

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

WEDNESDAY, APRIL 1, 2009

**THIRTIETH DAY**

Hall of the House of Representatives, Columbus, Ohio  
**Wednesday, April 1, 2009, 1:30 p.m.**

The House met pursuant to adjournment.

Prayer was offered by Representative Cliff Hite-76th district, 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 Budish prior to the commencement of business:

Joe McNamra, a guest of Representatives Ujvagi-47th district, Szollosi-49th district, Brown-48th district.

Ryan Salo, a guest of Representative Mandel-17th district.

Darryel Davis, a guest of Representative Winburn-40th district.

Tito Brown and Demain Kitchen, guests of Representative Hagan-60th district.

Fourth grade students from Versailles Elementary School, guests of Representative Zeheringer-77th district.

Gifted students from Arcanum, Bradford, Franklin-Monroe and Tri-Village school districts, guests of Representative R. Adams.

Charlie Neff and Dusty Parker, guests of Representative Hackett-84th district.

**INTRODUCTION OF BILLS**

The following bills were introduced:

**H. B. No. 116**-Representative Uecker.

Cosponsors: Representatives Evans, Ujvagi, Gardner, Combs.

To enact section 5.2265 of the Revised Code to designate April as "Community Theater Month."

**H. B. No. 117**-Representative Jones.

Cosponsors: Representatives Boose, Combs, Evans, Gardner, Grossman, Hall, Hite, Morgan, Ruhl, Uecker, Wagner, Zehringer.

To amend sections 5751.20 and 5751.22 of the Revised Code to require 30% of commercial activity tax revenue to be used indefinitely for local government purposes.

**H. B. No. 118**-Representatives Newcomb, Phillips.

Cosponsors: Representatives Murray, Harris, Dodd, Williams, B., Fende, Harwood, Heard, Luckie, Chandler, Letson, Domenick, Okey, Ujvagi, Hagan, DeGeeter, Skindell, Yuko, Weddington, Yates, Brown, Lehner, Derickson, Hite, Zehringer, Gardner, Bacon, Evans.

To amend sections 9.239, 9.55, 101.37, 101.39, 107.12, 109.57, 109.572, 109.71, 109.77, 109.86, 117.102, 121.02, 121.03, 121.32, 121.36, 121.37, 123.01, 124.11, 124.23, 124.241, 124.27, 124.38, 124.381, 125.602, 125.603, 126.32, 127.16, 135.801, 135.802, 135.803, 140.01, 140.03, 140.05, 145.012, 145.297, 154.17, 154.20, 173.03, 305.14, 307.10, 307.86, 309.10, 319.16, 325.19, 329.06, 1751.01, 1751.02, 2108.521, 2109.01, 2109.04, 2111.01, 2111.02, 2111.10, 2133.25, 2151.011, 2151.421, 2903.33, 2919.271, 2921.36, 2921.38, 2930.061, 2935.03, 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, 2967.22, 3109.18, 3301.07, 3301.15, 3301.52, 3301.53, 3301.55, 3301.57, 3301.58, 3304.231, 3313.65, 3313.715, 3314.022, 3314.99, 3317.01, 3317.02, 3317.024, 3317.03, 3317.032, 3317.05, 3317.051, 3317.052, 3317.07, 3317.15, 3317.20, 3319.22, 3319.99, 3323.01, 3323.02, 3323.021, 3323.03, 3323.04, 3323.05, 3323.07, 3323.09, 3323.091, 3323.12, 3323.141, 3323.142, 3323.31, 3326.99, 3501.01, 3701.78, 3701.93, 3701.932, 3701.933, 3705.36, 3721.01, 3721.14, 3722.01, 3727.01, 3735.58, 4109.06, 4115.32, 4141.29, 4511.21, 4511.75, 4723.071, 5101.35, 5101.46, 5101.611, 5103.02, 5103.13, 5104.08, 5107.24, 5111.042, 5111.151, 5111.202, 5111.203, 5111.211, 5111.251, 5111.291, 5111.65, 5111.677, 5111.709, 5111.87, 5111.871, 5111.872, 5111.873, 5111.874, 5111.875, 5111.876, 5111.8710, 5111.915, 5112.30, 5112.32, 5112.37, 5112.371, 5119.16, 5119.221, 5119.51, 5120.07, 5120.135, 5121.01, 5121.02, 5121.03, 5121.04, 5121.05, 5121.051, 5121.06, 5121.061, 5121.07, 5121.08, 5121.09, 5121.10, 5121.11, 5121.12, 5123.01, 5123.012, 5123.02, 5123.021, 5123.03, 5123.031, 5123.032, 5123.033, 5123.04, 5123.042, 5123.043, 5123.044, 5123.046, 5123.047, 5123.048, 5123.049, 5123.0410, 5123.0411, 5123.0412, 5123.0413, 5123.0414, 5123.0415, 5123.0416, 5123.0417, 5123.05, 5123.051, 5123.06, 5123.07, 5123.08, 5123.081, 5123.082, 5123.083, 5123.09, 5123.091, 5123.092, 5123.093, 5123.10, 5123.11, 5123.12, 5123.122, 5123.13, 5123.14, 5123.15, 5123.16, 5123.161, 5123.162, 5123.163, 5123.164, 5123.166, 5123.167, 5123.168, 5123.169, 5123.17, 5123.171, 5123.172, 5123.18, 5123.181, 5123.19, 5123.191, 5123.194, 5123.195, 5123.196, 5123.198, 5123.21, 5123.211, 5123.22, 5123.221, 5123.23, 5123.24, 5123.25, 5123.26, 5123.27, 5123.28, 5123.29, 5123.30, 5123.31, 5123.33, 5123.34, 5123.35, 5123.351, 5123.352, 5123.36, 5123.37, 5123.371, 5123.372, 5123.373, 5123.374, 5123.375, 5123.38, 5123.40, 5123.41, 5123.42, 5123.421, 5123.43, 5123.44, 5123.45, 5123.451, 5123.47, 5123.50, 5123.51, 5123.52, 5123.53, 5123.54, 5123.541, 5123.542, 5123.55, 5123.56, 5123.57, 5123.58, 5123.59, 5123.60, 5123.601, 5123.602, 5123.604, 5123.61, 5123.611, 5123.612, 5123.613, 5123.614, 5123.63, 5123.64, 5123.65, 5123.71, 5123.711, 5123.72, 5123.73, 5123.74, 5123.75, 5123.76, 5123.801, 5123.81, 5123.811, 5123.82,

5123.85, 5123.86, 5123.89, 5123.90, 5123.96, 5126.01, 5126.02, 5126.021, 5126.022, 5126.023, 5126.024, 5126.025, 5126.026, 5126.027, 5126.028, 5126.029, 5126.0210, 5126.0211, 5126.0212, 5126.0213, 5126.0214, 5126.0215, 5126.0216, 5126.0217, 5126.0218, 5126.0219, 5126.0220, 5126.0221, 5126.0222, 5126.0223, 5126.0224, 5126.0225, 5126.0226, 5126.0227, 5126.0228, 5126.0229, 5126.03, 5126.031, 5126.032, 5126.033, 5126.034, 5126.037, 5126.038, 5126.04, 5126.041, 5126.042, 5126.044, 5126.045, 5126.046, 5126.05, 5126.051, 5126.052, 5126.054, 5126.055, 5126.056, 5126.058, 5126.059, 5126.0510, 5126.0511, 5126.0512, 5126.06, 5126.07, 5126.071, 5126.08, 5126.081, 5126.082, 5126.09, 5126.10, 5126.11, 5126.12, 5126.121, 5126.13, 5126.14, 5126.15, 5126.18, 5126.19, 5126.20, 5126.201, 5126.21, 5126.22, 5126.221, 5126.23, 5126.24, 5126.25, 5126.251, 5126.252, 5126.253, 5126.254, 5126.26, 5126.27, 5126.28, 5126.281, 5126.29, 5126.30, 5126.31, 5126.311, 5126.313, 5126.33, 5126.331, 5126.333, 5126.34, 5126.36, 5126.40, 5126.41, 5126.42, 5126.43, 5126.45, 5126.46, 5126.47, 5126.49, 5126.50, 5126.54, 5126.55, 5126.57, 5126.58, 5126.59, 5126.61, 5126.62, 5126.99, 5139.08, 5139.34, 5145.18, 5153.16, 5153.99, 5511.03, 5543.011, 5705.091, 5705.14, 5705.191, 5705.222, 5705.28, 5705.44, 5735.142, 5815.28, and 5815.35; to amend section 5123.011 as it results from Am. Sub. S.B. 156 of the 119th General Assembly; to amend, for the purpose of adopting a new section number as indicated in parentheses, section 5123.011 (5123.013) as it results from Am. Sub. S.B. 285 of the 121st General Assembly; to enact sections 5123.014 and 5126.011 of the Revised Code; to amend Sections 213.30, 269.20.40, 269.20.80, 269.20.90, 269.30.50, 293.30, 309.31.60, 309.31.70, 335.40.10, 337.10, 337.20.10, 337.30.10, 337.30.20, 337.30.30, 337.30.40, 337.30.60, 337.30.70, 337.30.80, 337.40.10, and 337.40.30 of Am. Sub. H.B. 119 of the 127th General Assembly, to amend Sections 337.30.43, 337.40, and 337.40.15 of Am. Sub. H.B. 119 of the 127th General Assembly as subsequently amended, to amend Sections 209.60.40, 209.60.50, and 501.40 of H.B. 496 of the 127th General Assembly, to amend Section 201.60.30 of H.B. 496 of the 127th General Assembly, as subsequently amended, to amend Sections 231.30.10, 231.30.20, 253.10, and 751.10 of Am. Sub. H.B. 562 of the 127th General Assembly, to amend Section 231.20.30 of Am. Sub. H.B. 562 of the 127th General Assembly, as subsequently amended, and to amend Section 4 of Am. Sub. H.B. 516 of the 125th General Assembly, as subsequently amended, to change the name of the Department of Mental Retardation and Developmental Disabilities to the Department of Developmental Disabilities and the name of county boards of mental retardation and developmental disabilities to county boards of developmental disabilities and to make similar name changes for the Joint Council on Mental Retardation and Developmental Disabilities, the Mental Retardation and Developmental Disabilities Developmental Center Closure Commission, and certain state and county funds.

Said bills were considered the first time.

**REPORTS OF CONFERENCE COMMITTEES**

Representative Szollosi moved that Joint Rule No. 20, pertaining to reports of conference committees, be suspended and that the report of the committee of Conference on **Am. Sub. H. B. No. 2**-Representative Ujvagi, et al. be taken up for immediate consideration.

The motion was agreed to without objection.

Representative Ujvagi submitted the following report:

The Committee of Conference to which the matters of difference between the two houses were referred on Am. Sub. H.B. 2, Representative Ujvagi-et al., having had the same under consideration, recommends to the respective houses as follows:

The bill as passed by the House of Representatives with the following amendments:

In line 148, delete "recovery and reinvestment act" and insert "Recovery and Reinvestment Act"

Between lines 229 and 230, insert:

" In this section, "American Recovery and Reinvestment Act of 2009" means the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115."

In line 1829, delete "Conspicuously state the" and insert "The"

In line 5301, delete "cent" and insert "cents"

In line 8609, delete the quotation mark

In line 9089a, delete the hyphen

In line 9425, delete "XXXX 768XXX" and insert "3DE0 768612"

Move lines 9425 and 9425a to between lines 9422a and 9423

In line 9546, delete "XXXX" and insert "3DE0"

In line 9550, delete "768XXX" and insert "768612"

In lines 9692 through 9704, remove all division lettering

In lines 9715 through 9726, remove all division lettering

In lines 9739 through 9746, remove all division lettering

Move the paragraphs in lines 9775 through 9785 to between lines 9760 and 9761

In lines 9756 through 9788, remove all division lettering

In line 9778, delete "XXXX" and insert "3DA0"

In line 9784, delete "XXXX" and insert "3DB0"

In line 9797, delete "XXXX 195XXX" and insert "3DA0 195632"

In line 9798, delete "XXXX 195XXX" and insert "3DB0 195642"

Move lines 9797 through 9798c to between lines 9793 and 9794

In line 9808, delete "195XXX" and insert "195632"

In line 9809, delete "195XXX" and insert "195642"

In lines 9813 through 9830, remove all division lettering

Move the paragraphs in lines 9818 through 9827 to line 9813 following "311.10." retaining the paragraphing and starting a new paragraph with "The"

In line 9822, delete "XXXX" and insert "3DC0"

In line 9826, delete "XXXX" and insert "3DD0"

In line 9834, delete "XXXX 200XXX" and insert "3DC0 200625"

In line 9835, delete "XXXX 200XXX" and insert "3DD0 200629"

Move lines 9834 through 9835a to between lines 9832 and 9833

In line 9839, delete "200XXX" and insert "200625"

In line 9840, delete "200XXX" and insert "200629"

In lines 9843 through 9849, remove all division lettering

In lines 9859 through 9866, remove all division lettering

In lines 9876 through 9893, remove all division lettering

In lines 9906 through 9932, remove all division lettering

In lines 9950 through 9962, remove all division lettering

In lines 9983 through 9994, remove all division lettering

In line 9998, delete "77XXXX" and insert "775463"

In line 10432, delete "this act" and insert "the Revised Code"

In line 10433, delete "act" and insert "section"

Between lines 10872 and 10873, insert:

**"Section \_\_\_\_.** As used in the uncodified law of this act, "American Recovery and Reinvestment Act of 2009" means the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115."

In line 14 of the title, delete the second "4981.02,"

In line 42, after "2949.094," insert "3304.14,"

Between lines 1424 and 1425, insert:

**"Sec. 3304.14.** The ~~rehabilitation services commission~~ governor shall appoint an administrator ~~of the rehabilitation services commission~~ to serve at the pleasure of the ~~commission~~ governor and shall fix ~~his~~ the administrator's compensation. The administrator shall devote ~~his~~ the administrator's entire time to the duties of ~~his~~ the administrator's office, shall hold no other office or position of trust and profit, and shall engage in no other business during ~~his~~ the administrator's term of office. The ~~commission~~ governor may ~~delegate to grant~~ the administrator the authority to appoint, remove, and discipline without regard to sex, race, creed, color, age, or national origin, such other professional, administrative, and clerical staff members as are necessary to carry out the functions and duties of the commission."

In line 9058, after "2949.094," insert "3304.14,"

In line 3 of the title, after "2949.094," insert "3304.14,"

In line 9423, delete "\$15,856,300 \$12,256,300" and insert "\$12,056,300 \$12,056,300"

In line 9425, before "Justice" insert "Federal Stimulus –"

In line 9686, delete "315.10,"

In line 9707, delete "\$5,278,000" and insert "\$1,035,934"

In lines 9709 and 9710, delete "\$8,269,000" and insert "\$4,026,934"

In line 9740, delete "Trust Fund" and insert "Program"; delete "II" and insert "VII"

In line 9742, delete "Leaking" and insert "Federal Stimulus -"

In lines 9743 and 9745, delete "3480" and insert "3DF0"

In line 9749, delete "3480 800624 Leaking" and insert "3DF0 800606 Federal Stimulus –"

In line 9752, delete "800624" and insert "800606"; delete "Leaking" and insert "Federal Stimulus -"

In line 9792, delete "\$276,553,000" and insert "\$266,781,409"

In line 9793, delete "\$122,604,000" and insert "\$96,083,000"

In lines 9799 and 9800, delete "\$592,783,798" and insert "\$556,491,207"

In line 9816, delete "Consolidated Federal Grant" and insert "Federal Stimulus McKinney-Vento Grant"

In line 9817, delete "Administration"; delete "3Z30" and insert "3DG0"; before the period insert ", which is hereby created in the state treasury"

Between lines 9817 and 9818, insert:

"(B) The federal payments to the state for the education technology program under Title VIII of division A of the American Recovery and

Reinvestment Act of 2009 shall be deposited to the credit of the Technology Literacy Transfer Fund (Fund 3S20)."

In line 9818, delete "(B)" and insert "(C)"

In line 9821, delete "Lunch" and insert "Cafeteria Equipment"

Delete lines 9823 through 9827

Delete lines 9833 through 9842 and insert:

"3DC0200625	Federal Stimulus – School Lunch Cafeteria Equipment	\$	0 \$	3,107,000
3DG0 200630	Federal Stimulus – McKinney-Vento Grants	\$	0 \$	1,384,000
3S20 200641	Education Technology	\$	0 \$	23,902,000
TOTAL FED	Federal Special Revenue Fund Group	\$	0 \$	28,393,000

The foregoing appropriation items 200625, Federal Stimulus – School Lunch Cafeteria Equipment, and 200630, Federal Stimulus – McKinney-Vento Grants, shall be used in accordance with the requirements of the American Recovery and Reinvestment Act of 2009 that apply to the money appropriated.

Of the foregoing appropriation item 200641, Education Technology, up to \$11,591,000 shall be used to award competitive grants to Title I eligible schools and districts under the Twenty-First Century Learning Environments Technology Grant Program. The remainder of the appropriation shall be distributed to Title I eligible schools on a formula basis as required by federal regulations. Up to five per cent of the appropriated funds may be retained to develop state activities consistent with the goals in this section and to administer the Twenty-First Century Learning Environments Technology Grant Program."

Delete lines 9859 through 9875

In line 9876, delete everything after "(A)"

Delete lines 9877 through 9880

In line 9881, delete "(B)"

In line 9886, delete "(C)" and insert "(B)"

Between lines 9890 and 9891, insert:

"(C) The federal payments made to the state for the IDEA – Infants and Children Program under Title VIII of Division A of the American Recovery and Reinvestment Act of 2009 shall be deposited to the credit of the General Operations Fund (Fund 3920)."

In line 9896, delete "3200 440601 Maternal Child Health Block Grant" and insert "3920 440618 Federal Public Health Programs"

Move lines 9896 and 9896a to between lines 9898a and 9899

In line 9901, delete "440601" and insert "440618"; delete "Maternal Child" and insert "Federal Public Health Programs"



In line 9902, delete everything before the first comma

Between lines 9910 and 9911, insert:

"(B) The federal payments to the state for the Foster Care/Adoption Program under Title VIII of Division A of the American Recovery and Reinvestment Act of 2009 not otherwise designated in this act shall be deposited to the credit of the Title IV-E Foster Care/Adoption Maintenance Fund (Fund 3980)."

In line 9911, delete "(B)" and insert "(C)"

In line 9915, delete "(C)" and insert "(D)"

Between lines 9919 and 9920, insert:

"(E) The federal payments to the state for the Workforce Investment Act program under Title VIII of Division A of the American Recovery and Reinvestment Act of 2009 shall be deposited to the credit of the Workforce Investment Act Fund (Fund 3V00)."

In line 9920, delete "(D)" and insert "(F)"

In line 9923, after the second "the" insert "Federal"; delete "Compensation Review" and insert "Programs"

In line 9924, delete "Commission"

Delete lines 9925 through 9929

In line 9930, delete "(F)" and insert "(G)"

Delete lines 9934 through 9936

In line 9938, delete "\$11,200,000" and insert "\$5,517,986"

Between lines 9838a and 9939, insert:

"3980 600627 Adoption Maintenance/Administration \$0 \$8,436,803"

In line 9939, delete "\$4,254,000" and insert "\$4,983,222"

In line 9940, delete "\$40,327,000" and insert "\$12,411,714"

Between lines 9940a and 9941, insert:

"3V00 600688 Workforce Investment Act \$0 \$110,000,000"

In line 9941, delete "\$25,545,000" and insert "\$39,800,000"

In line 9942, delete "\$81,326,000" and insert "\$166,894,725"

In line 9943, delete "\$101,743,000" and insert "\$166,894,725"

In line 9945, after the first comma insert "600627, Adoption Maintenance/Administration,"

In line 9946, after the first comma insert "600688, Workforce Investment

Act, and"

In line 9947, delete "and 600671, Medicaid Program Support,"

In line 9977, delete "315.10,"

Between lines 9982 and 9983, insert:

"**Section \_\_\_\_.** The federal payments made to the state for justice programs under Title II of Division A of the American Recovery and Reinvestment Act of 2009 shall be deposited to the credit of the Federal Stimulus - Justice Programs Fund (Fund 3DH0).

The item in this section is hereby appropriated as designated out of any moneys in the state treasury to the credit of Fund 3DH0.

Appropriations

DPS DEPARTMENT OF PUBLIC SAFETY

Federal Special Revenue Fund Group

3DH0 768613	Federal Stimulus – Justice Programs	\$	0 \$	4,604,597
TOTAL FED	Federal Special Revenue Fund Group	\$	0 \$	4,604,597
TOTAL ALL BUDGET FUND GROUPS		\$	0 \$	4,604,597

The foregoing appropriation item 768613, Federal Stimulus – Justice Programs, shall be used in accordance with the requirements of the American Recovery and Reinvestment Act of 2009 that apply to the money appropriated."

In line 10013, before "Expenditures" insert "**Section 325.\_\_\_\_.**"; delete "this section" and insert "Sections 325.\_\_\_\_ and 325.10"

In line 10015, after "contained" insert "in"

In line 10018, delete "Section" and insert "Sections 325.\_\_\_\_ and"

In line 10021, delete "315.10,"; after "321.10," insert "325.\_\_\_\_,"

In line 10131, delete "and with notice to the Director of Transportation"

In line 10248, delete "possible" and insert "permitted by federal law"

In line 10250, delete everything after "used" and insert "in accordance with the preferences for products and services made or performed in the United States and Ohio established in section 125.09 of the Revised Code."

Delete lines 10251 and 10252

In line 50, after "4561.21," insert "4928.64, 4928.65,"

Between lines 7227 and 7228, insert:

"**Sec. 4928.64.** (A)(1) As used in sections 4928.64 and 4928.65 of the Revised Code, "alternative energy resource" means an advanced energy resource or renewable energy resource, as defined in section 4928.01 of the Revised Code that has a placed-in-service date of January 1, 1998, or after; a renewable energy

resource created on or after January 1, 1998, by the modification or retrofit of any facility placed in service prior to January 1, 1998; or a mercantile customer-sited ~~advance~~ advanced energy resource or renewable energy resource, whether new or existing, that the mercantile customer commits for integration into the electric distribution utility's demand-response, energy efficiency, or peak demand reduction programs as provided under division ~~(B)~~ (A)(2) ~~(b)~~ (c) of section 4928.66 of the Revised Code, including, but not limited to, any of the following:

(a) A resource that has the effect of improving the relationship between real and reactive power;

(b) A resource that makes efficient use of waste heat or other thermal capabilities owned or controlled by a mercantile customer;

(c) Storage technology that allows a mercantile customer more flexibility to modify its demand or load and usage characteristics;

(d) Electric generation equipment owned or controlled by a mercantile customer that uses an advanced energy resource or renewable energy resource;

(e) Any advanced energy resource or renewable energy resource of the mercantile customer that can be utilized effectively as part of any advanced energy resource plan of an electric distribution utility and would otherwise qualify as an alternative energy resource if it were utilized directly by an electric distribution utility.

(2) For the purpose of this section and as it considers appropriate, the public utilities commission may classify any new technology as such an advanced energy resource or a renewable energy resource.

(B) By 2025 and thereafter, an electric distribution utility shall provide from alternative energy resources, including, at its discretion, alternative energy resources obtained pursuant to an electricity supply contract, a portion of the electricity supply required for its standard service offer under section 4928.141 of the Revised Code, and an electric services company shall provide a portion of its electricity supply for retail consumers in this state from alternative energy resources, including, at its discretion, alternative energy resources obtained pursuant to an electricity supply contract. That portion shall equal twenty-five per cent of the total number of kilowatt hours of electricity sold by the subject utility or company to any and all retail electric consumers whose electric load centers are served by that utility and are located within the utility's certified territory or, in the case of an electric services company, are served by the company and are located within this state. However, nothing in this section precludes a utility or company from providing a greater percentage. The baseline for a utility's or company's compliance with the alternative energy resource requirements of this section shall be the average of such total kilowatt hours it sold in the preceding three calendar years, except that the commission may reduce a utility's or company's baseline to adjust for new economic growth in the utility's certified territory or, in the case of an electric services company, in the

company's service area in this state.

Of the alternative energy resources implemented by the subject utility or company by 2025 and thereafter:

(1) Half may be generated from advanced energy resources;

(2) At least half shall be generated from renewable energy resources, including one-half per cent from solar energy resources, in accordance with the following benchmarks:

By end of year	Renewable energy resources	Solar energy resources
2009	0.25%	0.004%
2010	0.50%	0.010%
2011	1%	0.030%
2012	1.5%	0.060%
2013	2%	0.090%
2014	2.5%	0.12%
2015	3.5%	0.15%
2016	4.5%	0.18%
2017	5.5%	0.22%
2018	6.5%	0.26%
2019	7.5%	0.3%
2020	8.5%	0.34%
2021	9.5%	0.38%
2022	10.5%	0.42%
2023	11.5%	0.46%
2024 and each calendar year thereafter	12.5%	0.5%

(3) At least one-half of the renewable energy resources implemented by the utility or company shall be met through facilities located in this state; the remainder shall be met with resources that can be shown to be deliverable into this state.

(C)(1) The commission annually shall review an electric distribution utility's or electric services company's compliance with the most recent applicable benchmark under division (B)(2) of this section and, in the course of that review, shall identify any undercompliance or noncompliance of the utility or company that it determines is weather-related, related to equipment or resource shortages for advanced energy or renewable energy resources as applicable, or is otherwise outside the utility's or company's control.

(2) Subject to the cost cap provisions of division (C)(3) of this section, if the commission determines, after notice and opportunity for hearing, and based upon its findings in that review regarding avoidable undercompliance or noncompliance, but subject to division (C)(4) of this section, that the utility or company has failed to comply with any such benchmark, the commission shall impose a renewable energy compliance payment on the utility or company.

(a) The compliance payment pertaining to the solar energy resource benchmarks under division (B)(2) of this section shall be an amount per megawatt hour of undercompliance or noncompliance in the period under review, starting at four hundred fifty dollars for 2009, four hundred dollars for 2010 and 2011, and similarly reduced every two years thereafter through 2024

by fifty dollars, to a minimum of fifty dollars.

(b) The compliance payment pertaining to the renewable energy resource benchmarks under division (B)(2) of this section shall equal the number of additional renewable energy credits that the electric distribution utility or electric services company would have needed to comply with the applicable benchmark in the period under review times an amount that shall begin at forty-five dollars and shall be adjusted annually by the commission to reflect any change in the consumer price index as defined in section 101.27 of the Revised Code, but shall not be less than forty-five dollars.

(c) The compliance payment shall not be passed through by the electric distribution utility or electric services company to consumers. The compliance payment shall be remitted to the commission, for deposit to the credit of the advanced energy fund created under section 4928.61 of the Revised Code. Payment of the compliance payment shall be subject to such collection and enforcement procedures as apply to the collection of a forfeiture under sections 4905.55 to 4905.60 and 4905.64 of the Revised Code.

(3) An electric distribution utility or an electric services company need not comply with a benchmark under division (B)(1) or (2) of this section to the extent that its reasonably expected cost of that compliance exceeds its reasonably expected cost of otherwise producing or acquiring the requisite electricity by three per cent or more.

(4)(a) An electric distribution utility or electric services company may request the commission to make a force majeure determination pursuant to this division regarding all or part of the utility's or company's compliance with any minimum benchmark under division (B)(2) of this section during the period of review occurring pursuant to division (C)(2) of this section. The commission may require the electric distribution utility or electric services company to make solicitations for renewable energy resource credits as part of its default service before the utility's or company's request of force majeure under this division can be made.

(b) Within ninety days after the filing of a request by an electric distribution utility or electric services company under division (C)(4)(a) of this section, the commission shall determine if renewable energy resources are reasonably available in the marketplace in sufficient quantities for the utility or company to comply with the subject minimum benchmark during the review period. In making this determination, the commission shall consider whether the electric distribution utility or electric services company has made a good faith effort to acquire sufficient renewable energy or, as applicable, solar energy resources to so comply, including, but not limited to, by banking or seeking renewable energy resource credits or by seeking the resources through long-term contracts. Additionally, the commission shall consider the availability of renewable energy or solar energy resources in this state and other jurisdictions in the PJM interconnection regional transmission organization or its successor and the midwest system operator or its successor.

(c) If, pursuant to division (C)(4)(b) of this section, the commission determines that renewable energy or solar energy resources are not reasonably available to permit the electric distribution utility or electric services company to comply, during the period of review, with the subject minimum benchmark prescribed under division (B)(2) of this section, the commission shall modify that compliance obligation of the utility or company as it determines appropriate to accommodate the finding. Commission modification shall not automatically reduce the obligation for the electric distribution utility's or electric services company's compliance in subsequent years. If it modifies the electric distribution utility or electric services company obligation under division (C)(4)(c) of this section, the commission may require the utility or company, if sufficient renewable energy resource credits exist in the marketplace, to acquire additional renewable energy resource credits in subsequent years equivalent to the utility's or company's modified obligation under division (C)(4)(c) of this section.

(5) The commission shall establish a process to provide for at least an annual review of the alternative energy resource market in this state and in the service territories of the regional transmission organizations that manage transmission systems located in this state. The commission shall use the results of this study to identify any needed changes to the amount of the renewable energy compliance payment specified under divisions (C)(2)(a) and (b) of this section. Specifically, the commission may increase the amount to ensure that payment of compliance payments is not used to achieve compliance with this section in lieu of actually acquiring or realizing energy derived from renewable energy resources. However, if the commission finds that the amount of the compliance payment should be otherwise changed, the commission shall present this finding to the general assembly for legislative enactment.

(D)(1) The commission annually shall submit to the general assembly in accordance with section 101.68 of the Revised Code a report describing the compliance of electric distribution utilities and electric services companies with division (B) of this section and any strategy for utility and company compliance or for encouraging the use of alternative energy resources in supplying this state's electricity needs in a manner that considers available technology, costs, job creation, and economic impacts. The commission shall allow and consider public comments on the report prior to its submission to the general assembly. Nothing in the report shall be binding on any person, including any utility or company for the purpose of its compliance with any benchmark under division (B) of this section, or the enforcement of that provision under division (C) of this section.

(2) The governor, in consultation with the commission chairperson, shall appoint an alternative energy advisory committee. The committee shall examine available technology for and related timetables, goals, and costs of the alternative energy resource requirements under division (B) of this section and shall submit to the commission a semiannual report of its recommendations.

(E) All costs incurred by an electric distribution utility in complying with

the requirements of this section shall be bypassable by any consumer that has exercised choice of supplier under section 4928.03 of the Revised Code.

**Sec. 4928.65.** An electric distribution utility or electric services company may use renewable energy credits any time in the five calendar years following the date of their purchase or acquisition from any entity, including, but not limited to, a mercantile customer or an owner or operator of a hydroelectric generating facility that is located at a dam on a river, or on any water discharged to a river, that is within or bordering this state or within or bordering an adjoining state, for the purpose of complying with the renewable energy and solar energy resource requirements of division (B)(2) of section 4928.64 of the Revised Code. The public utilities commission shall adopt rules specifying that one unit of credit shall equal one megawatt hour of electricity derived from renewable energy resources , except that, for a generating facility of seventy-five megawatts or greater that is situated within this state and has committed by December 31, 2009, to modify or retrofit its generating unit or units to enable the facility to generate principally from biomass energy by June 30, 2013, each megawatt hour of electricity generated principally from that biomass energy shall equal, in units of credit, the product obtained by multiplying the actual percentage of biomass feedstock heat input used to generate such megawatt hour by the quotient obtained by dividing the then existing unit dollar amount used to determine a renewable energy compliance payment as provided under division (C)(2)(b) of section 4928.64 of the Revised Code by the then existing market value of one renewable energy credit, but such megawatt hour shall not equal less than one unit of credit. The rules also shall provide for this state a system of registering renewable energy credits by specifying which of any generally available registries shall be used for that purpose and not by creating a registry. That selected system of registering renewable energy credits shall allow a hydroelectric generating facility to be eligible for obtaining renewable energy credits and shall allow customer-sited projects or actions the broadest opportunities to be eligible for obtaining renewable energy credits."

In line 9065, after "4561.21," insert "4928.64, 4928.65,"

In line 13 of the title, after "4561.21," insert "4928.64, 4928.65,"

In line 42, after "1548.14," insert "1751.53,"

In line 43, after "3905.423," insert "3923.38,"

Between lines 1283 and 1284, insert:

**"Sec. 1751.53.** (A) As used in this section:

(1) "Group contract" means a group health insuring corporation contract covering employees that meets either of the following conditions:

(a) The contract was issued by an entity that, on June 4, 1997, holds a certificate of authority or license to operate under Chapter 1738. or 1742. of the Revised Code, and covers an employee at the time the employee's employment is terminated.

(b) The contract is delivered, issued for delivery, or renewed in this state after June 4, 1997, and covers an employee at the time the employee's employment is terminated.

(2) "Eligible employee" means an employee to whom all of the following apply:

(a) The employee has been continuously covered under a group contract or under the contract and any prior similar group coverage replaced by the contract, during the entire three-month period preceding the termination of the employee's employment.

(b) ~~The employee is entitled, at the time of the termination of this employment, to unemployment compensation benefits under Chapter 4141. of the Revised Code~~ The employee did not voluntarily terminate the employee's employment and the termination of employment is not a result of any gross misconduct on the part of the employee.

(c) The employee is not, and does not become, covered by or eligible for coverage by medicare.

(d) The employee is not, and does not become, covered by or eligible for coverage by any other insured or uninsured arrangement that provides hospital, surgical, or medical coverage for individuals in a group and under which the employee was not covered immediately prior to the termination of employment. A person eligible for continuation of coverage under this section, who is also eligible for coverage under section 3923.123 of the Revised Code, may elect either coverage, but not both. A person who elects continuation of coverage may elect any coverage available under section 3923.123 of the Revised Code upon the termination of the continuation of coverage.

(B) A group contract shall provide that any eligible employee may continue the coverage under the contract, for the employee and the employee's eligible dependents, for a period of ~~six~~ twelve months after the date that the group coverage would otherwise terminate by reason of the termination of the employee's employment. Each certificate of coverage issued to employees under the contract shall include a notice of the employee's privilege of continuation.

(C) All of the following apply to the continuation of group coverage required under division (B) of this section:

(1) Continuation need not include any supplemental health care services benefits or specialty health care services benefits provided by the group contract.

(2) The employer shall notify the employee of the right of continuation at the time the employer notifies the employee of the termination of employment. The notice shall inform the employee of the amount of contribution required by the employer under division (C)(4) of this section.

(3) The employee shall file a written election of continuation with the employer and pay the employer the first contribution required under division



(C)(4) of this section. The request and payment must be received by the employer no later than the earlier of any of the following dates:

(a) Thirty-one days after the date on which the employee's coverage would otherwise terminate;

(b) Ten days after the date on which the employee's coverage would otherwise terminate, if the employer has notified the employee of the right of continuation prior to this date;

(c) Ten days after the employer notifies the employee of the right of continuation, if the notice is given after the date on which the employee's coverage would otherwise terminate.

(4) The employee must pay to the employer, on a monthly basis, in advance, the amount of contribution required by the employer. The amount required shall not exceed the group rate for the insurance being continued under the policy on the due date of each payment.

(5) The employee's privilege to continue coverage and the coverage under any continuation ceases if any of the following occurs:

(a) The employee ceases to be an eligible employee under division (A)(2)(c) or (d) of this section;

(b) A period of ~~six~~ twelve months expires after the date that the employee's coverage under the group contract would otherwise have terminated because of the termination of employment;

(c) The employee fails to make a timely payment of a required contribution, in which event the coverage shall cease at the end of the coverage for which contributions were made;

(d) The group contract is terminated, or the employer terminates participation under the contract, unless the employer replaces the coverage by similar coverage under another contract or other group health arrangement. If the employer replaces the contract with similar group health coverage, all of the following apply:

(i) The member shall be covered under the replacement coverage, for the balance of the period that the member would have remained covered under the terminated coverage if it had not been terminated.

(ii) The minimum level of benefits under the replacement coverage shall be the applicable level of benefits of the contract replaced reduced by any benefits payable under the contract replaced.

(iii) The contract replaced shall continue to provide benefits to the extent of its accrued liabilities and extensions of benefits as if the replacement had not occurred.

(D) This section does not apply to any group contract offering only supplemental health care services or specialty health care services.

(E) An employer shall notify the health insuring corporation if the employee elects continuation of coverage under this section. The health insuring corporation may require the employer to provide documentation if the employee elects continuation of coverage and is seeking premium assistance for the continuation of coverage under the "American Recovery and Investment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115. The director of insurance shall publish guidance for employers and health insuring corporations regarding the contents of such documentation."

Between lines 1867 and 1868, insert:

"**Sec. 3923.38.** (A) As used in this section:

(1) "Group policy" includes any group sickness and accident policy or contract delivered, issued for delivery, or renewed in this state on or after June 28, 1984, and any private or public employer self-insurance plan or other plan that provides, or provides payment for, health care benefits for employees resident in this state other than through an insurer or health insuring corporation, to which both of the following apply:

(a) The policy insures employees for hospital, surgical, or major medical insurance on an expense incurred or service basis, other than for specified diseases or for accidental injuries only.

(b) The policy is in effect and covers an eligible employee at the time the employee's employment is terminated.

(2) "Eligible employee" includes only an employee to whom all of the following apply:

(a) The employee has been continuously insured under a group policy or under the policy and any prior similar group coverage replaced by the policy, during the entire three-month period preceding the termination of the employee's employment.

~~(b) The employee is entitled, at the time of the termination of the employee's employment, to unemployment compensation benefits under Chapter 4141. of the Revised Code~~ The employee did not voluntarily terminate the employee's employment and the termination of employment is not a result of any gross misconduct on the part of the employee.

(c) The employee is not, and does not become, covered by or eligible for coverage by medicare under Title XVIII of the Social Security Act, as amended.

(d) The employee is not, and does not become, covered by or eligible for coverage by any other insured or uninsured arrangement that provides hospital, surgical, or medical coverage for individuals in a group and under which the person was not covered immediately prior to such termination. A person eligible for continuation of coverage under this section, who is also eligible for coverage under section 3923.123 of the Revised Code, may elect either coverage, but not both. A person who elects continuation of coverage may elect any coverage

available under section 3923.123 of the Revised Code upon the termination of the continuation of coverage.

(3) "Group rate" means, in the case of an employer self-insurance or other health benefits plan, the average monthly cost per employee, over a period of at least twelve months, of the operation of the plan that would represent a group insurance rate if the same coverage had been provided under a group sickness and accident insurance policy.

(B) A group policy shall provide that any eligible employee may continue the employee's hospital, surgical, and medical insurance under the policy, for the employee and the employee's eligible dependents, for a period of ~~six~~ twelve months after the date that the insurance coverage would otherwise terminate by reason of the termination of the employee's employment. Each certificate of coverage, or other notice of coverage, issued to employees under the policy shall include a notice of the employee's privilege of continuation.

(C) All of the following apply to the continuation of coverage required under division (B) of this section:

(1) Continuation need not include dental, vision care, ~~prescription drug benefits~~, or any other benefits provided under the policy in addition to its hospital, surgical, or major medical benefits.

(2) The employer shall notify the employee of the right of continuation at the time the employer notifies the employee of the termination of employment. The notice shall inform the employee of the amount of contribution required by the employer under division (C)(4) of this section.

(3) The employee shall file a written election of continuation with the employer and pay the employer the first contribution required under division (C)(4) of this section. The request and payment must be received by the employer no later than the earlier of any of the following dates:

(a) Thirty-one days after the date on which the employee's coverage would otherwise terminate;

(b) Ten days after the date on which the employee's coverage would otherwise terminate, if the employer has notified the employee of the right of continuation prior to such date;

(c) Ten days after the employer notifies the employee of the right of continuation, if the notice is given after the date on which the employee's coverage would otherwise terminate.

(4) The employee must pay to the employer, on a monthly basis, in advance, the amount of contribution required by the employer. The amount required shall not exceed the group rate for the insurance being continued under the policy on the due date of each payment.

(5) The employee's privilege to continue coverage and the coverage under any continuation ceases if any of the following occurs:

(a) The employee ceases to be an eligible employee under division (A)(2)(c) or (d) of this section;

(b) A period of ~~six~~ twelve months expires after the date that the employee's insurance under the policy would otherwise have terminated because of the termination of employment;

(c) The employee fails to make a timely payment of a required contribution, in which event the coverage shall cease at the end of the coverage for which contributions were made;

(d) The policy is terminated, or the employer terminates participation under the policy, unless the employer replaces the coverage by similar coverage under another group policy or other group health arrangement.

If the employer replaces the policy with similar group health coverage, all of the following apply:

(i) The member shall be covered under the replacement coverage, for the balance of the period that the member would have remained covered under the terminated coverage if it had not been terminated.

(ii) The minimum level of benefits under the replacement coverage shall be the applicable level of benefits of the policy replaced reduced by any benefits payable under the policy replaced.

(iii) The policy replaced shall continue to provide benefits to the extent of its accrued liabilities and extensions of benefits as if the replacement had not occurred.

(D) This section does not apply to an employer's self-insurance plan if federal law supersedes, preempts, prohibits, or otherwise precludes its application to such plans.

(E) An employer shall notify the insurer if the employee elects continuation of coverage under this section. The insurer may require the employer to provide documentation if the employee elects continuation of coverage and is seeking premium assistance for the continuation of coverage under the "American Recovery and Investment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115. The director of insurance shall publish guidance for employers and insurers regarding the contents of such documentation.

In line 9057, after "1548.14," insert "1751.53,"

In line 9058, after "3905.423," insert "3923.38,"

Between lines 9073 and 9074, insert:

"**Section** \_\_\_\_\_. That sections 1751.53 and 3923.38 of the Revised Code be amended to read as follows:

**Sec. 1751.53.** (A) As used in this section:

(1) "Group contract" means a group health insuring corporation contract

covering employees that meets either of the following conditions:

(a) The contract was issued by an entity that, on June 4, 1997, holds a certificate of authority or license to operate under Chapter 1738. or 1742. of the Revised Code, and covers an employee at the time the employee's employment is terminated.

(b) The contract is delivered, issued for delivery, or renewed in this state after June 4, 1997, and covers an employee at the time the employee's employment is terminated.

(2) "Eligible employee" means an employee to whom all of the following apply:

(a) The employee has been continuously covered under a group contract or under the contract and any prior similar group coverage replaced by the contract, during the entire three-month period preceding the termination of the employee's employment.

(b) ~~The employee did not voluntarily terminate the employee's employment and the termination of employment is not a result of any gross misconduct on the part of the employee~~ The employee is entitled, at the time of the termination of this employment, to unemployment compensation benefits under Chapter 4141. of the Revised Code.

(c) The employee is not, and does not become, covered by or eligible for coverage by medicare.

(d) The employee is not, and does not become, covered by or eligible for coverage by any other insured or uninsured arrangement that provides hospital, surgical, or medical coverage for individuals in a group and under which the employee was not covered immediately prior to the termination of employment. A person eligible for continuation of coverage under this section, who is also eligible for coverage under section 3923.123 of the Revised Code, may elect either coverage, but not both. A person who elects continuation of coverage may elect any coverage available under section 3923.123 of the Revised Code upon the termination of the continuation of coverage.

(B) A group contract shall provide that any eligible employee may continue the coverage under the contract, for the employee and the employee's eligible dependents, for a period of ~~twelve~~ six months after the date that the group coverage would otherwise terminate by reason of the termination of the employee's employment. Each certificate of coverage issued to employees under the contract shall include a notice of the employee's privilege of continuation.

(C) All of the following apply to the continuation of group coverage required under division (B) of this section:

(1) Continuation need not include any supplemental health care services benefits or specialty health care services benefits provided by the group contract.

(2) The employer shall notify the employee of the right of continuation at

the time the employer notifies the employee of the termination of employment. The notice shall inform the employee of the amount of contribution required by the employer under division (C)(4) of this section.

(3) The employee shall file a written election of continuation with the employer and pay the employer the first contribution required under division (C)(4) of this section. The request and payment must be received by the employer no later than the earlier of any of the following dates:

(a) Thirty-one days after the date on which the employee's coverage would otherwise terminate;

(b) Ten days after the date on which the employee's coverage would otherwise terminate, if the employer has notified the employee of the right of continuation prior to this date;

(c) Ten days after the employer notifies the employee of the right of continuation, if the notice is given after the date on which the employee's coverage would otherwise terminate.

(4) The employee must pay to the employer, on a monthly basis, in advance, the amount of contribution required by the employer. The amount required shall not exceed the group rate for the insurance being continued under the policy on the due date of each payment.

(5) The employee's privilege to continue coverage and the coverage under any continuation ceases if any of the following occurs:

(a) The employee ceases to be an eligible employee under division (A)(2)(c) or (d) of this section;

(b) A period of ~~twelve~~ six months expires after the date that the employee's coverage under the group contract would otherwise have terminated because of the termination of employment;

(c) The employee fails to make a timely payment of a required contribution, in which event the coverage shall cease at the end of the coverage for which contributions were made;

(d) The group contract is terminated, or the employer terminates participation under the contract, unless the employer replaces the coverage by similar coverage under another contract or other group health arrangement. If the employer replaces the contract with similar group health coverage, all of the following apply:

(i) The member shall be covered under the replacement coverage, for the balance of the period that the member would have remained covered under the terminated coverage if it had not been terminated.

(ii) The minimum level of benefits under the replacement coverage shall be the applicable level of benefits of the contract replaced reduced by any benefits payable under the contract replaced.

(iii) The contract replaced shall continue to provide benefits to the extent of its accrued liabilities and extensions of benefits as if the replacement had not occurred.

(D) This section does not apply to any group contract offering only supplemental health care services or specialty health care services.

~~(E) An employer shall notify the health insuring corporation if the employee elects continuation of coverage under this section. The health insuring corporation may require the employer to provide documentation if the employee elects continuation of coverage and is seeking premium assistance for the continuation of coverage under the "American Recovery and Investment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115. The director of insurance shall publish guidance for employers and health insuring corporations regarding the contents of such documentation.~~

**Sec. 3923.38.** (A) As used in this section:

(1) "Group policy" includes any group sickness and accident policy or contract delivered, issued for delivery, or renewed in this state on or after June 28, 1984, and any private or public employer self-insurance plan or other plan that provides, or provides payment for, health care benefits for employees resident in this state other than through an insurer or health insuring corporation, to which both of the following apply:

(a) The policy insures employees for hospital, surgical, or major medical insurance on an expense incurred or service basis, other than for specified diseases or for accidental injuries only.

(b) The policy is in effect and covers an eligible employee at the time the employee's employment is terminated.

(2) "Eligible employee" includes only an employee to whom all of the following apply:

(a) The employee has been continuously insured under a group policy or under the policy and any prior similar group coverage replaced by the policy, during the entire three-month period preceding the termination of the employee's employment.

~~(b) The employee did not voluntarily terminate the employee's employment and the termination of employment is not a result of any gross misconduct on the part of the employee~~ The employee is entitled, at the time of the termination of the employee's employment, to unemployment compensation benefits under Chapter 4141. of the Revised Code.

(c) The employee is not, and does not become, covered by or eligible for coverage by medicare under Title XVIII of the Social Security Act, as amended.

(d) The employee is not, and does not become, covered by or eligible for coverage by any other insured or uninsured arrangement that provides hospital, surgical, or medical coverage for individuals in a group and under which the

person was not covered immediately prior to such termination. A person eligible for continuation of coverage under this section, who is also eligible for coverage under section 3923.123 of the Revised Code, may elect either coverage, but not both. A person who elects continuation of coverage may elect any coverage available under section 3923.123 of the Revised Code upon the termination of the continuation of coverage.

(3) "Group rate" means, in the case of an employer self-insurance or other health benefits plan, the average monthly cost per employee, over a period of at least twelve months, of the operation of the plan that would represent a group insurance rate if the same coverage had been provided under a group sickness and accident insurance policy.

(B) A group policy shall provide that any eligible employee may continue the employee's hospital, surgical, and medical insurance under the policy, for the employee and the employee's eligible dependents, for a period of ~~twelve~~ six months after the date that the insurance coverage would otherwise terminate by reason of the termination of the employee's employment. Each certificate of coverage, or other notice of coverage, issued to employees under the policy shall include a notice of the employee's privilege of continuation.

(C) All of the following apply to the continuation of coverage required under division (B) of this section:

(1) Continuation need not include dental, vision care, prescription drug benefits, or any other benefits provided under the policy in addition to its hospital, surgical, or major medical benefits.

(2) The employer shall notify the employee of the right of continuation at the time the employer notifies the employee of the termination of employment. The notice shall inform the employee of the amount of contribution required by the employer under division (C)(4) of this section.

(3) The employee shall file a written election of continuation with the employer and pay the employer the first contribution required under division (C)(4) of this section. The request and payment must be received by the employer no later than the earlier of any of the following dates:

(a) Thirty-one days after the date on which the employee's coverage would otherwise terminate;

(b) Ten days after the date on which the employee's coverage would otherwise terminate, if the employer has notified the employee of the right of continuation prior to such date;

(c) Ten days after the employer notifies the employee of the right of continuation, if the notice is given after the date on which the employee's coverage would otherwise terminate.

(4) The employee must pay to the employer, on a monthly basis, in advance, the amount of contribution required by the employer. The amount



required shall not exceed the group rate for the insurance being continued under the policy on the due date of each payment.

(5) The employee's privilege to continue coverage and the coverage under any continuation ceases if any of the following occurs:

(a) The employee ceases to be an eligible employee under division (A)(2)(c) or (d) of this section;

(b) A period of ~~twelve~~ six months expires after the date that the employee's insurance under the policy would otherwise have terminated because of the termination of employment;

(c) The employee fails to make a timely payment of a required contribution, in which event the coverage shall cease at the end of the coverage for which contributions were made;

(d) The policy is terminated, or the employer terminates participation under the policy, unless the employer replaces the coverage by similar coverage under another group policy or other group health arrangement.

If the employer replaces the policy with similar group health coverage, all of the following apply:

(i) The member shall be covered under the replacement coverage, for the balance of the period that the member would have remained covered under the terminated coverage if it had not been terminated.

(ii) The minimum level of benefits under the replacement coverage shall be the applicable level of benefits of the policy replaced reduced by any benefits payable under the policy replaced.

(iii) The policy replaced shall continue to provide benefits to the extent of its accrued liabilities and extensions of benefits as if the replacement had not occurred.

(D) This section does not apply to an employer's self-insurance plan if federal law supersedes, preempts, prohibits, or otherwise precludes its application to such plans.

~~(E) An employer shall notify the insurer if the employee elects continuation of coverage under this section. The insurer may require the employer to provide documentation if the employee elects continuation of coverage and is seeking premium assistance for the continuation of coverage under the "American Recovery and Investment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115. The director of insurance shall publish guidance for employers and insurers regarding the contents of such documentation.~~

**Section** \_\_\_\_\_. That existing sections 1751.53 and 3923.38 of the Revised Code are hereby repealed.

**Section** \_\_\_\_\_. Sections \_\_\_\_ and \_\_\_\_ take effect January 1, 2010."

In line 2 of the title, after "1548.14," insert "1751.53,"

In line 3 of the title, after "3905.423," insert "3923.38,"

In line 38 of the title, delete "and"

In line 39 of the title, after "2013" insert ", to further amend sections 1751.53 and 3923.38 of the Revised Code, effective January 1, 2010, to revive the law as it existed prior to this act"

In line 10782, delete "Title Clerks" and insert "Clerk of Courts"

Delete lines 10885 through 10888

In line 2135, strike through "either"

In line 2136, after the comma insert " or two wheels in the front and one wheel in the rear."

In line 5396, strike through "either"

In line 5398, after the comma insert " or two wheels in the front and one wheel in the rear."

In line 48, after "4513.263," insert "4517.021,"

Between lines 6692 and 6693, insert:

**"Sec. 4517.021.** (A) Sections 4517.01, 4517.02, and 4517.03 to 4517.45 of the Revised Code do not apply to a person auctioning classic motor vehicles, provided all of the following apply:

(1) The person is responsible for not more than two auctions of classic motor vehicles per year, with no auction lasting more than ~~one day~~ two days;

(2) The person requests and receives permission for the auction from the registrar of motor vehicles by filing an application for each proposed auction of classic motor vehicles, at least thirty days before the auction, in a form prescribed by the registrar, signed and sworn to by the person, that contains all of the following:

(a) The person's name and business address;

(b) The location of the auction;

(c) Evidence, sufficient to satisfy the registrar, that the person does not exclusively sell motor vehicles;

(d) Any necessary, reasonable, and relevant information that the registrar may require to verify compliance with this section.

(3) The person will be auctioning the classic motor vehicle to the general public for the legal owner of the vehicle, which ownership must be evidenced at the time of the auction by a valid certificate of title issued pursuant to Chapter 4505. of the Revised Code;

(4) The person keeps a record of the following information for each classic motor vehicle offered for sale at auction, in a manner prescribed by the registrar:

- (a) The certificate of title number, county, and state of registration;
- (b) The year, make, model, and vehicle identification number;
- (c) The name and address of the person offering the vehicle for sale;
- (d) The name and address of any vehicle purchaser;
- (e) The date the vehicle is offered for sale;
- (f) Any purchase price;

(g) The odometer reading at the time of the auction and an odometer statement from the person offering the vehicle for sale at auction that complies with 49 U.S.C. 32705.

(5) The person allows reasonable inspection by the registrar of the person's records relating to each classic motor vehicle auction.

(B) Any person that auctions classic motor vehicles under this section shall use the auction services of an auction firm to conduct the auction.

(C) The registrar may refuse permission to hold an auction if the registrar finds that the person has not complied with division (A) of this section or has made a false statement of a material fact in the application filed under division (A)(2) of this section.

(D) The registrar shall not authorize a person licensed under section 4707.072 of the Revised Code to offer auction services or act as an auctioneer in regard to an auction of classic motor vehicles pursuant to this section.

(E) As used in this section:

(1) "Auction firm" and "auction services" have the same meanings as in section 4707.01 of the Revised Code.

(2) "Classic motor vehicle" means a motor vehicle that is over twenty-six years old."

In line 9064, after "4513.263," insert "4517.021,"

In line 11 of the title, after "4513.263," insert "4517.021,"

In line 5701, after " shall" insert " adopt rules under Chapter 119. of the Revised Code to"

In line 5707, after " and" insert " , subject to approval by the controlling board,"

In line 55, after "4981.40," insert "5501.60,"

Between lines 7593 and 7594, insert:

" Sec. 5501.60. The department of transportation shall not erect a guardrail or any other barrier that blocks or otherwise interferes in any manner with the only right-of-way to a parcel of real property. If the department erects a guardrail or other barrier that blocks or otherwise interferes in any manner with the only right-of-way to a parcel of real property, the department shall remove the guardrail or other barrier promptly. If the department fails to remove such a guardrail or other barrier, the owner or occupier of the parcel of real property may remove or cause the removal of the guardrail or other barrier and the department shall reimburse fully the owner or occupier of the parcel of real property for the actual cost to the owner or occupier of the parcel of real property of the removal."

In line 20 of the title, after "4981.40," insert "5501.60,"

In line 52, after "5537.99," insert "5541.05, 5571.20,"

Between lines 8912 and 8913, insert:

**"Sec. 5541.05.** (A) Except as otherwise provided in division (D) of this section, a board of county commissioners by resolution may place a graveled or unimproved county road under its jurisdiction that is not passable year-round or any portion of such a road on nonmaintained status. Prior to adopting a resolution that places a road on nonmaintained status, the board, at special or regular meetings, shall hold at least two public hearings to allow for public comment on the proposed resolution. The board shall publicize the times and places of the hearings by causing a notice to be published in a newspaper of general circulation in the county in which the road is located at least ten days prior to the date of the first meeting. If the county maintains a web site on the internet, the same notice also shall be posted on the web site at least ten days prior to the date of the first meeting. Upon adoption of such a resolution, the board is not required to cause the road to be dragged at any time, or to cut, destroy, or remove any brush, weeds, briers, bushes, or thistles upon or along the road, or to remove snow from the road, or to maintain or repair the road in any manner. The board, in its discretion, may cause any of these actions to be performed on or to a road that it has placed on nonmaintained status.

(B) Prior to adopting a resolution under division (A) of this section, the board shall request the county engineer to issue an advisory opinion regarding the consequences of placing the road on nonmaintained status, including any impact such action would have on adjoining property owners. A board may adopt a resolution under division (A) of this section only after the county engineer issues the advisory opinion and the county engineer, in the advisory opinion, finds that placing the road on nonmaintained status will not unduly adversely affect the flow of motor vehicle traffic on that road or on any adjacent road.

(C)(1) A board may terminate the nonmaintained status of a county road by adopting a resolution to that effect. If the owner of land adjoining a road that has been placed on nonmaintained status requests the board to terminate the

nonmaintained status of the road, the board, in its resolution that terminates that nonmaintained status, may require the owner to pay the costs of upgrading the road to locally adopted county standards.

(2) If the owner of land adjoining a road that has been placed on nonmaintained status upgrades the road to the standards most recently certified by the county engineer for the road, the board shall terminate the nonmaintained status of the road and then shall maintain and repair the road according to such standards. However, division (C)(2) of this section does not apply to a road or portion of a road that, prior to being placed on nonmaintained status, was not certified by the board of county commissioners to the director of transportation in accordance with division (D) of section 4501.04 of the Revised Code as mileage in the county used by and maintained for the public.

(3) The owner of land adjoining a road that was placed on nonmaintained status prior to ~~the effective date of this amendment~~ April 7, 2009, or the owner of land whose only access to such a road is by easement may petition the board for review of the nonmaintained status of the road if the road provides the exclusive means for obtaining access to the land. Upon receipt of a petition, the board shall review the status of the road and shall terminate the nonmaintained status if the board finds that the road provides such exclusive means for obtaining access to the land. After completing the review, the board shall adopt a resolution either retaining or terminating the nonmaintained status of the road. If the board terminates the nonmaintained status of a road under division (C)(3) of this section, the board shall not require the owner to pay the costs of upgrading, maintaining, or repairing the road. However, division (C)(3) of this section does not apply to a road or portion of a road that, prior to being placed on nonmaintained status, was not certified by the board of county commissioners to the director in accordance with division (D) of section 4501.04 of the Revised Code as mileage in the county used by and maintained for the public.

(D) A graveled or unimproved road may not be placed on nonmaintained status if the road is the exclusive means for obtaining access to land that adjoins that road and the road is passable year-round.

(E) For purposes of this section, a road is passable year-round if a four-wheeled, two-wheel drive passenger motor vehicle can be driven on the road year-round, apart from seasonal conditions caused by weather-related events.

**Sec. 5571.20.** (A) Except as otherwise provided in division (D) of this section, a board of township trustees by resolution may place a graveled or unimproved township road under its jurisdiction that is not passable year-round or any portion of such a road on nonmaintained status. Prior to adopting a resolution that places a road on nonmaintained status, the board shall hold at least two public hearings to allow for public comment on the proposed resolution. The board, at special or regular meetings, shall publicize the times and places of the hearings by causing a notice to be published in a newspaper of general circulation in the county in which the road is located at least ten days

prior to the date of the first meeting. If the township maintains a web site on the internet, the same notice also shall be posted on the web site at least ten days prior to the date of the first meeting. Upon adoption of such a resolution, the board is not required to cause the road to be dragged at any time, or to cut, destroy, or remove any brush, weeds, briars, bushes, or thistles upon or along the road, or to remove snow from the road, or to maintain or repair the road in any manner. The board, in its discretion, may cause any of these actions to be performed on or to a road that it has placed on nonmaintained status.

(B) Prior to adopting a resolution under division (A) of this section, the board shall request the county engineer to issue an advisory opinion regarding the consequences of placing the road on nonmaintained status, including any impact such action would have on adjoining property owners. A board may adopt a resolution under division (A) of this section only after the county engineer issues the advisory opinion and the county engineer, in the advisory opinion, finds that placing the road on nonmaintained status will not unduly adversely affect the flow of motor vehicle traffic on that road or on any adjacent road.

(C)(1) A board may terminate the nonmaintained status of a township road by adopting a resolution to that effect. If the owner of land adjoining a road that has been placed on nonmaintained status requests the board to terminate the nonmaintained status of the road, the board, in its resolution that terminates that nonmaintained status, may require the owner to pay the costs of upgrading the road to locally adopted township standards.

(2) If the owner of land adjoining a road that has been placed on nonmaintained status upgrades the road to the standards most recently certified by the county engineer for the road, the board shall terminate the nonmaintained status of the road and then shall maintain and repair the road according to such standards. However, division (C)(2) of this section does not apply to a road or portion of a road that, prior to being placed on nonmaintained status, was not certified by the board of township trustees to the director of transportation in accordance with division (E) of section 4501.04 of the Revised Code as mileage in the township used by and maintained for the public.

(3) The owner of land adjoining a road that was placed on nonmaintained status prior to ~~the effective date of this amendment~~ April 7, 2009, or land owner of land whose only access to such a road is by easement may petition the board for review of the nonmaintained status of the road if the road provides the exclusive means for obtaining access to the land. Upon receipt of a petition, the board shall review the status of the road and shall terminate the nonmaintained status if the board finds that the road provides such exclusive means for obtaining access to the land. After completing the review, the board shall adopt a resolution either retaining or terminating the nonmaintained status of the road. If the board terminates the nonmaintained status of a road under division (C)(3) of this section, the board shall not require the owner to pay the costs of upgrading, maintaining, or repairing the road. However, division (C)(3) of this section does not apply to a road or portion of a road that, prior to being placed on

nonmaintained status, was not certified by the board of township trustees to the director in accordance with division (E) of section 4501.04 of the Revised Code as mileage in the township used by and maintained for the public.

(D) A graveled or unimproved road may not be placed on nonmaintained status if the road is the exclusive means for obtaining access to land that adjoins that road and the road is passable year-round.

(E) For purposes of this section, a road is passable year-round if a four-wheeled, two-wheel drive passenger motor vehicle can be driven on the road year-round, apart from seasonal conditions caused by weather-related events."

In line 9068, after "5537.99," insert "5541.05, 5571.20,"

In line 17 of the title, after "5537.99," insert "5541.05, 5571.20,"

In line 10803, delete "and" and insert "the Minority Leader of the House of Representatives,"; after "Senate" insert ", and the Minority Leader of the Senate"

In line 10812, after the first comma insert "the Minority Leader of the House of Representatives,"; after the second comma insert "the Minority Leader of the Senate,"

Between lines 10866 and 10867, insert:

**"Section 756.30.** The Department of Transportation shall erect and maintain one sign each in the rights-of-way of the northbound and southbound roadways of the State Route 33 bypass approaching each exit to the city of Lancaster that reads "Historic Downtown Lancaster Museum District" and the approximate distance. The signs shall conform to the provisions contained in the manual adopted by the Department pursuant to section 4511.09 of the Revised Code regarding the size, coloring, lettering, and installation locations of the signs."

In line 56 after "5531.99," insert "5537.30,"

Between lines 8554 and 8555, insert:

**" Sec. 5537.30.** (A) Not later than December 31, 2009, the Ohio turnpike commission shall establish a program for the placement of business logos for identification purposes on directional signs within the turnpike right-of-way.

(B)(1) The commission shall establish, and may revise at any time, a fee for participation in the business logo sign program. All direct and indirect costs of the business logo sign program established pursuant to this section shall be fully paid by the businesses applying for participation in the program. The direct and indirect costs of the program shall include, but not be limited to, the cost of capital, directional signs, blanks, posts, logos, installation, repair, engineering, design, insurance, removal, replacement, and administration.

(2) Money generated from participating businesses in excess of the direct

and indirect costs and any reasonable profit earned by a person awarded a contract under division (C) of this section shall be remitted to the commission.

(3) If the commission operates such a program and does not contract with a private person to operate it, all money collected from participating businesses shall be retained by the commission.

(C) The commission, in accordance with rules adopted pursuant to section 111.15 of the Revised Code, may contract with any private person to operate, maintain, or market the business logo sign program. The contract may allow for a reasonable profit to be earned by the successful applicant. In awarding the contract, the commission shall consider the skill, expertise, prior experience, and other qualifications of each applicant.

(D) The program shall permit the business logo signs of a seller of motor vehicle fuel to include on the seller's signs a marking or symbol indicating that the seller sells one or more types of alternative fuel so long as the seller in fact sells that fuel. As used in this division, "alternative fuel" has the same meaning as in section 125.831 of the Revised Code."

In line 10822, after the period insert "The Ohio Turnpike Commission shall use the first \$100,000 in revenue derived from the Commission's operation of the business logo sign program created in section 5537.30 of the Revised Code to conduct the study authorized by this section."

In line 10824, after "shall" insert "issue an interim"; after "report" insert "with"

In line 10825, after "Speaker" insert "and the Minority Leader"

In line 10826, after "President" insert "and the Minority Leader"; after the period insert "Not later than one year after the effective date of this section, the Ohio Turnpike Commission shall issue a final report with the results of its study to such persons."

In line 22 of the title, after "5531.99," insert "5537.30,"

In line 54, after "3905.425," insert "3905.426,"

In line 1688, reinsert "as defined in"; delete " warranty"

In line 1689, delete " issued in accordance with"

In line 1691, after "Code" insert: " ;

(d) A motor vehicle tire or wheel road hazard contract as defined in section 3905.425 of the Revised Code;

(e) A motor vehicle ancillary product protection contract as defined in section 3905.426 of the Revised Code"

In line 1705, after "provider" insert " in the event of the provider's nonperformance,"



In line 1717, strike through "comply with" and insert " conspicuously state"

In line 1718, strike through "requirements"

In line 1719, strike through "Conspicuously state that" and insert " That"

In line 1721, strike through "Conspicuously state that" and insert " That"

In line 1729, strike through "Conspicuously state the" and insert " The"

In line 1738, after "reimbursement" insert " insurance"

In line 1757, after "reimbursement" insert " insurance"

In line 1774, after " hazard" insert " with or without additional provisions for incidental payment of indemnity under limited circumstances, including, without limitation, towing, rental, and emergency road services"

In line 1781, delete " workership" and insert " workmanship"

In line 1785, delete " issued in"

In line 1786, delete " accordance with" and insert " as defined in"

In line 1790, after " Code" insert " ;

(e) A motor vehicle ancillary product protection contract as defined in section 3905.426 of the Revised Code"

In line 1797, after " provider" insert " in the event of the provider's nonperformance"

In line 1800, delete " on a public roadway"

In line 1801, delete " should not exist there" and insert " may cause damage or wear and tear to a tire or wheel on a public or private roadway, roadside, driveway, or parking lot or garage"; delete " or"

In line 1802, after " debris" insert " , and curbs"

In line 1807, after " (B)" insert " (1)"

In line 1808, delete " that provide for the performance of or"

Delete line 1809

In line 1810, delete " because of a road hazard"

Between lines 1811 and 1812, insert:

" (2) A motor vehicle tire or wheel road hazard contract in which the provider is a tire manufacturer is exempt from the requirement of division (B)(1) of this section."

In line 1817, delete everything after " state"

In line 1818, delete " Revised Code"

In line 1829, delete "Conspicuously state the" and insert "The"

In line 1831, after "(D)" insert "A motor vehicle tire or wheel road hazard contract in which the provider is a tire manufacturer shall conspicuously state all of the following:

(1) That this agreement is not an insurance contract;

(2) That any covered obligations or claims under this contract are the responsibility of the provider;

(3) The names, addresses, and telephone numbers of any administrator responsible for the administration of the contract, the provider obligated to perform under the contract, and the contract seller;

(4) The procedure for making a claim under the contract, including a toll-free telephone number for claims service and a procedure for obtaining emergency repairs or replacement performed outside normal business hours.

(E)"

In line 1848, delete "(E)" and insert "(F)"

In line 1853, delete "(F)" and insert "(G)"

In line 1858, delete "(G)" and insert "(H)"

Between lines 1867 and 1868, insert:

" **Sec. 3905.426.** (A) As used in this section:

(1) "Contract holder" means the person who purchased a motor vehicle ancillary product protection contract, any authorized transferee or assignee of the purchaser, or any other person assuming the purchaser's rights under the motor vehicle ancillary product protection contract.

(2) "Motor vehicle" has the same meaning as in section 4501.01 of the Revised Code and also includes utility vehicles as defined in that section.

(3)(a) "Motor vehicle ancillary product protection contract" means a contract or agreement that is effective for a specified duration and paid for by means other than the purchase of a motor vehicle, or its parts or equipment, to perform any one or more of the following services:

(i) Repair or replacement of glass on a motor vehicle necessitated by wear and tear or damage caused by a road hazard;

(ii) Removal of a dent, ding, or crease without affecting the existing paint finish using paintless dent removal techniques but which expressly excludes replacement of vehicle body panels, sanding, bonding, or painting;

(iii) Repair to the interior components of a motor vehicle necessitated by wear and tear but which expressly excludes replacement of any part or component of a motor vehicle's interior.

(b) "Motor vehicle ancillary product protection contract" does not include any of the following:

(i) A contract or agreement to perform or pay for the repair, replacement, or maintenance of a motor vehicle due to defect in materials or workmanship, normal wear and tear, mechanical or electrical breakdown, or failure of parts or equipment of a motor vehicle that is effective for a specified duration and paid for by means other than the purchase of a motor vehicle;

(ii) A vehicle protection product warranty as defined in section 3905.421 of the Revised Code;

(iii) A home service contract as defined in section 3905.422 of the Revised Code;

(iv) A consumer goods service contract as defined in section 3905.423 of the Revised Code;

(v) A motor vehicle tire or wheel road hazard contract as defined in section 3905.425 of the Revised Code.

(4) "Provider" means a person who is contractually obligated to a contract holder under the terms of a motor vehicle ancillary product protection contract.

(5) "Reimbursement insurance policy" means a policy of insurance issued by an insurer authorized or eligible to do business in this state to a provider to pay, on behalf of the provider in the event of the provider's nonperformance, all covered contractual obligations incurred by the provider under the terms and conditions of the motor vehicle ancillary product protection contract.

(6) "Supplier" has the same meaning as in section 1345.01 of the Revised Code.

(B) All motor vehicle ancillary product protection contracts issued in this state shall be covered by a reimbursement insurance policy.

(C) A motor vehicle ancillary product protection contract issued by a provider that is required to be covered by a reimbursement insurance policy under division (B) of this section shall conspicuously state all of the following:

(1) "This contract is not insurance and is not subject to the insurance laws of this state."

(2) That the obligations of the provider are guaranteed under a reimbursement insurance policy;

(3) That if a provider fails to perform or make payment due under the terms of the contract within sixty days after the contract holder requests performance or payment pursuant to the terms of the contract, the contract holder may request performance or payment directly from the provider's reimbursement insurance policy insurer, including any obligation in the contract by which the provider must refund the contract holder upon cancellation of a contract;

(4) The name, address, and telephone number of the provider's reimbursement insurance policy insurer.

(D) A motor vehicle ancillary product protection contract that includes repair or replacement of glass on a motor vehicle as provided in division (A)(3)(a)(i) of this section, shall conspicuously state: "This contract may provide a duplication of coverage already provided by your automobile physical damage insurance policy."

(E) A reimbursement insurance policy that is required to be issued under this section shall contain:

(1) A statement that if a provider fails to perform or make payment due under the terms of the motor vehicle ancillary product protection contract within sixty days after the contract holder requests performance or payment pursuant to the terms of the contract, the contract holder may request performance or payment directly from the provider's reimbursement insurance policy insurer, including any obligation in the contract by which the provider must refund the contract holder upon cancellation of a contract.

(2) A statement that in the event of cancellation of the provider's reimbursement insurance policy, insurance coverage will continue for all contract holders whose motor vehicle ancillary product protection contracts were issued by the provider and reported to the insurer for coverage during the term of the reimbursement insurance policy.

(F) The sale or issuance of a motor vehicle ancillary product protection contract is a consumer transaction for purposes of sections 1345.01 to 1345.13 of the Revised Code. The provider is the supplier and the contract holder is the consumer for purposes of those sections.

(G) Unless issued by an insurer authorized or eligible to do business in this state, a motor vehicle ancillary product protection contract does not constitute a contract substantially amounting to insurance, or the contract's issuance the business of insurance, under section 3905.42 of the Revised Code.

(H) The rights of a contract holder against a provider's reimbursement insurance policy insurer as provided in this section apply only in regard to a reimbursement insurance policy issued under this section. This section does not create any contractual rights in favor of a person that does not qualify as an insured under any other type of insurance policy described in Title XXXIX of the Revised Code. This section does not prohibit the insurer of a provider's reimbursement insurance policy from assuming liability for contracts issued prior to the effective date of the policy or this statute."

In line 19 of the title, after "3905.425," insert "3905.426,"

In line 42, after "2949.094," insert "3719.21,"

In line 50, after "4561.21," insert "4729.42, 4729.99, 4776.02, 4776.04,"

Between lines 1424 and 1425, insert:

"**Sec. 3719.21.** Except as provided in division (C) of section 2923.42, division (B) of section 2923.44, divisions (D)(1), (F), and (H) of section 2925.03, division (D)(1) of section 2925.02, 2925.04, or 2925.05, division (E)(1) of section 2925.11, division (F) of section 2925.13, division (F) of section 2925.36, division (D) of section 2925.22, division (H) of section 2925.23, division (M) of section 2925.37, division (B) of section 2925.42, division (B) of section 2929.18, division (D) of section 3719.99, division (B)(1) of section 4729.65, division (E)(3) of section 4729.99, and division (I) ~~(3)~~ (4) of section 4729.99 of the Revised Code, the clerk of the court shall pay all fines or forfeited bail assessed and collected under prosecutions or prosecutions commenced for violations of this chapter, section 2923.42 of the Revised Code, or Chapter 2925. of the Revised Code, within thirty days, to the executive director of the state board of pharmacy, and the executive director shall deposit the fines into the state treasury to the credit of the occupational licensing and regulatory fund."

Between lines 7227 and 7228, insert:

"**Sec. 4729.42.** (A) As used in this section, "qualified pharmacy technician" means a person who is under the personal supervision of a pharmacist and to whom all of the following apply:

(1) The person is eighteen years of age or older.

(2) The person possesses a high school diploma, possesses a certificate of high school equivalence, or was employed prior to ~~the effective date of this section~~ April 8, 2009, as a pharmacy technician without a high school diploma or a certificate of high school equivalence.

(3) The person has passed an examination approved by the state board of pharmacy to determine a person's competency to perform services as a pharmacy technician.

(4) Except as otherwise provided in this section, the person has submitted to a criminal records check in accordance with section 4776.02 of the Revised Code as if the person was an applicant for an initial license who is subject to that section, and the results of the criminal records check provided as described in that section and section 4776.04 of the Revised Code do not show that the person previously has been convicted of or pleaded guilty to any felony in this state, any other state, or the United States.

(B) Except as provided in division ~~(E)~~ (F) of this section, no person who is not a pharmacist, pharmacy intern, or qualified pharmacy technician shall do any of the following in a pharmacy or while performing a function of a pharmacy:

(1) Engage in the compounding of any drug;

(2) Package or label any drug;

(3) Prepare or mix any intravenous drug to be injected into a human being.

(C) No pharmacist shall allow any person employed or otherwise under the control of the pharmacist to violate division (B) of this section.

(D) No person who owns, manages, or conducts a pharmacy shall allow any person employed or otherwise under the control of the person who owns, manages, or conducts the pharmacy to violate division (B) of this section.

(E) No person who submits to a criminal records check in accordance with section 4776.02 of the Revised Code for the purpose of satisfying the criterion set forth in division (A)(4) of this section and who obtains a report pursuant to section 4776.02 or 4776.04 of the Revised Code containing the results of the criminal records check and any information provided by the federal bureau of investigation shall modify or alter, or allow any other person to modify or alter, any item, record, or information contained in the report and thereafter use the modified or altered report for the purpose of satisfying the criterion set forth in division (A)(4) of this section or otherwise submit or use it for any purpose or in any manner identified in division (A) of section 2921.13 of the Revised Code.

(F)(1) Division (B) of this section does not prohibit a health care professional authorized to engage in the activities specified in division (B)(1), (2), or (3) of this section while acting in the course of the professional's practice.

(2) Division (B) of this section does not prohibit the activities performed by a student as an integral part of a pharmacy technician training program that is operated by a vocational school district or joint vocational school district, certified by the department of education, or approved by the Ohio board of regents.

(3) In the case of a person employed after ~~the effective date of this section~~ April 8, 2009, division (B) of this section does not prohibit the person's activities for the first two hundred ten days following the initial date of employment, if both of the following apply:

(a) The person is participating in or has completed a pharmacy technician training program that meets the board's standards for those programs and is making substantial progress in preparation to take a pharmacy technician examination approved by the board.

(b) The results of the person's criminal records check provided as described in sections 4776.02 and 4776.04 of the Revised Code show that the person previously has not been convicted of or has not pleaded guilty to any felony in this state, any other state, or the United States.

(4) In the case of a person who completes a pharmacy technician training program that is operated by a vocational school district or joint vocational school district, division (B) of this section does not prohibit the person's activities for the first two hundred ten days following the date of completing the program, if both of the following apply:

(a) The person is making substantial progress in preparation to take a

pharmacy technician examination approved by the board.

(b) The results of the person's criminal records check show that the person previously has not been convicted of or has not pleaded guilty to any felony in this state, any other state, or the United States.

(5) In the case of a person employed on ~~the effective date of this section~~ April 8, 2009, in the capacity of a pharmacy technician, division (B) of this section does not do either of the following:

(a) Require the person to undergo a criminal records check if the person has been employed for five years or longer;

(b) Prohibit the person's activities until the earlier of either of the following:

(i) If the person has not passed an examination described in division (A)(3) of this section, one year after ~~the effective date of this section~~ April 8, 2009;

(ii) If a criminal records check is required because the person has not been employed for five years or longer, the date on which the person and the employer receive the results of a criminal records check provided as described in sections 4776.02 and 4776.04 of the Revised Code that show the person previously has been convicted of or pleaded guilty to any felony in this state, any other state, or the United States.

**Sec. 4729.99.** (A) Whoever violates section 4729.16, division (A) or (B) of section 4729.38, or section 4729.57 of the Revised Code is guilty of a minor misdemeanor. Each day's violation constitutes a separate offense.

(B) Whoever violates section 4729.27, 4729.28, or 4729.36 of the Revised Code is guilty of a misdemeanor of the third degree. Each day's violation constitutes a separate offense. If the offender previously has been convicted of or pleaded guilty to a violation of this chapter, that person is guilty of a misdemeanor of the second degree.

(C) Whoever violates section 4729.32, 4729.33, or 4729.34 of the Revised Code is guilty of a misdemeanor.

(D) Whoever violates division (A), (B), (D), or (E) of section 4729.51 of the Revised Code is guilty of a misdemeanor of the first degree.

(E)(1) Whoever violates section 4729.37, division (C)(2) of section 4729.51, division (J) of section 4729.54, or section 4729.61 of the Revised Code is guilty of a felony of the fifth degree. If the offender previously has been convicted of or pleaded guilty to a violation of this chapter or a violation of Chapter 2925. or 3719. of the Revised Code, that person is guilty of a felony of the fourth degree.

(2) If an offender is convicted of or pleads guilty to a violation of section 4729.37, division (C) of section 4729.51, division (J) of section 4729.54, or

section 4729.61 of the Revised Code, if the violation involves the sale, offer to sell, or possession of a schedule I or II controlled substance, with the exception of marihuana, and if the court imposing sentence upon the offender finds that the offender as a result of the violation is a major drug offender, as defined in section 2929.01 of the Revised Code, and is guilty of a specification of the type described in section 2941.1410 of the Revised Code, the court, in lieu of the prison term authorized or required by division (E)(1) of this section and sections 2929.13 and 2929.14 of the Revised Code and in addition to any other sanction imposed for the offense under sections 2929.11 to 2929.18 of the Revised Code, shall impose upon the offender, in accordance with division (D)(3)(a) of section 2929.14 of the Revised Code, the mandatory prison term specified in that division and may impose an additional prison term under division (D)(3)(b) of that section.

(3) Notwithstanding any contrary provision of section 3719.21 of the Revised Code, the clerk of court shall pay any fine imposed for a violation of section 4729.37, division (C) of section 4729.51, division (J) of section 4729.54, or section 4729.61 of the Revised Code pursuant to division (A) of section 2929.18 of the Revised Code in accordance with and subject to the requirements of division (F) of section 2925.03 of the Revised Code. The agency that receives the fine shall use the fine as specified in division (F) of section 2925.03 of the Revised Code.

(F) Whoever violates section 4729.531 of the Revised Code or any rule adopted thereunder or section 4729.532 of the Revised Code is guilty of a misdemeanor of the first degree.

(G) Whoever violates division (C)(1) of section 4729.51 of the Revised Code is guilty of a felony of the fourth degree. If the offender has previously been convicted of or pleaded guilty to a violation of this chapter, or of a violation of Chapter 2925. or 3719. of the Revised Code, that person is guilty of a felony of the third degree.

(H) Whoever violates division (C)(3) of section 4729.51 of the Revised Code is guilty of a misdemeanor of the first degree. If the offender has previously been convicted of or pleaded guilty to a violation of this chapter, or of a violation of Chapter 2925. or 3719. of the Revised Code, that person is guilty of a felony of the fifth degree.

(I)(1) Whoever violates division (B) of section 4729.42 of the Revised Code is guilty of unauthorized pharmacy-related drug conduct. Except as otherwise provided in this section, unauthorized pharmacy-related drug conduct is a misdemeanor of the second degree. If the offender previously has been convicted of or pleaded guilty to a violation of division (B), (C), ~~or (D)~~ or (E) of that section, unauthorized pharmacy-related drug conduct is a misdemeanor of the first degree on a second offense and a felony of the fifth degree on a third or subsequent offense.

(2) Whoever violates division (C) or (D) of section 4729.42 of the



Revised Code is guilty of permitting unauthorized pharmacy-related drug conduct. Except as otherwise provided in this section, permitting unauthorized pharmacy-related drug conduct is a misdemeanor of the second degree. If the offender previously has been convicted of or pleaded guilty to a violation of division (B), (C), ~~(D)~~, or (E) of that section, permitting unauthorized pharmacy-related drug conduct is a misdemeanor of the first degree on a second offense and a felony of the fifth degree on a third or subsequent offense.

(3) Whoever violates division (E) of section 4749.02 of the Revised Code is guilty of the offense of falsification under section 2921.13 of the Revised Code. In addition to any other sanction imposed for the violation, the offender is forever disqualified from engaging in any activity specified in division (B)(1), (2), or (3) of section 4749.02 of the Revised Code and from performing any function as a health care professional or health care worker. As used in this division, "health care professional" and "health care worker" have the same meanings as in section 2305.234 of the Revised Code.

(4) Notwithstanding any contrary provision of section 3719.21 of the Revised Code or any other provision of law that governs the distribution of fines, the clerk of the court shall pay any fine imposed pursuant to division (I)(1) ~~or~~ (2), or (3) of this section to the state board of pharmacy if the board has adopted a written internal control policy under division (F)(2) of section 2925.03 of the Revised Code that addresses fine moneys that it receives under Chapter 2925. of the Revised Code and if the policy also addresses fine moneys paid under this division. The state board of pharmacy shall use the fines so paid in accordance with the written internal control policy to subsidize the board's law enforcement efforts that pertain to drug offenses.

**Sec. 4776.02.** (A) An applicant for an initial license or restored license from a licensing agency, or a person seeking to satisfy the criteria for being a qualified pharmacy technician that are specified in section 4729.42 of the Revised Code, shall submit a request to the bureau of criminal identification and investigation for a criminal records check of the applicant or person. The request shall be accompanied by a completed copy of the form prescribed under division (C)(1) of section 109.572 of the Revised Code, a set of fingerprint impressions obtained as described in division (C)(2) of that section, and the fee prescribed under division (C)(3) of that section. The applicant or person shall ask the superintendent of the bureau of criminal identification and investigation in the request to obtain from the federal bureau of investigation any information it has pertaining to the applicant or person.

An applicant or person requesting a criminal records check shall provide the bureau of criminal identification and investigation with the applicant's or person's name and address and, regarding an applicant, with the licensing agency's name and address.

(B) Upon receipt of the completed form, the set of fingerprint impressions, and the fee provided for in division (A) of this section, the superintendent of the bureau of criminal identification and investigation shall

conduct a criminal records check of the applicant or person under division (B) of section 109.572 of the Revised Code. Upon completion of the criminal records check, the superintendent shall ~~report the results of the criminal records check and any information the federal bureau of investigation provides to~~ do whichever of the following is applicable:

(1) If the request was submitted by an applicant for an initial license or restored license, report the results of the criminal records check and any information the federal bureau of investigation provides to the licensing agency identified in the request for a criminal records check;

(2) If the request was submitted by a person seeking to satisfy the criteria for being a qualified pharmacy technician that are specified in section 4729.42 of the Revised Code, do both of the following:

(a) Report the results of the criminal records check and any information the federal bureau of investigation provides to the person who submitted the request ~~and~~ ;

(b) Report the results of the portion of the criminal records check performed by the bureau of criminal identification and investigation under division (B)(1) of section 109.572 of the Revised Code to the employer or potential employer specified in the request of the person who submitted the request and send a letter to that employer or potential employer regarding the information provided by the federal bureau of investigation that states either that based on that information there is no record of any conviction or that based on that information the person who submitted the request may not meet the criteria that are specified in section 4729.02 of the Revised Code, whichever is applicable.

**Sec. 4776.04.** The results of any criminal records check conducted pursuant to a request made under this chapter and any report containing those results, including any information the federal bureau of investigation provides, are not public records for purposes of section 149.43 of the Revised Code and shall not be made available to any person or for any purpose other than as follows:

(A) If the request for the criminal records check was submitted by an applicant for an initial license or restored license, as follows:

(1) The superintendent of the bureau of criminal identification and investigation shall make the results available to the licensing agency for use in determining, under the agency's authorizing chapter of the Revised Code, whether the applicant who is the subject of the criminal records check should be granted a license under that chapter.

(2) The licensing agency shall make the results available to the applicant who is the subject of the criminal records check ~~or to the applicant's representative.~~

(B) If the request for the criminal records check was submitted by a

person seeking to satisfy the criteria for being a qualified pharmacy technician that are specified in section 4729.42 of the Revised Code, the superintendent of the bureau of criminal identification and investigation shall make the results available ~~to both of~~ in accordance with the following:

(1) The superintendent shall make the results of the criminal records check, including any information the federal bureau of investigation provides, available to the person who submitted the request and is the subject of the criminal records check ; .

(2) The superintendent shall make the results of the portion of the criminal records check performed by the bureau of criminal identification and investigation under division (B)(1) of section 109.572 of the Revised Code available to the employer or potential employer specified in the request of the person who submitted the request and shall send a letter of the type described in division (B)(2) of section 4776.02 of the Revised Code to that employer or potential employer regarding the information provided by the federal bureau of investigation that contains one of the types of statements described in that division."

In line 9058, after "2949.094," insert "3719.21,"

In line 9065, after "4561.21," insert "4729.42, 4729.99, 4776.02, 4776.04,"

In line 3 of the title, after "2949.094," insert "3719.21,"

In line 13 of the title, after "4561.21," insert "4729.42, 4729.99, 4776.02, 4776.04,"

In line 48, after "4511.191," insert "4511.21,"

Between lines 6419 and 6420, insert:

**"Sec. 4511.21.** (A) No person shall operate a motor vehicle, trackless trolley, or streetcar at a speed greater or less than is reasonable or proper, having due regard to the traffic, surface, and width of the street or highway and any other conditions, and no person shall drive any motor vehicle, trackless trolley, or streetcar in and upon any street or highway at a greater speed than will permit the person to bring it to a stop within the assured clear distance ahead.

(B) It is prima-facie lawful, in the absence of a lower limit declared or established pursuant to this section by the director of transportation or local authorities, for the operator of a motor vehicle, trackless trolley, or streetcar to operate the same at a speed not exceeding the following:

(1)(a) Twenty miles per hour in school zones during school recess and while children are going to or leaving school during the opening or closing hours, and when twenty miles per hour school speed limit signs are erected; except that, on controlled-access highways and expressways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by division (B)(4) of this section and on freeways, if the right-of-way

line fence has been erected without pedestrian opening, the speed shall be governed by divisions (B)(9) and (10) of this section. The end of every school zone may be marked by a sign indicating the end of the zone. Nothing in this section or in the manual and specifications for a uniform system of traffic control devices shall be construed to require school zones to be indicated by signs equipped with flashing or other lights, or giving other special notice of the hours in which the school zone speed limit is in effect.

(b) As used in this section and in section 4511.212 of the Revised Code, "school" means any school chartered under section 3301.16 of the Revised Code and any nonchartered school that during the preceding year filed with the department of education in compliance with rule 3301-35-08 of the Ohio Administrative Code, a copy of the school's report for the parents of the school's pupils certifying that the school meets Ohio minimum standards for nonchartered, nontax-supported schools and presents evidence of this filing to the jurisdiction from which it is requesting the establishment of a school zone. "School" also includes a special elementary school that in writing requests the county engineer of the county in which the special elementary school is located to create a school zone at the location of that school. Upon receipt of such a written request, the county engineer shall create a school zone at that location by erecting the appropriate signs.

(c) As used in this section, "school zone" means that portion of a street or highway passing a school fronting upon the street or highway that is encompassed by projecting the school property lines to the fronting street or highway, and also includes that portion of a state highway. Upon request from local authorities for streets and highways under their jurisdiction and that portion of a state highway under the jurisdiction of the director of transportation or a request from a county engineer in the case of a school zone for a special elementary school, the director may extend the traditional school zone boundaries. The distances in divisions (B)(1)(c)(i), (ii), and (iii) of this section shall not exceed three hundred feet per approach per direction and are bounded by whichever of the following distances or combinations thereof the director approves as most appropriate:

(i) The distance encompassed by projecting the school building lines normal to the fronting highway and extending a distance of three hundred feet on each approach direction;

(ii) The distance encompassed by projecting the school property lines intersecting the fronting highway and extending a distance of three hundred feet on each approach direction;

(iii) The distance encompassed by the special marking of the pavement for a principal school pupil crosswalk plus a distance of three hundred feet on each approach direction of the highway.

Nothing in this section shall be construed to invalidate the director's initial action on August 9, 1976, establishing all school zones at the traditional

school zone boundaries defined by projecting school property lines, except when those boundaries are extended as provided in divisions (B)(1)(a) and (c) of this section.

(d) As used in this division, "crosswalk" has the meaning given that term in division (LL)(2) of section 4511.01 of the Revised Code.

The director may, upon request by resolution of the legislative authority of a municipal corporation, the board of trustees of a township, or a county board of mental retardation and developmental disabilities created pursuant to Chapter 5126. of the Revised Code, and upon submission by the municipal corporation, township, or county board of such engineering, traffic, and other information as the director considers necessary, designate a school zone on any portion of a state route lying within the municipal corporation, lying within the unincorporated territory of the township, or lying adjacent to the property of a school that is operated by such county board, that includes a crosswalk customarily used by children going to or leaving a school during recess and opening and closing hours, whenever the distance, as measured in a straight line, from the school property line nearest the crosswalk to the nearest point of the crosswalk is no more than one thousand three hundred twenty feet. Such a school zone shall include the distance encompassed by the crosswalk and extending three hundred feet on each approach direction of the state route.

(e) As used in this section, "special elementary school" means a school that meets all of the following criteria:

- (i) It is not chartered and does not receive tax revenue from any source.
- (ii) It does not educate children beyond the eighth grade.
- (iii) It is located outside the limits of a municipal corporation.

(iv) A majority of the total number of students enrolled at the school are not related by blood.

(v) The principal or other person in charge of the special elementary school annually sends a report to the superintendent of the school district in which the special elementary school is located indicating the total number of students enrolled at the school, but otherwise the principal or other person in charge does not report any other information or data to the superintendent.

(2) Twenty-five miles per hour in all other portions of a municipal corporation, except on state routes outside business districts, through highways outside business districts, and alleys;

(3) Thirty-five miles per hour on all state routes or through highways within municipal corporations outside business districts, except as provided in divisions (B)(4) and (6) of this section;

(4) Fifty miles per hour on controlled-access highways and expressways within municipal corporations;

(5) Fifty-five miles per hour on highways outside municipal corporations, other than highways within island jurisdictions as provided in division (B)(8) of this section and freeways as provided in division (B)(13) of this section;

(6) Fifty miles per hour on state routes within municipal corporations outside urban districts unless a lower prima-facie speed is established as further provided in this section;

(7) Fifteen miles per hour on all alleys within the municipal corporation;

(8) Thirty-five miles per hour on highways outside municipal corporations that are within an island jurisdiction;

(9) Fifty-five miles per hour at all times on freeways with paved shoulders inside municipal corporations, other than freeways as provided in division (B)(13) of this section;

(10) Fifty-five miles per hour at all times on freeways outside municipal corporations, other than freeways as provided in division (B)(13) of this section;

(11) Fifty-five miles per hour at all times on all portions of freeways that are part of the interstate system and on all portions of freeways that are not part of the interstate system, but are built to the standards and specifications that are applicable to freeways that are part of the interstate system for operators of any motor vehicle weighing in excess of eight thousand pounds empty weight and any noncommercial bus;

(12) Fifty-five miles per hour for operators of any motor vehicle weighing eight thousand pounds or less empty weight and any commercial bus at all times on all portions of freeways that are part of the interstate system and that had such a speed limit established prior to October 1, 1995, and freeways that are not part of the interstate system, but are built to the standards and specifications that are applicable to freeways that are part of the interstate system and that had such a speed limit established prior to October 1, 1995, unless a higher speed limit is established under division (L) of this section;

(13) Sixty-five miles per hour for operators of any motor vehicle weighing eight thousand pounds or less empty weight and any commercial bus at all times on all portions of the following:

(a) Freeways that are part of the interstate system and that had such a speed limit established prior to October 1, 1995, and freeways that are not part of the interstate system, but are built to the standards and specifications that are applicable to freeways that are part of the interstate system and that had such a speed limit established prior to October 1, 1995;

(b) Freeways that are part of the interstate system and freeways that are not part of the interstate system but are built to the standards and specifications that are applicable to freeways that are part of the interstate system, and that had such a speed limit established under division (L) of this section;

(c) Rural, divided, multi-lane highways that are designated as part of the

national highway system under the "National Highway System Designation Act of 1995," 109 Stat. 568, 23 U.S.C.A. 103, and that had such a speed limit established under division (M) of this section.

(C) It is prima-facie unlawful for any person to exceed any of the speed limitations in divisions (B)(1)(a), (2), (3), (4), (6), (7), and (8) of this section, or any declared or established pursuant to this section by the director or local authorities and it is unlawful for any person to exceed any of the speed limitations in division (D) of this section. No person shall be convicted of more than one violation of this section for the same conduct, although violations of more than one provision of this section may be charged in the alternative in a single affidavit.

(D) No person shall operate a motor vehicle, trackless trolley, or streetcar upon a street or highway as follows:

(1) At a speed exceeding fifty-five miles per hour, except upon a freeway as provided in division (B)(13) of this section;

(2) At a speed exceeding sixty-five miles per hour upon a freeway as provided in division (B)(13) of this section except as otherwise provided in division (D)(3) of this section;

(3) If a motor vehicle weighing in excess of eight thousand pounds empty weight or a noncommercial bus as prescribed in division (B)(11) of this section, at a speed exceeding fifty-five miles per hour upon a freeway as provided in that division;

(4) At a speed exceeding the posted speed limit upon a freeway for which the director has determined and declared a speed limit of not more than sixty-five miles per hour pursuant to division (L)(2) or (M) of this section;

(5) At a speed exceeding sixty-five miles per hour upon a freeway for which such a speed limit has been established through the operation of division (L)(3) of this section;

(6) At a speed exceeding the posted speed limit upon a freeway for which the director has determined and declared a speed limit pursuant to division (I)(2) of this section.

(E) In every charge of violation of this section the affidavit and warrant shall specify the time, place, and speed at which the defendant is alleged to have driven, and in charges made in reliance upon division (C) of this section also the speed which division (B)(1)(a), (2), (3), (4), (6), (7), or (8) of, or a limit declared or established pursuant to, this section declares is prima-facie lawful at the time and place of such alleged violation, except that in affidavits where a person is alleged to have driven at a greater speed than will permit the person to bring the vehicle to a stop within the assured clear distance ahead the affidavit and warrant need not specify the speed at which the defendant is alleged to have driven.

(F) When a speed in excess of both a prima-facie limitation and a

limitation in division (D)(1), (2), (3), (4), (5), or (6) of this section is alleged, the defendant shall be charged in a single affidavit, alleging a single act, with a violation indicated of both division (B)(1)(a), (2), (3), (4), (6), (7), or (8) of this section, or of a limit declared or established pursuant to this section by the director or local authorities, and of the limitation in division (D)(1), (2), (3), (4), (5), or (6) of this section. If the court finds a violation of division (B)(1)(a), (2), (3), (4), (6), (7), or (8) of, or a limit declared or established pursuant to, this section has occurred, it shall enter a judgment of conviction under such division and dismiss the charge under division (D)(1), (2), (3), (4), (5), or (6) of this section. If it finds no violation of division (B)(1)(a), (2), (3), (4), (6), (7), or (8) of, or a limit declared or established pursuant to, this section, it shall then consider whether the evidence supports a conviction under division (D)(1), (2), (3), (4), (5), or (6) of this section.

(G) Points shall be assessed for violation of a limitation under division (D) of this section in accordance with section 4510.036 of the Revised Code.

(H) Whenever the director determines upon the basis of a geometric and traffic characteristic study that any speed limit set forth in divisions (B)(1)(a) to (D) of this section is greater or less than is reasonable or safe under the conditions found to exist at any portion of a street or highway under the jurisdiction of the director, the director shall determine and declare a reasonable and safe prima-facie speed limit, which shall be effective when appropriate signs giving notice of it are erected at the location.

(I)(1) Except as provided in divisions (I)(2) and (K) of this section, whenever local authorities determine upon the basis of an engineering and traffic investigation that the speed permitted by divisions (B)(1)(a) to (D) of this section, on any part of a highway under their jurisdiction, is greater than is reasonable and safe under the conditions found to exist at such location, the local authorities may by resolution request the director to determine and declare a reasonable and safe prima-facie speed limit. Upon receipt of such request the director may determine and declare a reasonable and safe prima-facie speed limit at such location, and if the director does so, then such declared speed limit shall become effective only when appropriate signs giving notice thereof are erected at such location by the local authorities. The director may withdraw the declaration of a prima-facie speed limit whenever in the director's opinion the altered prima-facie speed becomes unreasonable. Upon such withdrawal, the declared prima-facie speed shall become ineffective and the signs relating thereto shall be immediately removed by the local authorities.

(2) A local authority may determine on the basis of a geometric and traffic characteristic study that the speed limit of sixty-five miles per hour on a portion of a freeway under its jurisdiction that was established through the operation of division (L)(3) of this section is greater than is reasonable or safe under the conditions found to exist at that portion of the freeway. If the local authority makes such a determination, the local authority by resolution may request the director to determine and declare a reasonable and safe speed limit of



not less than fifty-five miles per hour for that portion of the freeway. If the director takes such action, the declared speed limit becomes effective only when appropriate signs giving notice of it are erected at such location by the local authority.

(J) Local authorities in their respective jurisdictions may authorize by ordinance higher prima-facie speeds than those stated in this section upon through highways, or upon highways or portions thereof where there are no intersections, or between widely spaced intersections, provided signs are erected giving notice of the authorized speed, but local authorities shall not modify or alter the basic rule set forth in division (A) of this section or in any event authorize by ordinance a speed in excess of fifty miles per hour.

Alteration of prima-facie limits on state routes by local authorities shall not be effective until the alteration has been approved by the director. The director may withdraw approval of any altered prima-facie speed limits whenever in the director's opinion any altered prima-facie speed becomes unreasonable, and upon such withdrawal, the altered prima-facie speed shall become ineffective and the signs relating thereto shall be immediately removed by the local authorities.

(K)(1) As used in divisions (K)(1), (2), (3), and (4) of this section, "unimproved highway" means a highway consisting of any of the following:

- (a) Unimproved earth;
- (b) Unimproved graded and drained earth;
- (c) Gravel.

(2) Except as otherwise provided in divisions (K)(4) and (5) of this section, whenever a board of township trustees determines upon the basis of an engineering and traffic investigation that the speed permitted by division (B)(5) of this section on any part of an unimproved highway under its jurisdiction and in the unincorporated territory of the township is greater than is reasonable or safe under the conditions found to exist at the location, the board may by resolution declare a reasonable and safe prima-facie speed limit of fifty-five but not less than twenty-five miles per hour. An altered speed limit adopted by a board of township trustees under this division becomes effective when appropriate traffic control devices, as prescribed in section 4511.11 of the Revised Code, giving notice thereof are erected at the location, which shall be no sooner than sixty days after adoption of the resolution.

(3)(a) Whenever, in the opinion of a board of township trustees, any altered prima-facie speed limit established by the board under this division becomes unreasonable, the board may adopt a resolution withdrawing the altered prima-facie speed limit. Upon the adoption of such a resolution, the altered prima-facie speed limit becomes ineffective and the traffic control devices relating thereto shall be immediately removed.

- (b) Whenever a highway ceases to be an unimproved highway and the

board has adopted an altered prima-facie speed limit pursuant to division (K)(2) of this section, the board shall, by resolution, withdraw the altered prima-facie speed limit as soon as the highway ceases to be unimproved. Upon the adoption of such a resolution, the altered prima-facie speed limit becomes ineffective and the traffic control devices relating thereto shall be immediately removed.

(4)(a) If the boundary of two townships rests on the centerline of an unimproved highway in unincorporated territory and both townships have jurisdiction over the highway, neither of the boards of township trustees of such townships may declare an altered prima-facie speed limit pursuant to division (K)(2) of this section on the part of the highway under their joint jurisdiction unless the boards of township trustees of both of the townships determine, upon the basis of an engineering and traffic investigation, that the speed permitted by division (B)(5) of this section is greater than is reasonable or safe under the conditions found to exist at the location and both boards agree upon a reasonable and safe prima-facie speed limit of less than fifty-five but not less than twenty-five miles per hour for that location. If both boards so agree, each shall follow the procedure specified in division (K)(2) of this section for altering the prima-facie speed limit on the highway. Except as otherwise provided in division (K)(4)(b) of this section, no speed limit altered pursuant to division (K)(4)(a) of this section may be withdrawn unless the boards of township trustees of both townships determine that the altered prima-facie speed limit previously adopted becomes unreasonable and each board adopts a resolution withdrawing the altered prima-facie speed limit pursuant to the procedure specified in division (K)(3)(a) of this section.

(b) Whenever a highway described in division (K)(4)(a) of this section ceases to be an unimproved highway and two boards of township trustees have adopted an altered prima-facie speed limit pursuant to division (K)(4)(a) of this section, both boards shall, by resolution, withdraw the altered prima-facie speed limit as soon as the highway ceases to be unimproved. Upon the adoption of the resolution, the altered prima-facie speed limit becomes ineffective and the traffic control devices relating thereto shall be immediately removed.

(5) As used in division (K)(5) of this section:

(a) "Commercial subdivision" means any platted territory outside the limits of a municipal corporation and fronting a highway where, for a distance of three hundred feet or more, the frontage is improved with buildings in use for commercial purposes, or where the entire length of the highway is less than three hundred feet long and the frontage is improved with buildings in use for commercial purposes.

(b) "Residential subdivision" means any platted territory outside the limits of a municipal corporation and fronting a highway, where, for a distance of three hundred feet or more, the frontage is improved with residences or residences and buildings in use for business, or where the entire length of the highway is less than three hundred feet long and the frontage is improved with residences or residences and buildings in use for business.

Whenever a board of township trustees finds upon the basis of an engineering and traffic investigation that the prima-facie speed permitted by division (B)(5) of this section on any part of a highway under its jurisdiction that is located in a commercial or residential subdivision, except on highways or portions thereof at the entrances to which vehicular traffic from the majority of intersecting highways is required to yield the right-of-way to vehicles on such highways in obedience to stop or yield signs or traffic control signals, is greater than is reasonable and safe under the conditions found to exist at the location, the board may by resolution declare a reasonable and safe prima-facie speed limit of less than fifty-five but not less than twenty-five miles per hour at the location. An altered speed limit adopted by a board of township trustees under this division shall become effective when appropriate signs giving notice thereof are erected at the location by the township. Whenever, in the opinion of a board of township trustees, any altered prima-facie speed limit established by it under this division becomes unreasonable, it may adopt a resolution withdrawing the altered prima-facie speed, and upon such withdrawal, the altered prima-facie speed shall become ineffective, and the signs relating thereto shall be immediately removed by the township.

(L)(1) Within one hundred twenty days of February 29, 1996, the director of transportation, based upon a geometric and traffic characteristic study of a freeway that is part of the interstate system or that is not part of the interstate system, but is built to the standards and specifications that are applicable to freeways that are part of the interstate system, in consultation with the director of public safety and, if applicable, the local authority having jurisdiction over a portion of such freeway, may determine and declare that the speed limit of less than sixty-five miles per hour established on such freeway or portion of freeway either is reasonable and safe or is less than that which is reasonable and safe.

(2) If the established speed limit for such a freeway or portion of freeway is determined to be less than that which is reasonable and safe, the director of transportation, in consultation with the director of public safety and, if applicable, the local authority having jurisdiction over the portion of freeway, shall determine and declare a reasonable and safe speed limit of not more than sixty-five miles per hour for that freeway or portion of freeway.

The director of transportation or local authority having jurisdiction over the freeway or portion of freeway shall erect appropriate signs giving notice of the speed limit at such location within one hundred fifty days of February 29, 1996. Such speed limit becomes effective only when such signs are erected at the location.

(3) If, within one hundred twenty days of February 29, 1996, the director of transportation does not make a determination and declaration of a reasonable and safe speed limit for a freeway or portion of freeway that is part of the interstate system or that is not part of the interstate system, but is built to the standards and specifications that are applicable to freeways that are part of the interstate system and that has a speed limit of less than sixty-five miles per hour,

the speed limit on that freeway or portion of a freeway shall be sixty-five miles per hour. The director of transportation or local authority having jurisdiction over the freeway or portion of the freeway shall erect appropriate signs giving notice of the speed limit of sixty-five miles per hour at such location within one hundred fifty days of February 29, 1996. Such speed limit becomes effective only when such signs are erected at the location. A speed limit established through the operation of division (L)(3) of this section is subject to reduction under division (I)(2) of this section.

(M) Within three hundred sixty days after February 29, 1996, the director of transportation, based upon a geometric and traffic characteristic study of a rural, divided, multi-lane highway that has been designated as part of the national highway system under the "National Highway System Designation Act of 1995," 109 Stat. 568, 23 U.S.C.A. 103, in consultation with the director of public safety and, if applicable, the local authority having jurisdiction over a portion of the highway, may determine and declare that the speed limit of less than sixty-five miles per hour established on the highway or portion of highway either is reasonable and safe or is less than that which is reasonable and safe.

If the established speed limit for the highway or portion of highway is determined to be less than that which is reasonable and safe, the director of transportation, in consultation with the director of public safety and, if applicable, the local authority having jurisdiction over the portion of highway, shall determine and declare a reasonable and safe speed limit of not more than sixty-five miles per hour for that highway or portion of highway. The director of transportation or local authority having jurisdiction over the highway or portion of highway shall erect appropriate signs giving notice of the speed limit at such location within three hundred ninety days after February 29, 1996. The speed limit becomes effective only when such signs are erected at the location.

(N)(1)(a) If the boundary of two local authorities rests on the centerline of a highway and both authorities have jurisdiction over the highway, the speed limit for the part of the highway within their joint jurisdiction shall be either one of the following as agreed to by both authorities:

(i) Either prima-facie speed limit permitted by division (B) of this section;

(ii) An altered speed limit determined and posted in accordance with this section.

(b) If the local authorities are unable to reach an agreement, the speed limit shall remain as established and posted under this section.

(2) Neither local authority may declare an altered prima-facie speed limit pursuant to this section on the part of the highway under their joint jurisdiction unless both of the local authorities determine, upon the basis of an engineering and traffic investigation, that the speed permitted by this section is greater than is reasonable or safe under the conditions found to exist at the location and both authorities agree upon a uniform reasonable and safe prima-facie speed limit of

less than fifty-five but not less than twenty-five miles per hour for that location. If both authorities so agree, each shall follow the procedure specified in this section for altering the prima-facie speed limit on the highway, and the speed limit for the part of the highway within their joint jurisdiction shall be uniformly altered. No altered speed limit may be withdrawn unless both local authorities determine that the altered prima-facie speed limit previously adopted becomes unreasonable and each adopts a resolution withdrawing the altered prima-facie speed limit pursuant to the procedure specified in this section.

(O) At any location on a state highway where the posted speed limit decreases by twenty or more miles per hour, the director of transportation shall establish a speed transition zone consisting, at a minimum, of the preceding one thousand feet. The speed limit for the speed transition zone shall be ten miles per hour more than the speed limit to which the posted speed limit decreases by twenty or more miles per hour. A reduced speed limit established by the director pursuant to this division becomes effective when the department of transportation erects appropriate signs giving notice thereof on the state highway.

(P) As used in this section:

(1) "Interstate system" has the same meaning as in 23 U.S.C.A. 101.

(2) "Commercial bus" means a motor vehicle designed for carrying more than nine passengers and used for the transportation of persons for compensation.

(3) "Noncommercial bus" includes but is not limited to a school bus or a motor vehicle operated solely for the transportation of persons associated with a charitable or nonprofit organization.

~~(P)~~ (Q)(1) A violation of any provision of this section is one of the following:

(a) Except as otherwise provided in divisions ~~(P)~~ (Q)(1)(b), (1)(c), (2), and (3) of this section, a minor misdemeanor;

(b) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two violations of any provision of this section or of any provision of a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the fourth degree;

(c) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to three or more violations of any provision of this section or of any provision of a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the third degree.

(2) If the offender has not previously been convicted of or pleaded guilty to a violation of any provision of this section or of any provision of a municipal ordinance that is substantially similar to this section and operated a motor vehicle faster than thirty-five miles an hour in a business district of a municipal

corporation, faster than fifty miles an hour in other portions of a municipal corporation, or faster than thirty-five miles an hour in a school zone during recess or while children are going to or leaving school during the school's opening or closing hours, a misdemeanor of the fourth degree.

(3) Notwithstanding division ~~(P)~~ (Q)(1) of this section, if the offender operated a motor vehicle in a construction zone where a sign was then posted in accordance with section 4511.98 of the Revised Code, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two times the usual amount imposed for the violation. No court shall impose a fine of two times the usual amount imposed for the violation upon an offender if the offender alleges, in an affidavit filed with the court prior to the offender's sentencing, that the offender is indigent and is unable to pay the fine imposed pursuant to this division and if the court determines that the offender is an indigent person and unable to pay the fine."

In line 9063, after "4511.191," insert "4511.21,"

In line 10 of the title, after "4511.191," insert "4511.21,"

In line 55, delete "5525.012,"

Delete lines 8055 through 8061

In line 20 of the title, delete "5525.012,"

In line 52, delete "5525.01,"

Delete lines 7918 through 8054

In line 9067, delete "5525.01,"

Between lines 10866 and 10867, insert:

**"Section \_\_\_\_.** Notwithstanding any provision of Chapter 5525. of the Revised Code, until July 1, 2011, the Director of Transportation may use a value-based selection process, combining technical qualifications and competitive bidding elements, including consideration for minority or disadvantaged businesses that may include joint ventures, when letting special projects that contain both design and construction elements of a highway or bridge project into a single contract.

Not later than January 20, 2011, the Director of Transportation shall present a report to the chair and ranking minority members of the House of Representatives and Senate committees that deal with transportation issues. The report shall identify each project for which the Director used a value-based selection process, shall evaluate the effect of the value-based selection process on the cost and timetable for completing the project, and shall make recommendations for renewing or modifying the use of a value-based selection process."

In line 16 of the title, delete "5525.01,"

In line 10186, delete "\$4,400,000" and insert "\$20,000,000"

Between lines 10866 and 10867, insert:

"**Section** \_\_\_\_\_. The Director of Transportation shall permit the construction of a curb cut on State Route 91, near Vine Street, in Lake County."

Between lines 10211 and 10212, insert:

"**Section** \_\_\_\_\_. TRANSFER FROM STATE FIRE MARSHAL FUND TO EMA SERVICE AND REIMBURSEMENT FUND

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$200,000 in cash from the State Fire Marshal Fund (Fund 5460) to the EMA Service and Reimbursement Fund (Fund 4V30) to be distributed to the Ohio Task Force One-Urban Search and Rescue Unit and other urban search and rescue programs around the state."

In line 41, delete "125.11,"

Delete lines 258 through 341

In line 9056, delete "125.11,"

In line 10913, delete "and 125.11"

In line 1 of the title, delete "125.11,"

In line 5698, delete " or"

In line 5699, reinsert ", or division"; after "~~(B)~~" insert " (A)(3)"; reinsert "of section"; after " ~~4513.263~~" insert " 4513.03"

In line 6500, after "(B)" insert " Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause the operator of a vehicle being operated upon a street or highway within this state to stop the vehicle solely because the officer observes that a violation of division (A)(3) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of that division, or causing the arrest of or commencing a prosecution of a person for a violation of that division.

(C)"

Between lines 10888 and 10889, insert:

"**Section** \_\_\_\_\_. For the six-month period commencing on the effective date of the amendments to section 4513.03 of the Revised Code contained in Section 101.01 of this act, no law enforcement officer shall issue to the operator of any motor vehicle being operated upon a street or highway within this state a ticket, citation, or summons for a violation of division (A)(3) of section 4513.03 of the Revised Code, or cause the arrest of or commence a prosecution of a person for a violation of that division. Instead, during that period of time the law enforcement officer shall issue to such an operator a written warning, informing the operator of the existence of division (A)(3) of section 4513.03 of the Revised Code and

that after the date that is six months after the effective date of the amendments to section 4513.03 of the Revised Code contained in Section 101.01 of this act, a law enforcement officer who observes that the operator of a motor vehicle has committed or is committing a violation of division (A)(3) of section 4513.03 of the Revised Code will be authorized to issue a ticket, citation, or summons to that operator for that violation or to cause the arrest of or commence a prosecution of such an operator for a violation of that division."

In line 45, after "4503.182," insert "4503.191,"

Between lines 3735 and 3736, insert:

**"Sec. 4503.191.** (A) (1) The identification license plate shall be issued for a multi-year period as determined by the director of public safety, and shall be accompanied by a validation sticker, to be attached to the license plate. ~~The~~ Except as provided in division (A)(2) of this section, the validation sticker shall indicate the expiration of the registration period to which the motor vehicle for which the license plate is issued is assigned, in accordance with rules adopted by the registrar of motor vehicles. During each succeeding year of the multi-year period following the issuance of the plate and validation sticker, upon the filing of an application for registration and the payment of the tax therefor, a validation sticker alone shall be issued. The validation stickers required under this section shall be of different colors or shades each year, the new colors or shades to be selected by the director.

(2) Not later than October 1, 2009, the director shall develop a universal validation sticker that may be issued to any owner of two hundred fifty or more passenger vehicles, so that a sticker issued to the owner may be placed on any passenger vehicle in that owner's fleet. The director may establish and charge an additional fee of not more than one dollar per registration to compensate for necessary costs of the universal validation sticker program. The additional fee shall be credited to the state bureau of motor vehicles fund created in section 4501.25 of the Revised Code.

(B) Identification license plates shall be produced by Ohio penal industries. Validation stickers and county identification stickers shall be produced by Ohio penal industries unless the registrar adopts rules that permit the registrar or deputy registrars to print or otherwise produce them in house."

In line 9060, after "4503.182," insert "4503.191,"

In line 6 of the title, after "4503.182," insert "4503.191,"

In line 10785, delete "and"

In line 10786, after "League" insert ", one member of the Senate, appointed by the President of the Senate, one member of the House of Representatives appointed by the Speaker of the House of Representatives, and two members of the public, one of whom shall be appointed by the President of the Senate and one of whom shall be appointed by the Speaker of the House of Representatives"



In line 10798, after "(4)" insert "Evaluate issues related to Clerks of Courts of Common Pleas acting as deputy registrars, including the overall impact on service to the public and the economic effects for both the Clerks of Courts and deputy registrars;

(5)"

In line 54, delete "1519.20,"

Delete lines 1141 through 1144

Between lines \_\_\_\_\_ and \_\_\_\_\_, insert:

**"Section \_\_\_\_.** The Director of Natural Resources may create an Ohio All-Purpose Vehicle Advisory Board for the purposes of providing advice and receiving input regarding all-purpose vehicle trails and trail maintenance.

The authority to create the board and any board created under this section ceases to exist two years after the effective date of this section unless the General Assembly subsequently authorizes the continuation of that authority and the board."

In line 18 of the title, delete "1519.20,"

In line 238, after the underlined period insert "The director shall adopt rules under Chapter 119. of the Revised Code that are necessary for successful and efficient administration of the energy star rebate program and shall specify in the rules that grant availability is limited to federal stimulus funds or any other funds specifically appropriated for such a program."

In line 54, delete "4163.08, 4163.09,"; after "4511.108," insert "4905.801, 4905.802,"

Delete line 1875

In line 1876, delete everything before the period and insert "section 3748.01 of the Revised Code"

In line 1883, strike through "means plutonium or uranium"

Strike through lines 1884 and 1885

In line 1886, strike through everything before the period and insert "has the same meaning as in section 3748.01 of the Revised Code"

In line 1896, strike through everything after the second quotation mark

Strike through lines 1897 and 1898

In line 1899, strike through everything before the period and insert "has the same meaning as in section 3748.01 of the Revised Code"

In line 1912, delete the underlined semicolon and insert an underlined period

Delete lines 1913 through 1917

In line 1921, delete "containing" and insert "contaminated with"

In line 1929, reinsert "or by-product"

In line 1930, reinsert "material"

In line 1956, after the second comma insert "the director of health,"

In line 1957, after the second "the" insert "county emergency management agency and"

In line 1980, delete "4163.08" and insert "4905.801"

In line 1985, delete "radiation response" and insert "radioactive waste transportation"; after "fund" insert "created in section 4905.802 of the Revised Code"

Delete lines 1986 through 2063

Between lines 7227 and 7228, insert:

" Sec. 4905.801. (A) No person shall transport or cause to be transported any shipment of material that is subject to division (A)(1) of section 4163.07 of the Revised Code within, into, or through this state by rail or motor carrier unless the person, at least four days prior to the date of the shipment, pays to the public utilities commission the following fees for each shipment:

(1) Two thousand five hundred dollars for each shipment by a motor carrier;

(2) Four thousand five hundred dollars for the first cask designated for transport by rail and three thousand dollars for each additional cask designated for transport by rail that is shipped by the same person or entity in the same shipment.

(B)(1) This section does not apply to either of the following:

(a) Any shipment of material that is subject to division (A)(1) of section 4163.07 of the Revised Code by or for the United States government for military or national defense purposes;

(b) Any shipment of material that is subject to division (A)(1) of section 4163.07 of the Revised Code to or from a plant that is owned by the United States department of energy and that is located in this state or to or from entities that operate on land located in this state that is owned or controlled by the United States department of energy or the United States department of defense.

(2) Except as provided in division (B)(1)(a) and (b) of this section, this section applies to all other shipments of any material that is subject to division (A)(1) of section 4163.07 of the Revised Code by or for the United States government to the extent permitted by federal law.

(C) Whoever violates division (A) of this section is liable for a civil penalty in an amount not to exceed ten times the amount of the fee that is due

under this section. The attorney general, upon the request of the public utilities commission, shall bring a civil action to collect the penalty. Penalties collected under this section shall be deposited in the state treasury to the credit of the radioactive waste transportation fund created in section 4905.802 of the Revised Code.

**Sec. 4905.802.** (A)(1) All fees collected under section 4905.801 of the Revised Code shall be credited to the radioactive waste transportation fund, which is hereby created in the state treasury. All investment earnings of the fund shall be credited to it.

(2) Money in the radioactive waste transportation fund shall be used only for the following purposes related to the shipment of material that is subject to division (A)(1) of section 4163.07 of the Revised Code as determined by the public utilities commission:

(a) State and local expenses, including inspections, escorts, security, emergency management services, and accident response;

(b) Planning, coordination, education, and training of emergency response providers, law enforcement agencies, and other appropriate state or local entities;

(c) Purchase and maintenance of monitoring, medical, safety, or emergency response equipment and supplies;

(d) Administrative costs of the commission and other state or local entities;

(e) Other similar expenses determined by the commission to be appropriate.

(B)(1) The commission may adopt rules as necessary to implement sections 4905.801 and 4905.802 of the Revised Code.

(2) In administering section 4905.801 of the Revised Code, the commission shall work with any department or agency of federal, state, or local government that also regulates the shipment of material that is subject to division (A)(1) of section 4163.07 of the Revised Code.

(3) Subject to division (C) of section 4163.07 of the Revised Code, the commission, consistent with national security requirements, may notify any law enforcement agency or other state or local entity affected by the shipment that the commission considers necessary for public safety.

(4) Not later than December 31, 2010, the commission shall prepare and submit to both houses of the general assembly a report on the fees received by the commission under section 4905.801 of the Revised Code and on expenditures made from the radioactive waste transportation fund."

In line 19 of the title, delete "4163.08, 4163.09,"; after "4511.108," insert "4905.801, 4905.802,"

Delete lines 9881 through 9885

In line 9886, delete "(C)" and insert "(B)"

In line 9891, delete "(D)" and insert "(C)"

Delete lines 9897 and 9897a

In line 9899, delete "\$26,303,000" and insert "\$16,410,000"

In line 9900, delete "\$26,303,000" and insert "\$16,410,000"

In line 9902, delete "440602, Preventive Health Block Grant,"

In line 46, delete "4507.05,"; delete "4507.071,"

In line 47, delete "4511.093,"

Delete lines 4429 through 4549

Delete lines 4634 through 4803

Delete lines 5679 through 5700

In line 6515, delete " other than"

In line 6516, delete " a child and"

In line 6517, reinsert "for which an occupant restraining device is provided"

In line 6518, after "(4)" delete the balance of the line

Delete lines 6519 through 6521

In line 6522, delete " (6)"

In line 6525, reinsert "(5)"; delete " (7)"

In line 6526, reinsert "(4)"; delete " (6)"

In line 6529, reinsert "(6)"; delete " (8)"

In line 6544, reinsert "who is subject to"; delete " occupying a"

In line 6545, delete " seating position in"; reinsert "requirement set forth in division (B)(3)"

In line 6546, reinsert "of this section"; delete " front seat area of the automobile"

In line 6549, after "(3)" delete the balance of the line

Delete lines 6550 through 6555

In line 6556, delete " (4)"; reinsert "on"; delete " in"

In line 6557, delete " area"

In line 6560, reinsert "(4)"; delete " (5)"

In line 6563, reinsert "does not apply"; delete " applies"

In line 6564, reinsert "a person who is required by"; delete " any child occupying a seating position"

Delete line 6565

In line 6566, delete " provision of law to the contrary, including"

In line 6567, reinsert "to be secured in a child restraint device or booster"

In line 6568, reinsert "seat"

In line 6572, reinsert "(3)"; delete " (4)"

In line 6579, reinsert "Notwithstanding any provision of law to the contrary, no"

In line 6580, delete " A"; reinsert "shall"; delete " may"; reinsert "an"; delete " the"

In line 6582, reinsert "for"; delete " solely because"; reinsert "sole purpose of determining"

In line 6583, reinsert "whether"; delete " officer observes that"

In line 6584, reinsert "or for the sole purpose of"

Reinsert lines 6585 through 6589

In line 6590, reinsert "determining whether a"; delete " in the same manner as any other motor"

In line 6591, delete " vehicle traffic"; reinsert "of that nature has been or is being"

In line 6592, reinsert "committed"; delete the balance of the line

Delete line 6593

In line 6594, delete " constitute probable cause to conduct a search of the automobile"

In line 6638, reinsert "(3)"; delete " (4)"

In line 6677, delete " , (2), or (4)"

In line 6679, delete " is"

In line 6680, delete " guilty of a minor misdemeanor and"; reinsert "twenty"; delete " not less"

In line 6681, delete " than twenty-five"; after "dollars" delete the balance of the line

Delete lines 6682 through 6685

In line 6686, delete " degree"

In line 6688, reinsert "(4)"; delete " (5)"

In line 6690, reinsert "(4)"; delete " (5)"

In line 6691, reinsert "(4)"; delete " (5)"

In line 9061, delete "4507.05,"

In line 9062, delete "4507.071,"

In line 9063, delete "4511.093,"

Delete lines 10456 through 10503

In line 10941, delete "sections" and insert "section"

In line 10942, delete "4511.093 and"

In line 10943, delete "amendments" and insert "the amendment"; delete "those sections" and insert "that section"

In line 10944, after "Assembly" delete the balance of the line and insert a period

Delete line 10945

In line 10946, delete "sections by this act."; delete "amendments" and insert "amendment"; delete "the" and insert "that"

In line 10947, delete "sections take" and insert "section takes"; after "act" delete the balance of the line and insert a period

Delete line 10948

In line 8 of the title, delete "4507.05,"; delete "4507.071,"

In line 10 of the title, delete "4511.093,"

In line 56, after "5531.18," insert "and"; delete ", 5539.01, 5539.02,"

Delete line 57

In line 58, delete "5539.09, 5539.10, and 5539.11"

In line 7374, reinsert "and"

Delete line 7375

In line 7376, delete " organized under the laws of Ohio."

In line 7386, delete " transportation innovation"

In line 7387, delete " authority."

In line 8103, reinsert "and"

In line 8104, delete " and the new generation"

In line 8105, delete " infrastructure bank funds."

In line 8120, delete " The new generation infrastructure bank funds"

Delete line 8121

In line 8122, delete " may be provided by law."

In line 8127, delete " (1)"

In line 8128, delete everything after "bank"

In line 8129, delete " funds."

Delete lines 8152 through 8172

Delete lines 8568 through 8912

Delete lines 9097 through 9100a

In line 9118, delete "\$2,936,108,872" and insert "\$2,596,108,872"

In line 9133, delete "\$3,204,602,972" and insert "\$2,864,602,972"

In line 22 of the title, after "5531.18," insert "and"; delete everything after "5531.99"

Delete line 23 of the title

In line 24 of the title, delete "5539.08, 5539.09, 5539.10, and 5539.11"

Delete lines 10504 through 10775

Between lines 10866 and 10867, insert:

**"Section \_\_\_\_.** (A) Notwithstanding section 4505.09 of the Revised Code, until July 1, 2011, the clerk of a court of common pleas shall charge four dollars and fifty cents for each certificate of title issued to a licensed motor vehicle dealer for resale purposes and, in addition, shall charge and collect a separate fee of fifty cents from the licensed motor vehicle dealer, which shall be forwarded to the Registrar of Motor Vehicles for distribution in accordance with division (B) of this section.

(B) Notwithstanding division (B)(3) of section 4505.09 of the Revised Code, until July 1, 2011, the Registrar of Motor Vehicles shall pay one dollar and fifty cents of the amount received by the Registrar for each certificate of title issued to a licensed motor vehicle dealer for resale purposes into the Automated Title Processing Fund created by section 4505.09 of the Revised Code. The Registrar shall pay the fifty-cent separate fee collected from a licensed motor vehicle dealer under division (A) of this section into the Title Defect Recision Fund created by section 1345.52 of the Revised Code."

In line 10782, after the comma insert "the Ohio Attorney General,"

In line 10799, after "procedures" insert ";

(5) Examine ways to expand consumer protection under Ohio's Title Defect Recision Fund for all retail motor vehicle transactions"

Between lines 10866 and 10867, insert:

**"Section 755.\_\_\_\_.** (A) There is hereby established the Ohio State Highway Patrol Mission Review Task Force, consisting of seventeen members as follows: the Director of Public Safety or the Director's designee, the Superintendent of the State Highway Patrol, two members of the Senate appointed by the President of the Senate, one member of the Senate appointed by the Minority Leader of the Senate, two members of the House of Representatives appointed by the Speaker of the House of Representatives, one member of the House of Representatives appointed by the Minority Leader of the House of Representatives, one member who represents the County Commissioners' Association of Ohio appointed by the Association, one member who represents the Buckeye State Sheriffs Association appointed by the Association, one member who represents the Fraternal Order of Police of Ohio appointed by the Order, one member who represents the Ohio Association of Chiefs of Police appointed by the Association, one member who is a State Highway Patrol trooper appointed by the Ohio State Troopers Association to represent the troopers of the State Highway Patrol, one member appointed by the President of the Senate to represent the public, one member appointed by the Speaker of the House of Representatives to represent the public, and two members appointed by the Governor to represent the public, at least one of whom is not affiliated with any law enforcement agency or public safety force or agency of any kind. The appointed members shall be appointed not later than forty-five days after the effective date of this section.

The member appointed by the Governor to represent the public who is not affiliated with any law enforcement agency or public safety force or agency of any kind shall serve as chairperson of the Task Force. If both members appointed by the Governor to represent the public are not affiliated with any law enforcement agency or public safety force or agency of any kind, the Governor shall designate one of those members to serve as chairperson of the Task Force. Members of the Task Force shall receive no compensation or reimbursement for their services. The Department of Public Safety shall furnish such staff support to the Task Force as the Task Force may require.

(B) The Task Force shall review the operations and functions of the State Highway Patrol to explore opportunities to improve operational efficiency, identify overlapping services, and consolidate current operations. The Task Force shall formulate such recommendations as it considers advisable and shall compile a written report that contains its findings and recommendations.

(C) Not later than twelve months after the effective date of this section, the Task Force shall submit its report to the Governor, the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives. At that point, the Task Force shall cease to exist."

Delete lines 8225 through 8230



In line 8231, delete " Ohio transportation" and insert " State highway"

In line 8234, delete " tolled" and insert " toll"

In line 8235, delete " capacity"

In line 8253, delete " tolled" and insert " toll"

Delete lines 8259 through 8263 and insert " "Toll project" means any project that adds new capacity, including construction on existing highways, bridges, or tunnels where construction increases the total number of lanes, including toll and nontoll lanes, and does not decrease the total number of nontoll lanes at each mile. "Toll project" also includes new interchanges constructed for economic development purposes connecting an interstate highway or a multi-lane, fully controlled-access highway that was not connected previously with other interstates, state highways and local roads, and any new high occupancy lane or new highways connecting an intermodal facility"

In line 8264, delete everything before " established"

In line 8273, delete " tolled" and insert " toll"

In line 8277, delete " tolled" and insert " toll"

In line 8280, delete " tolled" and insert " toll"

In line 8281, delete " tolled" and insert " toll"

In line 8282, delete " Each tolled project may be"

Delete lines 8283 through 8290 and insert " Nothing in this section shall be construed to permit tolls to be charged on existing nontoll highways."

In line 8294, delete " tolled" and insert " toll"

In line 8295, delete " tolled" and insert " toll"

In line 8297, after " 5531.12." insert " (A)(1)"

Delete lines 8302 through 8309 and insert " of its citizens, the state transportation finance commission may approve toll projects at locations"

In line 8310, delete " are"; after the underlined period, insert " Any revenue derived from toll projects shall be used only for purposes of the toll project and shall not be expended for any purpose other than as provided in Section 5a of Article XII, Ohio Constitution."; delete " tolled" and insert " toll"

In line 8312, delete " Ohio transportation" and insert " state highway"

Between lines 8312 and 8313, insert:

" (2) Any toll project shall be developed and submitted for selection in accordance with the policies and procedures of the major new capacity selection process of the transportation review advisory council, created under Chapter 5512. of the Revised Code. Each toll project may be separately designated, by name or number, and may be constructed, improved, or reconstructed as the

department of transportation may from time to time determine pursuant to sections 5531.11 to 5531.18 of the Revised Code. A toll project shall be considered a state infrastructure project as defined in section 5531.10 of the Revised Code for all purposes of that section and section 5531.09 of the Revised Code and also is a transportation facility as defined in section 5501.01 of the Revised Code.

(3) Nothing in this chapter shall be construed to permit tolls to be charged on existing nontoll highways.

(B)(1) There is hereby within the department of transportation the "Ohio transportation finance commission." The commission shall consist of seven members as follows:

(a) Two members appointed by the governor;

(b) The director of development, or the director's designee, who shall be a nonvoting ex officio member and shall serve without compensation;

(c) Two members appointed by the president of the senate, who shall have experience relevant to approving toll projects, including expertise in finance, engineering, statewide planning, economic development, logistics, or land use planning;

(d) Two members appointed by the speaker of the house of representatives, who shall have experience relevant to approving toll projects, including expertise in finance, engineering, statewide planning, economic development, logistics, or land use planning.

(2) No member of the general assembly shall be a member of the commission. In making their appointments, the governor, speaker of the house of representatives, and the president of the senate shall consult with each other so that from the total number of six appointed members, at least two are affiliated with the major political party not represented by the governor. In making the governor's appointments, the governor shall appoint persons who reside in different geographic areas of the state. The members appointed by the governor shall be residents of the state and shall serve terms of five years commencing on the first day of July and ending on the thirtieth day of June. The members appointed by the president of the senate or the speaker of the house of representatives shall serve a term of the remainder of the general assembly during which the member is appointed. The governor shall appoint one of the members as chairperson and another as vice-chairperson and shall appoint a secretary-treasurer who need not be a member of the commission. Four of the members of the commission constitute a quorum, and the affirmative vote of four voting members is necessary for any action taken by the commission. No vacancy in the membership of the commission impairs the rights of a quorum to exercise all the rights and perform all the duties of the commission. Appointed members shall have no conflict of interest with the position. For purposes of this section, "conflict of interest" means taking any action that violates any provision of Chapter 102, or 2921, of the Revised Code.

(C) Each appointed member shall hold office from the date of appointment until the end of the term for which the member was appointed. If a commission member dies or resigns, or if an ex officio member ceases to hold the applicable office, the vacancy shall be filled in the same manner as provided in division (B) of this section. Any member who fills a vacancy occurring prior to the end of the term for which the member's predecessor was appointed, if appointed by the governor, shall hold office for the remainder of such term or, if appointed by the president of the senate or the speaker of the house of representatives, shall hold office for the remainder of the term or for a shorter period of time as determined by the president or the speaker. Any member appointed by the governor 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. A member of the commission is eligible for reappointment. Each appointed member of the commission, before entering upon the member's duties, shall take an oath as provided by Section 7 of Article XV, Ohio Constitution. The governor, the president of the senate, or the speaker of the house of representatives may at any time remove their respective appointees to the commission for misfeasance, nonfeasance, or malfeasance in office.

(D) Each appointed member shall serve without compensation but shall be reimbursed for the member's actual and necessary expenses incurred in the performance of the member's duties. At the request of the chairperson of the Ohio transportation finance commission, the department of transportation shall provide staff assistance and office space for the commission.

(E) Upon selection of a toll project by the transportation review advisory council, the director of transportation shall submit a toll proposal for the project to the Ohio transportation finance commission. The commission shall review the toll proposal for the project and either approve it, disapprove it, or suggest modifications to it. Approval for any toll proposal shall be made by an affirmative vote of four of the six voting members of the commission.

(F) The director of transportation shall adopt rules pursuant to chapter 119. of the Revised Code governing the duties of the commission, the frequency of commission meetings, compensation for each appointed member, and any rules necessary for the planning, development, and implementation of toll projects and the collection of tolls. The rules adopted pursuant to this section shall include a requirement that the commission hold at least three public hearings prior to the commission voting on whether to approve a toll project."

In line 8317, delete " tolled" and insert " toll"

In line 8325, delete " tolled" and insert " toll"

In line 8330, delete " tolled" and insert " toll"

In line 8340, delete " tolled" and insert " toll"

In line 8347, delete " tolled" and insert " toll"

In line 8371, delete " tolled" and insert " toll"

In line 8374, delete " tolled" and insert " toll"; delete " Ohio"

In line 8375, delete " transportation" and insert " state highway"

In line 8383, delete " tolled" and insert " toll"

In line 8384, delete " Ohio transportation" and insert " state highway"

In line 8388, delete " tolled" and insert " toll"

In line 8389, delete " tolled" and insert " toll"

In line 8409, after the underlined period, insert " When all bonds issued in connection with any toll project and the interest on the bonds have been paid, or a sufficient amount for the payment of all such bonds and the interest on the bonds to the maturity of the bonds has been set aside in trust for the benefit of the bondholders, the project shall be operated, improved, and maintained by the department of transportation as a part of the state highway system and shall be free of tolls."

In line 8413, delete " tolled" and insert " toll"

In line 8434, delete " tolled" and insert " toll"

In line 8436, delete " Tolled" and insert " Toll"

In line 8438, delete " Tolled" and insert " Toll"

In line 8443, delete " tolled" and insert " toll"

In line 8460, delete " tolled" and insert " toll"

In line 8465, delete " tolled" and insert " toll"

In line 8475, delete " tolled" and insert " toll"

In line 8484, delete " tolled" and insert " toll"

In line 8488, after the underlined period, insert " The procedure established pursuant to this section shall not become effective unless it is approved by the Ohio transportation finance commission created under section 5531.12 of the Revised Code."

In line 43, after "3905.423," insert "4141.242, 4141.301,"

Between lines 1867 and 1868, insert:

"**Sec. 4141.242.** (A) On or after January 1, 1978, the state, its instrumentalities, its political subdivisions and their instrumentalities, and any subdivision thereof as defined in division (H) of this section and described in this section as public entities, and Indian tribes as defined by section 4(e) of the "Indian Self-Determination and Education Assistance Act," 88 Stat. 2204 (1975), 25 U.S.C.A. 450b(e), shall pay to the director of job and family services for deposit in the unemployment compensation fund an amount in lieu of

contributions equal to the full amount of regular benefits, and the amount of extended benefits chargeable under the terms of section 4141.301 of the Revised Code, from that fund that is attributable to service in the employ of the public entity or Indian tribe, under the same terms and conditions as required of nonprofit organizations electing reimbursing status under section 4141.241 of the Revised Code; unless the public entity or Indian tribe elects to pay contributions under section 4141.25 of the Revised Code, under the following conditions:

(1) Any public entity or Indian tribe may elect, after December 31, 1977, to become liable for contribution payments, as set forth in section 4141.25 of the Revised Code, for a period of not less than two calendar years by filing with the director a written notice of its election.

(2) The effective date of the election to pay contributions shall be the first day of the first calendar quarter after the election is approved by the director and which is at least thirty days after the election notice was received.

(B) No surety bond shall be required of any reimbursing public entity or Indian tribe, as is required of nonprofit organizations under division (C) of section 4141.241 of the Revised Code. Any public entity or Indian tribe, either reimbursing or contributory, shall, if it becomes delinquent in the payment of reimbursements, contributions, forfeiture, or interest, be subject to the same terms and the same collection procedures as are set forth for reimbursing employers under division (B) of section 4141.241 of the Revised Code; and as set forth for contributory employers under this chapter except as provided under division (D) of this section.

(C) The state of Ohio account and the accounts and subaccounts of its instrumentalities, as defined in divisions (H)(1)(a) and (b) of this section, shall be administered by the director of administrative services, in coordination with the director of job and family services in accordance with the terms and conditions of this chapter, regarding the determination and payment of benefits attributable to service with the state or its instrumentalities. In this capacity, the director of administrative services shall maintain any necessary accounts and subaccounts for the various agencies and departments of the state and, through the director of budget and management, apportion among the various state entities, and collect, the costs of unemployment benefits, as billed by the director of job and family services, except that any of the individual agencies and departments for which such accounts and subaccounts are maintained may, with the concurrence of the director of administrative services and the director of job and family services, be designated to receive billings directly from the director of job and family services and make payment in response to such billings directly to the director of job and family services. Any moneys paid directly under this division and collected by the director of administrative services shall be forwarded to the director of job and family services for deposit in the fund established by division (A) of section 4141.09 of the Revised Code, and shall be credited to the accounts of the state and its instrumentalities.

(D) The accounts of the various local subdivisions, their instrumentalities, and Indian tribes shall be administered by appropriate officials, as designated to the director of job and family services when the accounts are established.

(E) Two or more reimbursing public entities or Indian tribes may file a joint application to the director of job and family services for the establishment of a group account, for the purpose of sharing the cost of benefits attributable to service with the public entities or Indian tribes, under the conditions provided for nonprofit organizations under division (D) of section 4141.241 of the Revised Code.

(F) Two or more public entities or Indian tribes that have elected to pay contributions may apply for a common rate under division (J) of section 4141.24 of the Revised Code. Clear authority, resolution, or ordinance for combining must be presented with the application requesting the common rate status. Applications must be filed by the first day of October of any year, to be effective for the following calendar year.

(G) A public entity or Indian tribe, either reimbursing or one electing to pay contributions, shall be liable for the full amount of any regular benefits paid that are attributable to service in the employ of the public entity or Indian tribe during the base period of a benefit claim, and any extended benefits paid based on service as provided in divisions ~~(G)~~ (I)(1)(b) and (1)(c) of section 4141.301 of the Revised Code. Where a public entity or Indian tribe has changed from a reimbursing status to a contributory status, during the base period of the benefit claim, then the benefit charges attributable to service with the reimbursement account shall be charged to the reimbursement account; and, the charges attributable to the contributory account shall be charged to that account. The same rule shall be applicable to situations where a contributory public entity or Indian tribe has changed to a reimbursing status during the base period of a benefit claim.

(H)(1) For the purposes of establishing employer status and accounts for the state and its instrumentalities, its political subdivisions and their instrumentalities, a separate account shall be established and maintained for:

(a) The state, including therein the legislative and executive branches, as defined in Articles II and III of the Ohio Constitution, and the Ohio supreme court;

(b) Each separate instrumentality of the state;

(c) Each political subdivision of the state, including therein the legislative, executive, and judicial functions performed for the subdivision;

(d) Each separate instrumentality of the political subdivision;

(e) Any jointly owned instrumentality of more than one of the public entities described in this division, or any jointly owned instrumentality of any such public entities and one or more other states or political subdivisions thereof.

(2) For the purposes of this chapter, the separate accounts, established by this division, shall be described as "public entity accounts."

(I) An Indian tribe may elect to make payments in lieu of contributions as allowed with respect to governmental entities under this section. An Indian tribe may make a separate election for itself and each subdivision, subsidiary, or business enterprise wholly owned by the Indian tribe. The director shall immediately notify the United States internal revenue service and the United States department of labor if an Indian tribe fails to make payments required under this section and fails to pay any forfeitures, interest, or penalties due within ninety days of receiving a delinquency notice in accordance with rules prescribed by the director.

(J) The director of job and family services, in accordance with any rules that the director may prescribe, shall notify each public entity and Indian tribe of any determination which the director may make of its status as an employer and of the effective date of any election which it makes and of any termination of the election. Any determinations are subject to reconsideration, appeal, and review in accordance with sections 4141.26 and 4141.28 of the Revised Code.

**Sec. 4141.301.** (A) As used in this section, unless the context clearly requires otherwise:

(1) "Extended benefit period" means a period which:

(a) Begins with the third week after a week for which there is a state "on" indicator; and

(b) Ends with either of the following weeks, whichever occurs later:

(i) The third week after the first week for which there is a state "off" indicator; or

(ii) The thirteenth consecutive week of such period.

Except, that no extended benefit period may begin by reason of a state "on" indicator before the fourteenth week following the end of a prior extended benefit period which was in effect with respect to this state.

(2) There is a "state 'on' indicator" for this state for a week if the director of job and family services determines, in accordance with the regulations of the United States secretary of labor, that for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment, not seasonally adjusted, under Chapter 4141. of the Revised Code:

(a) Equaled or exceeded one hundred twenty per cent of the average of such rates for the corresponding thirteen-week period ending in each of the preceding two calendar years, ~~and for weeks beginning before September 25, 1982, equaled or exceeded four per cent and for weeks beginning after September 25, 1982, equaled or exceeded five per cent;~~

(b) ~~For weeks of unemployment beginning after December 31, 1977, and~~

~~before September 25, 1982, such rate of insured unemployment:~~

~~(i) Met the criteria set forth in division (A)(2)(a) of this section; or~~

~~(ii) Equaled or exceeded five per cent.~~

~~(e) For weeks of unemployment beginning after September 25, 1982, such rate of insured unemployment:~~

~~(i) Met the criteria set forth in division (A)(2)(a) of this section; or~~

~~(ii) Equaled or exceeded six per cent.~~

(3) (a) For weeks of unemployment beginning on or after February 22, 2009, there is a "state 'on' indicator" for this state for a week if the director determines both of the following are satisfied:

(i) That the average rate of total unemployment, seasonally adjusted, as determined by the United States secretary of labor, for the period consisting of the most recent three months for which data for all states are published before the close of that week equals or exceeds six and one-half per cent;

(ii) That the average rate of total unemployment, seasonally adjusted, as determined by the United States secretary of labor, for the three-month period described in division (A)(3)(a)(i) of this section, equals or exceeds one hundred ten per cent of the average for either or both of the corresponding three-month periods ending in the two preceding calendar years.

(b) Division (A)(3) of this section is effective on and after February 22, 2009, and shall cease to be effective either on December 6, 2009, or until the close of the last day of the week ending three weeks prior to the last week for which federal sharing is authorized under Section 2005(a) of the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, whichever is later.

(4) A "state 'off' indicator" exists for the state for a week if the director determines, in accordance with the regulations of the United States secretary of labor, that for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment, not seasonally adjusted, under Chapter 4141. of the Revised Code:

(a) Was less than one hundred twenty per cent of the average of such rates for the corresponding thirteen-week period ending in each of the preceding two calendar years, or for weeks beginning before September 25, 1982, was less than four per cent and for weeks beginning after September 25, 1982, was less than five per cent;

(b) For weeks of unemployment beginning after December 31, 1977 and before September 25, 1982, such rate of insured unemployment:

(i) Was less than five per cent; and

(ii) Met the criteria set forth in division (A)(3)(a) of this section.



~~(e)~~ For weeks of unemployment ~~beginning after September 25, 1982,~~  
such rate of insured unemployment:

(i) Was less than six per cent; and

(ii) Met the criteria set forth in division (A) ~~(3)~~ (4)(a) of this section.

~~(4)~~ (5) For weeks of unemployment beginning on or after February 22, 2009, there is a "state 'off' indicator" for this state for a week if the director determines, in accordance with the regulations adopted by the United States secretary of labor, that for the period consisting of that week and the immediately preceding twelve weeks, the total rate of unemployment, seasonally adjusted, under this chapter, was less than one hundred ten per cent of such average for either or both of the corresponding three-month periods ending in the two preceding calendar years, and was less than six and one-half per cent.

~~(6)~~ (6) "Rate of insured unemployment," for purposes of divisions (A)(2) and ~~(3)~~ (4) of this section, means the percentage derived by dividing:

(a) The average weekly number of individuals filing claims for regular compensation in this state for weeks of unemployment with respect to the most recent thirteen-consecutive-week period, as determined by the director on the basis of the director's reports to the United States secretary of labor, by

(b) The average monthly employment covered under Chapter 4141. of the Revised Code, for the first four of the most recent six completed calendar quarters ending before the end of such thirteen-week period.

~~(5)~~ (7) "Regular benefits" means benefits payable to an individual, as defined in division (C) of section 4141.01 of the Revised Code, or under any other state law, including dependents' allowance and benefits payable to federal civilian employees and to ex-servicemen pursuant to the "Act of September 6, 1966," 80 Stat. 585, 5 U.S.C.A. 8501, other than extended benefits, and additional benefits as defined in division (A) ~~(10)~~ (12) of this section.

~~(6)~~ (8) "Extended benefits" means benefits, including benefits payable to federal civilian employees and to ex-servicemen pursuant to the "Act of September 6, 1966," 80 Stat. 585, 5 U.S.C.A. 8501, and additional benefits, payable to an individual under the provisions of this section for weeks of unemployment in the individual's eligibility period.

~~(7)~~ (9) "Eligibility period" of an individual means the period consisting of the weeks in the individual's benefit year which begin in an extended benefit period and, if the individual's benefit year ends within the extended benefit period, any weeks thereafter which begin in the period.

~~(8)~~ (10) "Exhaustee" means an individual who, with respect to any week of unemployment in the individual's eligibility period:

(a) Has received prior to the week, all of the regular benefits that were available to the individual under Chapter 4141. of the Revised Code, or any other state law, including dependents' allowance and benefits payable to federal

civilian employees and ex-servicepersons under the "Act of September 6, 1966," 80 Stat. 585, 5 U.S.C.A. 8501, in the individual's current benefit year that includes the week;

(b) Has received, prior to the week, all of the regular benefits that were available to the individual under this chapter or any other state law, including dependents' allowances and regular benefits available to federal civilian employees and ex-servicepersons under the "Act of September 6, 1966," 80 Stat. 585, 5 U.S.C.A. 8501, in the individual's current benefit year that includes the week, after the cancellation of some or all of the individual's wage credits or the total or partial reduction of the individual's right to regular benefits, provided that, for the purposes of divisions (A) ~~(8)~~ (10)(a) and ~~(8)~~ (10)(b) of this section, an individual shall be deemed to have received in the individual's current benefit year all of the regular benefits that were either payable or available to the individual even though:

(i) As a result of a pending appeal with respect to wages or employment, or both, that were not included in the original monetary determination with respect to the individual's current benefit year, the individual may subsequently be determined to be entitled to more regular benefits, or

(ii) By reason of section 4141.33 of the Revised Code, or the seasonal employment provisions of another state law, the individual is not entitled to regular benefits with respect to the week of unemployment, although the individual may be entitled to regular benefits with respect to future weeks of unemployment in either the next season or off season in the individual's current benefit year, and the individual is otherwise an "exhaustee" within the meaning of this section with respect to the right to regular benefits under state law seasonal employment provisions during either the season or off season in which that week of unemployment occurs, or

(iii) Having established a benefit year, no regular benefits are payable to the individual during the year because the individual's wage credits were cancelled or the individual's right to regular benefits was totally reduced as the result of the application of a disqualification; or

(c) The individual's benefit year having expired prior to the week, has no, or insufficient, wages or weeks of employment on the basis of which the individual could establish in any state a new benefit year that would include the week, or having established a new benefit year that includes the week, the individual is precluded from receiving regular benefits by reason of a state law which meets the requirements of section 3304 (a)(7) of the "Federal Unemployment Tax Act," 53 Stat. 183, 26 U.S.C.A. 3301 to 3311; and

(i) Has no right for the week to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the Trade Act of 1974, and other federal laws as are specified in regulations issued by the United States secretary of labor; and

(ii) Has not received and is not seeking for the week unemployment

benefits under the unemployment compensation law of the Virgin Islands, prior to the day after that on which the secretary of labor approves the unemployment compensation law of the Virgin Islands, or of Canada; or if the individual is seeking benefits and the appropriate agency finally determines that the individual is not entitled to benefits under the law for the week.

~~(9)~~ (11) "State law" means the unemployment insurance law of any state, approved by the United States secretary of labor under section 3304 of the Internal Revenue Code of 1954.

~~(10)~~ (12) "Additional benefits" means benefits totally financed by a state and payable to exhaustees by reason of high unemployment or by reason of other special factors under the provisions of any state law.

(B) Except when the result would be inconsistent with the other provisions of this section, as provided in the regulations of the director, the provisions of Chapter 4141. of the Revised Code, which apply to claims for, or the payment of, regular benefits, shall apply to claims for, and the payment of, extended benefits.

(C) Any individual shall be eligible to receive extended benefits with respect to any week of unemployment in the individual's eligibility period only if the director finds that, with respect to such week:

(1) The individual is an "exhaustee" as defined in division (A) ~~(8)~~ (10) of this section; and

(2) The individual has satisfied the requirements of Chapter 4141. of the Revised Code, for the receipt of regular benefits that are applicable to individuals claiming extended benefits, including not being subject to a disqualification for the receipt of benefits.

(D) The weekly extended benefit amount payable to an individual for a week of total unemployment in the individual's eligibility period shall be the same as the weekly benefit amount payable to the individual during the individual's applicable benefit year.

(E) ~~The~~ Except as provided in division (F) of this section, the total extended benefit amount payable to any eligible individual with respect to the individual's applicable benefit year shall be the lesser of the following amounts:

(1) Fifty per cent of the total amount of regular benefits, including dependents' allowances which were payable to the individual under Chapter 4141. of the Revised Code, in the individual's applicable benefit year;

(2) Thirteen times the individual's weekly benefit amount, including dependents' allowances, which was payable to the individual under Chapter 4141. of the Revised Code, for a week of total unemployment in the applicable benefit year; provided, that in making the computation under divisions (E)(1) and (2) of this section, any amount which is not a multiple of one dollar shall be rounded to the next lower multiple of one dollar.

(F) For purposes of this division, "high-unemployment period" means a period during which an extended benefit period would be in effect if division (A)(3)(a)(i) of this section were applied by substituting "eight per cent" for "six and one-half per cent."

Effective with respect to weeks beginning in a high-unemployment period, the total extended benefit amount payable to an eligible individual with respect to the applicable benefit year shall be the lesser of the following amounts:

(1) Eighty per cent of the total amount of regular benefits that were payable to the individual pursuant to this section in the individual's applicable benefit year;

(2) Twenty times the individual's average weekly benefit amount that was payable to the individual pursuant to this section for a week of total unemployment in the applicable benefit year.

(G) Division (F) of this section is effective on and after February 22, 2009, and shall cease to be effective either on December 6, 2009, or until the close of the last day of the week ending three weeks prior to the last week for which federal sharing is authorized under Section 2005(a) of the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, whichever is later. Notwithstanding this division, the extended benefits authorized by division (A)(3) of this section shall continue to be paid to any individual who, as of December 26, 2009, has a balance of weeks remaining to be paid in the claim until such weeks are exhausted or the individual is reemployed, whichever occurs first, but in no event beyond May 29, 2010.

(H)(1) Except as provided in division ~~(F)~~ (H)(2) of this section, an individual eligible for extended benefits pursuant to an interstate claim filed in any state under the interstate benefit payment plan shall not be paid extended benefits for any week in which an extended benefit period is not in effect in such state.

(2) Division ~~(F)~~ (H)(1) of this section does not apply with respect to the first two weeks for which extended compensation is payable to an individual, as determined without regard to this division, pursuant to an interstate claim filed under the interstate benefit payment plan from the total extended benefit amount payable to that individual in the individual's applicable benefit year.

(3) Notwithstanding any other provisions of this section, if the benefit year of any individual ends within an extended benefit period, the remaining balance of extended benefits that the individual would, but for this section, be entitled to receive in that extended benefit period, with respect to weeks of unemployment beginning after the end of the benefit year, shall be reduced, but not below zero, by the product of the number of weeks for which the individual received any amounts as trade readjustment allowances within that benefit year, multiplied by the individual's weekly benefit amount for extended benefits.

~~(G)~~ (I)(1) Whenever an extended benefit period is to become effective in this state, as a result of a state "on" indicator, or an extended benefit period is to be terminated in this state as a result of a state "off" indicator, the director shall make an appropriate public announcement.

(2) Computations required by division (A) ~~(4)~~ (6) of this section shall be made by the director, in accordance with the regulations prescribed by the United States secretary of labor.

~~(H)~~ (J)(1)(a) The director shall promptly examine any application for extended benefits filed and, under this section, determine whether the application is to be allowed or disallowed and, if allowed, the weekly and total extended benefits payable and the effective date of the application. The claimant, the claimant's most recent employer, and any other employer in the base period of the claim upon which the extended benefits are based, and who was chargeable for regular benefits based on such claim, shall be notified of such determination.

(b) The determination issued to the most recent or other base period employer shall include the total amount of extended benefits that may be charged to the employer's account. Such potential charge amount shall be an amount equal to one-fourth of the regular benefits chargeable to the employer's account on the regular claim upon which extended benefits are based except that, effective January 1, 1979, the potential charge amount to the state and its instrumentalities, its political subdivisions and their instrumentalities, and Indian tribes shall be an amount equal to one-half of the regular benefits chargeable to their accounts on such claim. If regular benefits were chargeable to the mutualized account, in lieu of an employer's account, then the extended benefits which are based on such prior mutualized benefits shall also be charged to the mutualized account.

(c) As extended benefits are paid to eligible individuals:

(i) One-half of such benefits ~~will~~ shall be charged to an extended benefit account to which reimbursement payments of one-half of extended benefits, received from the federal government as described in division ~~(J)~~ (L) of this section, ~~will~~ shall be credited; and

(ii) One-half of the extended benefits shall be charged to the accounts of base period employers and the mutualized account in the same proportion as was provided for on the regular claim; or

(iii) The full amount of extended benefits shall be charged to the accounts of the state and its instrumentalities, its political subdivisions and their instrumentalities, and Indian tribes. Employers making payments in lieu of contributions shall be charged in accordance with division (B)(1) of section 4141.241 of the Revised Code - ; or

(iv) In the case of payments under division (A)(3) of this section that are fully funded under Section 2005(a) of the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, none of the

extended benefits shall be charged to the accounts of base period employers or to the mutualized account.

(d) If the application for extended benefits is disallowed, a determination shall be issued to the claimant, which determination shall set forth the reasons for the disallowance. Determinations issued under this division, whether allowed or disallowed, shall be subject to reconsideration and appeal in accordance with section 4141.281 of the Revised Code.

(2) Any additional or continued claims, as described in division (F) of section 4141.01 of the Revised Code, filed by an individual at the beginning of, or during, the individual's extended benefit period shall be determined under division (E) of section 4141.28 of the Revised Code, and such determination shall be subject to reconsideration and appeal in accordance with section 4141.281 of the Revised Code.

~~(H)~~ (K) Notwithstanding division (B) of this section, payment of extended benefits under this section shall not be made to any individual for any week of unemployment in the individual's eligibility period during which the individual fails to accept any offer of suitable work, as defined in division ~~(H)~~ (K)(2) of this section, or fails to apply for any suitable work to which the individual was referred by the director, or fails to actively engage in seeking work, as prescribed in division ~~(H)~~ (K)(4) of this section.

(1) If any individual is ineligible for extended benefits for any week by reason of a failure described in this division, the individual shall be ineligible to receive extended benefits beginning with the week in which the failure occurred and continuing until the individual has been employed during each of four subsequent weeks and the total remuneration earned by the individual for this employment is equal to or more than four times the individual's weekly extended benefit amount, and has met all other eligibility requirements of this section, in order to establish entitlement to extended benefits.

(2) For purposes of this section, the term "suitable work" means, with respect to an individual, any work which is within the individual's capabilities, provided that with respect to the position all of the following requirements are met:

(a) It offers the individual gross average weekly remuneration of more than the sum of:

(i) The individual's extended weekly benefit amount; and

(ii) The amount of supplemental unemployment compensation benefits, as defined in section 501(c)(17)(D) of the "Internal Revenue Code of 1954," 80 Stat. 1515, 26 U.S.C.A. 501, payable to the individual for the week of unemployment.

(b) It pays equal to or more than the higher of:

(i) The minimum wage provided by section 6(a)(1) of the "Fair Labor

Standards Act of 1938," 91 Stat. 1245, 29 U.S.C.A. 206, without regard to any exemption; or

(ii) Any applicable state or local minimum wage.

(c) It is offered to the individual in writing or is listed with the employment office maintained or designated by the director.

(3) Extended benefits shall not be denied under this division to any individual for any week by reason of a failure to accept an offer of, or apply for suitable work if either of the following conditions apply:

(a) The failure would not result in a denial of benefits to a regular benefit claimant under section 4141.29 of the Revised Code to the extent that section 4141.29 of the Revised Code is not inconsistent with division ~~(H)~~ (K)(2) of this section;

(b) The individual furnishes evidence satisfactory to the director that the individual's prospects for obtaining work in the individual's customary occupation within a reasonably short period are good. If the evidence is deemed satisfactory, the determination as to whether any work is suitable work with respect to this individual and whether the individual is ineligible or disqualified shall be based upon the meaning of "suitable work" and other provisions in section 4141.29 of the Revised Code.

(4) For purposes of this section, an individual shall be treated as actively engaged in seeking work during any week if:

(a) The individual has engaged in a systematic and sustained effort to obtain work during that week; and

(b) The individual provides tangible evidence to the director that the individual has engaged in the effort during that week.

(5) The director shall refer applicants for extended benefits to job openings that meet the requirements of divisions (E) and (F) of section 4141.29 of the Revised Code, and in the case of applicants whose prospects are determined not to be good under division ~~(H)~~ (K)(3)(b) of this section to any suitable work which meets the criteria in divisions ~~(H)~~ (K)(2) and (3)(a) of this section.

(6) Individuals denied extended or regular benefits under division (D)(1)(b) of section 4141.29 of the Revised Code because of being given a disciplinary layoff for misconduct must, after the date of disqualification, work the length of time and earn the amount of remuneration specified in division ~~(H)~~ (K)(1) of this section, and meet all other eligibility requirements of this section, in order to establish entitlement to extended benefits.

~~(H)~~ (L) All payments of extended benefits made pursuant to this section shall be paid out of the unemployment compensation fund, provided by section 4141.09 of the Revised Code, and all payments of the federal share of extended benefits that are received as reimbursements under section 204 of the

"Federal-State Extended Unemployment Compensation Act of 1970," 84 Stat. 696, 26 U.S.C.A. 3306, shall be deposited in such unemployment compensation fund and shall be credited to the extended benefit account established by division ~~(G)~~ (I) of this section. Any refund of extended benefits, because of prior overpayment of such benefits, may be made from the unemployment compensation fund.

~~(K)~~ (M) In the administration of the provisions of this section which are enacted to conform with the requirements of the "Federal-State Extended Unemployment Compensation Act of 1970," 84 Stat. 696, 26 U.S.C.A. 3306, the director shall take such action consistent with state law, as may be necessary:

(1) To ensure that the provisions are so interpreted and applied as to meet the requirements of the federal act as interpreted by the United States department of labor; and

(2) To secure to this state the full reimbursement of the federal share of extended benefits paid under this section that are reimbursable under the federal act."

In line 9058, after "3905.423," insert "4141.242, 4141.301,"

Between lines 10866 and 10867, insert:

"**Section** \_\_\_\_, Pursuant to section 1.48 of the Revised Code, divisions (A)(3), (A)(5), and (G) of section 4141.301 of the Revised Code, as amended by this act shall be applied retrospectively.

**Section** \_\_\_\_. It is the intent of the General Assembly to help qualified unemployed workers access the federally funded extended benefits prescribed under the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, while not increasing the short- or long-term federal and state unemployment insurance tax burden on Ohio employers."

In line 10913, delete "and" and insert a comma; after "125.11" insert ", 4141.242, and 4141.301"

In line 3 of the title, after "3905.423," insert "4141.242, 4141.301,"

In line 166, after " shall" insert " monitor relevant state agencies' distribution of funds received from the federal government under the "American Recovery and Reinvestment Act of 2009," Pub. Law 111-5, 123 Stat. 115 and shall"

In line 167, after the second " committed" insert " by officers or employees of, or contractors with, relevant state agencies"

Delete lines 218 through 229 and insert:

" As used in this section, "relevant state agencies" has the same meaning as "state agency" in section 121.41 of the Revised Code insofar as those agencies are the recipients or distributors of funds apportioned under the "American Recovery and Reinvestment Act of 2009," Pub. Law 111-5, 123 Stat. 115."



In line 9686, after the last comma insert "\_\_\_,"

Between lines 9905 and 9906, insert:

**"Section** \_\_\_\_\_. All items in this section are hereby appropriated as designated out of any moneys in the state treasury to the credit of the Deputy Inspector General for Funds Received through the American Recovery and Reinvestment Act of 2009 Fund (Fund 5GI0).

Appropriations

IGO OFFICE OF THE INSPECTOR GENERAL

General Services Fund Group

5GI0 965605	Deputy Inspector General for ARRA	\$	0	\$	150,000
TOTAL GSF	General Services Fund Group	\$	0	\$	150,000
TOTAL ALL BUDGET FUND GROUPS		\$	0	\$	150,000

The foregoing appropriation item 965605, Deputy Inspector General for ARRA, shall be used to pay the operating expenses incurred by the Deputy Inspector General for Funds Received through the American Recovery and Reinvestment Act of 2009 in performing the duties specified in section 121.53 of the Revised Code.

There is established in appropriation item 965605, Deputy Inspector General for ARRA, an appropriation of \$450,000 in fiscal year 2010 and of \$600,000 in fiscal year 2011 to pay the operating expenses incurred by the Deputy Inspector General for Funds Received through the American Recovery and Reinvestment Act of 2009 in performing the duties specified in section 121.53 of the Revised Code. Any unencumbered and unexpended appropriations remaining on June 30, 2010, are reappropriated for the same purposes in fiscal year 2011."

In line 10021, before "319.10" insert "\_\_\_,"

In line 10138, delete "July 1, 2009" and insert "the effective date of this section"; delete "January 1, 2010" and insert "July 1, 2009"

In line 10140, delete "\$200,000" and insert "\$150,000"

In line 10145, after "On" insert "January 1, 2010, "; delete "on"

In line 10147, delete "\$200,000" and insert "\$300,000"

Delete lines 10151 through 10153

In line 10913, after "121.51" insert ", 121.53,"

In line 9875, after "appropriated" insert "to make grants under Section \_\_\_\_\_ of this act"

Between lines 9875 and 9876, insert:

**"Section** \_\_\_\_\_. (A) The Department of Education shall develop and implement the Twenty-First Century Learning Environments Technology Grant Program. Under the program, the Department, in consultation with the eTech

Ohio Commission, shall award competitive grants to school districts for the purchase or lease of technology hardware, software, training, and support packages (education solution packages) that meet the specifications developed jointly by the Department and the Commission. Twenty-five per cent of any grant award shall be used for professional development that focuses on utilizing digital environments to enable new teaching methods, such as individualizing instruction and project-based learning. This professional development shall include at least one component of training in the classroom. The Department shall limit the number of grants so that each grant recipient receives an amount that is sufficient to create large-scale learning environment changes that facilitate the goals expressed in division (D) of this section. The Department shall award grants in a manner that ensures diversity among grant recipients according to geographical regions, economic scale, and school district size.

(B) The Department and the Commission shall develop specifications for education solution packages that may be purchased or leased by school districts with a grant awarded under this section. The specification shall include at least the following components:

(1) Hardware and software, including wireless laptop computers, for creating content, project-based learning, and student-centered collaborative learning practices;

(2) Access to digital content through a statewide content repository;

(3) Professional development that is supported by the integration of technology;

(4) Technical support.

(C) A school district that receives a grant award under this section may combine the funds under that award with other federal, state, or local funds to purchase or lease education solution packages that meet the specifications developed under division (B) of this section.

The Department and the Commission shall assist schools and districts that do not receive grant awards under this section in applying those specifications to purchase or lease education solution packages using other federal, state, and local funds.

(D) The goals of the Twenty-First Century Learning Environments Technology Grant Program are:

(1) To facilitate innovative teaching and learning strategies that help accelerate achievement in core academic subject areas;

(2) To help students develop twenty-first century skills including critical thinking and problem solving, communication and collaboration, media literacy, leadership and productivity, adaptability and accountability;

(3) To demonstrate ways for schools to invest in learning environments that improve academic effectiveness and efficiencies, including ways for schools

to use a portion of their base funding to invest in appropriate digital environments than enable proven practices;

(4) To demonstrate ways that mobile technology can extend learning time, improve academic engagement, and accelerate achievement for low-performing students;

(5) To demonstrate ways in which technology can enable innovative teaching formats, including project-based learning, interdisciplinary methods, relevance, and community service learning that lead to improved academic achievement;

(6) To demonstrate how teachers and students can create and access multimedia content that is shared utilizing the "Ohio on iTunes U" web site and other online distribution mechanisms."

Between lines 10866 and 10867, insert:

**"Section \_\_\_\_.** (A) Notwithstanding any law to the contrary, the Director of Administrative Services shall ensure that a competitive selection process regarding a contract to operate a motor vehicle emissions inspection program in this state incorporates the following elements, which shall be included in the contract:

(1) A requirement that the vendor selected to operate the program provide notification of the program's requirements to each owner of a motor vehicle that is required to be inspected under the program. The contract shall require the notification to be provided not later than sixty days prior to the date by which the owner of the motor vehicle is required to have the motor vehicle inspected. The Director of Environmental Protection and the vendor shall jointly agree on the content of the notice. However, the notice shall at a minimum include the locations of all inspection facilities within a specified distance of the address that is listed on the owner's motor vehicle registration.

(2) A requirement that the vendor selected to operate the program spend not more than five hundred thousand dollars over the term of the contract for public education regarding the locations at which motor vehicle inspections will take place;

(3) A requirement that the vendor selected to operate the program acquire all facilities that were previously utilized for motor vehicle emissions inspections via arm's-length transactions at the discretion of the interested parties if the vendor chooses to utilize those inspection facilities for purposes of the contract. The competitive selection process shall not include a requirement that a vendor pay book value for such facilities.

(4) A requirement that the motor vehicle emissions inspection program utilize established local businesses, such as existing motor vehicle repair facilities, for the purpose of expanding the number of inspection facilities for consumer convenience and increased local business participation.

(B) Any competitive selection process that is or has been initiated for purposes of a new contract to operate a motor vehicle emissions inspection program in this state shall comply with division (A) of this section."

Between lines 10866 and 10867, insert:

"**Section** \_\_\_\_. In the award of any contract using money appropriated pursuant to this act, the parties to the contract shall comply with all applicable federal and state laws, including the requirements of the Minority Business Enterprise Program, the Encouraging Diversity, Growth, and Equity Program, and the Buy Ohio Program."

In line 7528, delete " The director may accept a survey or"

Delete lines 7529 through 7535

In line 7569, delete " The department shall"

Delete lines 7570 through 7572

In line 48, after "4511.191," insert "4511.21,"

Between lines 6419 and 6420, insert:

"**Sec. 4511.21.** (A) No person shall operate a motor vehicle, trackless trolley, or streetcar at a speed greater or less than is reasonable or proper, having due regard to the traffic, surface, and width of the street or highway and any other conditions, and no person shall drive any motor vehicle, trackless trolley, or streetcar in and upon any street or highway at a greater speed than will permit the person to bring it to a stop within the assured clear distance ahead.

(B) It is prima-facie lawful, in the absence of a lower limit declared pursuant to this section by the director of transportation or local authorities, for the operator of a motor vehicle, trackless trolley, or streetcar to operate the same at a speed not exceeding the following:

(1)(a) Twenty miles per hour in school zones during school recess and while children are going to or leaving school during the opening or closing hours, and when twenty miles per hour school speed limit signs are erected; except that, on controlled-access highways and expressways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by division (B)(4) of this section and on freeways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by divisions (B)(9) and (10) of this section. The end of every school zone may be marked by a sign indicating the end of the zone. Nothing in this section or in the manual and specifications for a uniform system of traffic control devices shall be construed to require school zones to be indicated by signs equipped with flashing or other lights, or giving other special notice of the hours in which the school zone speed limit is in effect.

(b) As used in this section and in section 4511.212 of the Revised Code, "school" means any school chartered under section 3301.16 of the Revised Code

and any nonchartered school that during the preceding year filed with the department of education in compliance with rule 3301-35-08 of the Ohio Administrative Code, a copy of the school's report for the parents of the school's pupils certifying that the school meets Ohio minimum standards for nonchartered, nontax-supported schools and presents evidence of this filing to the jurisdiction from which it is requesting the establishment of a school zone. "School" also includes a special elementary school that in writing requests the county engineer of the county in which the special elementary school is located to create a school zone at the location of that school. Upon receipt of such a written request, the county engineer shall create a school zone at that location by erecting the appropriate signs.

(c) As used in this section, "school zone" means that portion of a street or highway passing a school fronting upon the street or highway that is encompassed by projecting the school property lines to the fronting street or highway, and also includes that portion of a state highway. Upon request from local authorities for streets and highways under their jurisdiction and that portion of a state highway under the jurisdiction of the director of transportation or a request from a county engineer in the case of a school zone for a special elementary school, the director may extend the traditional school zone boundaries. The distances in divisions (B)(1)(c)(i), (ii), and (iii) of this section shall not exceed three hundred feet per approach per direction and are bounded by whichever of the following distances or combinations thereof the director approves as most appropriate:

(i) The distance encompassed by projecting the school building lines normal to the fronting highway and extending a distance of three hundred feet on each approach direction;

(ii) The distance encompassed by projecting the school property lines intersecting the fronting highway and extending a distance of three hundred feet on each approach direction;

(iii) The distance encompassed by the special marking of the pavement for a principal school pupil crosswalk plus a distance of three hundred feet on each approach direction of the highway.

Nothing in this section shall be construed to invalidate the director's initial action on August 9, 1976, establishing all school zones at the traditional school zone boundaries defined by projecting school property lines, except when those boundaries are extended as provided in divisions (B)(1)(a) and (c) of this section.

(d) As used in this division, "crosswalk" has the meaning given that term in division (LL)(2) of section 4511.01 of the Revised Code.

The director may, upon request by resolution of the legislative authority of a municipal corporation, the board of trustees of a township, or a county board of mental retardation and developmental disabilities created pursuant to Chapter 5126. of the Revised Code, and upon submission by the municipal corporation,

township, or county board of such engineering, traffic, and other information as the director considers necessary, designate a school zone on any portion of a state route lying within the municipal corporation, lying within the unincorporated territory of the township, or lying adjacent to the property of a school that is operated by such county board, that includes a crosswalk customarily used by children going to or leaving a school during recess and opening and closing hours, whenever the distance, as measured in a straight line, from the school property line nearest the crosswalk to the nearest point of the crosswalk is no more than one thousand three hundred twenty feet. Such a school zone shall include the distance encompassed by the crosswalk and extending three hundred feet on each approach direction of the state route.

(e) As used in this section, "special elementary school" means a school that meets all of the following criteria:

- (i) It is not chartered and does not receive tax revenue from any source.
- (ii) It does not educate children beyond the eighth grade.
- (iii) It is located outside the limits of a municipal corporation.

(iv) A majority of the total number of students enrolled at the school are not related by blood.

(v) The principal or other person in charge of the special elementary school annually sends a report to the superintendent of the school district in which the special elementary school is located indicating the total number of students enrolled at the school, but otherwise the principal or other person in charge does not report any other information or data to the superintendent.

(2) Twenty-five miles per hour in all other portions of a municipal corporation, except on state routes outside business districts, through highways outside business districts, and alleys;

(3) Thirty-five miles per hour on all state routes or through highways within municipal corporations outside business districts, except as provided in divisions (B)(4) and (6) of this section;

(4) Fifty miles per hour on controlled-access highways and expressways within municipal corporations;

(5) Fifty-five miles per hour on highways outside municipal corporations, other than highways within island jurisdictions as provided in division (B)(8) of this section and freeways as provided in ~~division~~ divisions (B)(13) and (14) of this section;

(6) Fifty miles per hour on state routes within municipal corporations outside urban districts unless a lower prima-facie speed is established as further provided in this section;

(7) Fifteen miles per hour on all alleys within the municipal corporation;

(8) Thirty-five miles per hour on highways outside municipal

corporations that are within an island jurisdiction;

(9) Fifty-five miles per hour at all times on freeways with paved shoulders inside municipal corporations, other than freeways as provided in ~~division~~ divisions (B)(13) and (14) of this section;

(10) Fifty-five miles per hour at all times on freeways outside municipal corporations, other than freeways as provided in ~~division~~ divisions (B)(13) and (14) of this section;

(11) Fifty-five miles per hour at all times on all portions of freeways that are part of the interstate system and on all portions of freeways that are not part of the interstate system, but are built to the standards and specifications that are applicable to freeways that are part of the interstate system for operators of any motor vehicle weighing in excess of eight thousand pounds empty weight and any noncommercial bus , except as provided in division (B)(14) of this section;

(12) Fifty-five miles per hour for operators of any motor vehicle weighing eight thousand pounds or less empty weight and any commercial bus at all times on all portions of freeways that are part of the interstate system and that had such a speed limit established prior to October 1, 1995, and freeways that are not part of the interstate system, but are built to the standards and specifications that are applicable to freeways that are part of the interstate system and that had such a speed limit established prior to October 1, 1995, unless a higher speed limit is established under division (L) of this section;

(13) Sixty-five miles per hour for operators of any motor vehicle weighing eight thousand pounds or less empty weight and any commercial bus at all times on all portions of the following:

(a) Freeways that are part of the interstate system and that had such a speed limit established prior to October 1, 1995, and freeways that are not part of the interstate system, but are built to the standards and specifications that are applicable to freeways that are part of the interstate system and that had such a speed limit established prior to October 1, 1995;

(b) Freeways that are part of the interstate system and freeways that are not part of the interstate system but are built to the standards and specifications that are applicable to freeways that are part of the interstate system, and that had such a speed limit established under division (L) of this section;

(c) Rural, divided, multi-lane highways that are designated as part of the national highway system under the "National Highway System Designation Act of 1995," 109 Stat. 568, 23 U.S.C.A. 103, and that had such a speed limit established under division (M) of this section.

(14) Sixty-five miles per hour at all times on all portions of freeways that are part of the interstate system and that had such a speed limit on the effective date of this amendment for operators of any motor vehicle weighing in excess of eight thousand pounds empty weight and any noncommercial bus.

(C) It is prima-facie unlawful for any person to exceed any of the speed limitations in divisions (B)(1)(a), (2), (3), (4), (6), (7), and (8) of this section, or any declared pursuant to this section by the director or local authorities and it is unlawful for any person to exceed any of the speed limitations in division (D) of this section. No person shall be convicted of more than one violation of this section for the same conduct, although violations of more than one provision of this section may be charged in the alternative in a single affidavit.

(D) No person shall operate a motor vehicle, trackless trolley, or streetcar upon a street or highway as follows:

(1) At a speed exceeding fifty-five miles per hour, except upon a freeway as provided in ~~division~~ divisions (B)(13) and (14) of this section;

(2) At a speed exceeding sixty-five miles per hour upon a freeway as provided in ~~division~~ divisions (B)(13) and (14) of this section ~~except as otherwise provided in division (D)(3) of this section;~~

(3) If a motor vehicle weighing in excess of eight thousand pounds empty weight or a noncommercial bus as prescribed in division (B)(11) of this section, at a speed exceeding fifty-five miles per hour upon a freeway as provided in that division;

(4) At a speed exceeding the posted speed limit upon a freeway for which the director has determined and declared a speed limit of not more than sixty-five miles per hour pursuant to division (L)(2) or (M) of this section;

(5) At a speed exceeding sixty-five miles per hour upon a freeway for which such a speed limit has been established through the operation of division (L)(3) of this section;

(6) At a speed exceeding the posted speed limit upon a freeway for which the director has determined and declared a speed limit pursuant to division (I)(2) of this section.

(E) In every charge of violation of this section the affidavit and warrant shall specify the time, place, and speed at which the defendant is alleged to have driven, and in charges made in reliance upon division (C) of this section also the speed which division (B)(1)(a), (2), (3), (4), (6), (7), or (8) of, or a limit declared pursuant to, this section declares is prima-facie lawful at the time and place of such alleged violation, except that in affidavits where a person is alleged to have driven at a greater speed than will permit the person to bring the vehicle to a stop within the assured clear distance ahead the affidavit and warrant need not specify the speed at which the defendant is alleged to have driven.

(F) When a speed in excess of both a prima-facie limitation and a limitation in division (D)(1), (2), (3), (4), (5), or (6) of this section is alleged, the defendant shall be charged in a single affidavit, alleging a single act, with a violation indicated of both division (B)(1)(a), (2), (3), (4), (6), (7), or (8) of this section, or of a limit declared pursuant to this section by the director or local authorities, and of the limitation in division (D)(1), (2), (3), (4), (5), or (6) of this



section. If the court finds a violation of division (B)(1)(a), (2), (3), (4), (6), (7), or (8) of, or a limit declared pursuant to, this section has occurred, it shall enter a judgment of conviction under such division and dismiss the charge under division (D)(1), (2), (3), (4), (5), or (6) of this section. If it finds no violation of division (B)(1)(a), (2), (3), (4), (6), (7), or (8) of, or a limit declared pursuant to, this section, it shall then consider whether the evidence supports a conviction under division (D)(1), (2), (3), (4), (5), or (6) of this section.

(G) Points shall be assessed for violation of a limitation under division (D) of this section in accordance with section 4510.036 of the Revised Code.

(H) Whenever the director determines upon the basis of a geometric and traffic characteristic study that any speed limit set forth in divisions (B)(1)(a) to (D) of this section is greater or less than is reasonable or safe under the conditions found to exist at any portion of a street or highway under the jurisdiction of the director, the director shall determine and declare a reasonable and safe prima-facie speed limit, which shall be effective when appropriate signs giving notice of it are erected at the location.

(I)(1) Except as provided in divisions (I)(2) and (K) of this section, whenever local authorities determine upon the basis of an engineering and traffic investigation that the speed permitted by divisions (B)(1)(a) to (D) of this section, on any part of a highway under their jurisdiction, is greater than is reasonable and safe under the conditions found to exist at such location, the local authorities may by resolution request the director to determine and declare a reasonable and safe prima-facie speed limit. Upon receipt of such request the director may determine and declare a reasonable and safe prima-facie speed limit at such location, and if the director does so, then such declared speed limit shall become effective only when appropriate signs giving notice thereof are erected at such location by the local authorities. The director may withdraw the declaration of a prima-facie speed limit whenever in the director's opinion the altered prima-facie speed becomes unreasonable. Upon such withdrawal, the declared prima-facie speed shall become ineffective and the signs relating thereto shall be immediately removed by the local authorities.

(2) A local authority may determine on the basis of a geometric and traffic characteristic study that the speed limit of sixty-five miles per hour on a portion of a freeway under its jurisdiction that was established through the operation of division (L)(3) of this section is greater than is reasonable or safe under the conditions found to exist at that portion of the freeway. If the local authority makes such a determination, the local authority by resolution may request the director to determine and declare a reasonable and safe speed limit of not less than fifty-five miles per hour for that portion of the freeway. If the director takes such action, the declared speed limit becomes effective only when appropriate signs giving notice of it are erected at such location by the local authority.

(J) Local authorities in their respective jurisdictions may authorize by ordinance higher prima-facie speeds than those stated in this section upon

through highways, or upon highways or portions thereof where there are no intersections, or between widely spaced intersections, provided signs are erected giving notice of the authorized speed, but local authorities shall not modify or alter the basic rule set forth in division (A) of this section or in any event authorize by ordinance a speed in excess of fifty miles per hour.

Alteration of prima-facie limits on state routes by local authorities shall not be effective until the alteration has been approved by the director. The director may withdraw approval of any altered prima-facie speed limits whenever in the director's opinion any altered prima-facie speed becomes unreasonable, and upon such withdrawal, the altered prima-facie speed shall become ineffective and the signs relating thereto shall be immediately removed by the local authorities.

(K)(1) As used in divisions (K)(1), (2), (3), and (4) of this section, "unimproved highway" means a highway consisting of any of the following:

- (a) Unimproved earth;
- (b) Unimproved graded and drained earth;
- (c) Gravel.

(2) Except as otherwise provided in divisions (K)(4) and (5) of this section, whenever a board of township trustees determines upon the basis of an engineering and traffic investigation that the speed permitted by division (B)(5) of this section on any part of an unimproved highway under its jurisdiction and in the unincorporated territory of the township is greater than is reasonable or safe under the conditions found to exist at the location, the board may by resolution declare a reasonable and safe prima-facie speed limit of fifty-five but not less than twenty-five miles per hour. An altered speed limit adopted by a board of township trustees under this division becomes effective when appropriate traffic control devices, as prescribed in section 4511.11 of the Revised Code, giving notice thereof are erected at the location, which shall be no sooner than sixty days after adoption of the resolution.

(3)(a) Whenever, in the opinion of a board of township trustees, any altered prima-facie speed limit established by the board under this division becomes unreasonable, the board may adopt a resolution withdrawing the altered prima-facie speed limit. Upon the adoption of such a resolution, the altered prima-facie speed limit becomes ineffective and the traffic control devices relating thereto shall be immediately removed.

(b) Whenever a highway ceases to be an unimproved highway and the board has adopted an altered prima-facie speed limit pursuant to division (K)(2) of this section, the board shall, by resolution, withdraw the altered prima-facie speed limit as soon as the highway ceases to be unimproved. Upon the adoption of such a resolution, the altered prima-facie speed limit becomes ineffective and the traffic control devices relating thereto shall be immediately removed.

(4)(a) If the boundary of two townships rests on the centerline of an

unimproved highway in unincorporated territory and both townships have jurisdiction over the highway, neither of the boards of township trustees of such townships may declare an altered prima-facie speed limit pursuant to division (K)(2) of this section on the part of the highway under their joint jurisdiction unless the boards of township trustees of both of the townships determine, upon the basis of an engineering and traffic investigation, that the speed permitted by division (B)(5) of this section is greater than is reasonable or safe under the conditions found to exist at the location and both boards agree upon a reasonable and safe prima-facie speed limit of less than fifty-five but not less than twenty-five miles per hour for that location. If both boards so agree, each shall follow the procedure specified in division (K)(2) of this section for altering the prima-facie speed limit on the highway. Except as otherwise provided in division (K)(4)(b) of this section, no speed limit altered pursuant to division (K)(4)(a) of this section may be withdrawn unless the boards of township trustees of both townships determine that the altered prima-facie speed limit previously adopted becomes unreasonable and each board adopts a resolution withdrawing the altered prima-facie speed limit pursuant to the procedure specified in division (K)(3)(a) of this section.

(b) Whenever a highway described in division (K)(4)(a) of this section ceases to be an unimproved highway and two boards of township trustees have adopted an altered prima-facie speed limit pursuant to division (K)(4)(a) of this section, both boards shall, by resolution, withdraw the altered prima-facie speed limit as soon as the highway ceases to be unimproved. Upon the adoption of the resolution, the altered prima-facie speed limit becomes ineffective and the traffic control devices relating thereto shall be immediately removed.

(5) As used in division (K)(5) of this section:

(a) "Commercial subdivision" means any platted territory outside the limits of a municipal corporation and fronting a highway where, for a distance of three hundred feet or more, the frontage is improved with buildings in use for commercial purposes, or where the entire length of the highway is less than three hundred feet long and the frontage is improved with buildings in use for commercial purposes.

(b) "Residential subdivision" means any platted territory outside the limits of a municipal corporation and fronting a highway, where, for a distance of three hundred feet or more, the frontage is improved with residences or residences and buildings in use for business, or where the entire length of the highway is less than three hundred feet long and the frontage is improved with residences or residences and buildings in use for business.

Whenever a board of township trustees finds upon the basis of an engineering and traffic investigation that the prima-facie speed permitted by division (B)(5) of this section on any part of a highway under its jurisdiction that is located in a commercial or residential subdivision, except on highways or portions thereof at the entrances to which vehicular traffic from the majority of intersecting highways is required to yield the right-of-way to vehicles on such

highways in obedience to stop or yield signs or traffic control signals, is greater than is reasonable and safe under the conditions found to exist at the location, the board may by resolution declare a reasonable and safe prima-facie speed limit of less than fifty-five but not less than twenty-five miles per hour at the location.

An altered speed limit adopted by a board of township trustees under this division shall become effective when appropriate signs giving notice thereof are erected at the location by the township. Whenever, in the opinion of a board of township trustees, any altered prima-facie speed limit established by it under this division becomes unreasonable, it may adopt a resolution withdrawing the altered prima-facie speed, and upon such withdrawal, the altered prima-facie speed shall become ineffective, and the signs relating thereto shall be immediately removed by the township.

(L)(1) Within one hundred twenty days of February 29, 1996, the director of transportation, based upon a geometric and traffic characteristic study of a freeway that is part of the interstate system or that is not part of the interstate system, but is built to the standards and specifications that are applicable to freeways that are part of the interstate system, in consultation with the director of public safety and, if applicable, the local authority having jurisdiction over a portion of such freeway, may determine and declare that the speed limit of less than sixty-five miles per hour established on such freeway or portion of freeway either is reasonable and safe or is less than that which is reasonable and safe.

(2) If the established speed limit for such a freeway or portion of freeway is determined to be less than that which is reasonable and safe, the director of transportation, in consultation with the director of public safety and, if applicable, the local authority having jurisdiction over the portion of freeway, shall determine and declare a reasonable and safe speed limit of not more than sixty-five miles per hour for that freeway or portion of freeway.

The director of transportation or local authority having jurisdiction over the freeway or portion of freeway shall erect appropriate signs giving notice of the speed limit at such location within one hundred fifty days of February 29, 1996. Such speed limit becomes effective only when such signs are erected at the location.

(3) If, within one hundred twenty days of February 29, 1996, the director of transportation does not make a determination and declaration of a reasonable and safe speed limit for a freeway or portion of freeway that is part of the interstate system or that is not part of the interstate system, but is built to the standards and specifications that are applicable to freeways that are part of the interstate system and that has a speed limit of less than sixty-five miles per hour, the speed limit on that freeway or portion of a freeway shall be sixty-five miles per hour. The director of transportation or local authority having jurisdiction over the freeway or portion of the freeway shall erect appropriate signs giving notice of the speed limit of sixty-five miles per hour at such location within one hundred fifty days of February 29, 1996. Such speed limit becomes effective only when such signs are erected at the location. A speed limit established

through the operation of division (L)(3) of this section is subject to reduction under division (I)(2) of this section.

(M) Within three hundred sixty days after February 29, 1996, the director of transportation, based upon a geometric and traffic characteristic study of a rural, divided, multi-lane highway that has been designated as part of the national highway system under the "National Highway System Designation Act of 1995," 109 Stat. 568, 23 U.S.C.A. 103, in consultation with the director of public safety and, if applicable, the local authority having jurisdiction over a portion of the highway, may determine and declare that the speed limit of less than sixty-five miles per hour established on the highway or portion of highway either is reasonable and safe or is less than that which is reasonable and safe.

If the established speed limit for the highway or portion of highway is determined to be less than that which is reasonable and safe, the director of transportation, in consultation with the director of public safety and, if applicable, the local authority having jurisdiction over the portion of highway, shall determine and declare a reasonable and safe speed limit of not more than sixty-five miles per hour for that highway or portion of highway. The director of transportation or local authority having jurisdiction over the highway or portion of highway shall erect appropriate signs giving notice of the speed limit at such location within three hundred ninety days after February 29, 1996. The speed limit becomes effective only when such signs are erected at the location.

(N)(1)(a) If the boundary of two local authorities rests on the centerline of a highway and both authorities have jurisdiction over the highway, the speed limit for the part of the highway within their joint jurisdiction shall be either one of the following as agreed to by both authorities:

(i) Either prima-facie speed limit permitted by division (B) of this section;

(ii) An altered speed limit determined and posted in accordance with this section.

(b) If the local authorities are unable to reach an agreement, the speed limit shall remain as established and posted under this section.

(2) Neither local authority may declare an altered prima-facie speed limit pursuant to this section on the part of the highway under their joint jurisdiction unless both of the local authorities determine, upon the basis of an engineering and traffic investigation, that the speed permitted by this section is greater than is reasonable or safe under the conditions found to exist at the location and both authorities agree upon a uniform reasonable and safe prima-facie speed limit of less than fifty-five but not less than twenty-five miles per hour for that location. If both authorities so agree, each shall follow the procedure specified in this section for altering the prima-facie speed limit on the highway, and the speed limit for the part of the highway within their joint jurisdiction shall be uniformly altered. No altered speed limit may be withdrawn unless both local authorities determine that the altered prima-facie speed limit previously adopted becomes

unreasonable and each adopts a resolution withdrawing the altered prima-facie speed limit pursuant to the procedure specified in this section.

(O) As used in this section:

(1) "Interstate system" has the same meaning as in 23 U.S.C.A. 101.

(2) "Commercial bus" means a motor vehicle designed for carrying more than nine passengers and used for the transportation of persons for compensation.

(3) "Noncommercial bus" includes but is not limited to a school bus or a motor vehicle operated solely for the transportation of persons associated with a charitable or nonprofit organization.

(P)(1) A violation of any provision of this section is one of the following:

(a) Except as otherwise provided in divisions (P)(1)(b), (1)(c), (2), and (3) of this section, a minor misdemeanor;

(b) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two violations of any provision of this section or of any provision of a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the fourth degree;

(c) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to three or more violations of any provision of this section or of any provision of a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the third degree.

(2) If the offender has not previously been convicted of or pleaded guilty to a violation of any provision of this section or of any provision of a municipal ordinance that is substantially similar to this section and operated a motor vehicle faster than thirty-five miles an hour in a business district of a municipal corporation, faster than fifty miles an hour in other portions of a municipal corporation, or faster than thirty-five miles an hour in a school zone during recess or while children are going to or leaving school during the school's opening or closing hours, a misdemeanor of the fourth degree.

(3) Notwithstanding division (P)(1) of this section, if the offender operated a motor vehicle in a construction zone where a sign was then posted in accordance with section 4511.98 of the Revised Code, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two times the usual amount imposed for the violation. No court shall impose a fine of two times the usual amount imposed for the violation upon an offender if the offender alleges, in an affidavit filed with the court prior to the offender's sentencing, that the offender is indigent and is unable to pay the fine imposed pursuant to this division and if the court determines that the offender is an indigent person and unable to pay the fine."

In line 9063, after "4511.191," insert "4511.21,"

In line 10 of the title, after "4511.191," insert "4511.21,"

Between lines 10866 and 10867, insert:

**"Section \_\_\_\_.** The Department of Transportation shall not impose the overweight or overdimension vehicle movement permit fee increases established in paragraphs (A)(2), (D)(2), (G), (H), (I), (J), and (K) of rule 5501:2-1-10 of the Administrative Code that are scheduled to take effect on July 1, 2009. Rather, the fees that took effect on March 1, 2009, shall apply. The Director of Transportation shall amend rule 5501:2-1-10 of the Administrative Code to comply with this section, but shall not subsequently increase the rates by rule until July 1, 2010."

In line 7500, delete " and its agents"

In line 7834, delete " , including"; after " provider" insert " facilities"

In line 7835, delete " dioxide infrastructure" and insert " capture and storage pipelines"

In line 7837, strike through "a"; after " telecommunications" insert " such"

In line 7838, after the first "facility" insert " or pipeline"

Between lines 10866 and 10867, insert:

**"Section \_\_\_\_.** (A) Notwithstanding section 5501.51 or any other provision of the Revised Code, if relocation of utility facilities or any parts thereof is directed by the state or a county, township, or municipal corporation and is necessitated by the construction, reconstruction, improvement, maintenance, or repair of a road, highway, or bridge that is financed in whole or in part by federal funds provided as part of or as a result of the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, and the affected utility meets the project utility relocation work schedule as agreed to between the utility and the state, county, township, or municipal corporation, then the state, county, township, or municipal corporation shall reimburse the utility for the cost of the relocation, first, in the same proportion as federal funds are expended on the project and, second, as otherwise provided in section 5501.51 or other applicable provision of the Revised Code.

(B) As used in this section, "utility" includes publicly, privately, and cooperatively owned utilities that are subject to the authority of the public utilities commission of Ohio, a utility as defined in division (B) of section 4905.02 of the Revised Code, an electric cooperative as defined in section 4928.01 of the Revised Code, a pipeline facility regulated under the "Accountable Pipeline Safety and Partnership Act of 1996," 110 Stat. 3793, 49 U.S.C. 60101, and a cable operator as defined in the "Cable Communications Policy Act of 1984," 98 Stat. 2780, 47 U.S.C. 522, as amended by the "Telecommunications Act of 1996," 110 Stat. 56, and includes the provision of other information or telecommunications services, or both."

In line 43, delete "3781.10,"

Delete lines 1425 through 1665

In line 9058, delete "3781.10,"

Delete lines 10429 through 10435

In line 3 of the title, delete "3781.10,"

In line 48, after "4513.263," insert "4513.34,"

Between lines 6692 and 6693, insert:

**"Sec. 4513.34.** (A) The director of transportation with respect to all highways that are a part of the state highway system and local authorities with respect to highways under their jurisdiction, upon application in writing and for good cause shown, may issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in sections 5577.01 to 5577.09 of the Revised Code, or otherwise not in conformity with sections 4513.01 to 4513.37 of the Revised Code, upon any highway under the jurisdiction of the authority granting the permit.

For purposes of this section, the director may designate certain state highways or portions of state highways as special economic development highways. If an application submitted to the director under this section involves travel of a nonconforming vehicle or combination of vehicles upon a special economic development highway, the director, in determining whether good cause has been shown that issuance of a permit is justified, shall consider the effect the travel of the vehicle or combination of vehicles will have on the economic development in the area in which the designated highway or portion of highway is located.

(B) Notwithstanding sections 715.22 and 723.01 of the Revised Code, the holder of a special permit issued by the director under this section may move the vehicle or combination of vehicles described in the special permit on any highway that is a part of the state highway system when the movement is partly within and partly without the corporate limits of a municipal corporation. No local authority shall require any other permit or license or charge any license fee or other charge against the holder of a permit for the movement of a vehicle or combination of vehicles on any highway that is a part of the state highway system. The director shall not require the holder of a permit issued by a local authority to obtain a special permit for the movement of vehicles or combination of vehicles on highways within the jurisdiction of the local authority. Permits may be issued for any period of time not to exceed one year, as the director in the director's discretion or a local authority in its discretion determines advisable, or for the duration of any public construction project.

(C) The application for a permit shall be in the form that the director or local authority prescribes. The director or local authority may prescribe a permit



fee to be imposed and collected when any permit described in this section is issued. The permit fee may be in an amount sufficient to reimburse the director or local authority for the administrative costs incurred in issuing the permit, and also to cover the cost of the normal and expected damage caused to the roadway or a street or highway structure as the result of the operation of the nonconforming vehicle or combination of vehicles. The director, in accordance with Chapter 119. of the Revised Code, shall establish a schedule of fees for permits issued by the director under this section ; provided, that the rules of the director shall include issuance of a continuing annual permit over routes reported to the director and shall require the recipient of such an annual permit to submit quarterly reports to the director containing such information as the director shall specify.

For the purposes of this section and of rules adopted by the director under this section, milk transported in bulk by vehicle is deemed a nondivisible load.

(D) The director or local authority may issue or withhold a permit. If a permit is to be issued, the director or local authority may limit or prescribe conditions of operation for the vehicle and may require the posting of a bond or other security conditioned upon the sufficiency of the permit fee to compensate for damage caused to the roadway or a street or highway structure. In addition, a local authority, as a condition of issuance of an overweight permit, may require the applicant to develop and enter into a mutual agreement with the local authority to compensate for or to repair excess damage caused to the roadway by travel under the permit.

For a permit that will allow travel of a nonconforming vehicle or combination of vehicles on a special economic development highway, the director, as a condition of issuance, may require the applicant to agree to make periodic payments to the department to compensate for damage caused to the roadway by travel under the permit.

(E) Every permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting the permit. No person shall violate any of the terms of a permit.

(F) The director may debar an applicant from applying for a special permit under this section upon a finding based on a reasonable belief that the applicant has done any of the following:

(1) Abused the process by repeatedly submitting false information or false travel plans or by using another company or individual's name, insurance, or escrow account without proper authorization;

(2) Failed to comply with or substantially perform under a previously issued special permit according to its terms, conditions, and specifications within specified time limits;

(3) Failed to cooperate in the application process for the special permit or

in any other procedures that are related to the issuance of the special permit by refusing to provide information or documents required in a permit or by failing to respond to and correct matters related to the special permit;

(4) Accumulated repeated justified complaints regarding performance under a special permit that was previously issued to the applicant or previously failed to obtain a special permit when such a permit was required;

(5) Attempted to influence a public employee to breach ethical conduct standards;

(6) Been convicted of a criminal offense related to the application for, or performance under, a special permit, including, but not limited to, bribery, falsification, fraud or destruction of records, receiving stolen property, and any other offense that directly reflects on the applicant's integrity or commercial driver's license;

(7) Accumulated repeated convictions under a state or federal safety law governing commercial motor vehicles or a rule or regulation adopted under such a law;

(8) Accumulated repeated convictions under a law, rule, or regulation governing the movement of traffic over the public streets and highways;

(9) Failed to pay any fees associated with any permitted operation or move;

(10) Deliberately or willfully submitted false or misleading information in connection with the application for, or performance under, a special permit issued under this section.

If the applicant is a partnership, association, or corporation, the director also may debar from consideration for special permits any partner of the partnership, or the officers, directors, or employees of the association or corporation being debarred.

The director may adopt rules in accordance with Chapter 119. of the Revised Code governing the debarment of an applicant.

(G) When the director reasonably believes that grounds for debarment exist, the director shall send the person that is subject to debarment a notice of the proposed debarment. A notice of proposed debarment shall indicate the grounds for the debarment of the person and the procedure for requesting a hearing. The notice and hearing shall be in accordance with Chapter 119. of the Revised Code. If the person does not respond with a request for a hearing in the manner specified in that chapter, the director shall issue the debarment decision without a hearing and shall notify the person of the decision by certified mail, return receipt requested. The debarment period may be of any length determined by the director, and the director may modify or rescind the debarment at any time. During the period of debarment, the director shall not issue, or consider issuing, a special permit to any partnership, association, or corporation that is

affiliated with a debarred person. After the debarment period expires, the person, and any partnership, association, or corporation affiliated with the person, may reapply for a special permit.

(H) Whoever violates this section shall be punished as provided in section 4513.99 of the Revised Code."

In line 9064 after "4513.263," insert "4513.34,"

In line 11 of the title, after "4513.263," insert "4513.34,"

In line 42, delete "1548.14,"

In line 45, after "4503.182," insert "4503.19,"; after "4503.26," insert "4503.40, 4503.42,"

In line 52, after "5537.07," insert "and"; delete ", 5735.06,"

In line 53, delete "and 5735.141"

Delete lines 1183 through 1283

In line 2856, delete "eight" and insert "five"

In line 2863, delete "six" and insert "three"

In line 2864, delete "one dollar and"

In line 2865, delete "twenty-five" and insert "sixty"

In line 2867, delete "one dollar and twenty-five" and insert "sixty"

In line 2870, delete "seventy-five" and insert "thirty"

In line 2872, delete "two dollars" and insert "one dollar"

In line 2875, delete "fifty" and insert "twenty-five"

In line 3057, after "registration" insert "or within seven days after that date"

In line 3058, delete "ten" and insert "twenty"

In line 3200, after "registration" insert "or within seven days after that date"

In line 3201, delete "ten" and insert "twenty"

In line 3242, after "registration" insert "or within seven days after that date"

In line 3243, delete "ten" and insert "twenty"

In line 3411, delete "For" and insert "Except as otherwise provided in division (C)(1) of this section, for"

In line 3412, reinsert "on or after"; delete "before"; reinsert "2003"; delete "2009"

In line 3413, reinsert "on and after"

In line 3414, delete " before"

In line 3416, delete " Except for"

Delete lines 3417 through 3423

In line 3688, delete " twelve" and insert " fifteen"; delete " ten" and insert " thirteen"

In line 3706, delete " ten" and insert " thirteen"

Between lines 3735 and 3736, insert:

**"Sec. 4503.19.** (A) Upon the filing of an application for registration and the payment of the tax for registration, the registrar of motor vehicles or a deputy registrar shall determine whether the owner previously has been issued license plates for the motor vehicle described in the application. If no license plates previously have been issued to the owner for that motor vehicle, the registrar or deputy registrar shall assign to the motor vehicle a distinctive number and issue and deliver to the owner in the manner that the registrar may select a certificate of registration, in the form that the registrar shall prescribe, and, except as otherwise provided in this section, two license plates, duplicates of each other, and a validation sticker, or a validation sticker alone, to be attached to the number plates as provided in section 4503.191 of the Revised Code. The registrar or deputy registrar also shall charge the owner any fees required under division (C) of section 4503.10 of the Revised Code. Trailers, manufactured homes, mobile homes, semitrailers, the manufacturer thereof, the dealer, or in transit companies therein, shall be issued one license plate only and one validation sticker, or a validation sticker alone, and the license plate and validation sticker shall be displayed only on the rear of such vehicles. A commercial tractor that does not receive an apportioned license plate under the international registration plan shall be issued two license plates and one validation sticker, and the validation sticker shall be displayed on the front of the commercial tractor. An apportioned vehicle receiving an apportioned license plate under the international registration plan shall be issued one license plate only and one validation sticker, or a validation sticker alone; the license plate shall be displayed only on the front of a semitractor and on the rear of all other vehicles. School buses shall not be issued license plates but shall bear identifying numbers in the manner prescribed by section 4511.764 of the Revised Code. The certificate of registration and license plates and validation stickers, or validation stickers alone, shall be issued and delivered to the owner in person or by mail. Chauffeured limousines shall be issued license plates, a validation sticker, and a livery sticker as provided in section 4503.24 of the Revised Code. In the event of the loss, mutilation, or destruction of any certificate of registration, or of any license plates or validation stickers, or if the owner chooses to replace license plates previously issued for a motor vehicle, or if the registration certificate and license plates have been impounded as provided by division (B)(1) of section 4507.02 and section 4507.16 of the Revised Code, the owner of a motor vehicle,

or manufacturer or dealer, may obtain from the registrar, or from a deputy registrar if authorized by the registrar, a duplicate thereof or new license plates bearing a different number, if the registrar considers it advisable, upon filing an application prescribed by the registrar, and upon paying a fee of one dollar for such certificate of registration, a fee of ~~two~~ seven dollars and fifty cents for each set of two license plates, or ~~one dollar~~ six dollars and fifty cents for each single license plate or validation sticker. In addition, each applicant for a replacement certificate of registration, license plate, or validation sticker shall pay the fees provided in divisions (C) and (D) of section 4503.10 of the Revised Code.

The registrar shall pay five dollars and fifty cents of the fee collected for each license plate or set of license plates issued into the state highway safety fund created in section 4501.06 of the Revised Code.

Additionally, the registrar and each deputy registrar who either issues license plates and a validation sticker for use on any vehicle other than a commercial tractor, semitrailer, or apportioned vehicle, or who issues a validation sticker alone for use on such a vehicle and the owner has changed the owner's county of residence since the owner last was issued county identification stickers, also shall issue and deliver to the owner either one or two county identification stickers, as appropriate, which shall be attached to the license plates in a manner prescribed by the director of public safety. The county identification stickers shall identify prominently by name or number the county in which the owner of the vehicle resides at the time of registration.

(B) Whoever violates this section is guilty of a minor misdemeanor."

In line 3768, delete "eight" and insert "five"

In line 3780, delete "six" and insert "three"

In line 3781, delete "one"

In line 3782, delete "dollar and twenty-five" and insert "sixty"

In line 3784, delete "one dollar and twenty-five" and insert "sixty"

In line 3787, delete "seventy-five" and insert "thirty"

In line 3789, delete "two dollars" and insert "one dollar"

In line 3792, delete "fifty" and insert "twenty-five"

Between lines 3794 and 3795, insert:

"**Sec. 4503.40.** The registrar of motor vehicles shall be allowed a fee ~~not to exceed ten~~ of twenty-five dollars, for each application received by the registrar for special state reserved license plate numbers and the issuing of such licenses, and validation stickers, in the several series as the registrar may designate. The fee shall be in addition to the license tax established by this chapter and, where applicable, Chapter 4504. of the Revised Code. Seven dollars and fifty cents of the fee shall be for the purpose of compensating the bureau of motor vehicles for additional services required in the issuing of such licenses,

and the remaining ~~two~~ seventeen dollars and fifty cents shall be deposited by the registrar into the state treasury to the credit of the state highway safety fund created by section 4501.06 of the Revised Code. The types of motor vehicles for which special state reserved license plates may be issued in accordance with this section shall include at least motorcycles, buses, passenger cars, and noncommercial motor vehicles.

**Sec. 4503.42.** The registrar of motor vehicles shall be allowed a fee of ~~not to exceed thirty-five~~ fifty dollars, which shall be in addition to the regular license fee for tags as prescribed under section 4503.04 of the Revised Code and any tax levied under section 4504.02 or 4504.06 of the Revised Code, for each application received by the registrar for special reserved license plate numbers containing more than three letters or numerals, and the issuing of such licenses and validation stickers in the several series as the registrar may designate. Five dollars of the fee shall be for the purpose of compensating the bureau of motor vehicles for additional services required in the issuing of such licenses and validation stickers, and the remaining ~~thirty~~ forty-five dollars shall be deposited by the registrar into the state treasury to the credit of the state highway safety fund created by section 4501.06 of the Revised Code.

This section does not apply to the issuance of reserved license plates as authorized by sections 4503.14, 4503.15, and 4503.40 of the Revised Code. The types of motor vehicles for which license plate numbers containing more than three letters or numerals may be issued in accordance with this section shall include at least buses, passenger cars, and noncommercial motor vehicles."

In line 3873, delete " ninety-five" and insert " ninety-four"; after " dollars" insert " and fifty cents"

In line 3875, delete " seventy-seven" and insert " seventy-four"; after " dollars" insert " and fifty cents"

In line 3877, delete " fifty-nine" and insert " fifty-four"; after " dollars" insert " and fifty cents"

In line 3879, delete " forty" and insert " thirty-four"; delete " twenty-five" and insert " fifty"

In line 3882, delete " sixty" and insert " fifty-four"; delete " twenty-five" and insert " fifty"

In line 3884, delete " twenty" and insert " fourteen"; delete " twenty-five" and insert " fifty"

In line 3887, delete " ten" and insert " four"

In line 3888, delete " twenty-five" and insert " fifty"

In line 3890, delete " two" and insert " one"; after " hundred" insert " ninety-four"

In line 3891, delete " twenty-five" and insert " fifty"

In line 3893, delete "ninety" and insert "eighty-four"

In line 3894, delete "twenty-five" and insert "fifty"

In line 3896, delete "eighty" and insert "seventy-four"

In line 3897, delete "twenty-five" and insert "fifty"

In line 3899, delete "seventy" and insert "sixty-four"

In line 3900, delete "twenty-five" and insert "fifty"

In line 3902, delete "sixty" and insert "fifty-four"

In line 3903, delete "twenty-five" and insert "fifty"

In line 3905, delete "fifty" and insert "forty-four"; delete "twenty-five" and insert "fifty"

In line 4109, delete "eight" and insert "five"

In line 4138, delete "six" and insert "three"

In line 4139, delete "one"

In line 4140, delete "dollar and twenty-five" and insert "sixty"

In line 4142, delete "one dollar and twenty-five" and insert "sixty"

In line 4145, delete "seventy-five" and insert "thirty"

In line 4147, delete "two dollars" and insert "one dollar"

In line 4150, delete "fifty" and insert "twenty-five"

In line 4158, delete "six" and insert "three"

In line 4160, delete "six" and insert "three"

In line 4161, delete "one dollar and twenty-five" and insert "sixty"

In line 4164, delete "one dollar and twenty-five" and insert "sixty"

In line 4166, delete "seventy-five" and insert "thirty"

In line 4168, delete "two dollars" and insert "one dollar"

In line 4171, delete "fifty" and insert "twenty-five"

In line 4331, after "Code" insert "or within seven days after the period so specified"

In line 4332, delete "ten" and insert "twenty"

In line 4348, delete "eight" and insert "five"

In line 4350, delete "eight-dollar" and insert "five-dollar"

In line 4353, delete "one dollar and"

In line 4354, delete "twenty-five" and insert "sixty"

In line 4356, delete "one dollar and twenty-five" and insert "sixty"

In line 4359, delete "seventy-five" and insert "thirty"

In line 4361, delete "two dollars" and insert "one dollar"

In line 4364, delete "fifty" and insert "twenty-five"

In line 4887, after "(C)" insert "(1)"

In line 4890, strike through "Except" and insert:

"(2) Except"

In line 4892, strike through "two" and insert "seven"

In line 4947, after "Code" insert "or within seven days after the period so specified"

In line 4948, delete "ten" and insert "twenty"

In line 4954, delete "ten" and insert "twenty"

In line 4964, after "(C)" insert "(1) and (2)"

In line 4969, after "pay" insert "five dollars of each fee collected under division (C)(2) of this section and"

In line 5017, delete "five" and insert "six"; delete "fifty" and insert "twenty-five"

In line 5281, delete "eight" and insert "five"

In line 5287, delete "eight-dollar" and insert "five-dollar"

In line 5295, delete "eight-dollar" and insert "five-dollar"

In line 5298, delete "one dollar and"

In line 5299, delete "twenty-five" and insert "sixty"

In line 5301, delete "one dollar and twenty-five cent" and insert "sixty cents"

In line 5303, delete "seventy-five" and insert "thirty"

In line 5305, delete "two"

In line 5306, delete "dollars" and insert "one dollar"

In line 5309, delete "fifty" and insert "twenty-five"

In line 6612, delete "one dollar and twenty-five" and insert "sixty"

In line 6614, delete "one"

In line 6615, delete "dollar and twenty-five" and insert "sixty"

In line 6616, delete "1548.14."; delete the second underlined comma



In line 7075, delete " eight" and insert " five"

In line 7104, delete " six" and insert " three"

In line 7105, delete " one"

In line 7106, delete " dollar and twenty-five" and insert " sixty"

In line 7108, delete " one dollar and twenty-five" and insert " sixty"

In line 7111, delete " seventy-five" and insert " thirty"

In line 7113, delete " two dollars" and insert " one dollar"

In line 7116, delete " fifty" and insert " twenty-five"

In line 7124, delete " six" and insert " three"

In line 7126, delete " six" and insert " three"

In line 7127, delete " one dollar and twenty-five" and insert " sixty"

In line 7130, delete " one dollar and twenty-five" and insert " sixty"

In line 7132, delete " seventy-five" and insert " thirty"

In line 7134, delete " two dollars" and insert " one dollar"

In line 7137, delete " fifty" and insert " twenty-five"

In line 7633, delete " one dollar and"

In line 7634, delete " twenty-five" and insert " sixty"

In line 7636, delete " one dollar and"

In line 7637, delete " twenty-five" and insert " sixty"; delete " 1548.14."

In line 7638, delete the underlined comma

In line 7650, delete " seventy-five" and insert " thirty"

In line 7653, delete " seventy-five" and insert " thirty"

In line 7654, delete " 1548.14."; delete the second underlined comma

In line 7667, delete " two dollars" and insert " one dollar"

In line 7670, delete " two dollars" and insert " one dollar"

In line 7671, delete " 1548.14."; delete the second underlined comma

In line 7687, delete " fifty" and insert " twenty-five"

In line 7690, delete " fifty" and insert " twenty-five"; delete " 1548.14."

In line 7691, delete the underlined comma

Delete lines 8913 through 9055

In line 9057, delete "1548.14,"

In line 9060, after "4503.182," insert "4503.19,"; after "4503.26," insert "4503.40, 4503.42,"

In line 9068, after "5537.07," insert "and"; delete ", 5735.06, and 5735.141"

Between lines 9478 and 9479, insert:

"Notwithstanding any provision to the contrary, the Director of Budget and Management may make additional cash transfers in fiscal years 2010 and 2011 from the Bureau of Motor Vehicles Fund (Fund 4W40) to any of the following five funds if the Director of Public Safety determines that the cash balance is insufficient in those funds and requests the Director to make the transfer: the Justice Program Services Fund (Fund 4P60), the EMA Service and Reimbursement Fund (Fund 4V30), the Investigations Fund (Fund 5FL0), the Homeland Security Fund (Fund 5DS0), and the Trauma and Emergency Medical Services Fund (Fund 83M0)."

Delete lines 10024 through 10054

Between lines 10117 and 10118, insert:

**"Section \_\_\_\_.** CASH TRANSFERS FROM CERTAIN STATE BOND FUNDS

Notwithstanding any provision of law to the contrary, by June 15, 2010, and June 15, 2011, or as soon as possible thereafter, respectively, the Director of Budget and Management shall determine for fiscal years 2010 and 2011, respectively, the amount of "net interest earnings" credited to each state bond fund for which debt service on the associated bonds is payable from the General Revenue Fund. For purposes of this section, "net interest earnings" is the amount of interest earnings credited to a bond fund in a fiscal year in excess of the amounts needed to (1) satisfy appropriations or transfers from that bond fund to support the administration of the capital projects in that fiscal year and (2) be set aside for or used to make tax compliance payments as provided in division (D) of section 133.02 of the Revised Code. The Director shall transfer from those net interest earnings first to the Highway Operating Fund (Fund 7002) in any amount needed to reimburse Fund 7002 for debt service payments in connection with obligations issued to fulfill the purposes of Section 18 of Am. Sub. H.B. 554 of the 127th General Assembly, with any remaining amounts of those net interest earnings being transferred by the Director to the General Revenue Fund."

Between lines 10866 and 10867, insert:

**"Section \_\_\_\_.** Notwithstanding Chapter 5735. of the Revised Code, the following shall apply for the period of July 1, 2009, through June 30, 2011:

(A) For the discount under section 5735.06 of the Revised Code, if the monthly report is timely filed and the tax is timely paid, one per cent of the total number of gallons of motor fuel received by the motor fuel dealer within the

state during the preceding calendar month, less the total number of gallons deducted under divisions (B)(1)(a) and (b) of section 5735.06 of the Revised Code, less one-half of one per cent of the total number of gallons of motor fuel that were sold to a retail dealer during the preceding calendar month.

(B) For the semiannual periods ending December 31, 2009, June 30, 2010, December 31, 2010, and June 30, 2011, the refund provided to retail dealers under section 5735.141 of the Revised Code shall be one-half of one per cent of the Ohio motor fuel taxes paid on fuel purchased during those semiannual periods."

In line 2 of the title, delete "1548.14,"

In line 6 of the title, after "4503.182," insert "4503.19,"; after "4503.26," insert "4503.40, 4503.42,"

In line 17 of the title, after "5537.07," insert "and"; delete ", 5735.06, and 5735.141"

In line 7296, after "(G)" insert "Expenditures by the department of transportation, the Ohio rail development commission, or any other state agency for capital improvements for the development of passenger rail shall be subject to the approval of the controlling board with an affirmative vote of not fewer than five members, including the affirmative vote of a majority of the controlling board members appointed by the president of the senate and a majority of the controlling board members appointed by the speaker of the house of representatives."

In line 7308, after "to" insert "examine methods to"

In line 10056, delete "and" and insert "or"

In line 10057, delete everything after "may" and insert "apply for federal funds for passenger rail made available through the American Recovery and Reinvestment Act of 2009."

Delete lines 10058 through 10066

After line 10970, insert:

**"Section 901.10.** Section 901.11 of this act applies only to sections 1751.53, 3719.21, 3923.38, 4729.42, 4729.99, 4776.02, 4776.04 of the Revised Code as amended by Sections 101.01 and 101.02 of this act and to Section 756.60 of this act.

**Section 901.11.** This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity lies in the need, in these times of high unemployment, to provide assistance to those who have recently been working, while at the same time protecting the health and safety of the public. Therefore, this act shall go into immediate effect."

In line 38 of the title, delete "and"

In line 39 of the title, after "2013" insert ", and to declare an emergency"  
 Managers on the Part of the House of Representatives      Managers on the Part of the Senate

/s/ PETER S. UJVAGI  
 PETER S. UJVAGI

/s/ TOM PATTON  
 TOM PATTON

/s/ VERNON SYKES  
 VERNON SYKES

/s/ STEPHEN BUEHRER  
 STEPHEN BUEHRER

/s/ ROSS W. MCGREGOR  
 ROSS W. MCGREGOR

/s/ NINA TURNER  
 NINA TURNER

The question being, "Shall the emergency clause stand as part of the report of the committee of Conference?"

The yeas and nays were taken and resulted - yeas 89, nays 10, as follows:

Those who voted in the affirmative were: Representatives

Adams R.	Amstutz	Bacon	Baker
Balderson	Batchelder	Blair	Blessing
Bolon	Book	Boose	Boyd
Brown	Bubp	Burke	Carney
Celeste	Chandler	Combs	Daniels
DeBose	DeGeeter	Derickson	Dodd
Dolan	Domenick	Driehaus	Dyer
Evans	Fende	Foley	Gardner
Garland	Garrison	Gerberry	Goodwin
Goyal	Grossman	Hackett	Hagan
Hall	Harris	Harwood	Heard
Hite	Hottinger	Jones	Koziura
Lehner	Letson	Luckie	Lundy
Maag	Mallory	McClain	McGregor
Mecklenborg	Miller	Moran	Morgan
Murray	Newcomb	Oelslager	Okey
Otterman	Patten	Phillips	Pillich
Pryor	Ruhl	Sayre	Schneider
Skindell	Slesnick	Snitchler	Stautberg
Stewart	Sykes	Szollosi	Ujvagi
Wachtmann	Weddington	Williams B.	Williams S.
Winburn	Yates	Yuko	Zehringer
			Budish-89.

Those who voted in the negative were: Representatives

Adams J.	Coley	Huffman	Jordan
Mandel	Martin	Sears	Stebelton
Uecker			Wagner-10.

Having received the required Constitutional majority, the emergency clause stood as part of the report of the committee of Conference.

The question being, "Shall the report of the committee of Conference be agreed to as an emergency measure?"

The yeas and nays were taken and resulted - yeas 70, nays 29, as follows:

Those who voted in the affirmative were: Representatives

Adams R.	Amstutz	Baker	Batchelder
Blessing	Bolon	Book	Boyd
Brown	Burke	Carney	Celeste
Chandler	Combs	DeBose	DeGeeter
Dodd	Dolan	Domenick	Driehaus
Dyer	Evans	Fende	Foley
Garland	Garrison	Gerberry	Goyal
Hackett	Hagan	Hall	Harris
Harwood	Heard	Koziura	Lehner
Letson	Luckie	Lundy	Mallory
McClain	McGregor	Miller	Moran
Morgan	Murray	Newcomb	Oelsluger
Okey	Otterman	Patten	Phillips
Pillich	Pryor	Sayre	Schneider
Skindell	Slesnick	Snitchler	Stewart
Sykes	Szollosi	Ujvagi	Weddington
Williams B.	Williams S.	Winburn	Yates
Yuko			Budish-70.

Those who voted in the negative were: Representatives

Adams J.	Bacon	Balderson	Blair
Boose	Bubp	Coley	Daniels
Derickson	Gardner	Goodwin	Grossman
Hite	Hottinger	Huffman	Jones
Jordan	Maag	Mandel	Martin
Mecklenborg	Ruhl	Sears	Stautberg
Stebelton	Uecker	Wachtmann	Wagner
			Zehringer-29.

The report of the committee of Conference was agreed to as an emergency measure.

## REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative Sears submitted the following report:

The standing committee on HealthCare Access and Affordability to which was referred **H. B. No. 8**-Representatives Celeste, Garland, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: INSURANCE COVERAGE AUTISM

Representative Garland moved to amend the title as follows:

Add the name: "Moran."

LORRAINE M. FENDE  
LINDA S. BOLON  
MARIAN HARRIS  
MIKE MORAN  
TODD SNITCHLER

NANCY GARLAND  
ROBERT HACKETT  
PEGGY LEHNER  
MATT PATTEN  
BRIAN G. WILLIAMS

The following members voted "NO"

BARBARA R. SEARS  
ROSS MCGREGOR

DAVE BURKE

The report was agreed to.

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

### MOTIONS AND RESOLUTIONS

Representative Goyal moved that majority party members asking leave to be absent or absent the week of Wednesday, April 1, 2009, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Adams, J. moved that minority party members asking leave to be absent or absent the week of Wednesday, April 1, 2009, 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

**H. B. No. 67**-Representative Carney.

Cosponsors: Representatives Amstutz, Balderson, Boyd, Evans, Hagan, Harris, Koziura, Letson, Luckie, Mecklenborg, Murray, Newcomb, Okey, Patten, Pillich, Skindell, Snitchler, Yuko, Zehringer, Gerberry, Lundy, Mallory, Sayre, Stewart, Williams, B., Daniels, Adams, J., Grossman, Hall, Hite, Stebelton.

To amend section 2108.31 of the Revised Code to permit persons who are sixteen to donate blood with parental consent, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 99, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.  
Baker

Adams R.  
Balderson

Amstutz  
Batchelder

Bacon  
Blair

Blessing	Bolon	Book	Boose
Boyd	Brown	Bubp	Burke
Carney	Celeste	Chandler	Coley
Combs	Daniels	DeBose	DeGeeter
Derickson	Dodd	Dolan	Domenick
Driehaus	Dyer	Evans	Fende
Foley	Gardner	Garland	Garrison
Gerberry	Goodwin	Goyal	Grossman
Hackett	Hagan	Hall	Harris
Harwood	Heard	Hite	Hottinger
Huffman	Jones	Jordan	Koziura
Lehner	Letson	Luckie	Lundy
Maag	Mallory	Mandel	Martin
McClain	McGregor	Mecklenborg	Miller
Moran	Morgan	Murray	Newcomb
Oelslager	Okey	Otterman	Patten
Phillips	Pillich	Pryor	Ruhl
Sayre	Schneider	Sears	Skindell
Slesnick	Snitchler	Stautberg	Stebelton
Stewart	Sykes	Szollosi	Uecker
Ujvagi	Wachtmann	Wagner	Weddington
Williams B.	Williams S.	Winburn	Yates
Yuko	Zehringer		Budish-99.

The bill passed.

Representative Carney moved to amend the title as follows:

Add the names: "Bacon, Baker, Batchelder, Blair, Blessing, Bolon, Boose, Brown, Bubp, Burke, Celeste, Chandler, Coley, Combs, DeBose, Derickson, Dolan, Domenick, Driehaus, Dyer, Foley, Gardner, Garland, Garrison, Goodwin, Goyal, Hackett, Harwood, Heard, Hottinger, Huffman, Lehner, Maag, Mandel, Martin, McClain, McGregor, Moran, Morgan, Oelslager, Phillips, Pryor, Ruhl, Sears, Slesnick, Stautberg, Sykes, Szollosi, Uecker, Ujvagi, Wachtmann, Wagner, Weddington, Williams, S., Winburn, Yates."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. R. No. 20**-Representative Patten.

Cosponsors: Representatives Yates, Yuko, Book, Luckie, Harris, Lundy, Goyal, Murray, DeGeeter, Weddington, Driehaus, Heard, Brown, Amstutz, Ujvagi, Grossman.

To create the Compact with Ohio Cities Task Force to help cities compete for residents and jobs, and to stimulate economic growth, was taken up for consideration the third time.

The question being, "Shall the resolution be adopted?"

Representative Patten moved to amend the title as follows:

Add the names: "Boyd, Chandler, Combs, DeBose, Domenick, Dyer, Evans, Foley, Gerberry, Hagan, Koziura, Letson, Maag, Mallory, Newcomb, Oelslager, Pryor, Skindell, Stautberg, Stewart, Szollosi, Williams, S., Winburn."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

The question being, "Shall the resolution be adopted?"

Representative Foley moved to amend as follows:

In line 76, after "statewide" insert "or regional"

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

The yeas and nays were taken and resulted - yeas 94, nays 5, as follows:

Those who voted in the affirmative were: Representatives

Adams R.	Amstutz	Bacon	Baker
Blair	Blessing	Bolon	Book
Boose	Boyd	Brown	Bubp
Burke	Carney	Celeste	Chandler
Coley	Combs	Daniels	DeBose
DeGeeter	Derickson	Dodd	Dolan
Domenick	Driehaus	Dyer	Evans
Fende	Foley	Gardner	Garland
Garrison	Gerberry	Goodwin	Goyal
Grossman	Hackett	Hagan	Hall
Harris	Harwood	Heard	Hite
Hottinger	Huffman	Jones	Jordan
Koziura	Lehner	Letson	Luckie
Lundy	Maag	Mallory	Mandel
Martin	McClain	McGregor	Mecklenborg
Miller	Moran	Morgan	Murray
Newcomb	Oelslager	Okey	Otterman
Patten	Phillips	Pillich	Pryor
Ruhl	Sayre	Schneider	Sears
Skindell	Slesnick	Snitchler	Stautberg
Stewart	Sykes	Szollosi	Uecker
Ujvagi	Wagner	Weddington	Williams B.
Williams S.	Winburn	Yates	Yuko
Zehringer			Budish-94.

Representatives Adams J., Balderson, Batchelder, Stebelton, and Wachtmann voted in the negative-5.

The motion was agreed to and the resolution so amended.

The question being, "Shall the resolution as amended be adopted?"



Representative Baker moved to amend as follows:

In line 46, delete "and be it further"

Between lines 46 and 47, insert:

"(11) Develop an action plan to implement the findings, with the particular goal of attracting and retaining jobs; and be it further"

In line 89, after "Speaker" insert "and Minority Leader"

In line 90, after "President" insert "and Minority Leader"; after the second comma insert "the Director of Development,"

Between lines 92 and 93, insert:

"RESOLVED, That at the time the Task Force submits the report to the Director of Development, the Task Force shall also recommend implementation of the action plan to the Speaker and Minority Leader of the House of Representatives, the Chairperson and Ranking Minority Member of the House Housing and Urban Revitalization Committee, and the Chairperson, Ranking Minority Member, and the full membership of the House Economic Development Committee; and be it further"

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

Representative Garrison 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 53, nays 46, as follows:

Those who voted in the affirmative were: Representatives

Bolon	Book	Boyd	Brown
Carney	Celeste	Chandler	DeBose
DeGeeter	Dodd	Domenick	Driehaus
Dyer	Fende	Foley	Garland
Garrison	Gerberry	Goyal	Hagan
Harris	Harwood	Heard	Koziura
Letson	Luckie	Lundy	Mallory
Miller	Moran	Murray	Newcomb
Okey	Otterman	Patten	Phillips
Pillich	Pryor	Sayre	Schneider
Skindell	Slesnick	Stewart	Sykes
Szollosi	Ujvagi	Weddington	Williams B.
Williams S.	Winburn	Yates	Yuko
			Budish-53.

Those who voted in the negative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	Blair
Blessing	Boose	Bubp	Burke
Coley	Combs	Daniels	Derickson
Dolan	Evans	Gardner	Goodwin
Grossman	Hackett	Hall	Hite

Hottinger	Huffman	Jones	Jordan
Lehner	Maag	Mandel	Martin
McClain	McGregor	Mecklenborg	Morgan
Oelslager	Ruhl	Sears	Snitchler
Stautberg	Stebelton	Uecker	Wachtmann
Wagner			Zehringer-46.

The motion to amend was laid on the table.

The question recurring, "Shall the resolution as amended be adopted?"

The yeas and nays were taken and resulted - yeas 86, nays 13, as follows:

Those who voted in the affirmative were: Representatives

Adams R.	Amstutz	Bacon	Baker
Balderson	Blair	Blessing	Bolon
Book	Boyd	Brown	Bubp
Carney	Celeste	Chandler	Coley
Combs	DeBose	DeGeeter	Derickson
Dodd	Dolan	Domenick	Driehaus
Dyer	Evans	Fende	Foley
Gardner	Garland	Garrison	Gerberry
Goyal	Grossman	Hackett	Hagan
Hall	Harris	Harwood	Heard
Hite	Hottinger	Huffman	Koziura
Lehner	Letson	Luckie	Lundy
Maag	Mallory	Mandel	McGregor
Mecklenborg	Miller	Moran	Morgan
Murray	Newcomb	Oelslager	Okey
Otterman	Patten	Phillips	Pillich
Pryor	Ruhl	Sayre	Schneider
Sears	Skindell	Slesnick	Snitchler
Stautberg	Stewart	Sykes	Szollosi
Ujvagi	Wagner	Weddington	Williams B.
Williams S.	Winburn	Yates	Yuko
Zehringer			Budish-86.

Those who voted in the negative were: Representatives

Adams J.	Batchelder	Boose	Burke
Daniels	Goodwin	Jones	Jordan
Martin	McClain	Stebelton	Uecker
			Wachtmann-13.

The resolution was adopted.

## Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has agreed to the report of the Committee of Conference on matters of difference between the two houses on:

**Am. Sub. H. B. No. 2** -Representative Ujvagi - et al.

Attest:

Vincent L. Keeran,  
Clerk.

## Clerk's Notation

March 31, 2009

The Honorable Armond Budish  
Speaker, Ohio House of Representatives  
77 S. High St., 14th Fl.  
Columbus, OH 43215

Dear Speaker Budish:

We wish to record my Protest against the action of the House in the concurrence vote on House Bill 2 on the 24th day of March, 2009.

Our reasons for the protest are as follows:

(1)The subject of the question put to the House Chamber by the Speaker of the House clearly referred only to the emergency clause in House Bill 2 that been added by the Senate. The Speaker repeatedly referred to the question before the House as whether the emergency clause should remain part of the bill. No mention was made as to agreement to the Senate amendments. Such reference was made three times before the vote on the emergency clause in the legislation. It was only after the vote was taken and the emergency clause defeated that the Speaker made reference to the subject of the question being towards both the emergency clause and agreement to the Senate amendments.

(2)The Joint Rules of the 128th General Assembly of Ohio are very specific as to the procedure of concurrence in regards to emergency measures: As stated in Joint Rule 16, paragraph 2: "... if the question be upon concurrence in an amendment to a bill which has passed the other house as an emergency measure, **then a vote shall be taken first, upon the emergency features of the bill, and second, upon concurrence in the amendment.**" (Emphasis added). A clear reading of the rule makes plain that these events were in violation of this rule. Historically, separate votes have been taken when

emergency measures and other changes have been added to legislation in the other chamber of the legislature. It is incumbent upon us to follow the parliamentary rules that we have agreed upon; the comity of our legislative process depends on them.

(3)The House Journal of March 24th at page 208 inaccurately reflects the vote on the emergency measure and the Senate amendments. The Journal merely states that “[n]ot having received a constitutional majority, the emergency clause failed of passage. The Senate amendments were not concurred in.” The Journal implies that the failure of the emergency clause also reflected failure of the Senate amendments. This is not true.

Sincerely,

WILLIAM G. BATCHELDER  
JOHN ADAMS  
GERALD L. STEBELTON  
KEVIN BACON  
CHERYL GROSSMAN  
RON AMSTUTZ  
BARBARA R. SEARS  
CLIFF HITE  
PETER STAUTBERG  
DAVE BURKE  
TERRY BOOSE  
MATT HUFFMAN  
CLYDE EVANS  
DAVE HALL

LOUIS W. BLESSING  
KRIS JORDAN  
JOSEPH W. UECKER  
TERRY BLAIR  
JEFF WAGNER  
RICHARD ADAMS  
JAMES ZEHRINGER  
RON MAAG  
TROY BALDERSON  
JARROD MARTIN  
DANNY R. BUBP  
MARGARET RUHL  
LYNN R. WACHTMANN  
COURTNEY COMBS

On motion of Representative Szollosi, the House adjourned until Thursday, April 2, 2009 at 11:00 o'clock a.m.

Attest:

THOMAS L. SHERMAN,  
Clerk.