~" insert "(D)" and reinsert the balance of the line

In line 3477, reinsert "amount assessed under division"; after " ~~(E)~~" insert " (D)"; reinsert "(2) of this section exceed"

Reinsert lines 3478 through 3481

In line 3482, reinsert "For purposes of division"; after " ~~(E)~~" insert " (D)" and reinsert the balance of the line

Reinsert lines 3483 through 3490

In line 3491, reinsert "not be in default and division"; after " ~~(E)~~" insert " (D)"; reinsert "(2) of this section shall not"

Reinsert lines 3492 through 3503

In line 3504, reinsert "divisions"; after " ~~(E)~~" insert " (D)" and reinsert the balance of the line

Reinsert lines 3505 through 3506

In line 3507, delete " (D)" and insert " (E)"

In line 3514, reinsert "The"

Reinsert lines 3515 through 3521

Delete lines 3522 through 3608

In line 3609, delete " (K) That" and insert " (F) A rule providing that"

Delete lines 3616 through 3623

In line 3624, delete " (M) That" and insert " (G) A rule providing that"

In line 3628, delete " (N) That" and insert " (H) A rule providing that"

In line 3634, delete " (O)" and insert " (I)"; delete " (M)" and insert " (G)"; delete " (N)" and insert " (H)"

Between lines 3645 and 3646, insert:

Sec. 4123.321. The bureau of workers' compensation board of directors, based upon recommendations of the workers' compensation actuarial committee, shall adopt a rule with respect to the collection, maintenance, and disbursements of the state insurance fund providing that in the event there is developed as of any given rate revision date a surplus of earned premium over all losses that, in the judgment of the board, is larger than is necessary adequately to safeguard the solvency of the fund, the board may return such excess surplus to the subscribers to the fund in either the form of cash refunds or a reduction of premiums, regardless of when the premium obligations have accrued.

In line 3647, after " directors" insert " and the administrator of workers' compensation"

In line 3650 and 3652, reinsert "administrator"; delete " board"

In line 3653, reinsert " , with the advice and consent of the"

In line 3654, after "~~commission~~" insert "board"

In line 3659, delete "of workers' compensation"

In line 3662, reinsert "administrator"; delete "actuarial board"

In line 3665, reinsert "administrator"; delete "board"

In line 3668, after "(A)" reinsert the balance of the line

Reinsert lines 3669 through 3675

In line 3676, reinsert "(B)"

In line 3680, reinsert "administrator"; delete "board, based upon recommendations of the actuarial"

In line 3681, delete "committee."

In line 3685, delete "(B)"

In line 3689, reinsert "administrator"; delete "board"

In line 3699, delete "board, based upon recommendations of the actuarial committee" and insert "administrator"

In line 3705, reinsert "administrator"; delete "board, based upon recommendations of"

In line 3706, delete "the actuarial committee."

In line 3713, reinsert "administrator"; delete "board."

In line 3714, delete "based upon recommendations of the actuarial committee."

In line 3717, reinsert "administrator"; delete "board"

In line 3718, reinsert "with the advice and consent"; delete "based upon recommendations"

In line 3719, delete "actuarial committee" and insert "board"

In line 3723, reinsert "administrator"; delete "board"

In line 3724, reinsert "administrator"; delete "board, based upon"

In line 3725, delete "recommendations of the actuarial committee."

In line 3729, reinsert "administrator"; delete "board, based"

In line 3730, delete "upon recommendations of the actuarial committee."

In line 3734, reinsert "administrator"; delete "board"

In line 3741, reinsert "bureau"

In line 3742, delete "administrator"

In line 3743, reinsert "administrator"; delete "board"

In line 3754, reinsert "administrator"; delete " board, based upon recommendations of"

In line 3755, delete " the actuarial committee."

In line 3765, reinsert "administrator"; delete " board"; reinsert "calculate the"; delete " base the"

In line 3766, delete " determination of"; reinsert "premium based"; delete " premium rates"

In line 3769, reinsert "administrator"; delete " board"

In line 3770, reinsert "premiums"; delete " premium rates"

In line 3804, reinsert "administrator"; delete " bureau"

In line 3805, after "compensation" delete the balance of the line

In line 3806, delete " workers' compensation actuarial committee."

In line 3815, after the second "the" insert " bureau of"; reinsert "workers' compensation"

In line 3816, after " board" insert " of directors"

In line 3822, delete " of"

In line 3823, delete " workers' compensation"

In line 3841, reinsert "administrator"

In line 3842, delete the first " board"; reinsert "administrator"; delete the second " board"

In line 3894, delete " by the bureau of workers' compensation board of directors"

In line 3898, reinsert "administrator"; delete " board"

In lines 4160 and 4238, reinsert "(B)"; delete " (A)"

In lines 4246 and 4256, reinsert "administrator"; delete " board"

In line 4257, reinsert "with the advice and consent"; delete " based upon recommendations"

In line 4258, after "the" insert " bureau of"; reinsert "workers' compensation"; delete " actuarial"

In line 4259, delete " committee" and insert " board of directors"

In lines 4263 and 4267, reinsert "administrator"; delete " board"

In line 4268, reinsert "(B)"; delete " (A)"

In lines 4271 and 4278, reinsert "administrator"; delete " board"

In line 4279, reinsert "administrator"; delete " board"; delete " and based"

upon"

In line 4280, delete " recommendations of the actuarial committee"

In line 4283, reinsert "administrator"; delete " board"

In line 4284, reinsert "(B)"; delete " (A)"

In lines 4288 and 4295, reinsert "administrator"; delete " board"

In line 4296, reinsert "(B)"; delete " (A)"

In line 4300, reinsert "administrator"; delete " board"

In line 4313, reinsert "(B)"; delete " (A)"

In line 4599, reinsert "administrator"; delete " workers' compensation board of"

Delete line 4600

In line 4601, delete " actuarial committee."

In line 4627, reinsert "administrator"; delete " board"

In line 4631, after " ~~administrator~~" insert " bureau of workers' compensation"; after " board" insert " of directors"

In line 4670, delete " nor the actuarial committee"

Delete lines 4748 through 4908

In line 4910, reinsert "administrator"; delete " bureau"

In line 4911, delete " board of directors"; reinsert "with the advice and"

In line 4912, reinsert "consent"; delete " based upon recommendations"; after "the" insert " bureau of"

In line 4913, delete " actuarial committee" and insert " board of directors"

In line 4918, reinsert "administrator"; delete " board, based upon"

In line 4919, delete " recommendations of the actuarial committee."

In line 4942, reinsert "administrator"

Delete line 4943

In line 4949, reinsert "administrator"; delete " board"

In line 4955, reinsert "administrator"; delete " board, based"

In line 4956, delete " upon recommendations of the actuarial committee."

In line 4958, delete " board, based upon recommendations of the"

In line 4959, delete " actuarial committee." and insert " administrator"

In line 4966, reinsert "administrator"; delete " board, based upon recommendations"

In line 4967, delete " of the actuarial committee."

In line 4968, delete " board" and insert " administrator"

Delete lines 4976 through 4995

Reinsert lines 5231 through 5236

Delete lines 5702 through 6097

In line 6140, reinsert "administrator"; delete " board, based upon"

Delete line 6141

Delete lines 6148 through 6235

In line 6407, reinsert "administrator"; delete " bureau"

In line 6408, delete " board of directors"; reinsert "with the advice and consent"; delete " based upon"

In line 6409, delete " recommendations"; after "the" insert " bureau of"

In line 6410, delete " actuarial committee" and insert " board of directors"

In line 6417, reinsert "administrator"; delete " board, based upon"

In line 6418, delete " recommendations of the actuarial committee."

In line 6432, reinsert "administrator"; delete " board, based upon recommendations of the actuarial"

In line 6433, delete " committee"

In line 6453, reinsert "administrator"; delete " board, based upon recommendations of"

In line 6454, delete " the workers' compensation actuarial committee."

In line 6460, reinsert "administrator"; delete " board, based upon recommendations of"

In line 6461, delete " the actuarial committee."

In line 6463, delete " board" and insert " administrator"

In line 6469, after "the" reinsert the balance of the line

In line 6470, after " ~~commission~~" insert " board"; reinsert the comma and delete the balance of the line

In line 6471, delete " actuarial committee."

In line 6482, delete " the workers' compensation"

In line 6483, delete " actuarial committee and the individual members thereof."

In line 6544, reinsert "administrator"; delete " board, based upon

recommendations of"

In line 6545, delete " the workers' compensation actuarial committee."

In line 6550, reinsert "administrator"; delete " board."

In line 6551, delete " based upon recommendations of the actuarial committee"

In line 6553, reinsert "administrator"; delete " board"; reinsert "with the advice and consent"

In line 6554, delete " based upon recommendations"; delete " actuarial"

In line 6555, delete " committee" and insert " board"

In line 6557, reinsert "administrator"; delete " board"

In line 6566, reinsert "administrator"; delete " board"; reinsert "with the advice and consent"; delete " based"

In line 6567, delete " upon recommendations"; after " commission" insert " board"; reinsert the comma; delete " actuarial"

In line 6568, delete " committee."

In line 6579, delete " the workers' compensation"

In line 6580, delete " actuarial committee and the individual members thereof."

In line 6954, delete "4123.01, 4123.025, 4123.21"

In line 6956, delete "4123.38, 4123.39, 4123.40,"

In line 6957, delete "4123.41, "; delete "4123.412, 4123.419,"

In line 6958, delete "4123.57, 4123.65, "; delete "4123.75,"

In line 5 of the title, delete "4123.01, 4123.025, 4123.21"

In line 7 of the title, delete "4123.38,"

In line 8 of the title, delete "4123.39, 4123.40, 4123.41, "; delete "4123.419,"

In line 10 of the title, delete "4123.57, 4123.65, "; delete "4123.75,"

The motion was agreed to and the bill so amended.

Representative Batchelder moved to amend as follows:

In line 1983, delete " thirty" and insert " sixty"; after "dollars" insert " in total."

In line 1985, strike through "(F)" and insert " (D)"

In line 1990, strike through "the annual"

In line 1991, strike through "dollar salary" and insert " dollars per year to

compensate the member for attending meetings of the board."

Between lines 1994 and 1995, insert:

(3) Except as provided in division (D)(4) of this section, if a member serves on the workers' compensation audit committee, workers' compensation actuarial committee, or the workers' compensation investment committee, the member shall receive two thousand five hundred dollars during a month in which the member attends one or more meetings of the committee on which the member serves and shall receive no payment during any month in which the member attends no meeting of that committee.

(4) A member may receive no more than thirty thousand dollars per year to compensate the member for attending meetings of any of the committees specified in division (D)(3) of this section, regardless of the number of meetings held by a committee during a year or the number of committees on which a member serves.

The motion was agreed to and the bill so amended.

Representative Wachtmann moved to amend as follows:

In line 74, after the semicolon, insert "the bureau of workers' compensation director of investments:"

In line 1824, after "who" insert "have direct experience in the management, analysis, supervision, or investment of assets."

In line 1825, after the second "funds" insert ", and are residents of this state"

In line 1838, delete "the three"

In line 1839, delete "years" and insert "one year"

In line 2120, after "Code" insert " ;

(16) Develop and participate in a bureau of workers' compensation board of directors education program that consists of all of the following:

(a) An orientation component for newly appointed members;

(b) A continuing education component for board members who have served for at least one year;

(c) A curriculum that includes education about each of the following topics:

(i) Board member duties and responsibilities;

(ii) Compensation and benefits paid pursuant to this chapter and Chapters 4123., 4127., and 4131. of the Revised Code;

(iii) Ethics;

(iv) Governance processes and procedures;

(v) Actuarial soundness:

(vi) Investments:

(vii) Any other subject matter the board believes is reasonably related to the duties of a board member.

(17) Hold all sessions, classes, and other events for the program developed pursuant to division (F)(16) of this section in this state"

The motion was agreed to and the bill so amended.

Representative Batchelder moved to amend as follows:

Between lines 7087 and 7088, insert:

"**Section** ____. Notwithstanding division (D) of section 4121.03, division (B)(10) of section 4121.121, and section 101.532 of the Revised Code regarding the requirement that the budget for the bureau of workers' compensation and the budget for the industrial commission be enacted in separate bills, all items in this section are hereby appropriated out of any moneys in the state treasury to the credit of the designated fund. For all appropriations made in this section, those in the first column are for fiscal year 2008, and those in the second column are for fiscal year 2009.

FND AI	AI TITLE	Appropriations	
		FY 2008	FY 2009
OIC INDUSTRIAL COMMISSION			
Workers' Compensation Fund Group			
5W3 845-321	Operating Expenses	\$ 51,778,924	\$ 51,778,924
5W3 845-402	Rent - William Green Building	\$ 6,299,960	\$ 6,299,960
5W3 845-410	Attorney General Payments	\$ 3,558,634	\$ 3,558,634
821 845-605	Program Support	\$ 161,847	\$ 161,847
TOTAL WCF Workers' Compensation Fund Group		\$ 61,799,365	\$ 61,799,365
TOTAL ALL BUDGET FUND GROUPS		\$ 61,799,365	\$ 61,799,365

RENT - WILLIAM GREEN BUILDING

The foregoing appropriation item 845-402, Rent - William Green Building, shall be used for rent and operating expenses for the space occupied by the Industrial Commission in the William Green Building.

PROGRAM SUPPORT

The foregoing appropriation item 845-605, Program Support, shall be used for any expense related to revenues collected and deposited in Fund 821, such as the purchase of copiers, copier maintenance and related supplies, coin copier expense, coin changer purchases, expenses related to conferences that produce revenue, publications that produce revenue, and replacement of furniture and equipment."

In line 29 of the title, delete "and"

In line 31 of the title, after "Compensation" insert "and the Industrial

Commission"

In line 34 of the title, after "Bureau's" insert "and the Commission's"

The motion was agreed to and the bill so amended.

Representative Batchelder moved to amend as follows:

In line 1810, delete " members" and insert " a member"

In line 3429, delete " (C)"

In line 3507, delete " (D)" and insert " (C)"

In line 7458, after "Committee" insert "of the Workers' Compensation System"

Between lines 7491 and 7492, insert:

"**Section** ____ . Except as otherwise specifically provided in this act, the repeal by this act of a codified section of law is subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1c and section 1.471 of the Revised Code, the repeal by this act of a codified section of law takes effect on the ninety-first day after this act is filed with the Secretary of State. If, however, a referendum petition is filed against any such repeal, the repeal, unless rejected at the referendum, takes effect at the earliest time permitted by law."

In lines 7503 and 7505, delete "4123.123" and insert "4121.123"

In line 24 of the title, after the second "Committee" insert "of the Workers' Compensation System"

The motion was agreed to and the bill so amended.

Representative Koziura moved to amend as follows:

In line 37, after "119.01," insert "131.02,"

Between lines 800 and 801, insert:

"**Sec. 131.02.** (A) Except as otherwise provided in section 4123.37 and division ~~(J)~~ (K) of section 4123.511 of the Revised Code, whenever any amount is payable to the state, the officer, employee, or agent responsible for administering the law under which the amount is payable shall immediately proceed to collect the amount or cause the amount to be collected and shall pay the amount into the state treasury or into the appropriate custodial fund in the manner set forth pursuant to section 113.08 of the Revised Code. Except as otherwise provided in this division, if the amount is not paid within forty-five days after payment is due, the officer, employee, or agent shall certify the amount due to the attorney general, in the form and manner prescribed by the attorney general, and notify the director of budget and management thereof. In the case of an amount payable by a student enrolled in a state institution of higher education, the amount shall be certified within the later of forty-five days after the amount is due or the tenth day after the beginning of the next academic semester, quarter, or other session following the session for which the payment

is payable. The attorney general may assess the collection cost to the amount certified in such manner and amount as prescribed by the attorney general.

For the purposes of this section, the attorney general and the officer, employee, or agent responsible for administering the law under which the amount is payable shall agree on the time a payment is due, and that agreed upon time shall be one of the following times:

(1) If a law, including an administrative rule, of this state prescribes the time a payment is required to be made or reported, when the payment is required by that law to be paid or reported.

(2) If the payment is for services rendered, when the rendering of the services is completed.

(3) If the payment is reimbursement for a loss, when the loss is incurred.

(4) In the case of a fine or penalty for which a law or administrative rule does not prescribe a time for payment, when the fine or penalty is first assessed.

(5) If the payment arises from a legal finding, judgment, or adjudication order, when the finding, judgment, or order is rendered or issued.

(6) If the payment arises from an overpayment of money by the state to another person, when the overpayment is discovered.

(7) The date on which the amount for which an individual is personally liable under section 5735.35, section 5739.33, or division (G) of section 5747.07 of the Revised Code is determined.

(8) Upon proof of claim being filed in a bankruptcy case.

(9) Any other appropriate time determined by the attorney general and the officer, employee, or agent responsible for administering the law under which the amount is payable on the basis of statutory requirements or ordinary business processes of the state agency to which the payment is owed.

(B)(1) The attorney general shall give immediate notice by mail or otherwise to the party indebted of the nature and amount of the indebtedness.

(2) If the amount payable to this state arises from a tax levied under Chapter 5733., 5739., 5741., 5747., or 5751. of the Revised Code, the notice also shall specify all of the following:

(a) The assessment or case number;

(b) The tax pursuant to which the assessment is made;

(c) The reason for the liability, including, if applicable, that a penalty or interest is due;

(d) An explanation of how and when interest will be added to the amount assessed;

(e) That the attorney general and tax commissioner, acting together, have

the authority, but are not required, to compromise the claim and accept payment over a reasonable time, if such actions are in the best interest of the state.

(C) The attorney general shall collect the claim or secure a judgment and issue an execution for its collection.

(D) Each claim shall bear interest, from the day on which the claim became due, at the rate per annum required by section 5703.47 of the Revised Code.

(E) The attorney general and the chief officer of the agency reporting a claim, acting together, may do any of the following if such action is in the best interests of the state:

(1) Compromise the claim;

(2) Extend for a reasonable period the time for payment of the claim by agreeing to accept monthly or other periodic payments. The agreement may require security for payment of the claim.

(3) Add fees to recover the cost of processing checks or other draft instruments returned for insufficient funds and the cost of providing electronic payment options.

(F)(1) Except as provided in division (F)(2) of this section, if the attorney general finds, after investigation, that any claim due and owing to the state is uncollectible, the attorney general, with the consent of the chief officer of the agency reporting the claim, may do the following:

(a) Sell, convey, or otherwise transfer the claim to one or more private entities for collection;

(b) Cancel the claim or cause it to be canceled.

(2) The attorney general shall cancel or cause to be canceled an unsatisfied claim on the date that is forty years after the date the claim is certified.

(3) No initial action shall be commenced to collect any tax payable to the state that is administered by the tax commissioner, whether or not such tax is subject to division (B) of this section, or any penalty, interest, or additional charge on such tax, after the expiration of the period ending on the later of the dates specified in divisions (F)(3)(a) and (b) of this section, provided that such period shall be extended by the period of any stay to such collection or by any other period to which the parties mutually agree. If the initial action in aid of execution is commenced before the later of the dates specified in divisions (F)(3)(a) and (b) of this section, any and all subsequent actions may be pursued in aid of execution of judgment for as long as the debt exists.

(a) Seven years after the assessment of the tax, penalty, interest, or additional charge is issued.

(b) Four years after the assessment of the tax, penalty, interest, or

additional charge becomes final. For the purposes of division (F)(3)(b) of this section, the assessment becomes final at the latest of the following: upon expiration of the period to petition for reassessment, or if applicable, to appeal a final determination of the commissioner or decision of the board of tax appeals or a court, or, if applicable, upon decision of the United States supreme court.

For the purposes of division (F)(3) of this section, an initial action to collect a tax debt is commenced at the time when any action, including any action in aid of execution on a judgment, commences after a certified copy of the tax commissioner's entry making an assessment final has been filed in the office of the clerk of court of common pleas in the county in which the taxpayer resides or has its principal place of business in this state, or in the office of the clerk of court of common pleas of Franklin county, as provided in section 5739.13, 5741.14, 5747.13, or 5751.09 of the Revised Code or in any other applicable law requiring such a filing. If an assessment has not been issued and there is no time limitation on the issuance of an assessment under applicable law, an action to collect a tax debt commences when the action is filed in the courts of this state to collect the liability.

(4) If information contained in a claim that is sold, conveyed, or transferred to a private entity pursuant to this section is confidential pursuant to federal law or a section of the Revised Code that implements a federal law governing confidentiality, such information remains subject to that law during and following the sale, conveyance, or transfer."

In line 5436, strike through "(J)" and insert "(K)"

Delete lines 5453 through 5456

Delete lines 5464 through 5467

In line 5468, after "(J)" insert "The administrator shall charge the compensation payments made in accordance with division (H) of this section or medical benefits payments made in accordance with division (I) of this section to an employer's experience immediately after the employer has exhausted the employer's administrative appeals as provided in this section or has waived the employer's right to an administrative appeal under division (B) of this section, subject to the adjustment specified in division (H) of section 4123.512 of the Revised Code.

(K)"

In line 5502, strike through "(K)" and insert "(L)"

In line 5510, strike through "(L)" and insert "(M)"

In line 5514, strike through "(M)" and insert "(N)"

In line 5517, strike through "(N)" and insert "(O)"

In line 6952, after "119.01," insert "131.02,"

In line 1 of the title, after "119.01," insert "131.02,"

The motion was agreed to and the bill so amended.

Representative Batchelder moved to amend as follows:

In line 38, after "4121.128," insert "4121.13,"; after "4121.37," insert "4121.40,"

In line 46, delete "121.51" and insert "121.52, 121.53, 121.54, 121.55, 121.56"

In line 734, delete " **121.51**" and insert " **121.52**"

In line 737, delete " hire" and insert " appoint"

In line 743, delete " The administrator of"

Delete lines 744 through 747 and insert " The inspector general shall certify to the director of budget and management the costs incurred by the deputy inspector general, including the salaries of the employees assisting the deputy inspector general. The director of budget and management shall transfer the amount certified to the deputy inspector general for BWC fund, which is hereby created in the state treasury, from the appropriation made to the bureau of workers' compensation from which expenditures for general administrative purposes are made. The inspector general shall use that fund to pay costs incurred by the deputy inspector general."

In line 748, before " The" insert " **Sec. 121.53. (A)**"; after " general" insert " for the bureau of workers' compensation and the industrial commission"; delete " investigate all claims or"

Delete line 749

In line 750, delete " the part of" and insert " do all of the following:"

(1) Investigate wrongful acts or omissions that have been committed by or are being committed by officers or"; delete " or" and insert " and"

In line 751, after " commission" delete the balance of the line

Delete lines 752 through 758

In line 759, delete " of the Revised Code." and insert " ;

(2) Perform the same duties regarding matters concerning officers or employees of the bureau or the industrial commission as those specified in sections 121.42 and 121.45 of the Revised Code for the inspector general;

(3) Investigate any activities that may constitute fraud that allegedly have been or are being committed by a participant in the workers' compensation system;

(4) After conducting an investigation for fraud under division (A)(3) of this section, report any suspected acts of fraud to the inspector general;

(5) Receive complaints under section 121.55 of the Revised Code

alleging that wrongful acts and omissions have been committed or are being committed by an officer or employee of the bureau or industrial commission or alleging activities that may constitute fraud that have been or are being committed by a participant in the workers' compensation system;

(6) Determine whether the information contained in complaints received under section 121.55 of the Revised Code allege facts that give reasonable cause to investigate, and, if so, investigate the complaint to determine if there is reasonable cause to believe that an alleged wrongful act or omission has been committed or is being committed by an officer or employee of the bureau or commission or that activities that may constitute fraud have been or are being committed by a participant.

(7) Exercise the same powers and duties as those specified in section 121.43 of the Revised Code for the inspector general.

(B)"

Between lines 761 and 762, insert:

(C) If the inspector general receives a report from the deputy inspector general under division (A)(4) of this section, the inspector general shall report the allegation of fraud to the administrator of workers' compensation or the industrial commission only if the inspector general believes that reporting the allegation has the potential to stop fraud.

(D) As used in this section and sections 121.54 and 121.55 of the Revised Code, "participant in the workers' compensation system" means any of the following persons or entities:

(1) An employer subject to Chapter 4121., 4123., 4125., 4127., or 4131. of the Revised Code;

(2) A claimant for compensation or benefits under Chapter 4121., 4123., 4127., or 4131. of the Revised Code;

(3) A health care provider or managed care organization that provides services under Chapter 4121., 4123., 4127., or 4131. of the Revised Code;

(4) A person investing the assets of the funds specified in Chapters 4121., 4123., 4127., and 4131. of the Revised Code."

In line 762, before "The" insert "**Sec. 121.54.**"; after "the" insert "industrial"

In line 765, delete the second "and" and insert "of workers' compensation."

In line 766, after the first "the" insert "industrial"; after "bureau" insert "of workers' compensation, and any participant in the workers' compensation system"

In line 767, delete the underlined comma

In line 772, delete " question" and insert " do any of the following:"

(A) Question"

In lines 773 and 774, after the first " the" insert " industrial"

In line 776, delete " , and may"

In line 777, delete " inspect" and insert " ;

(B) Question any participant in the workers' compensation system;

(C) Inspect"

In line 778, delete " those entities" and insert " a person or participant questioned pursuant to division (A) or (B) of this section"

In line 780, delete " In" and insert:

" In"

In line 785, delete " The" and insert " **Sec. 121.55. Any person who knows or has reasonable cause to believe that an officer or employee of the bureau of workers' compensation or the industrial commission has committed, or is in the process of committing, a wrongful act or omission, or who knows or has reasonable cause to believe that a participant in the workers' compensation system has committed, or is in the process of committing, an activity that may constitute fraud, may prepare and file a complaint with the deputy inspector general for the bureau of workers' compensation and industrial commission. The person shall include all of the following information in the complaint:**

(A) The identity of the person making the report;

(B) The identity of the officer or employee who allegedly committed or is committing the wrongful act or omission, or the participant who allegedly committed or is committing an act that may constitute fraud;

(C) A description of the wrongful act or omission or the activity that may constitute fraud;

(D) An explanation of how the person reporting knew or came to the person's reasonable cause to believe that the officer or employee committed or is in the process of committing the wrongful act or omission, or that the participant committed or is committing an act that may constitute fraud.

The preparation and filing of the complaint described in this section is in addition to any other report of the wrongful act or omission or the activity that may constitute fraud that the person is required by law to make.

The inspector general shall prescribe a form for complaints under this section. The inspector general shall provide a blank copy of the form to any person, free of charge. No complaint is defective, however, because it is not made on the form prescribed by the inspector general.

Sec. 121.56. At the conclusion of an investigation conducted by the

deputy inspector general for the bureau of workers' compensation and industrial commission, the"

In line 789, delete " this section" and insert " sections 121.52 to 121.56 of the Revised Code"

In line 790, delete " , and, once every six months,"

Delete lines 791 through 794 and insert " The inspector general shall include in the annual report required under section 121.48 of the Revised Code a summary of the activities of the deputy inspector general during the previous year."

In line 798, delete " this"; after " section" insert " 121.53 of the Revised Code"

Between lines 2656 and 2657, insert:

Sec. 4121.13. The administrator of workers' compensation shall:

(A) Investigate, ascertain, and declare and prescribe what hours of labor, safety devices, safeguards, or other means or methods of protection are best adapted to render the employees of every employment and place of employment and frequenters of every place of employment safe, and to protect their welfare as required by law or lawful orders, and establish and maintain museums of safety and hygiene in which shall be exhibited safety devices, safeguards, and other means and methods for the protection of life, health, safety, and welfare of employees;

(B) Ascertain and fix reasonable standards and prescribe, modify, and enforce reasonable orders for the adoption of safety devices, safeguards, and other means or methods of protection to be as nearly uniform as possible as may be necessary to carry out all laws and lawful orders relative to the protection of the life, health, safety, and welfare of employees in employments and places of employment or frequenters of places of employment;

(C) Ascertain, fix, and order reasonable standards for the construction, repair, and maintenance of places of employment as shall render them safe;

(D) Investigate, ascertain, and determine reasonable classifications of persons, employments, and places of employment as are necessary to carry out the applicable sections of sections 4101.01 to 4101.16 and 4121.01 to 4121.29 of the Revised Code;

(E) Adopt reasonable and proper rules relative to the exercise of ~~his~~ the administrator's powers and authorities, and proper rules to govern ~~his~~ the administrator's proceedings and to regulate the mode and manner of all investigations and hearings, which rules shall not be effective until ten days after their publication; a copy of the rules shall be delivered at cost to every citizen making application therefor;

(F) Investigate all cases of ~~fraud or other~~ illegalties ~~, other than fraud,~~

pertaining to the operation of the workers' compensation system and its several insurance funds and for that purpose, the administrator has every power of an inquisitorial nature granted to the industrial commission in this chapter and Chapter 4123. of the Revised Code;

(G) Do all things convenient and necessary to accomplish the purposes directed in sections 4101.01 to 4101.16 and 4121.01 to 4121.28 of the Revised Code;

(H) Nothing in this section shall be construed to supersede section 4105.011 of the Revised Code in particular, or Chapter 4105. of the Revised Code in general."

Between lines 2720 and 2721, insert:

Sec. 4121.40. (A) The administrator of workers' compensation shall appoint a service director for each service office who shall have all of the following duties:

(1) Provide each claimant and employer fair, impartial, and equal treatment;

(2) Recommend any needed improvements for changes in staff size and accessibility to service offices;

(3) ~~Recommend to the administrator appropriate action concerning any allegations of misconduct, abuse of authority, or fraud committed in his service office;~~

~~(4)~~ Ensure that all current bureau rules and operating procedures are carried out by all employees under ~~his~~ the service director's direction;

~~(5)~~ (4) Assist claimants and employers who contact the service office for information or assistance with respect to claims processing and coverage.

(B) The administrator shall assign to each service office an adequate number of investigators and field auditors.

Service directors shall make investigators available to district hearing officers as needed.

In addition to other duties the administrator may assign to investigators, they shall, at the service directors' direction, investigate alleged instances of persons receiving compensation pursuant to section 4123.58 of the Revised Code and engaging in remunerative employment that is incompatible with the terms of that section."

In line 6953, after "4121.128," insert "4121.13,"; after "4121.37," insert "4121.40,"

In line 6963, delete "and" and insert a comma; after "4121.123" insert ", and 4121.131"

In line 3 of the title, after "4121.128," insert "4121.13,"; after "4121.37,"

insert "4121.40,"

In line 15 of the title, delete "121.51" and insert "121.52 to 121.56"

In line 16 of the title, delete "and" and insert a comma; after "4121.123" insert ", and 4121.131"

The motion was agreed to and the bill so amended.

Representative Wachtmann moved to amend as follows:

In line 36, after "109.981," insert "111.15,"

In line 37, after "4121.01," insert "4121.03,"

In line 38, after "4121.128," insert "4121.32,"

In line 46, after "121.51," insert "4121.75, 4121.76, 4121.77, 4121.78, 4121.79,"

Between lines 631 and 632, insert:

Sec. 111.15. (A) As used in this section:

(1) "Rule" includes any rule, regulation, bylaw, or standard having a general and uniform operation adopted by an agency under the authority of the laws governing the agency; any appendix to a rule; and any internal management rule. "Rule" does not include any guideline adopted pursuant to section 3301.0714 of the Revised Code, any order respecting the duties of employees, any finding, any determination of a question of law or fact in a matter presented to an agency, or any rule promulgated pursuant to Chapter 119., section 4141.14, division (C)(1) or (2) of section 5117.02, or section 5703.14 of the Revised Code. "Rule" includes any amendment or rescission of a rule.

(2) "Agency" means any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.

(3) "Internal management rule" means any rule, regulation, bylaw, or standard governing the day-to-day staff procedures and operations within an agency.

(4) "Substantive revision" has the same meaning as in division (J) of section 119.01 of the Revised Code.

(B)(1) Any rule, other than a rule of an emergency nature, adopted by any agency pursuant to this section shall be effective on the tenth day after the day on which the rule in final form and in compliance with division (B)(3) of this section is filed as follows:

(a) The rule shall be filed in electronic form with both the secretary of

state and the director of the legislative service commission;

(b) The rule shall be filed in electronic form with the joint committee on agency rule review. Division (B)(1)(b) of this section does not apply to any rule to which division (D) of this section does not apply.

An agency that adopts or amends a rule that is subject to division (D) of this section shall assign a review date to the rule that is not later than five years after its effective date. If no review date is assigned to a rule, or if a review date assigned to a rule exceeds the five-year maximum, the review date for the rule is five years after its effective date. A rule with a review date is subject to review under section 119.032 of the Revised Code. This paragraph does not apply to a rule of a state college or university, community college district, technical college district, or state community college.

If all filings are not completed on the same day, the rule shall be effective on the tenth day after the day on which the latest filing is completed. If an agency in adopting a rule designates an effective date that is later than the effective date provided for by division (B)(1) of this section, the rule if filed as required by such division shall become effective on the later date designated by the agency.

Any rule that is required to be filed under division (B)(1) of this section is also subject to division (D) of this section if not exempted by division (D)(1), (2), (3), (4), (5), (6), (7), or (8) of this section.

If a rule incorporates a text or other material by reference, the agency shall comply with sections 121.71 to 121.76 of the Revised Code.

(2) A rule of an emergency nature necessary for the immediate preservation of the public peace, health, or safety shall state the reasons for the necessity. The emergency rule, in final form and in compliance with division (B)(3) of this section, shall be filed in electronic form with the secretary of state, the director of the legislative service commission, and the joint committee on agency rule review. The emergency rule is effective immediately upon completion of the latest filing, except that if the agency in adopting the emergency rule designates an effective date, or date and time of day, that is later than the effective date and time provided for by division (B)(2) of this section, the emergency rule if filed as required by such division shall become effective at the later date, or later date and time of day, designated by the agency.

An emergency rule becomes invalid at the end of the ninetieth day it is in effect. Prior to that date, the agency may file the emergency rule as a nonemergency rule in compliance with division (B)(1) of this section. The agency may not refile the emergency rule in compliance with division (B)(2) of this section so that, upon the emergency rule becoming invalid under such division, the emergency rule will continue in effect without interruption for another ninety-day period.

(3) An agency shall file a rule under division (B)(1) or (2) of this section

in compliance with the following standards and procedures:

(a) The rule shall be numbered in accordance with the numbering system devised by the director for the Ohio administrative code.

(b) The rule shall be prepared and submitted in compliance with the rules of the legislative service commission.

(c) The rule shall clearly state the date on which it is to be effective and the date on which it will expire, if known.

(d) Each rule that amends or rescinds another rule shall clearly refer to the rule that is amended or rescinded. Each amendment shall fully restate the rule as amended.

If the director of the legislative service commission or the director's designee gives an agency notice pursuant to section 103.05 of the Revised Code that a rule filed by the agency is not in compliance with the rules of the legislative service commission, the agency shall within thirty days after receipt of the notice conform the rule to the rules of the commission as directed in the notice.

(C) All rules filed pursuant to divisions (B)(1)(a) and (2) of this section shall be recorded by the secretary of state and the director under the title of the agency adopting the rule and shall be numbered according to the numbering system devised by the director. The secretary of state and the director shall preserve the rules in an accessible manner. Each such rule shall be a public record open to public inspection and may be transmitted to any law publishing company that wishes to reproduce it.

(D) At least sixty-five days before a board, commission, department, division, or bureau of the government of the state files a rule under division (B)(1) of this section, it shall file the full text of the proposed rule in electronic form with the joint committee on agency rule review, and the proposed rule is subject to legislative review and invalidation under division (I) of section 119.03 of the Revised Code. If a state board, commission, department, division, or bureau makes a substantive revision in a proposed rule after it is filed with the joint committee, the state board, commission, department, division, or bureau shall promptly file the full text of the proposed rule in its revised form in electronic form with the joint committee. The latest version of a proposed rule as filed with the joint committee supersedes each earlier version of the text of the same proposed rule. Except as provided in division (F) of this section, a state board, commission, department, division, or bureau shall also file the rule summary and fiscal analysis prepared under section 121.24 or 127.18 of the Revised Code, or both, in electronic form along with a proposed rule, and along with a proposed rule in revised form, that is filed under this division.

As used in this division, "commission" includes the public utilities commission when adopting rules under a federal or state statute.

This division does not apply to any of the following:

- (1) A proposed rule of an emergency nature;
- (2) A rule proposed under section 1121.05, 1121.06, 1155.18, 1163.22, 1349.33, 1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 4123.342, 4123.40, or 4123.411, ~~4123.44, or 4123.442~~ of the Revised Code;
- (3) A rule proposed by an agency other than a board, commission, department, division, or bureau of the government of the state;
- (4) A proposed internal management rule of a board, commission, department, division, or bureau of the government of the state;
- (5) Any proposed rule that must be adopted verbatim by an agency pursuant to federal law or rule, to become effective within sixty days of adoption, in order to continue the operation of a federally reimbursed program in this state, so long as the proposed rule contains both of the following:
 - (a) A statement that it is proposed for the purpose of complying with a federal law or rule;
 - (b) A citation to the federal law or rule that requires verbatim compliance.
- (6) An initial rule proposed by the director of health to impose safety standards and quality-of-care standards with respect to a health service specified in section 3702.11 of the Revised Code, or an initial rule proposed by the director to impose quality standards on a facility listed in division (A)(4) of section 3702.30 of the Revised Code, if section 3702.12 of the Revised Code requires that the rule be adopted under this section;
- (7) A rule of the state lottery commission pertaining to instant game rules.

If a rule is exempt from legislative review under division (D)(5) of this section, and if the federal law or rule pursuant to which the rule was adopted expires, is repealed or rescinded, or otherwise terminates, the rule is thereafter subject to legislative review under division (D) of this section.

(E) Whenever a state board, commission, department, division, or bureau files a proposed rule or a proposed rule in revised form under division (D) of this section, it shall also file the full text of the same proposed rule or proposed rule in revised form in electronic form with the secretary of state and the director of the legislative service commission. Except as provided in division (F) of this section, a state board, commission, department, division, or bureau shall file the rule summary and fiscal analysis prepared under section 121.24 or 127.18 of the Revised Code, or both, in electronic form along with a proposed rule or proposed rule in revised form that is filed with the secretary of state or the director of the legislative service commission.

(F) Except as otherwise provided in this division, the auditor of state or the auditor of state's designee is not required to file a rule summary and fiscal analysis along with a proposed rule, or proposed rule in revised form, that the

auditor of state proposes under section 117.12, 117.19, 117.38, or 117.43 of the Revised Code and files under division (D) or (E) of this section. If, however, the auditor of state or the designee prepares a rule summary and fiscal analysis of the original version of such a proposed rule for purposes of complying with section 121.24 of the Revised Code, the auditor of state or designee shall file the rule summary and fiscal analysis in electronic form along with the original version of the proposed rule filed under division (D) or (E) of this section."

In line 668, delete " workers' compensation investment committee."

In line 669, strike through "division (D) of section"

In line 670, strike through "4121.32,"

In line 671, strike through "4123.44, and 4123.442" and insert " 4127.07"; after the third comma insert " divisions (B), (C), and (E) of section 4131.04."

In line 672, after "Code" insert " with respect to all matters concerning the establishment of premium, contribution, and assessment rates"

Between lines 1797 and 1798, insert:

Sec. 4121.03. (A) The governor shall appoint from among the members of the industrial commission the chairperson of the industrial commission. The chairperson shall serve as chairperson at the pleasure of the governor. The chairperson is the head of the commission and its chief executive officer.

(B) The chairperson shall appoint, after consultation with other commission members and obtaining the approval of at least one other commission member, an executive director of the commission. The executive director shall serve at the pleasure of the chairperson. The executive director, under the direction of the chairperson, shall perform all of the following duties:

(1) Act as chief administrative officer for the commission;

(2) Ensure that all commission personnel follow the rules of the commission;

(3) Ensure that all orders, awards, and determinations are properly heard and signed, prior to attesting to the documents;

(4) Coordinate, to the fullest extent possible, commission activities with the bureau of workers' compensation activities;

(5) Do all things necessary for the efficient and effective implementation of the duties of the commission.

The responsibilities assigned to the executive director of the commission do not relieve the chairperson from final responsibility for the proper performance of the acts specified in this division.

(C) The chairperson shall do all of the following:

(1) Except as otherwise provided in this division, employ, promote, supervise, remove, and establish the compensation of all employees as needed in connection with the performance of the commission's duties under this chapter and Chapters 4123., 4127., and 4131. of the Revised Code and may assign to them their duties to the extent necessary to achieve the most efficient performance of its functions, and to that end may establish, change, or abolish positions, and assign and reassign duties and responsibilities of every employee of the commission. The civil service status of any person employed by the commission prior to November 3, 1989, is not affected by this section. Personnel employed by the bureau or the commission who are subject to Chapter 4117. of the Revised Code shall retain all of their rights and benefits conferred pursuant to that chapter as it presently exists or is hereafter amended and nothing in this chapter or Chapter 4123. of the Revised Code shall be construed as eliminating or interfering with Chapter 4117. of the Revised Code or the rights and benefits conferred under that chapter to public employees or to any bargaining unit.

(2) Hire district and staff hearing officers after consultation with other commission members and obtaining the approval of at least one other commission member;

(3) Fire staff and district hearing officers when the chairperson finds appropriate after obtaining the approval of at least one other commission member;

(4) Maintain the office for the commission in Columbus;

(5) To the maximum extent possible, use electronic data processing equipment for the issuance of orders immediately following a hearing, scheduling of hearings and medical examinations, tracking of claims, retrieval of information, and any other matter within the commission's jurisdiction, and shall provide and input information into the electronic data processing equipment as necessary to effect the success of the claims tracking system established pursuant to division (B)(15) of section 4121.121 of the Revised Code;

(6) Exercise all administrative and nonadjudicatory powers and duties conferred upon the commission by Chapters 4121., 4123., 4127., and 4131. of the Revised Code;

(7) Approve all contracts for special services.

(D) The chairperson is responsible for all administrative matters and may secure for the commission facilities, equipment, and supplies necessary to house the commission, any employees, and files and records under the commission's control and to discharge any duty imposed upon the commission by law, the expense thereof to be audited and paid in the same manner as other state expenses. For that purpose, the chairperson, separately from the budget prepared by the administrator of workers' compensation, shall prepare and submit to the office of budget and management a budget for each biennium according to sections 101.532 and 107.03 of the Revised Code. The budget submitted shall cover the costs of the commission and staff and district hearing officers in the

discharge of any duty imposed upon the chairperson, the commission, and hearing officers by law.

(E) A majority of the commission constitutes a quorum to transact business. No vacancy impairs the rights of the remaining members to exercise all of the powers of the commission, so long as a majority remains. Any investigation, inquiry, or hearing that the commission may hold or undertake may be held or undertaken by or before any one member of the commission, or before one of the deputies of the commission, except as otherwise provided in this chapter and Chapters 4123., 4127., and 4131. of the Revised Code. Every order made by a member, or by a deputy, when approved and confirmed by a majority of the members, and so shown on its record of proceedings, is the order of the commission. The commission may hold sessions at any place within the state. The commission is responsible for all of the following:

(1) Establishing the overall adjudicatory policy and management of the commission under this chapter and Chapters 4123., 4127., and 4131. of the Revised Code, except for those administrative matters within the jurisdiction of the chairperson, bureau of workers' compensation, and the administrator of workers' compensation under those chapters;

(2) Hearing appeals and reconsiderations under this chapter and ~~chapters~~ Chapters 4123., 4127., and 4131. of the Revised Code;

(3) Engaging in rulemaking where required by this chapter or Chapter 4123., 4127., or 4131. of the Revised Code . adopting all of those rules, except those rules concerning adjudicatory matters, in accordance with Chapter 119. of the Revised Code, and, at the time the commission submits any proposed rules to the joint committee on agency rule review, submitting a copy of those proposed rules to the workers' compensation council for its review of the rules under section 4121.79 of the Revised Code."

In line 2017, delete " (3)"; strike through "Issue" and insert " (3) Submit"; strike through "on the cost and quality"

In line 2018, strike through "objectives of the bureau"

In line 2019, strike through "and"; strike through the semicolon and insert ". and the workers' compensation council and include all of the following in that report:

(a) An evaluation of the cost and quality objectives of the bureau;

(b) A statement of the net assets available for the provision of compensation and benefits under this chapter and Chapters 4123., 4127., and 4131. of the Revised Code as of the last day of the fiscal year;

(c) A statement of any changes that occurred in the net assets available, including employer premiums and net investment income, for the provision of compensation and benefits and payment of administrative expenses, between the first and last day of the fiscal year immediately preceding the date of the report;

(d) The following information for each of the six consecutive fiscal years occurring previous to the report:

(i) A schedule of the net assets available for compensation and benefits;

(ii) The annual cost of the payment of compensation and benefits;

(iii) Annual administrative expenses incurred;

(iv) Annual employer premiums allocated for the provision of compensation and benefits.

(e) A description of any significant changes that occurred during the six years for which the board provided the information required under division (F)(3)(d) of this section that affect the ability of the board to compare that information from year to year."

In line 2120, after " Code" insert " ;

(16) Adopt all rules, except those rules concerning adjudicatory matters, classifications of occupations or industries, the overall premium and contribution rates and the revision of those rates as required under sections 4123.29, 4123.34, and 4123.39 of the Revised Code, and the overall assessment rates required under this chapter and Chapter 4123. of the Revised Code, that the board is required to adopt under this chapter and Chapters 4123., 4125., 4127., and 4131. of the Revised Code in accordance with Chapter 119. of the Revised Code and, at the time the board submits any proposed rules or any rules for which the board gives advice and consent to the joint committee on agency rule review, submit a copy of those rules to the workers' compensation council for its review of those rules under section 4121.79 of the Revised Code;

(17) Develop and participate in a bureau of workers' compensation board of directors education program that consists of all of the following:

(a) An orientation component for newly appointed members;

(b) A continuing education component for board members who have served for at least one year;

(c) A curriculum that includes education about each of the following topics:

(i) Board member duties and responsibilities;

(ii) Compensation and benefits paid pursuant to this chapter and Chapters 4123., 4127., and 4131. of the Revised Code;

(iii) Ethics;

(iv) Governance processes and procedures;

(v) Actuarial soundness;

(vi) Investments;

(vii) Any other subject matter the board believes is reasonably related to the duties of a board member.

(18) Submit the program developed pursuant to division (F)(17) of this section to the workers' compensation council for approval;

(19) Hold all sessions, classes, and other events for the program developed pursuant to division (F)(17) of this section in this state"

Between lines 2438 and 2439, insert:

(22) Adopt all rules, except those rules concerning adjudicatory matters and the calculation of an employer's premium, contribution, and assessment rates, that the administrator is required to adopt under this chapter and Chapters 4123., 4125., 4127., and 4131. of the Revised Code in accordance with Chapter 119. of the Revised Code and, at the time the administrator submits any proposed rules to the joint committee on agency rule review, submit a copy of those proposed rules to the workers' compensation council for its review of the rules under section 4121.79 of the Revised Code.

In line 2599, after "(C)" insert "The board shall do all of the following:

(1) Contract to have prepared annually by or under the supervision of an actuary a report that meets the requirements specified under division (E) of this section and that consists of an actuarial valuation of the assets, liabilities, and funding requirements of the state insurance fund and all other funds specified in this chapter and Chapters 4123., 4127., and 4131. of the Revised Code;

(2) Require that the actuary or person supervised by an actuary referred to in division (C)(1) of this section complete the valuation in accordance with the actuarial standards of practice promulgated by the actuarial standards board of the American academy of actuaries;

(3) Submit the report referred to in division (C)(1) of this section to the workers' compensation council and the standing committees of the house of representatives and the senate with primary responsibility for workers' compensation legislation not later than the first day of September following the year for which the valuation was made;

(4) Have an actuary or a person who provides actuarial services under the supervision of an actuary, at such time as the board determines, and at least once during the five-year period that commences on the effective date of this amendment and once within each five-year period thereafter, conduct an actuarial investigation of the experience of employers, the mortality, service, and injury rate of employees, and the payment of temporary total disability, permanent partial disability, and permanent total disability under sections 4123.56 to 4123.58 of the Revised Code to update the actuarial assumptions used in the report required by division (C)(1) of this section;

(5) Submit the report required under division (F) of this section to the council and the standing committees of the house of representatives and the

senate with primary responsibility for workers' compensation legislation not later than the first day of November following the fifth year of the period that the report covers;

(6) Have prepared by or under the supervision of an actuary an actuarial analysis of any introduced legislation expected to have a measurable financial impact on the workers' compensation system;

(7) Submit the report required under division (G) of this section to the legislative service commission, the standing committees of the house of representatives and the senate with primary responsibility for workers' compensation legislation, and the council not later than sixty days after the date of introduction of the legislation.

(D)"

In line 2609, strike through "(D)" and insert:

(E) The firm or person with whom the board contracts pursuant to division (C)(1) of this section shall prepare a report of the valuation and submit the report to the board. The firm or person shall include all of the following information in the report that is required under division (C)(1) of this section:

(1) A summary of the compensation and benefit provisions evaluated;

(2) A summary of the census data and financial information used in the valuation;

(3) A description of the actuarial assumptions, actuarial cost method, and asset valuation method used in the valuation;

(4) A summary of findings that includes a statement of the actuarial accrued compensation and benefit liabilities and unfunded actuarial accrued compensation and benefit liabilities;

(5) A schedule showing the effect of any changes in the compensation and benefit provisions, actuarial assumptions, or cost methods since the previous annual actuarial valuation report was submitted to the board.

(F) The actuary or person whom the board designates to conduct an actuarial investigation under division (C)(4) of this section shall prepare a report of the actuarial investigation and shall submit the report to the board. The actuary or person shall prepare the report and make any recommended changes in actuarial assumptions in accordance with the actuarial standards of practice promulgated by the actuarial standards board of the American academy of actuaries. The actuary or person shall include all of the following information in the report:

(1) A summary of relevant decrement and economic assumption experience;

(2) Recommended changes in actuarial assumptions to be used in subsequent actuarial valuations required by division (C)(1) of this section;

(3) A measurement of the financial effect of the recommended changes in actuarial assumptions.

(G) The actuary or person whom the board designates to conduct the actuarial analysis under division (C)(6) of this section shall prepare a report of the actuarial analysis and shall submit that report to the board. The actuary or person shall complete the analysis in accordance with the actuarial standards of practice promulgated by the actuarial standards board of the American academy of actuaries. The actuary or person shall include all of the following information in the report:

(1) A summary of the statutory changes being evaluated;

(2) A description of or reference to the actuarial assumptions and actuarial cost method used in the report;

(3) A description of the participant group or groups included in the report;

(4) A statement of the financial impact of the legislation, including the resulting increase, if any, in employer premiums, in actuarial accrued liabilities, and, if an increase in actuarial accrued liabilities is predicted, the per cent of premium increase that would be required to amortize the increase in those liabilities as a level per cent of employer premiums over a period not to exceed thirty years.

(5) A statement of whether the employer premiums paid to the bureau of workers' compensation after the proposed change is enacted are expected to be sufficient to satisfy the funding objectives established by the board.

(H) The board may, at any time, request an actuary to make any studies or actuarial valuations to determine the adequacy of the premium rates established by the board in accordance with sections 4123.29 and 4123.34 of the Revised Code, and may adjust those rates as recommended by the actuary.

(I)"

In line 2616, strike through "(E)" and insert "(J)"

In line 2623, strike through "(F)" and insert "(K)"

In line 2656, after "directors" insert "and the workers' compensation council"

Between lines 2656 and 2657, insert:

Sec. 4121.32. (A) The rules covering operating procedure and criteria for decision-making that the administrator of workers' compensation and the industrial commission are required to adopt pursuant to section 4121.31 of the Revised Code shall be supplemented with operating manuals setting forth the procedural steps in detail for performing each of the assigned tasks of each section of the bureau of workers' compensation and commission. The administrator and commission jointly shall adopt such manuals. No employee

may deviate from manual procedures without authorization of the section chief.

(B) Manuals shall set forth the procedure for the assignment and transfer of claims within sections and be designed to provide performance objectives and may require employees to record sufficient data to reasonably measure the efficiency of functions in all sections. The bureau's division of research and statistics shall perform periodic cost-effectiveness analyses which shall be made available to the general assembly, the governor, and to the public during normal working hours.

(C) The bureau and commission jointly shall develop, adopt, and use a policy manual setting forth the guidelines and bases for decision-making for any decision which is the responsibility of the bureau, district hearing officers, staff hearing officers, or the commission. Guidelines shall be set forth in the policy manual by the bureau and commission to the extent of their respective jurisdictions for deciding at least the following specific matters:

- (1) Reasonable ambulance services;
- (2) Relationship of drugs to injury;
- (3) Awarding lump-sum advances for creditors;
- (4) Awarding lump-sum advances for attorney's fees;
- (5) Placing a claimant into rehabilitation;
- (6) Transferring costs of a claim from employer costs to the statutory surplus fund pursuant to section 4123.343 of the Revised Code;
- (7) Utilization of physician specialist reports;
- (8) Determining the percentage of permanent partial disability, temporary partial disability, temporary total disability, violations of specific safety requirements, an award under division (B) of section 4123.57 of the Revised Code, and permanent total disability.

(D) The bureau shall establish, adopt, and implement policy guidelines and bases for decisions involving reimbursement issues including, but not limited to, the adjustment of invoices, the reduction of payments for future services when an internal audit concludes that a health care provider was overpaid or improperly paid for past services, reimbursement fees, or other adjustments to payments. These policy guidelines and bases for decisions, and any changes to the guidelines and bases, shall be set forth in a reimbursement manual and provider bulletins.

~~Neither the policy guidelines nor the bases set forth in the reimbursement manual or provider bulletins referred to in this division is a rule as defined in section 119.01 of the Revised Code.~~

(E) With respect to any determination of disability under Chapter 4123. of the Revised Code, when the physician makes a determination based upon statements or information furnished by the claimant or upon subjective evidence,

~~he~~ the physician shall clearly indicate this fact in ~~his~~ the physician's report.

(F) The administrator shall publish the manuals and make copies of all manuals available to interested parties at cost."

Between lines 2897 and 2898, insert:

Sec. 4121.75. (A) There is hereby created the workers' compensation council. Members of the council shall be appointed as follows:

(1) Three members of the senate, appointed by the president of the senate, not more than two of whom may be members of the same political party;

(2) Three members of the house of representatives, appointed by the speaker of the house of representatives, not more than two of whom may be members of the same political party;

(3) Three members jointly appointed by the president of the senate and the speaker of the house of representatives, not more than two of whom shall be members of the same political party, one of whom shall represent employers, one of whom shall represent employees, and one of whom shall be a person who, prior to the person's appointment, has received compensation or benefits under this chapter or Chapter 4123., 4127., or 4131. of the Revised Code. Of these three members, at least one shall be a person with investment expertise.

(B) The council also shall consist of the chairperson of the industrial commission and the administrator of workers' compensation, who shall be nonvoting ex officio members of the council.

(C) The president of the senate and the speaker of the house of representatives shall make the initial appointments required under divisions (A)(1) and (2) of this section not later than thirty days after the effective date of this section. The members of the council who are appointed from the membership of the senate and the house of representatives shall serve during their terms as members of the general assembly. Notwithstanding the adjournment of the general assembly of which the member is a member or the expiration of the member's term as a member of such general assembly, a member shall continue in office subsequent to the expiration date of the member's term on the council until the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first.

(D) The president of the senate and the speaker of the house of representatives shall make the initial appointments required under division (A)(3) of this section not later than ninety days after the effective date of this section. Of these initial appointments to the council, one member shall be appointed for a term ending one year after the effective date of this section, one member shall be appointed for a term ending two years after the effective date of this section, and one member shall be appointed for a term ending three years after the effective date of this section. Thereafter, terms shall be for three years, with each term ending on the same day of the same month as did the term that it succeeds. Each member appointed under division (A)(3) of this section shall

hold office from the date of appointment until the end of the term for which the appointment was made. Members may be reappointed. Any member appointed pursuant to division (A)(3) of this section to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term. Each member appointed pursuant to division (A)(3) of this section shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first.

(E) Vacancies shall be filled in the manner prescribed for original appointments.

Sec. 4121.76. Meetings of the workers' compensation council shall be called in the manner and at the times prescribed by rules adopted by the council. A majority of the voting members of the council constitutes a quorum and no action shall be taken by the council unless approved by at least five voting members. The council shall organize by selecting a chairperson, vice-chairperson, and any other officers as it determines are necessary. The council shall select the chairperson and vice-chairperson from the members of the council who also are members of the general assembly, and each of those members shall serve as chairperson or vice-chairperson during their terms as members of the general assembly. The council shall rotate the selection of the chairperson and vice-chairperson between the two houses. The council shall adopt rules for the conduct of its business and the election of its officers, and shall establish an office in Columbus separate from the offices of the bureau of workers' compensation and the industrial commission. Each member of the council, before entering upon the member's official duties shall take and subscribe to an oath of office, to uphold the Constitution and laws of the United States and this state and to perform the duties of the office honestly, faithfully, and impartially. Members of the council appointed pursuant to division (A)(3) of section 4121.75 of the Revised Code shall serve without compensation but shall be reimbursed for their actual and necessary expenses incurred in the performance of their official duties. Legislative members shall not receive compensation or expenses.

Sec. 4121.77. The workers' compensation council may do any of the following:

(A) Appoint a director to manage and direct the duties of the staff of the council. The director shall be a person who has had training and experience in areas related to the duties of the council.

(B) Appoint professional, technical, and clerical employees as necessary, and employ or hire on a consulting basis persons to provide actuarial, legal, investment, or other technical services required for the performance of the council's duties. For purposes of section 4117.01 of the Revised Code, employees of the council shall be considered employees of the general assembly.

(C) Fix the compensation of the director and all other employees of the

council:

(D) Require the members of the industrial commission, bureau of workers' compensation board of directors, workers' compensation audit committee, workers' compensation actuarial committee, and workers' compensation investment committee, the administrator of workers' compensation, and employees of the commission and the bureau of workers' compensation, and any agency or official of this state or its political subdivisions to provide the council with any information necessary to carry out its duties;

(E) Administer oaths and hold public hearings at times and places within the state as necessary to accomplish the purposes of sections 4121.75 to 4121.79 of the Revised Code;

(F) Establish regular reporting requirements for any report that the chairperson of the commission, chairperson of the board, members of the committees specified in division (D) of this section, and the administrator are required to submit to the council;

(G) Request that the auditor of state perform or contract for the performance of a financial or special audit of the bureau;

(H) Request that the auditor of state perform or contract for the performance of a special or fiduciary audit of the workers' compensation system.

Sec. 4121.78. The workers' compensation council shall do all of the following:

(A) Make an impartial review from time to time of all laws governing the administration and financing of the workers' compensation system under this chapter and Chapters 4123., 4125., 4127., and 4131. of the Revised Code and recommend to the general assembly any changes it may find desirable with respect to compensation and benefits, sound financing of the cost of paying compensation and benefits, the prudent investment of funds, and the improvement of the language, structure, and organization of the relevant laws governing the workers' compensation system;

(B) Make an annual report to the governor and general assembly describing its evaluation and recommendations with respect to the operations of the industrial commission and the bureau of workers' compensation and the funds specified in this chapter and Chapters 4123., 4127., and 4131. of the Revised Code;

(C) Study all changes to this chapter and Chapters 4123., 4125., 4127., and 4131. of the Revised Code proposed to the general assembly and report to the general assembly on their probable costs, actuarial implications, and desirability as a matter of public policy;

(D) Review semiannually the investment policy approved by the bureau of workers' compensation board of directors pursuant to section 4121.12 of the Revised Code for the operation of the investment program of the workers'

compensation system, including a review of asset allocation targets and ranges, risk factors, asset class benchmarks, time horizons, total return objectives, relative volatility, and performance evaluation guidelines.

(E) Create a report that summarizes the council's findings in the review conducted pursuant to division (D) of this section and submit that report to the governor and general assembly not later than thirty days after completing the review.

(F) Review, as the council determines necessary, all financial, actuarial, and fiduciary audits performed on the funds specified in this chapter and Chapters 4123., 4127., and 4131. of the Revised Code and the actuarial policies of the bureau of workers' compensation;

(G) Have prepared by an independent actuary, at least once every ten years, an actuarial review of the annual actuarial valuations and quinquennial actuarial investigations prepared by the bureau of workers' compensation board of directors pursuant to section 4121.125 of the Revised Code, including a review of the actuarial assumptions and methods, the data underlying the valuations and investigations, and the adequacy of employer premium rates to amortize its unfunded actuarial liability, if any, and to support the payment of compensation and benefits pursuant to this chapter and Chapters 4123., 4127., and 4131. of the Revised Code;

(H) Submit to the governor and the general assembly a report summarizing the review required under division (G) of this section;

(I) Have conducted by an independent auditor at least once every ten years a fiduciary performance audit of the workers' compensation system, and require the administrator of workers' compensation to pay the costs associated with that audit;

(J) Review all proposed rules submitted to the council pursuant to sections 4121.03, 4121.12, and 4121.121 of the Revised Code, provide each member of the council a copy of those rules, and submit any recommendations concerning whether those rules should be approved to the joint committee on agency rule review.

Sec. 4121.79. The compensation of all employees of the workers' compensation council and other expenses of the council shall be paid upon vouchers approved by the director and the chairperson of the council.

The administrator of workers' compensation shall pay the annual expenses of the council. The council shall prepare and submit to the administrator on or before the thirtieth day of June of each year an itemized estimate of the amounts necessary to pay the expenses of the council during the following year.

The council shall establish policies and procedures for purchasing goods and services on a competitive basis and maintaining tangible personal property. The policies and procedures shall be designed to safeguard the use of funds

received by the council. An audit performed under Chapter 117. of the Revised Code shall include a determination of the council's compliance with those policies and procedures.

The council is not subject to Chapter 123., 124., 125., 126., or 127. of the Revised Code."

In line 6952, after "109.981," insert "111.15, "; after "4121.01," insert "4121.03,"

In line 6953, after "4121.128," insert "4121.32,"

Delete lines 7048 through 7087

Between lines 7466 and 7467, insert:

Section ____. The Workers' Compensation Council shall contract with an independent actuary to have that actuary perform an actuarial valuation of the assets, liabilities, and funding requirements of the funds specified in Chapters 4121., 4123., 4127., and 4131. of the Revised Code. The actuary with whom the Council contracts under this section shall prepare a report of the valuation in accordance with the standards of practice promulgated by the Actuarial Standards Board of the American Academy of Actuaries and shall submit that report to the Council. The actuary shall include all of the following information in the report:

(A) A summary of the compensation and benefit provisions evaluated;

(B) A summary of the census data and financial information used in the valuation;

(C) A description of the actuarial assumptions, actuarial cost method, and asset valuation method used in the valuation;

(D) A summary of the findings that includes a statement of the actuarial accrued compensation and benefit liabilities and unfounded actuarial accrued compensation and benefit liabilities.

The Council shall submit to the governor and the general assembly a report summarizing the valuation required under this section not later than two years after the effective date of section 4121.75 of the Revised Code, as enacted by this act.

Section 512.50. (A) The Administrator of Workers' Compensation shall commission a reputable outside consulting firm that the Bureau of Workers' Compensation has not retained to conduct similar reports over the five years prior to the effective date of this section to perform a comprehensive review of the base rate of premiums paid by employers and of all of the rating programs used by the Administrator to determine an employer's premium rate under Chapters 4121., 4123., 4127., and 4131. of the Revised Code. In conducting the review required under this section, the Administrator shall do all of the following:

- (1) Compare the rates and programs used in this state to the rates and programs used in other states;
- (2) Study the effect of the rates in reducing the number and severity of workers' compensation claims in this state;
- (3) Study the effect that saving money has had on safety in workplaces in this state;
- (4) Identify methods of rate setting and reserving that the Administrator could use to make the rate setting and reserving process more transparent for employers and employees.

(B) The Administrator shall commission a reputable outside consulting firm that the Bureau has not retained to conduct similar reports over the five years prior to the effective date of this section to perform a comprehensive review of the adequacy of the Surplus Fund created under section 4123.34 of the Revised Code and the general reserving methods used for the State Insurance Fund and all other funds specified in Chapters 4121., 4123., 4127., and 4131. of the Revised Code.

(C) The Administrator shall provide a summary of the reviews required under this section and shall present recommendations based on the review to the General Assembly and the Bureau of Workers' Compensation Board of Directors not later than two years after the effective date of this section.

(D) This section of law, as enacted by this act, is subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1c and section 1.471 of the Revised Code, this section takes effect on the ninety-first day after this act is filed with the Secretary of State. If, however, a referendum petition is filed against this section of law as enacted by this act, this section of law as enacted, unless rejected at the referendum, takes effect at the earliest time permitted by law."

In line 7508, delete "The" and insert "Except as otherwise provided in Section 512.50 of this act, the"

In line 1 of the title, after "109.981," insert "111.15,"

In line 2 of the title, after "4121.01," insert "4121.03,"

In line 3 of the title, after "4121.128," insert "4121.32,"

In line 15 of the title, after "121.51," insert "4121.75 to 4121.79"

In line 25 of the title, after "the" insert "Workers' Compensation Council,"

In line 26 of the title, after "Directors" insert a comma

The motion was agreed to and the bill so amended.

Representative Adams moved to amend as follows:

In line 2786, after "homes" insert " or hospitals"

In line 2808, strike through ", "nursing" and insert " :

(1) "Hospital" has the same meaning as in section 3701.01 of the Revised Code;

(2) "Nursing"

The motion was agreed to and the bill so amended.

Representative Widener moved to amend as follows:

In line 3223, after "(4)" insert "(a)"

In line 3227, strike through "(a)" and insert "(i)"

In line 3230, strike through "(b)" and insert "(ii)"

In line 3232, strike through "(c)" and insert "(iii)"

In line 3235, strike through "(d)" and insert "(iv)"

In line 3240, strike through "(e)" and insert "(v)"

In line 3243, strike through "(f)" and insert "(vi)"

In line 3248, before "In" insert "(b) If an organization sponsors more than one employer group to participate in group plans established under this section, that organization may submit a single application that supplies all of the information necessary for each group of employers that the organization wishes to sponsor.

(c)"

In line 3254, before "In" insert "(d)"

In line 3265, before "In" insert "(e)"

In line 3268, before "The" insert "(f)"

The motion was agreed to and the bill so amended.

Representative Widener moved to amend as follows:

In line 3223, after "(4)" insert "(a)"

In line 3227, strike through "(a)" and insert "(i)"

In line 3230, strike through "(b)" and insert "(ii)"

In line 3232, strike through "(c)" and insert "(iii)"

In line 3235, strike through "(d)" and insert "(iv)"

In line 3240, strike through "(e)" and insert "(v)"

In line 3243, strike through "(f)" and insert "(vi)"

In line 3248, before "In" insert "(b)"

In line 3254, before "In" insert "(c) At the time the administrator revises premium rates pursuant to this section and section 4123.34 of the Revised Code, if the premium rate of an employer who participates in a group plan established under this section changes from the rate established for the previous year, the administrator, in addition to sending the invoice with the rate revision to that employer, shall send a copy of that invoice to the third-party administrator that administers the group plan for that employer's group.

(d)"

In line 3265, before "In" insert "(e)"

In line 3268, before "The" insert "(f)"

The motion was agreed to and the bill so amended.

Representative Widener moved to amend as follows:

In line 3297, after the period insert "A certified health care provider shall extend to an employer who participates in this program the same rates for services rendered to an employee of that employer as the provider bills the administrator for the same type of medical claim processed by the bureau."

The motion was agreed to and the bill so amended.

Representative Widener moved to amend as follows:

In line 3633, after "chapter" insert ", and that the administrator shall not discontinue an employer's coverage pursuant to division (N) of this section prior to a final adjudication regarding the employer's failure to pay such obligation, billing, account, or assessment on or before its due date"

The motion was agreed to and the bill so amended.

Representative Widener moved to amend as follows:

In line 47, delete "and"; after "4123.442" insert ", and 4123.592"

Between lines 6013 and 6014, insert:

" **Sec. 4123.592.** If an injury to an employee causes the employee's death, and the incident that resulted in the employee's injury occurred through no fault of the employee, the employee's employer, or another employee of the employee's employer, death benefits shall be paid from the surplus fund created under section 4123.34 of the Revised Code in accordance with sections 4123.59, 4123.60, and 4123.61 of the Revised Code. The administrator of workers' compensation shall not charge the payment of those benefits to the experience of the employee's employer.

The administrator annually shall submit to the general assembly a report evaluating the actuarial impact of the payment of benefits made pursuant to this section."

In line 15 of the title, delete the second "and"

In line 16 of the title, after "4123.442" insert ", and 4123.592"

The motion was agreed to and the bill so amended.

Representative Koziura moved to amend as follows:

In line 7015, delete the first "\$4,444,085" and insert "\$796,346"; delete the second "\$4,444,085" and insert "\$796,346"

The motion was agreed to and the bill so amended.

Representative Coley moved to amend as follows:

In line 7461, after "abolished" delete the balance of the line

Delete lines 7462 through 7465

In line 7466, delete "121.51 of the Revised Code, as enacted by this act"

The motion was agreed to and the bill so amended.

Representative Widener moved to amend as follows:

Between lines 7466 and 7467, insert:

"**Section** _____. The Administrator of Workers' Compensation shall not place a limit on the length of time that an employer may participate in the Bureau of Workers' Compensation Drug Free Workplace Program until the Administrator adopts rules in accordance with Chapter 119. of the Revised Code for the purpose of establishing the length of time that an employer may participate in that program."

The motion was agreed to and the bill so amended.

Representative Coley moved to amend as follows:

Between lines 7466 and 7467, insert:

"**Section** _____. The Administrator of Workers' Compensation shall not use the Micro Insurance Reserve Analysis System to determine the reserves for use in establishing premium rates assessed for the purposes of Chapter 4121., 4123., 4127., or 4131. of the Revised Code after June 30, 2007. A contract between the Administrator and a vendor for the System in existence on the effective date of this section shall expire in accordance with the terms of the contract, and the Administrator shall not renew or extend that contract."

The motion was agreed to and the bill so amended.

Representative Wachtmann moved to amend as follows:

In line 1830, strike through "on account of" and insert " prior to"

Strike through lines 1831 and 1832

In line 1833, delete " industry" and insert " appointment, has received compensation or benefits under this chapter or Chapter 4123., 4127., or 4131. of the Revised Code"

The motion was agreed to and the bill so amended.

Representative Batchelder moved to amend as follows:

In lines 72, 463, and 615, strike through "voting"

In line 1800, reinsert "eleven"; delete " fifteen"; strike through ", of which members" and insert " to be appointed by"

In line 1801, strike through "shall appoint"; delete " eleven"

In line 1802, strike through "Of the"; delete " eleven"; strike through "members the governor appoints,"

In line 1803, delete " one" and insert " One member"

In line 1806, after " two" insert " members"

In line 1811, after " three" insert " members"

In line 1814, reinsert "employers" and delete " industry"

In line 1815, delete " employs one hundred or more employees and"; strike through "has"

Strike through line 1816

In line 1817, strike through "the Revised Code other than a self-insuring employer" and insert " is a state fund employer who employs one hundred or more employees"

In line 1819, after " whom" insert " is a state fund employer who"

In line 1820, delete " and has experience as an employer"

Delete line 1821

In line 1822, delete " a self-insuring employer"; after " two" insert " members"; delete " because" and insert " on account"

In lines 1825 and 1826, delete " individual" and insert " member"

In line 1829, after "one" insert " member"

In line 1833, reinsert "employers" and delete " industry"

In line 1838, strike through "these"; delete " eleven" and insert " the"; after "members" insert " of the board"

In line 1856, reinsert "employers"

In line 1857, delete " industry"

In line 1860, delete " industry" and insert " employers"

In line 1864, reinsert "employers"

In line 1865, delete " industry"

In line 1880, after " commission" insert " Members of the board serve at the pleasure of the governor and may be removed from the board by the governor."

In line 1964, strike through "The remaining four members of the"; delete "board"; strike through "shall"

Strike through lines 1965 through 1973

In line 1974, strike through "in an advisory capacity to the"; delete "board"; strike through "and shall have no"

In line 1975, strike through "voting rights on matters coming before the"; delete "board"; strike through the period

In line 1976, strike through "Membership on the"; delete "board"; strike through "by legislative members shall"

Strike through line 1977

In line 1978, delete " (D)"

In line 1981, strike through ". Members appointed by the governor"; reinsert "and"

In line 1985, strike through "(F)" and insert " (C)"

In line 2005, delete " (E)" and insert " (D)"

In line 2010, delete " (F)" and insert " (E)"

In line 2121, delete " (G)" and insert " (F)"

In line 2128, delete " (H)" and insert " (G)"

In line 2140, strike through "(I)"

In line 2144, after " employment" insert:

" (H)"

In line 2315, delete " (F)" and insert " (E)"

In line 4996, strike through "voting"

The motion was agreed to and the bill so amended.

WILLIAM G. BATCHELDER
JOSEPH KOZIURA
TED CELESTE
BOB GIBBS
STEPHEN DYER
STEVE L. DRIEHAUS
MATTHEW H. BARRETT
CHRIS WIDENER
JOHN ADAMS
ROSS MCGREGOR

JAMES T. RAUSSEN
BILL COLEY
LORRAINE M. FENDE
T. TODD BOOK
LYNN R. WACHTMANN
JOSH MANDEL
DAVID DANIELS
JAMES ZEHRINGER
JAY HOTTINGER

The following members voted "NO"

SANDRA STABILE HARWOOD CLAYTON LUCKIE
TOM LETSON

The report was agreed to.

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

MOTIONS AND RESOLUTIONS

Representative Seitz moved that majority party members asking leave to be absent or absent the week of Wednesday, April 25, 2007, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Driehaus moved that minority party members asking leave to be absent or absent the week of Wednesday, April 25, 2007, be excused, so long as a written request is on file in the minority leadership offices.

The motion was agreed to.

BILLS FOR THIRD CONSIDERATION

Representative DeWine moved that House Rule No. 64, pertaining to bills with an appropriation clause being referred to the Committee on Finance and Appropriations, be suspended and that **Am. H. B. No. 100**-Representative Brinkman., be taken up for immediate consideration.

The motion was agreed to without objection.

Am. H. B. No. 100-Representative Brinkman.

To amend sections 102.02, 102.06, 109.981, 111.15, 119.01, 131.02, 1707.01, 3345.12, 4121.01, 4121.03, 4121.12, 4121.121, 4121.122, 4121.125, 4121.126, 4121.128, 4121.13, 4121.32, 4121.37, 4121.40, 4121.441, 4121.48, 4121.61, 4121.67, 4121.70, 4123.25, 4123.29, 4123.291, 4123.311, 4123.32, 4123.34, 4123.341, 4123.342, 4123.35, 4123.351, 4123.37, 4123.411, 4123.44, 4123.441, 4123.47, 4123.50, 4123.511, 4123.512, 4123.66, 4123.80, 4123.82, 4123.92, 4125.05, 4127.07, 4127.08, 4131.04, 4131.06, 4131.13, 4131.14, 4131.16, 4167.02, 4167.07, 4167.08, 4167.09, 4167.11, and 4167.14; to enact new section 4121.123 and sections 121.52 to 121.56, 4121.75 to 4121.79, 4123.321, 4123.442, and 4123.592; to repeal sections 4121.06, 4121.123, and 4121.131 of the Revised Code; to amend Section 4 of Am. Sub. H.B. 516 of the 125th General Assembly, as subsequently amended; and to amend Section 3 of Am. H.B. 67 of the 126th General Assembly, as subsequently amended, to abolish the Workers' Compensation Oversight Commission, the Workers' Compensation Oversight Commission Nominating Committee, and the Services Committee of the Workers' Compensation System; to create the Workers' Compensation Council, Bureau of Workers' Compensation Board of Directors, and specified working committees, to

transfer the powers and duties of the Oversight Commission to the Board and the working committees, to make other changes in the Workers' Compensation Law, to make appropriations for the Bureau of Workers' Compensation and the Industrial Commission for the biennium beginning July 1, 2007, and ending June 30, 2009, and to provide authorization and conditions for the operation of the Bureau's and the Commission's programs, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Letson moved to amend as follows:

In line 3760, delete " Three" and insert " Five"

In line 3762, delete " two" and insert " three"

In line 3764, after the first underlined comma insert " one of whom shall be an attorney who represents employees who file claims under this chapter and Chapters 4123., 4127., and 4131. of the Revised Code, one of whom represents employee organizations."

In line 3767, delete " three" and insert " five"

In line 3790, delete " one member" and insert " two members"

In line 3791, delete the second " one"

In line 3792, delete " member" and insert " two members"

In line 3814, delete " five" and insert " six"

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

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

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

The yeas and nays were taken and resulted - yeas 49, nays 47, as follows:

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Batchelder
Blessing	Brinkman	Bubp	Carmichael
Coley	Collier	Combs	Core
Daniels	DeWine	Dolan	Evans
Fessler	Flowers	Gibbs	Goodwin
Hagan J.	Hite	Hottinger	Huffman
Jones	Latta	Mandel	McGregor J.
McGregor R.	Peterson	Raussen	Reinhard
Schindel	Schlichter	Schneider	Seitz
Setzer	Stebelton	Uecker	Wachtmann
Wagner	Wagoner	Webster	White
Widener	Widowfield	Wolpert	Zehringer
			Husted-49.

Those who voted in the negative were: Representatives

Barrett	Beatty	Bolon	Book
Boyd	Brady	Brown	Budish
Carano	Celeste	Chandler	DeGeeter
Distel	Dodd	Domenick	Driehaus
Dyer	Fende	Foley	Garrison
Goyal	Hagan R.	Harwood	Heard
Hughes	Koziura	Letson	Luckie
Lundy	Mallory	Oelslager	Okey
Otterman	Patton	Redfern	Sayre
Skindell	Stewart D.	Stewart J.	Strahorn
Sykes	Szollosi	Ujvagi	Williams B.
Williams S.	Yates		Yuko-47.

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

On motion of Representative DeWine, the House recessed.

The House met pursuant to recess.

Representative Flowers moved to amend as follows:

In line 3764, after "be" insert "either"

In line 3767, after "Code" insert "or an attorney specializing in the field of workers' compensation who represents employees who file claims for compensation and benefits under those chapters"

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

The yeas and nays were taken and resulted - yeas 92, nays 3, as follows:

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Barrett
Batchelder	Beatty	Blessing	Bolon
Book	Boyd	Brady	Brinkman
Brown	Bubp	Budish	Carano
Carmichael	Celeste	Chandler	Coley
Collier	Combs	Core	Daniels
DeGeeter	DeWine	Distel	Dodd
Dolan	Driehaus	Dyer	Evans
Fende	Flowers	Foley	Garrison
Gibbs	Goodwin	Goyal	Hagan J.
Hagan R.	Harwood	Heard	Hite
Hottinger	Huffman	Hughes	Jones
Koziura	Latta	Letson	Lundy
Mallory	Mandel	McGregor J.	McGregor R.
Oelslager	Okey	Otterman	Patton
Peterson	Raussen	Redfern	Reinhard
Sayre	Schindel	Schlichter	Schneider
Seitz	Setzer	Skindell	Stebelton
Stewart D.	Stewart J.	Strahorn	Sykes
Szollosi	Uecker	Ujvagi	Wagner
Wagoner	Webster	White	Widener
Widowfield	Williams B.	Williams S.	Wolpert
Yates	Yuko	Zehringer	Husted-92.

Representatives Domenick, Luckie, and Wachtmann voted in the negative-3.

The motion was agreed to and the bill so amended.

The question being, "Shall the bill as amended pass?"

The yeas and nays were taken and resulted - yeas 88, nays 8, as follows:

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Barrett
Batchelder	Beatty	Blessing	Bolon
Book	Boyd	Brady	Brinkman
Brown	Bubp	Budish	Carano
Carmichael	Celeste	Chandler	Coley
Collier	Combs	Core	Daniels
DeGeeter	DeWine	Distel	Dodd
Dolan	Domenick	Driehaus	Dyer
Evans	Fende	Flowers	Garrison
Gibbs	Goodwin	Goyal	Hagan J.
Harwood	Heard	Hite	Hottinger
Huffman	Hughes	Jones	Latta
Lundy	Mallory	Mandel	McGregor J.
McGregor R.	Oelslager	Okey	Otterman
Patton	Peterson	Raussen	Redfern
Reinhard	Sayre	Schindel	Schlichter
Schneider	Seitz	Setzer	Stebelton
Stewart J.	Strahorn	Sykes	Szollosi
Uecker	Ujvagi	Wachtmann	Wagner
Wagoner	Webster	White	Widener
Widowfield	Williams B.	Williams S.	Wolpert
Yates	Yuko	Zehringer	Husted-88.

Representatives Fessler, Foley, Hagan R., Koziura, Letson, Luckie, Skindell, and Stewart D. voted in the negative-8.

The bill passed.

Representative Brinkman moved to amend the title as follows:

Add the names: "Adams, Bacon, Batchelder, Blessing, Boyd, Bubp, Chandler, Coley, Combs, Flowers, Gibbs, Goodwin, Hottinger, Huffman, Hughes, Otterman, Patton, Uecker, Widowfield, Williams, S., Zehringer."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

MESSAGE FROM THE SPEAKER

April 11, 2007

Speaker Jon Husted
Ohio House of Representatives
77 S. High Street – 14th Floor
Columbus, Ohio 43266-0603

Dear Speaker Husted:

It is with regret that I must resign from my elected office of State Representative from the 59th Ohio District and from all of my assigned committee responsibilities, effective April 29, 2007.

I have taken the position of Regional Director in the Office of Governor Strickland. With this new position, I hope that I can continue to serve the people of Ohio while working with you and my former colleagues in keeping Ohio the greatest State in our Country.

It has been my honor to serve my constituents under your professional, dedicated and courteous leadership.

Thank you and please accept my wish that you and the House have a successful 127th Assembly.

Sincerely,

/s/ KENNETH A. CARANO

Kenneth A. Carano
59th District

MESSAGE FROM THE SPEAKER

April 25, 2007

The Honorable Kenneth A. Carano
59th District
Ohio House of Representatives
77 South High Street
Columbus, Ohio 43215

Dear Representative Carano:

This is to acknowledge receipt and acceptance of your letter of resignation, effective Monday, April 30, 2007.

You have served your constituents and the state of Ohio well over the years and I am confident you will continue to do so in your new position as the Regional Director in the office of Governor Strickland.

The Ohio House of Representatives wishes you well as you embark on this new endeavor.

Sincerely,

/s/ JON A. HUSTED

Jon A. Husted

Speaker

Ohio House of Representatives

On motion of Representative DeWine, the House recessed.

The House met pursuant to recess.

Representative Bubp moved that the House revert to the fifth order of business, being reports of standing and select committees and bills for second consideration.

The motion was agreed to.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative Koziura reported for the Rules and Reference Committee recommending that the following House Bills and Senate Bill be considered for the second time and referred to the following committees for consideration:

H.B. No. 134 - Representative Seitz, et al

TO MODIFY CORPORATION LAW RELATING TO THE ELECTION OF DIRECTORS AND TO CONFORM CONVERSION PROVISIONS OF CHAPTER 1701. OF THE REVISED CODE WITH PARALLEL PROVISIONS IN CHAPTERS 1705., 1775., AND 1782. OF THE REVISED CODE.

To the committee on Judiciary

H.B. No. 148 - Representative Wachtmann, et al

REGARDING THE PROVISION OF COMPLEMENTARY OR ALTERNATIVE HEALTH CARE SERVICES.

To the committee on Commerce and Labor

H.B. No. 152 - Representative Widener, et al

TO REQUIRE SCHOOL BOARDS TO ESTABLISH ALTERNATIVE RETIREMENT PLANS FOR TEACHERS AND SCHOOL EMPLOYEES.

To the committee on Financial Institutions, Real Estate and Securities

H.B. No. 153 - Representative Latta, et al

TO DIRECT THE CHIEF OF THE DIVISION OF WILDLIFE IN THE DEPARTMENT OF NATURAL RESOURCES TO ENTER INTO THE WILDLIFE VIOLATORS COMPACT AND TO AUTHORIZE THE CHIEF

TO ENTER INTO AGREEMENTS WITH LAW ENFORCEMENT AGENCIES OUTSIDE OF THIS STATE FOR JOINT LAW ENFORCEMENT OPERATIONS.

To the committee on Agriculture and Natural Resources

H.B. No. 154 - Representative Wolpert, et al

TO ABOLISH MAYOR'S COURTS AND TO CREATE COMMUNITY COURTS AND TO MODIFY THE COMPENSATION OF MUNICIPAL COURT JUDGES IN TERRITORIES HAVING A POPULATION OF MORE THAN 50,000.

To the committee on Judiciary

H.B. No. 156 - Representative Foley, et al

TO REGULATE UNDER THE SUPERINTENDENT OF FINANCIAL INSTITUTIONS THE FACILITATION OF REFUND ANTICIPATION LOANS AND REFUND ANTICIPATION CHECKS, INCLUDING WITH RESPECT TO REGISTRATION AND SURETY BOND REQUIREMENTS, CONSUMER DISCLOSURES, INTEREST RATE LIMITATIONS, PROHIBITED ACTS, ADMINISTRATIVE PENALTIES, AND CIVIL REMEDIES.

To the committee on Financial Institutions, Real Estate and Securities

H.B. No. 157 - Representative Hughes, et al

TO REQUIRE A BOX ON PERSONAL INCOME TAX RETURNS THAT A TAXPAYER MAY CHECK TO AUTHORIZE A PAID TAX PREPARER TO SPEAK TO THE DEPARTMENT OF TAXATION ABOUT CERTAIN MATTERS CONCERNING THE RETURN.

To the committee on Ways and Means

H.B. No. 158 - Representative Hughes, et al

TO ALLOW A NONREFUNDABLE CREDIT AGAINST THE PERSONAL INCOME TAX FOR THE INSTALLATION OF ENERGY-EFFICIENT DEVICES IN HOMES.

To the committee on Ways and Means

H.B. No. 159 - Representative Bulp, et al

TO CREATE "SUPPORT OUR TROOPS" LICENSE PLATES.

To the committee on Infrastructure, Homeland Security and Veterans Affairs

H.B. No. 160 - Representative Bulp, et al

TO CLARIFY AND MODIFY THE LAW RELATING TO DISCLAIMERS UNDER THE OHIO TRUST CODE.

To the committee on Civil and Commercial Law

H.B. No. 161 - Representative Raussen, et al

TO PERMIT A TENANT TO TERMINATE A RESIDENTIAL RENTAL AGREEMENT WITHOUT PENALTY IF THE TENANT OR THE TENANT'S SPOUSE IS 62 YEARS OF AGE OR OLDER AND, FOR MEDICAL REASONS, ENTERS A NURSING HOME OR OTHER SPECIFIED CARE FACILITY.

To the committee on Commerce and Labor

H.B. No. 162 - Representative Luckie, et al

TO ALLOW A REFUNDABLE CREDIT AGAINST THE PERSONAL INCOME TAX FOR TAXPAYERS WHO TEACH IN AND RESIDE IN A BIG EIGHT SCHOOL DISTRICT AND TO ALLOW AN ADDITIONAL CREDIT FOR SUCH TEACHERS WHO TEACH MATH, SCIENCE, OR TECHNOLOGY.

To the committee on Finance and Appropriations

H.B. No. 163 - Representative Distel, et al

TO DESIGNATE STATE ROUTE 11 WITHIN ASHTABULA COUNTY ONLY THE "MARINE PRIVATE HENRY KALINOWSKI MEMORIAL HIGHWAY."

To the committee on Infrastructure, Homeland Security and Veterans Affairs

H.B. No. 164 - Representative R. McGregor, et al

TO REQUIRE THE OHIO DEPARTMENT OF HEALTH TO PROMOTE THE ESTABLISHMENT OF FEDERAL HEALTH CENTERS, TO INCLUDE FEDERALLY QUALIFIED HEALTH CENTER LOOK-ALIKES IN THE MEDICAL MALPRACTICE PREMIUM ASSISTANCE PROGRAM, TO CREATE A PILOT PROGRAM TO PLACE FEDERALLY QUALIFIED HEALTH CENTERS IN TWO HOSPITAL EMERGENCY DEPARTMENTS, AND TO MAKE AN APPROPRIATION.

To the committee on Health

H.B. No. 165 - Representative Gibbs, et al

TO REQUIRE VENDORS USING ORIGIN-BASED SITUSING RULES TO DETERMINE THE APPROPRIATE SALES TAX JURISDICTION IN WHICH A SALE IS TAXABLE TO CONTINUE TO DO SO, TO AUTHORIZE VENDORS USING DESTINATION-BASED SOURCING TO CONVERT TO ORIGIN-BASED SITUSING AT THEIR CONVENIENCE, TO REPEAL OHIO'S MULTIPLE POINTS OF USE PROVISIONS FOR SERVICES AND COMPUTER-RELATED SALES, AND TO AUTHORIZE THE TAX COMMISSIONER TO DEVELOP A PLAN FOR IN-STATE AND OUT-OF-STATE VENDORS TO ELECT TO COLLECT AND REMIT OHIO USE TAXES AT A UNIFORM RATE.

To the committee on Ways and Means

H.B. No. 166 - Representative Schindel, et al

TO CREATE AN OFFICE OF INTERNAL AUDITING WITHIN THE OFFICE OF BUDGET AND MANAGEMENT, TO ESTABLISH THE STATE AUDIT COMMITTEE, AND TO PRESCRIBE THEIR RESPECTIVE AND INTERRELATED FUNCTIONS.

To the committee on State Government

H.B. No. 167 - Representative Dyer, et al

TO ESTABLISH A PROGRAM FOR THE TRANSFER AND TREATMENT OF OHIO MEMBERS OF THE ARMED FORCES WHO ARE ASSIGNED TO THE WALTER REED ARMY MEDICAL CENTER

FOR THE PURPOSE OF TREATMENT OR REHABILITATION AND TO MAKE AN APPROPRIATION.

To the committee on Finance and Appropriations

H.B. No. 168 - Representative Wagner, et al

TO MAKE THE OHIO TURNPIKE COMMISSION RESPONSIBLE FOR MAJOR MAINTENANCE AND REPAIR AND REPLACEMENT OF GRADE SEPARATIONS AT INTERSECTIONS OF ANY TURNPIKE PROJECT WITH COUNTY AND TOWNSHIP ROADS.

To the committee on Infrastructure, Homeland Securities and Veterans Affairs

H.B. No. 169 - Representative Wagner, et al

TO ESTABLISH REQUIREMENTS GOVERNING THE DISPOSAL AND COLLECTION OF USED LEAD-ACID BATTERIES.

To the committee on Economic Development and Environment

H.B. No. 170 - Representatives Celeste and Peterson, et al

TO PROHIBIT HEALTH INSURERS FROM EXCLUDING COVERAGE FOR AUTISM.

To the committee on Insurance

H.B. No. 171 - Representative S. Williams, et al

TO REVISE THE LAWS GOVERNING ISSUANCE OF CERTAIN PROFESSIONAL LICENSES.

To the committee on Commerce and Labor

H.B. No. 172 - Representative S. Williams, et al

TO REQUIRE THE SEALING OF THE OFFICIAL RECORDS OF A PERSON WHO IS FOUND NOT GUILTY OF AN OFFENSE, TO MODIFY THE PROCEDURE BY WHICH A PERSON WHO IS THE DEFENDANT NAMED IN A DISMISSED COMPLAINT, INDICTMENT, OR INFORMATION OR AGAINST WHOM A NO BILL IS ENTERED BY A GRAND JURY MAY APPLY FOR THE SEALING OF THE OFFICIAL RECORDS IN THE CASE, AND TO ALLOW ACCESS TO SEALED RECORDS BY PARTIES TO CIVIL ACTIONS THAT ARE BASED ON THE CONDUCT THAT GAVE RISE TO THE CRIMINAL CASE THE RECORDS OF WHICH WERE SEALED.

To the committee on Criminal Justice

H.B. No. 173 - Representatives Seitz and Book

TO INCREASE THE COMPENSATION OF JUSTICES AND JUDGES OF THE COURTS, TO CHANGE THE QUALIFICATIONS FOR ALL JUDGES, TO REQUIRE THE SUPREME COURT TO ESTABLISH A QUALIFICATION PROGRAM FOR CANDIDATES FOR JUDICIAL OFFICE, TO CREATE THE JUDICIAL ALLOTMENT REVIEW COMMISSION TO STUDY AND REVIEW THE ALLOTMENT OF JUDGESHIPS IN THE COURTS FOR THE PURPOSE OF RECOMMENDING LEGISLATION TO ENSURE THE EFFICIENT AND PROMPT ADMINISTRATION OF JUSTICE IN OHIO, TO CREATE THE JUDICIAL APPOINTMENT REVIEW COMMISSION TO MAKE

RECOMMENDATIONS OF PERSONS TO FILL JUDICIAL VACANCIES, TO SPECIFY THAT A PORTION OF CERTAIN COURT COSTS CURRENTLY DEPOSITED TO THE CREDIT OF THE REPARATIONS FUND BE DEPOSITED IN THE FUND FOR COURT SECURITY, AND TO MAKE APPROPRIATIONS FOR COURT-RELATED PURPOSES.

To the committee on Judiciary

H.B. No. 174 - Representative Fessler, et al

RELATIVE TO TOWNSHIP AND COUNTY TELECOMMUNICATION TOWER ZONING AUTHORITY.

To the committee on Local and Municipal Government and Urban Revitalization

H.B. No. 175 - Representative Fessler, et al

TO PERMANENTLY PERMIT SCHOOL DISTRICTS TO MAKE UP EXCESS CALAMITY DAYS BY ADDING HOURS TO REMAINING DAYS IN THE SCHOOL YEAR AND TO DECLARE AN EMERGENCY.

To the committee on Education

H.B. No. 176 - Representative Combs, et al

TO PERMIT PUBLIC ENTITIES TO OFFER MOTORCYCLE OPERATOR INSTRUCTION WITHOUT ANY TUITION FEE RESTRICTION.

To the committee on Infrastructure, Homeland Security and Veterans Affairs

H.B. No. 177 - Representative Blessing, et al

TO ALLOW THE SAME PERSON, ASSOCIATION, TRUST, OR CORPORATION TO BE ISSUED NOT MORE THAN TWO HORSE RACING PERMITS FOR RACE TRACKS IN OHIO.

To the committee on State Government and Elections

H.B. No. 178 - Representatives Blessing and Harwood, et al

TO DEFINE THE REASONABLE COST OF HEALTH INSURANCE COVERAGE IN CHILD SUPPORT ORDERS.

To the committee on Juvenile and Family Law

H.B. No. 179 - Representative Blessing

TO REQUIRE A HEALTH INSURER AND ALLOW AN EMPLOYEE, DURING THE TIME AN EMPLOYEE'S WORKERS' COMPENSATION CLAIM IS PENDING APPROVAL, TO PAY FOR SERVICES PROVIDED TO CARE FOR AN EMPLOYEE'S WORKPLACE INJURY OR OCCUPATIONAL DISEASE AND TO REQUIRE THE ADMINISTRATOR OF WORKERS' COMPENSATION OR A SELF-INSURING EMPLOYER, AS APPROPRIATE, TO REIMBURSE THAT HEALTH INSURER OR EMPLOYEE FOR EXPENSES THEY PAID FOR A CLAIM ONCE IT IS DEEMED COMPENSABLE.

To the committee on Commerce and Labor

H.B. No. 180 - Representative Setzer, et al

TO ESTABLISH A LIMITED STUDENT PERMIT CATEGORY FOR

SPEECH LANGUAGE PATHOLOGY INTERNS, AND TO DECLARE AN EMERGENCY.

To the committee on Education

H.B. No. 181 - Representative Setzer, et al

TO REQUIRE PUBLIC AND NONPUBLIC SCHOOLS TO MARK THE RECORDS OF STUDENTS IDENTIFIED AS MISSING CHILDREN AND TO NOTIFY LAW ENFORCEMENT OF REQUESTS FOR THOSE RECORDS.

To the committee on Education

H.B. No. 182 - Representative Setzer, et al

TO REQUIRE A PHYSICAL FITNESS FACILITY TO PLACE WITHIN THE FACILITY AN AUTOMATED EXTERNAL DEFIBRILLATOR AND TO ENSURE ITS PROPER MAINTENANCE AND TESTING, TO GENERALLY REQUIRE THE FACILITY TO HAVE AT LEAST ONE EMPLOYEE TRAINED IN USE OF A DEFIBRILLATOR AND TO ENSURE A TRAINED EMPLOYEE'S PRESENCE AT THE FACILITY DURING APPROPRIATE HOURS, AND TO PROVIDE CIVIL LIABILITY FOR INJURY CAUSED BY FAILURE TO COMPLY WITH THE SPECIFIED REQUIREMENTS.

To the committee on Health

H.B. No. 183 - Representative Setzer, et al

TO INCREASE THE PENALTY FOR ASSAULT TO A FELONY OF THE FOURTH DEGREE WHEN THE VICTIM IS A LISTED HEALTHCARE WORKER AND TO MAKE ASSAULT AGAINST ANY SCHOOL EMPLOYEE A FELONY OF THE FIFTH DEGREE.

To the committee on Criminal Justice

S.B. No. 16 - By Initiative

TO GENERALLY REGULATE SEXUALLY ORIENTED BUSINESSES.

To the committee on Judiciary

JON A. HUSTED
LARRY L. FLOWERS
JOYCE BEATTY
CHRIS REDFERN

KEVIN DEWINE
ARLENE J. SETZER
JOSEPH KOZIURA

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

The motion was agreed to without objection.

The report was agreed to.

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

MOTIONS AND RESOLUTIONS

Representative Koziura reported for the Rules and Reference Committee recommending that the following House Concurrent Resolutions be introduced and referred to the following committees for consideration:

H. Con. R. No. 14 – Representatives Williams, S., Brown, Boyd, Yuko, Luckie

TO URGE THE NATIONAL BASEBALL HALL OF FAME TO OFFICIALLY RECOGNIZE THE CROWD WATCHING THE OCTOBER 10, 1915, GAME BETWEEN CLEVELAND'S WHITE AUTOS AND THE OMAHA LUXUS AS THE LARGEST CROWD EVER TO WATCH A BASEBALL GAME.

To the committee on State Government and Elections

H. Con. R. No. 15 – Representative Fende

TO DESIGNATE THE WEEK OF SEPTEMBER 16 THROUGH SEPTEMBER 22, 2007, AS MITOCHONDRIAL DISEASE AWARENESS WEEK IN OHIO.

To the committee on State Government and Elections

/s/ JON A. HUSTED

Jon A. Husted, Chair

Representative Bubp moved that the Rules and Reference Committee Report on resolutions be agreed to and that the resolutions contained therein be introduced and referred as recommended.

The motion was agreed to.

Said resolutions were introduced and referred as recommended.

Representative Koziura reported for the Rules and Reference Committee recommending that the following House Resolutions be read by title only and approved:

H.R. No. 40 – Representatives Raussen, Uecker, Jones, Yates

HONORING THE MOELLER HIGH SCHOOL BOYS BASKETBALL TEAM ON WINNING THE 2007 DIVISION I STATE CHAMPIONSHIP.

H.R. No. 41 – Representative Reinhard

HONORING JON DIEBLER AS OHIO MR. BASKETBALL FOR THE 2006-2007 SEASON.

H.R. No. 42 – Representative Uecker

HONORING THE UNIVERSITY OF CINCINNATI-CLERMONT COLLEGE MEN'S BASKETBALL TEAM AS THE 2007 USCAA DIVISION II CHAMPION.

H.R. No. 43 – Speaker Husted, Representatives Beatty, Adams, Aslanides, Bacon, Barrett, Batchelder, Blessing, Bolon, Book, Boyd, Brady, Brinkman, Brown, Bubp, Budish, Carano, Carmichael, Celeste,

Chandler, Coley, Collier, Combs, Core, Daniels, DeBose, DeGeeter, DeWine, Distel, Dodd, Dolan, Domenick, Driehaus, Dyer, Evans, Fende, Fessler, Flowers, Foley, Garrison, Gibbs, Goodwin, Goyal, Hagan, J., Hagan, R., Harwood, Healy, Heard, Hite, Hottinger, Huffman, Hughes, Jones, Koziura, Latta, Letson, Luckie, Lundy, Mallory, Mandel, McGregor, J., McGregor, R., Miller, Oelslager, Okey, Otterman, Patton, Peterson, Raussen, Redfern, Reinhard, Sayre, Schindel, Schlichter, Schneider, Seitz, Setzer, Skindell, Stebelton, Stewart, D., Stewart, J., Strahorn, Sykes, Szollosi, Uecker, Ujvagi, Wachtmann, Wagner, Wagoner, Webster, White, Widener, Widowfield, Williams, B., Williams, S., Wolpert, Yates, Yuko, Zehringer
 HONORING PREVENT BLINDNESS OHIO ON ITS FIFTIETH ANNIVERSARY.

H.R. No. 46 – Representative Seitz

HONORING THE OAK HILLS HIGH SCHOOL MOCK TRIAL TEAM ON WINNING THE 2007 STATE CHAMPIONSHIP.

H.R. No. 47 – Representative Fessler

HONORING THE TROY CHRISTIAN HIGH SCHOOL WRESTLING TEAM AS THE 2007 DIVISION III STATE CHAMPION.

H.R. No. 48 – Speaker Husted, Representatives Beatty, Speaker Husted, Representatives Beatty, Adams, Aslanides, Bacon, Barrett, Batchelder, Blessing, Bolon, Book, Boyd, Brady, Brinkman, Brown, Bupp, Budish, Carmichael, Celeste, Chandler, Coley, Collier, Combs, Core, Daniels, DeBose, DeGeeter, DeWine, Distel, Dodd, Dolan, Domenick, Driehaus, Dyer, Evans, Fende, Fessler, Flowers, Foley, Garrison, Gibbs, Goodwin, Goyal, Hagan, J., Hagan, R., Harwood, Healy, Heard, Hite, Hottinger, Huffman, Hughes, Jones, Koziura, Latta, Letson, Luckie, Lundy, Mallory, Mandel, McGregor, J., McGregor, R., Miller, Oelslager, Okey, Otterman, Patton, Peterson, Raussen, Redfern, Reinhard, Sayre, Schindel, Schlichter, Schneider, Seitz, Setzer, Skindell, Stebelton, Stewart, D., Stewart, J., Strahorn, Sykes, Szollosi, Uecker, Ujvagi, Wachtmann, Wagner, Wagoner, Webster, White, Widener, Widowfield, Williams, B., Williams, S., Wolpert, Yates, Yuko, Zehringer

HONORING REPRESENTATIVE KENNETH A. CARANO ON HIS SERVICE TO THE OHIO HOUSE OF REPRESENTATIVES.

/s/ JON A. HUSTED

Jon A. Husted, Chair

Representative Flowers moved that the Rules and Reference Committee Report on resolutions be agreed to and that the resolutions contained therein be approved.

The motion was agreed to.

Representative Koziura reported for the Rules and Reference Committee recommending that the following House Resolutions be read and approved:

H.R. No. 44 – Speaker Husted, Representatives Beatty, Adams, Aslanides, Bacon, Barrett, Batchelder, Blessing, Bolon, Book, Boyd, Brady, Brinkman, Brown, Bulp, Budish, Carano, Carmichael, Celeste, Chandler, Coley, Collier, Combs, Core, Daniels, DeBose, DeGeeter, DeWine, Distel, Dodd, Dolan, Domenick, Driehaus, Dyer, Evans, Fende, Fessler, Flowers, Foley, Garrison, Gibbs, Goodwin, Goyal, Hagan, J., Hagan, R., Harwood, Healy, Heard, Hite, Hottinger, Huffman, Hughes, Jones, Koziura, Latta, Letson, Luckie, Lundy, Mallory, Mandel, McGregor, J., McGregor, R., Miller, Oelslager, Okey, Otterman, Patton, Peterson, Raussen, Redfern, Reinhard, Sayre, Schindel, Schlichter, Schneider, Seitz, Setzer, Skindell, Stebelton, Stewart, D., Stewart, J., Strahorn, Sykes, Szollosi, Uecker, Ujvagi, Wachtmann, Wagner, Wagoner, Webster, White, Widener, Widowfield, Williams, B., Williams, S., Wolpert, Yates, Yuko, Zehringer
IN MEMORY OF JAMES E. THORPE.

H.R. No. 45 – Speaker Husted, Representatives Beatty, Adams, Aslanides, Bacon, Barrett, Batchelder, Blessing, Bolon, Book, Boyd, Brady, Brinkman, Brown, Bulp, Budish, Carano, Carmichael, Celeste, Chandler, Coley, Collier, Combs, Core, Daniels, DeBose, DeGeeter, DeWine, Distel, Dodd, Dolan, Domenick, Driehaus, Dyer, Evans, Fende, Fessler, Flowers, Foley, Garrison, Gibbs, Goodwin, Goyal, Hagan, J., Hagan, R., Harwood, Healy, Heard, Hite, Hottinger, Huffman, Hughes, Jones, Koziura, Latta, Letson, Luckie, Lundy, Mallory, Mandel, McGregor, J., McGregor, R., Miller, Oelslager, Okey, Otterman, Patton, Peterson, Raussen, Redfern, Reinhard, Sayre, Schindel, Schlichter, Schneider, Seitz, Setzer, Skindell, Stebelton, Stewart, D., Stewart, J., Strahorn, Sykes, Szollosi, Uecker, Ujvagi, Wachtmann, Wagner, Wagoner, Webster, White, Widener, Widowfield, Williams, B., Williams, S., Wolpert, Yates, Yuko, Zehringer
IN MEMORY OF THE VICTIMS OF THE TRAGIC SHOOTINGS AT VIRGINIA TECH.

/s/ JON A. HUSTED

Jon A. Husted, Chair

Representative Bulp moved that the Rules and Reference Committee Report on resolutions be agreed to and that the resolutions contained therein be approved.

The motion was agreed to.

On motion of Representative Bulp, the House adjourned until Thursday, April 26, 2007, 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,
Clerk.