

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

**CORRECTED VERSION**  
**WEDNESDAY, MAY 23, 2012**

ONE HUNDRED SIXTY-FIRST DAY  
Hall of the House of Representatives, Columbus, Ohio  
**Wednesday, May 23, 2012, 1:30 p.m.**

The House met pursuant to adjournment.

Prayer was offered by Pastor Jim Fox of Universal Ministries in Milford, Illinois, 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 Batchelder prior to the commencement of business:

Individuals from U-CO Industries, Inc. received H.R. 369, presented by Representative Pelanda-83rd district.

William J. Bauer II received H.R. 385, presented by Representatives Smith-87th district and Johnson-89th district.

Dr. David P. Keseg received H.R. 386, presented by Representative Gonzales-19th district.

Randy Bailey received H.R. 382, presented by Representative Gonzales-19th district.

The Olmsted Falls High School academic team received H.R. 383, presented by Representative Dovilla-18th district.

The Mason High School Marching Band received H.R. 396, presented by Representative Beck-67th district.

Students from St. Aloysius School, guests of Representative Newbold-1st district.

Felita Reeves, a guest of Representative Barnes-12th district.

Carol Hribar, Barb Reoch, and Larry Flowers, guests of Representative Gonzales-19th district.

Conor Golden, a guest of Representative Garland-20th district.

Kelli Stammen and Brownies from Troop 2470, guests of Representative Grossman-23rd district.

Michele Kaiser and Laura Thurman, guests of Representative Heard-26th district.

Stiney Vonderhaar, Paul Forshey, Helen Fox, Dr. Karyn Dyehouse, and Russ Rhodus, guests of Representative Pillich-28th district.

Charlotte Menafee, a guest of Representative Reece-33rd district.

The Northmont Academic Challenge Team, guests of Representative Henne-36th district.

Wes Retherford, a guest of Representative Combs-54th district.

Students from Missisiniwa High School, guests of Representative Buchy-77th district.

### INTRODUCTION OF BILLS

The following bill was introduced:

**H. B. No. 558**-Representative Beck.

To amend section 5725.33 of the Revised Code to make various changes to the administration of the New Markets tax credit, including the acceleration of the receipt of New Markets tax credit installments, allowing community development entities to make credit-eligible investments in a low-income community business that derives 15% or more of its annual revenue from renting or selling real estate, eliminating the requirement to calculate adjusted purchase price of investments in calculating the amount of the credit, permitting entities to identify qualifying equity investments from any community development entity, and clarifying that the maximum allowable credit for each investor is \$1 million.

Said bill was considered the first time.

### REPORTS OF CONFERENCE COMMITTEES

Representative Blessing moved that House Rule 66A, pertaining to conference committee reports carrying an appropriation, be suspended and that **Am. Sub. H.B. 487**, be taken up for immediate consideration.

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

The yeas and nays were taken and resulted - yeas 57, nays 40, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Beck	Blair	Blessing
Brenner	Bubp	Buchy	Butler
Combs	Conditt	Damschroder	DeVitis
Derickson	Dovilla	Duffey	Gardner
Gonzales	Grossman	Hackett	Hagan, C.
Hall	Hayes	Henne	Hill
Hottinger	Huffman	Johnson	Kozlowski
Landis	Lynch	Maag	Martin
McClain	McGregor	Newbold	Pelanda
Roegner	Rosenberger	Ruhl	Scherer
Schuring	Sears	Slaby M.	Smith
Sprague	Stautberg	Stebelton	Terhar
Thompson	Uecker	Wachtmann	Young
			Batchelder-57.

Those who voted in the negative were: Representatives

Antonio	Ashford	Barnes	Boyce
Boyd	Budish	Carney	Celebrezze
Celeste	Cera	Clyde	Driehaus
Fedor	Fende	Foley	Garland
Gerberry	Goyal	Hagan, R.	Heard
Letson	Luckie	Lundy	Mallory
Milkovich	Murray	O'Brien	Okey
Patmon	Phillips	Pillich	Ramos
Reece	Slesnick	Stinziano	Sykes
Szollosi	Williams	Winburn	Yuko-40.

The motion was agreed to.

Representative Amstutz submitted the following report:

The Committee of Conference to which the matters of Am. Sub. H.B. 487, Rep. Amstutz (by request) - et al., having had the same under consideration, recommends to the respective houses as follows:

The bill as passed by the Senate with the following amendments:

In line 76592, after "283.10," insert "285.10,"; after "291.10," insert "305.10,"

Between lines 78784a and 78786, insert:

**"Sec. 285.10. ETH OHIO ETHICS COMMISSION**

**General Revenue Fund**

GRF 146321	Operating Expenses	\$	1,409,751	\$	1,409,751
TOTAL GRF	General Revenue Fund	\$	1,409,751	\$	1,409,751

**General Services Fund Group**

4M60 146601	Operating Expenses	\$	827,393	\$	827,393
TOTAL GSF	General Services Fund Group	\$	827,393	\$	827,393
TOTAL ALL BUDGET FUND GROUPS		\$	2,237,144	\$	2,237,144

**ETHICS COMMISSION CASINO-RELATED ACTIVITIES**

On July 1, 2011, or as soon as possible thereafter, an amount equal to the unexpended and unencumbered balance of appropriation item 146602, Casino Investigations, at the end of fiscal year 2011 is hereby reappropriated to the same appropriation item for fiscal year 2012, to be used for the performance of the Ohio Ethics Commission's casino-related duties.

On July 1, 2012, or as soon as possible thereafter, an amount equal to the unexpended, unencumbered balance of appropriation item 146602, Casino Investigations, at the end of fiscal year 2012 is hereby reappropriated to the same appropriation item for fiscal year 2013, to be used for the performance of the Ohio Ethics Commission's casino-related duties."

Between lines 78891a and 78893, insert:

**"Sec. 305.10. IGO OFFICE OF THE INSPECTOR GENERAL**

**General Revenue Fund**

GRF 965321	Operating Expenses	\$	1,124,663	\$	1,125,598
TOTAL GRF General Revenue Fund		\$	1,124,663	\$	1,125,598

**General Services Fund Group**

5FA0 965603	Deputy Inspector General for ODOT	\$	400,000	\$	400,000
5FT0 965604	Deputy Inspector General for BWC/OIC	\$	425,000	\$	425,000
5GI0 965605	Deputy Inspector General for ARRA	\$	520,837	\$	521,535
TOTAL GSF General Services Fund Group		\$	1,345,837	\$	1,346,535
TOTAL ALL BUDGET FUND GROUPS		\$	2,470,500	\$	2,472,133

**IGO CASINO-RELATED ACTIVITIES**

On July 1, 2011, or as soon as possible thereafter, an amount equal to the unexpended, unencumbered balance of appropriation item 965609, Casino Investigations, at the end of fiscal year 2011 is hereby reappropriated to the same appropriation item for fiscal year 2012, to be used for the performance of the Inspector General's casino-related duties.

On July 1, 2012, or as soon as possible thereafter, an amount equal to the unexpended, unencumbered balance of appropriation item 965609, Casino Investigations, at the end of fiscal year 2012 is hereby reappropriated to the same appropriation item for fiscal year 2013, to be used for the performance of the Inspector General's casino-related duties.

**DEPUTY INSPECTOR GENERAL FOR FUNDS RECEIVED  
THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT OF  
2009**

On July 1, 2011, and on January 1, 2012, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$225,000 in cash, for each period, from the General Revenue Fund to the Deputy Inspector General for Funds Received through the American Recovery and Reinvestment Act of 2009 Fund (Fund 5GI0), which is created in section 121.53 of the Revised Code.

On July 1, 2012, and on January 1, 2013, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$225,000 in cash, for each period, from the General Revenue Fund to the Deputy Inspector General for Funds Received through the American Recovery and Reinvestment Act of 2009 Fund (Fund 5GI0)."

In line 80755, after "283.10," insert "285.10,"; after "291.10," insert "305.10,"

In line 82697, after "283.10," insert "285.10,"; after "291.10," insert "305.10,"

In line 274 of the title, after "283.10," insert "285.10,"; after "291.10," insert "305.10,"

In line 57107, strike through "4517." and insert " 4781."

In line 57108, reinsert "4735."

In line 57109, delete " 4781."

In line 77298, after the period insert " An amount equal to the unexpended, unencumbered balance of appropriation item 042423 at the end of fiscal year 2012 is hereby reappropriated for the same purpose in fiscal year 2013."

In line 74605, delete " sale" and insert " shipment"

In line 2243, delete " by" and insert " under"

In line 17075, delete " under" and insert " after the filing of a complaint as described in"

In line 17080, after " (2)" insert " At any time on or after the date that is ninety days after the effective date of this amendment, a prosecuting attorney, or an assistant prosecuting attorney appointed under section 309.06 of the Revised Code, may request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check with respect to each parent, guardian, custodian, prospective custodian, or prospective placement whose actions resulted in a finding after the filing of a complaint described in division (A)(1) of this section that a child is an abused, neglected, or dependent child. Each prosecuting attorney or assistant prosecuting attorney who makes such a request shall request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check for each parent, guardian, custodian, prospective custodian, or prospective placement who is a subject of the request.

(3)"; after " agency" insert " , prosecuting attorney, or assistant prosecuting attorney"

In line 17081, after " (K)(1)" insert " or (2)"

In line 17094, delete " (3)" and insert " (4)"

In line 17096, delete " (2)" and insert " (3)"

Between lines 81640 and 81641, insert:

**"Section 733.15.** A new conversion community school established under division (B) of section 3314.02 of the Revised Code may open for operation not later than September 30, 2012, notwithstanding the deadlines prescribed by division (D) of section 3314.02 of the Revised Code for adoption and signing of the contract under section 3314.03 of the Revised Code, but those parties shall adopt and sign the contract, and file a copy of it with the Superintendent of Public Instruction, prior to the school's opening."

In line 82709, delete "and"; after "733.10" insert ", and 733.15"

In line 76057, delete "natural resources and" and insert "conservation purposes under the Clean Ohio Program"

In line 76058, delete "local subdivision capital improvement projects"

In line 76060, after the second period insert "The release and expenditure of funds from the Clean Ohio Conservation Fund (Fund 7056) and the Clean Ohio Agricultural Easement Fund (Fund 7057) shall be subject to the requirements of Section 509.90 of Sub. H.B. 482 of the 129th General Assembly."

Between lines 80988 and 80989, insert:

"**Section** \_\_\_\_. That Section 205.80 of Sub. H.B. 482 of the 129th General Assembly be amended to read as follows:

**Sec. 205.80.** The items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Clean Ohio Trail Fund (Fund 7061) that are not otherwise appropriated.

**DNR DEPARTMENT OF NATURAL RESOURCES**

			Appropriations
C72514	Clean Ohio Local Grants	\$	6,000,000
	Total Department of Natural Resources	\$	6,000,000
	TOTAL Clean Ohio Trail Fund	\$	6,000,000

~~Notwithstanding divisions (B) and (C) of section 151.09 and division (B) of section 1519.05 of the Revised Code, upon receipt of a certification from the Department of Natural Resources of the amount needed to pay the costs of projects appropriated from the Clean Ohio Trail Fund (Fund 7061) created by section 1519.05 of the Revised Code, the Ohio Public Facilities Commission shall issue obligations as defined in division (A) of section 151.09 of the Revised Code in the amount determined to be authorized and necessary for that purpose, and, for the period from July 1, 2012 through June 30, 2014, net proceeds of obligations issued and sold pursuant to sections 151.01 and 151.09 of the Revised Code shall be deposited solely into the Clean Ohio Trail Fund.~~

**Section** \_\_\_\_. That existing Section 205.80 of Sub. H.B. 482 of the 129th General Assembly is hereby repealed."

In line 285 of the title, after the comma insert "Section 205.80 of Sub. H.B. 482 of the 129th General Assembly,"

In line 76597, delete "and"; after "521.70" insert ", and 753.25"

Between lines 80747 and 80748, insert:

**"Sec. 753.25.** (A) The Governor is authorized to execute a deed in the name of the state conveying to the Board of County Hospital Trustees of The MetroHealth System ("MetroHealth"), in the name of the County of Cuyahoga, State of Ohio, its successors and assigns, all of the state's right, title, and interest in the following ~~listed parcels of~~ described real estate located in the County of

Cuyahoga, State of Ohio: 00821-008, 00821-009, 00821-010, 00821-011, 00821-012, 00821-013, 00821-014, 00821-015, 00821-016, and 00821-017.

~~In preparing the deed, the Auditor of State, with the assistance of the Attorney General, shall develop a legal description of the real estate in conformity with the actual bounds of the real estate.~~

Parcel I

Description of a 2.732 Acre Tract

Located northerly of the intersection of South Point Drive and Ginger Court, Cleveland, Ohio.

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, being part of the Original Brooklyn Township Lot No. 73, Range 13 West, Township 7 North of the Connecticut Western Reserve Survey and being all of a tract of land as conveyed to the State of Ohio by deed of record in Deed Volume 10350, Page 563 and being of all of subplot numbers 18 through 26 and part of subplot number 27 as shown in the East View Addition by plat of record in Plat Volume 16, Page 19 as conveyed to the State of Ohio by deeds of records in Deed Volume 6640, Page 166; Deed Volume 6640, Page 168; Deed Volume 7285, Page 321; Deed Volume 7227, Page 11; Deed Volume 7678, Page 487; Deed Volume 7627, Page 589; Deed Volume 7287, page 718; Deed Volume 7285, page 319; Deed Volume 7420, Page 102; and Deed Volume 7638, Page 296 respectively; all record document references in this legal description being to the Recorder's Office, Cuyahoga County, Ohio and being more particularly bounded and described as follows:

Beginning at the southwesterly corner of said subplot 18, at a southeasterly corner of a tract of land conveyed to the County of Cuyahoga, Ohio by deed of record in Automatic Filing Number (A.F.N.) 199911231424 and on the northerly right-of-way line of South Point Drive, 50 feet in width and also known as Aiken Avenue, said point also being the TRUE POINT OF BEGINNING of the herein described tract of land;

01. Thence North 00°02'06" West, a distance of 362.37 feet along the extension of and the westerly line of said subplot number 18, along the westerly line of said State of Ohio tract as conveyed in Deed Volume 10350, Page 563 and along an easterly line of said County of Cuyahoga, Ohio tract to a point;

02. Thence South 76°52' 15" East, a distance of 415.12 feet along the northerly line of said State of Ohio tract as conveyed in Deed Volume 10350, Page 563 and along a southerly line of said County of Cuyahoga, Ohio tract to a point;

03. Thence South 13°06'56" West, a distance of 275.04 feet along the easterly line of said State of Ohio tract as conveyed in Deed Volume 10350, Page 563, along a westerly line of said County of Cuyahoga tract and along the westerly line of a tract of land as conveyed to the Board of Trustees of the Cuyahoga County Hospital by deed of record in Deed Volume 11670, Page 921 passing through said subplot number 27 to a point on the southerly line of said subplot

number 27 and on the northerly right-of-way line of said South Point Drive:

04. Thence South 89°57'54" West, a distance of 341.64 feet along the southerly lines of said subplot numbers 27, 26, 25, 24, 23, 22, 21, 20, 19 and 18 and along the northerly line of said South Point Drive to the True Point of Beginning and containing 2.732 acres, more or less, and subject to all legal easements, restrictions, reservations, conditions and right-of-ways of previous record.

The basis of bearing in this description is based on the centerline line of South Point Drive being

North 89°58'22" East as recorded in the Map of Lot Split and Consolidation for The County of Cuyahoga in Plat Volume 300, Page 30.

This description is intended to describe Cuyahoga County Auditor's parcel numbers 008-21-008, 008-21-009, 008-21-010, 008-21-011, 008-21-012, 008-21-013, 008-21-014, 008-21-015, 008-21-016 and 008-21-017.

This description is based on a field survey made by Michael Benza & Associates, Inc. in October 2011 under project number 5290.

Parcel 2

Description of a 0.597 Acre Tract

Located southwesterly of the intersection of South Point Drive and Ginger Court, Cleveland, Ohio.

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, being part of the Original Brooklyn Township Lot No. 73, Range 13 West, Township 7 North of the Connecticut Western Reserve Survey and being of all of subplot numbers 32 through 38 and part of subplot number 39 as shown in the East View Addition by plat of record in Plat Volume 16, Page 19 as conveyed to the State of Ohio by deeds of records in Deed Volume 11317, Page 91; Deed Volume 11369, Page 27; Deed Volume 12168, Page 997; Deed Volume 12117, Page 239; Deed Volume 11861, Page 587; Deed Volume 12111, Page 951 and Deed Volume 11870, page 961; respectively; all record document references in this legal description being to the Recorder's Office, Cuyahoga County, Ohio and being more particularly bounded and described as follows:

Beginning at the northeasterly corner of said subplot number 32, at the southwesterly corner of the intersection of South Point Drive, 50 feet in width and also known as Aiken Avenue, and Ginger Court, 12 feet in width, said point also being the TRUE POINT OF BEGINNING of the herein described tract of land;

01. Thence South 02°57'49" West, a distance of 94.11 feet along the easterly line of said subplot number 32 and along the westerly right-of-way line of said Ginger Court to a point;

02. Thence South 46°10'37" West, a distance of 8.77 feet along the southeasterly line of said subplot number 32 and along the northwesterly right-of-way line of

said Ginger Court to a point;

03. Thence South 89°58'22" West, a distance of 251.42 feet along the southerly lines of said subplot numbers 32 through 29 and along the northerly line of said Ginger Court to a point;

04. Thence North 00°01'38" West, a distance of 100.05 feet along the westerly of line of the said tract of land conveyed to the State of Ohio by Deed Volume 11870, Page 961 and along the easterly line of the tract of land as conveyed to the County of Cuyahoga by deed of record in Deed Volume 12525, Page 665 to a point on the southerly right-of-way line of said South Point Drive;

05. Thence North 89°58'18" East, a distance of 262.66 feet along the northerly lines of said subplot numbers 39, 38, 37, 36, 35, 34, 33 and 32 and along the southerly line of said South Point Drive to the True Point of Beginning and containing 0.597 acres, more or less, and subject to all legal easements, restrictions, reservations, conditions and right-of-ways of previous record.

The basis of bearing in this description is based on the centerline line of South Point Drive being North 89°57'55" East as recorded in the Map of Lot Split and Consolidation for The County of Cuyahoga in Plat Volume 300, Page 30.

This description is intended to describe Cuyahoga County Auditor's parcel numbers 008-21-019, 008-21-020, 008-21-021, 008-21-022, 008-21-023, 008-21-024 and 008-21-025.

This description is based on a field survey made by Michael Benza & Associates, Inc. in October 2011 under project number 5290.

Parcel 3

Description of a 0.035 Acre Tract

Located southeasterly of the intersection of South Point Drive and Ginger Court, Cleveland, Ohio.

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, being part of the Original Brooklyn Township Lot No. 73, Range 13 West, Township 7 North of the Connecticut Western Reserve Survey and being part of subplot numbers 29, 30 and 31 as shown in the East View Addition by plat of record in Plat Volume 16, Page 19 as conveyed to the State of Ohio by deeds of records in Deed Volume 11177, Page 349; Deed Volume 11164, Page 285 and Deed Volume 11165, Page 113; respectively; all record document references in this legal description being to the Recorder's Office, Cuyahoga County, Ohio and being more particularly bounded and described as follows:

Beginning at the northwesterly corner of said subplot number 29, at a southeasterly corner of the intersection of South Point Drive, 50 feet in width and also known as Aiken Avenue, and Ginger Court, 12 feet in width, said point also being the TRUE POINT OF BEGINNING of the herein described tract of land;

01. Thence North 89°57'55" East, a distance of 15.85 feet along the northerly line of said subplot number 29 and along the southerly right-of-way line of said South Point Drive to a point on the northwesterly corner of a tract of land conveyed to the Cuyahoga County Commissioners, Cuyahoga County, Ohio by deed of record in Automatic Filing Number (A.F.N.) 199904160080, designated as State Parcel 3049EL;

02. Thence along a curve to the right having a radius of 23.50 feet, an arc length of 23.01 feet a chord bearing South 39°31'07" East and chord distance of 22.10 feet and along an easterly line of said Cuyahoga County Commissioners tract, passing through said subplot number 29 to a point;

03. Thence along a curve to the right having a radius of 520.30 feet, an arc length of 73.94 feet, a chord bearing of South 27°33'59" West and a chord distance of 73.88 feet and along an easterly line of said Cuyahoga County Commissioners tract, passing through said subplot numbers 29, 30 and 31 to a point on the easterly right-of-way line of said Ginger Court;

04. Thence North 02°57'49" East, a distance of 82.65 feet along the westerly of lines of said subplot numbers 31, 30 and 29 and along the easterly right-of-way line of said Ginger Court to the True Point of Beginning and containing 0.035 acres, more or less, and subject to all legal easements, restrictions, reservations, conditions and right-of-ways of previous record.

The basis of bearing in this description is based on the centerline line of South Point Drive being North 89°57'55" East as recorded in the Map of Lot Split and Consolidation for The County of Cuyahoga in Plat Volume 300, Page 30.

This description is intended to describe Cuyahoga County Auditor's parcel numbers 008-21-074, 008-21-075 and 008-21-076.

This description is based on a field survey made by Michael Benza & Associates, Inc. in October

2011 under project number 5290.

Parcel 4

Description of a 0.494 Acre Tract

Located northerly of the Eglindale Avenue, southerly of Ginger Court and easterly of Scranton Road Cleveland, Ohio.

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, being part of the Original Brooklyn Township Lot No. 73, Range 13 West, Township 7 North of the Connecticut Western Reserve Survey and being all of subplot numbers 77 through 81 and being part of subplot numbers 82 and 83 as shown in the East View Addition by plat of record in Plat Volume 16, Page 19 as conveyed to the State of Ohio by deeds of records in Deed Volume 12789, Page 311; Deed Volume 12930, Page 567; Deed Volume 12781, Page 999; Deed Volume 12902, Page 155; Deed Volume 12773, Page 135; Deed Volume 12777, Page 287 and Deed Volume 11362, Page 445; respectively; all record document

references in this legal description being to the Recorder's Office, Cuyahoga County, Ohio and being more particularly bounded and described as follows:

Beginning at the southwesterly corner of said subplot number 77 and on the northerly right-of-way line of Eglindale Avenue, 50 feet in width, said point also being the TRUE POINT OF BEGINNING of the herein described tract of land;

01. Thence North 00°01'38" West, a distance of 100.02 feet along the westerly line of said subplot number 77 and along the easterly line of a tract of land as conveyed to the County of Cuyahoga by deed of record in Deed Volume 12527, Page 595 to a point on the southerly right-of-way line of Ginger Court;

02. Thence North 89°58'22" East, a distance of 255.00 feet along the northerly lines of said subplot numbers 77 through 83 and along the southerly right-of-way line of Ginger Court to a point on an westerly line of a tract of land conveyed to the Cuyahoga County Commissioners, Cuyahoga County, Ohio by deed of record in Automatic Filing Number (A.F.N.) 199904160080, designated as State Parcel 3049EL;

03. Thence South 38°37'28" West, a distance of 128.09 feet along an easterly line of said Cuyahoga County Commissioners tract, passing through said subplot numbers 82 and 83 to a point on the southeasterly corner of said subplot 81 and on the northerly right-of-way line of said Eglindale Avenue;

04. Thence South 89°58'45" West, a distance of 175.00 feet along the southerly lines of said subplot numbers 81, 80, 79, 78 and 77 and along the northerly right-of-way line of said Eglindale Avenue to the True Point of Beginning and containing 0.494 acres, more or less, and subject to all legal easements, restrictions, reservations, conditions and right-of- ways of previous record.

The basis of bearing in this description is based on the centerline line of Eglindale Avenue being North 89°58'45" East as recorded in the Map of Lot Split and Consolidation for The County of Cuyahoga in Plat Volume 300, Page 30.

This description is intended to describe Cuyahoga County Auditor's parcel numbers 008-21-040, 008-21-041, 008-21-042, 008-21-043, 008-21-044, 008-21-045 and 008-21-046.

This description is based on a field survey made by Michael Benza & Associates, Inc. in October 2011 under project number 5290.

This description may be modified to final form if modifications are needed.

Authority to complete this conveyance is dependent upon the City of Cleveland's release of its reversionary interest in the property, where applicable.

Notwithstanding ORC Chapter 5709, on the effective date of this section, any real estate taxes, interest, penalties, or assessments, if any, now payable or as a lien on the parcels of this section, are abated, remitted, and exempted.

(B) Consideration for conveyance of the real estate shall be ten dollars.

(C) The state shall convey the real estate described in division (A) of this section together with the building situated upon it, along with the amount of \$3,400,000 to demolish the building. Notwithstanding any provision of law to the contrary, the Director of Mental Health shall disburse \$3,400,000 from appropriation item C58010, Campus Consolidation, as set forth in Sub. H.B. 462 of the 128th General Assembly, to the grantee within thirty days after the conveyance of the real estate. After the disbursement, the state shall, within four months, complete a physical inventory of assets, relocate assets that are to be removed from the building, and itemize assets that are to remain with the transferred real estate and building.

(D) The real estate described in division (A) of this section shall be sold as an entire tract and not in parcels.

(E) The grantee shall pay all costs associated with the purchase and conveyance of the real estate, including costs of any surveys and recordation costs of the deed.

(F) The grantee shall not, during any period that any bonds issued by the state to finance or refinance all or a portion of the real estate described in division (A) of this section are outstanding, use any portion of the real estate for a private business use without the prior written consent of the state. As used in this division:

(1) "Private business use" means use, directly or indirectly, in a trade or business carried on by any private person other than use as a member of, and on the same basis as, the general public. Any activity carried on by a private person who is not a natural person shall be presumed to be a trade or business.

(2) "Private person" means any natural person or any artificial person, including a corporation, partnership, limited liability company, trust, or other entity and including the United States or any agency or instrumentality of the United States, but excluding any state, territory, or possession of the United States, the District of Columbia, or any political subdivision thereof that is referred to as a "state or local governmental unit" in Treasury Regulation 1.103-1(a) and any person that is acting solely and directly as an officer or employee of or on behalf of such a governmental unit.

(G) The grantee shall not sell, convey, or transfer ownership of the real estate described in division (A) of this section before December 1, 2019, or before receiving written confirmation from the state that all of the state's bonded capital indebtedness associated with any of the buildings located on the real estate has been fully satisfied.

(H) The Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate. The deed shall state the consideration and the conditions and restrictions and shall be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the grantee. The grantee shall present the deed for recording in

the Office of the Cuyahoga County Recorder.

(I) This section expires one year after its effective date."

In line 80760, delete "and"; after "521.70" insert ", and 753.25"

In line 82701, delete "and"; after "521.70" insert ", and 753.25"

In line 281 of the title, delete "and"; after "521.70" insert ", and 753.25"

In line 428, after "5751.12," insert "5753.03,"

Between lines 74759 and 74760, insert:

**"Sec. 5753.03.** (A) For the purpose of receiving and distributing, and accounting for, revenue received from the tax levied by section 5753.02 of the Revised Code, the following funds are created in the state treasury:

- (1) The casino tax revenue fund;
- (2) The gross casino revenue county fund;
- (3) The gross casino revenue county student fund;
- (4) The gross casino revenue host city fund;
- (5) The Ohio state racing commission fund;
- (6) The Ohio law enforcement training fund;
- (7) The problem casino gambling and addictions fund;
- (8) The casino control commission fund;
- (9) The casino tax administration fund ;
- (10) The peace officer training academy fund;
- (11) The criminal justice services casino tax revenue fund.

(B) All moneys collected from the tax levied under this chapter shall be deposited into the casino tax revenue fund.

(C) From the casino tax revenue fund the director of budget and management shall transfer as needed to the tax refund fund amounts equal to the refunds certified by the tax commissioner under section 5753.06 of the Revised Code.

(D) After making any transfers required by division (C) of this section, but not later than the fifteenth day of the month following the end of each calendar quarter, the director of budget and management shall transfer amounts to each fund as follows:

(1) Fifty-one per cent to the gross casino revenue county fund to make payments as required by Section 6(C)(3)(a) of Article XV, Ohio Constitution;

(2) Thirty-four per cent to the gross casino revenue county student fund to make payments as required by Section 6(C)(3)(b) of Article XV, Ohio

Constitution;

(3) Five per cent to the gross casino revenue host city fund for the benefit of the cities in which casino facilities are located;

(4) Three per cent to the Ohio state racing commission fund to support the efforts and activities of the Ohio state racing commission to promote horse racing in this state at which the pari-mutuel system of wagering is conducted;

(5) Two per cent to the Ohio law enforcement training fund to support law enforcement functions in the state;

(6) Two per cent to the problem casino gambling and addictions fund to support efforts of the department of alcohol and drug addiction services to alleviate problem gambling and substance abuse and related research in the state under section 3793.032 of the Revised Code;

(7) Three per cent to the casino control commission fund to support the operations of the Ohio casino control commission and to defray the cost of administering the tax levied under section 5753.02 of the Revised Code.

Payments under divisions (D)(1), (2), and (3) of this section shall be made by the end of the month following the end of the quarterly period. The tax commissioner shall make the data available to the director of budget and management for this purpose.

Of the money credited to the Ohio law enforcement training fund, the director of budget and management shall distribute eighty-five per cent of the money to the police officer training academy fund for the purpose of supporting the law enforcement training efforts of the Ohio peace officer training academy and fifteen per cent of the money to the criminal justice services casino tax revenue fund for the purpose of supporting the law enforcement training efforts of the division of criminal justice services.

(E) The director of budget and management shall transfer one per cent of the money credited to the casino control commission fund to the casino tax administration fund. The tax commissioner shall use the casino tax administration fund to defray the costs incurred in administering the tax levied by this chapter."

In line 75138, after "5751.12," insert "5753.03,"

In line 82682, delete "and"

In line 82683, after "5751.033" insert ", and 5753.03"

In line 172 of the title, after "5751.12," insert "5753.03,"

Between lines 78761 and 78762, insert:

" TRANSFER OF DIVISION OF RECYCLING AND LITTER PREVENTION

On July 1, 2012, or as soon as possible thereafter, the Director of Budget

and Management shall cancel any existing encumbrances against appropriation item 725618, Recycled Materials, and reestablish them against appropriation item 715618, Recycled State Materials. The reestablished encumbrance amounts are hereby appropriated.

On July 1, 2012, or as soon as possible thereafter, the Director of Budget and Management shall cancel any existing encumbrances against appropriation item 725644, Litter Control and Recycling, and reestablish them against appropriation item 715646, Recycling and Litter Control. The reestablished encumbrance amounts are hereby appropriated.

On July 1, 2012, or as soon as possible thereafter, the Director of Budget and Management shall cancel any existing encumbrances against appropriation item 725633, Scrap Tire Program, and reestablish them against appropriation item 715637, Scrap Tire Market Development. The reestablished encumbrance amounts are hereby appropriated."

Delete lines 60683 through 60686 and insert:

" (D) Subject to the notice and appeal provisions of divisions (G) and (H) of this section, the department may suspend a contract entered into under section 5104.32 of the Revised Code with an eligible provider if the department has initiated an investigation of the provider for either of the following reasons:"

In line 60715, delete "Not later than five days after" and insert "Before"

Delete lines 60719 through 60722 and insert:

" (1) A description, which need not disclose specific information concerning any ongoing administrative or criminal investigation, of the reason that the department initiated its investigation of the provider:"

In line 60723, delete "is" and insert "will be"

In line 60733, delete "action the department takes" and insert "proposal by the department to suspend the provider's contract"

In line 407, delete "5101.97,"

Delete lines 60253 through 60294

In line 75116, delete "5101.97,"

In line 75155, after "4923.99," insert "5101.97,"

In line 143 of the title, delete "5101.97,"

In line 248 of the title, after "4923.99," insert "5101.97,"

In line 317, delete "307.05, 307.051, 307.055,"

In line 319, delete "505.37, 505.375, 505.44,"

In line 320, delete "505.72,"

In line 385, delete "4503.49,"

In line 391, delete "4765.02, 4765.03, 4765.04, 4765.05, 4765.06,"

In line 392, after "4765.07," delete the balance of the line

Delete lines 393 through 398

Delete lines 11208 through 11369

Delete lines 12238 through 12710

Delete lines 12719 through 12786

Delete lines 48891 through 48922

In line 50660, delete "plus the fees and other"

In line 50661, delete "moneys specified in section 4766.05 of the Revised Code."

In line 50669, delete ". fire, and"

In line 50670, delete "transportation"

In line 50671, delete ". fire, and transportation"

In line 50680, delete ". fire, and"

In line 50680, delete "transportation"

In line 52954, reinsert "4766.,"

Delete lines 53128 through 53693

In line 53694, delete ". fire."

In line 53695, delete "and transportation"

Delete lines 53742 through 55894

In line 69012, delete "and any laws and rules relative"

Delete line 69013

In line 69014, delete "in Chapter 4766. of the Revised Code"

In line 75026, delete "307.05, 307.051, 307.055,"

In line 75028, delete "505.37, 505.375,"

In line 75029, delete "505.44, 505.72,"

In line 75095, delete "4503.49,"

In line 75100, delete "4765.02, 4765.03, 4765.04,"

In line 75101, delete "4765.05, 4765.06, "; after "4765.07," delete the balance of the line

Delete lines 75102 through 75107

In line 75108, delete "4766.15, 4766.22,"

In line 75145, delete "4766.02, 4766.20,"

In line 76243, reinsert "\$2,711,069"

In line 76243a, delete " \$3,204,925"

In line 76256a, delete " \$480,399,356" and insert " \$479,905,500"

In line 76306a, delete " \$648,518,497" and insert " \$648,024,641"

In line 76594, delete "335.10,"

Delete lines 79559 through 79564

In line 80757, delete "335.10,"

Delete lines 82043 through 82158

In line 82682, after "5119.691," insert "5502.01,"

In line 82698, delete "335.10,"

In line 18 of the title, delete "307.05, 307.051, 307.055,"

In line 21 of the title, delete "505.37, 505.375, 505.44, 505.72,"

In line 113 of the title, delete "4503.49,"

In line 120 of the title, delete "4765.02,"

In line 121 of the title, delete "4765.03, 4765.04, 4765.05, 4765.06,"

Delete lines 122 through 130 of the title

In line 131 of the title, delete "4766.15, 4766.22,"

In line 234 of the title, delete "4766.02,"

In line 235 of the title, delete "4766.20,"

In line 277 of the title, delete "335.10,"

In line 76597, delete "and"; after "521.70" insert ", and 701.40"

Between lines 80747 and 80748, insert:

**"Sec. 701.40.** (A) There is hereby created the Ohio Housing Study Committee with the purpose of formulating a comprehensive review of the policies and results of the Ohio Housing Finance Agency, its programs and its working relationships to ensure that all Agency programs are evaluated by an objective process to ensure all Ohioans receive optimal and measurable benefits afforded to them through the authority of the Agency.

(B) The Committee shall do all of the following:

(1) Perform a comprehensive review of Chapter 175. of the Revised Code to determine the relevance of the chapter and determine whether it should be formally reviewed or amended by the General Assembly, up to and including appropriate legislative oversight and accountability;

- (2) Review the Agency's relationships to ensure an equitable and level playing field regarding its single- and multi-family housing programs;
- (3) Review the Agency's policy leadership and the measurable economic impact and other effects of its programs;
- (4) Review the Agency's Qualified Allocation Plan development process and underlying policies to understand whether objective and measurable results are achieved to fulfill clearly articulated public policy goals;
- (5) Create a quantitative report measuring the economic benefits of the Agency's single- and multi-family programming over the last ten years;
- (6) Evaluate the possible efficiencies of combining existing Ohio Department of Development housing-related programming with those of the Agency.

The Chairperson of the Committee may include other relevant areas of study as necessary.

(C) The Committee shall commence on ~~the effective date of this act~~ September 29, 2011, and shall provide a report expressing its findings and financial, policy, or legislative recommendations to the Governor, the Speaker of the House of Representatives, and the President of the Senate on or before March 31, 2012. The Committee shall cease to exist on December 31, 2012.

(D) The Committee shall be comprised of the Auditor of State, or the Auditor's designee, the Director of Commerce, or the Director's designee, the Director of Development, or the Director's designee, and four members of the General Assembly. Two members shall be appointed by the Speaker of the House of Representatives and two members shall be appointed by the President of the Senate.

The Governor, Speaker of the House of Representatives, and the President of the Senate shall determine the chairperson of the Committee.

(E) The Committee shall meet on a reasonable basis at the discretion of the chairperson.

(F) All reasonable expenses incurred by the Committee in carrying out its responsibilities shall be paid by Ohio Housing Finance Agency funds. In addition to reasonable expenses, the Committee shall have the discretion to allocate Agency funds to contract with the Auditor of State for services rendered in relation to the Committee carrying out its responsibilities, including financial- and performance-based audits and other services. The Auditor of State may contract with an independent auditor.

The Committee may also contract with other independent entities for services rendered in relation to the Committee carrying out its responsibilities. Expenditures to pay for the services of the Auditor of State, independent auditor, or other services shall not exceed two hundred thousand dollars.

No entity contracting with the Committee for services rendered shall have a financial or vested interest in the Ohio Housing Finance Agency, its affiliates, or its nonprofit partners."

In line 80760, delete "and"; after "521.70" insert ", and 701.40"

In line 82701, delete "and" after "521.70" insert ", and 701.40"

In line 281 of the title, delete "and"; after "521.70" insert ", and 701.40"

In line 76587, after "243.10," insert "245.10,"

Between lines 77565 and 77566, insert:

**"Sec. 245.10. OCC OFFICE OF CONSUMERS' COUNSEL**

**General Services Fund Group**

5F50 053601	Operating Expenses	\$	5,641,093	\$	<del>4,142,070</del>
					<u>5,641,093</u>
TOTAL GSF	General Services Fund Group	\$	5,641,093	\$	<del>4,142,070</del>
					<u>5,641,093</u>
TOTAL ALL BUDGET FUND GROUPS		\$	5,641,093	\$	<del>4,142,070</del>
					<u>5,641,093</u> "

In line 80750, after "243.10," insert "245.10,"

In line 82690, after "243.10," insert "245.10,"

In line 267 of the title, after "243.10," insert "245.10,"

In line 460, after "127.164," insert "166.35,"

Between lines 8783 and 8784, insert:

**" Sec. 166.35. There is hereby created in the state treasury the economic development support fund. The fund shall consist of excess money received by the state representing gross profit on the sale of spirituous liquor that is credited or transferred to it. Money in the fund shall be used to carry out economic development activities.**"

Between lines 76060 and 76061, insert:

**"Section 301. \_\_.** The items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Clean Ohio Revitalization Fund (Fund 7003) that are not otherwise appropriated.

Appropriations

**DEV DEVELOPMENT SERVICES AGENCY**

C19500	Clean Ohio Revitalization	\$	12,000,000
C19501	Clean Ohio Assistance	\$	3,000,000
Total	Development Services Agency	\$	15,000,000
TOTAL	Clean Ohio Revitalization Fund	\$	15,000,000

The foregoing appropriation items C19500, Clean Ohio Revitalization, and C19501, Clean Ohio Assistance, shall be used in accordance with sections 122.65 to 122.658 of the Revised Code, and are subject to all provisions of Am. Sub. H.B. 482 of the 129th General Assembly that are generally applicable to such appropriations."

Between lines 77559 and 77560, insert:

" Notwithstanding section 4301.12 of the Revised Code, on July 1, 2012, or as soon as possible thereafter, the Director of Budget and Management may transfer up to \$30,000,000 in cash from excess liquor profits from the Liquor Control Fund (Fund 7043) to the Economic Development Support Fund (Fund 5MB0). This cash may be transferred, if considered necessary in the Director's judgment, as a result of a delay in the transfer of the liquor enterprise authorized by the transfer agreement under sections 4313.01 and 4313.02 of the Revised Code."

Between lines 77663 and 77664, insert:

" Appropriation item 195623, Business Incentive Grants, shall be used as an incentive for attracting, expanding, and retaining business opportunities for the state in accordance with Chapter 166. of the Revised Code. It may be used to award funds directly to either (1) business entities considering Ohio for expansion or new site location opportunities, or (2) political subdivisions to assist with necessary costs involved in attracting a business entity. Appropriation item 195623, Business Incentive Grants, shall be used by recipients to purchase equipment, make infrastructure improvements, make real property improvements, or fund other fixed assets. The Director of Development Services may award funds for alternative purposes when appropriate to satisfy an economic development opportunity or need considered extraordinary in nature by the Director.

The foregoing appropriation item 195637, Workforce Training Grants, may be used for the Ohio Workforce Guarantee Program, or to promote training through grants to businesses and, in the case of a business consortium, to the consortium for training and education providers for the reimbursement of eligible training expenses. Not more than ten per cent of appropriation item 195637, Workforce Training Grants, shall be used for administrative expenses related to the Ohio Workforce Guarantee Program."

Between lines 80871a and 80872, insert:

"	195623	Business Incentive Grants	\$	0	\$	20,000,000
5MB0						
5MB0	195637	Workforce Training Grants	\$	0	\$	10,000,000"

In line 80875a, delete " 33,600,000" and insert " 63,600,000"

In line 80942a, delete " 1,202,193,895" and insert " 1,232,193,895"

In line 212 of the title, after "127.164," insert "166.35,"

Between lines 76957a and 76958, insert:

" GRF 700426 Dangerous and Restricted Animals \$0 \$500,000"

In line 76960, strike through the second "\$14,054,229" and insert " \$14,554,229"

In line 76998, strike through "\$47,937,605" and insert " \$48,437,605"

Between lines 76998a and 76999, insert:

" DANGEROUS AND RESTRICTED WILD ANIMALS

The foregoing GRF appropriation item 700426, Dangerous and Restricted Animals, shall be used to administer the Dangerous and Restricted Wild Animal Permitting Program."

In line 77059a, delete "\$15,000,000" and insert "\$15,500,000"

In line 77064a, delete "\$23,521,364" and insert "\$24,021,364"

In line 77065a, delete "\$109,721,577" and insert "\$110,221,577"

Between lines 77111 and 77112, insert:

" BIOMETRIC ENROLLMENT AND VERIFICATION SYSTEM PILOT PROJECT

Of the foregoing appropriation item 038621, Statewide Treatment and Prevention, \$500,000 in fiscal year 2013 shall be used to fund the Biometric Enrollment and Verification System Pilot Project established under Section 729. \_\_\_ of H.B. 487 of the 129th General Assembly.

CASH TRANSFER FROM GENERAL REIMBURSEMENT FUND TO STATEWIDE TREATMENT AND PREVENTION FUND

On the effective date of this section, or as soon as possible thereafter, the Director of Budget and Management, upon the request of the Director of Alcohol and Drug Addiction Services, shall transfer \$500,000 cash from the General Reimbursement Fund (Fund 1060) to the Statewide Treatment and Prevention Fund (Fund 4750)."

Between lines 81602 and 81603, insert:

**Section 729. \_\_\_. BIOMETRIC ENROLLMENT AND VERIFICATION SYSTEM PILOT PROJECT**

(A) As used in this section, "dangerous drug" and "prescriber" have the same meanings as in section 4729.01 of the Revised Code.

(B) For the purpose of reducing the occurrence of activities known as "drug diversion" and "doctor shopping," there is hereby established the Biometric Enrollment and Verification System Pilot Project. Contracts for the pilot project shall be entered into as follows: (1) Not later than June 1, 2012, the Department of Alcohol and Drug Addiction Services shall enter into a contract with a hospital in Gallia County to administer the project.

(2) Not later than June 27, 2012, the hospital shall enter into a contract with a vendor to implement the project.

(C) Not later than July 1, 2012, the vendor under contract for the pilot project shall implement the project in one or more counties selected by the vendor from among the following: Athens, Gallia, Jackson, Lawrence, Meigs,

Scioto, and Vinton counties.

In the selected counties, the vendor shall develop a system under which a prescriber of dangerous drugs may use biometric authentication to compare health records from multiple sources to confirm the eligibility of a patient to receive a prescription for a dangerous drug. In developing the system, the vendor shall establish a real-time patient registration and verification process that includes unique identifiers, including photographic images of individuals and images of their fingerprints. The system shall be developed in such a manner that a prescriber is able to compare the identity of a patient who is seeking a prescription with the unique identifiers included in the system.

(D) Not later than December 31, 2012, the vendor under contract to implement the pilot project shall prepare a report and submit copies to the Governor, Department of Alcohol and Drug Addiction Services, and, in accordance with section 101.68 of the Revised Code, the General Assembly. The report shall include an analysis of the efficacy of the pilot project and recommendations for the establishment of a Medicaid billing code for use in a statewide system based on the system used in the pilot project.

The pilot project shall cease to exist on submission of the report."

In line 78789, delete " Building " ; after " Construction" insert " Planning"

In line 78812, delete " BUILDING" after " CONSTRUCTION" insert " PLANNING"

In line 78813, delete " Building"

In line 78814, after " Construction" insert " Planning"; delete "and"

In line 78815, after " for" insert " new and renovated facility planning, including but not limited to necessary architectural engineering, and land or facility use consulting services"

Delete line 78816

In line 78817, delete everything before the underlined period

In line 80020, strike through "by the director of the Air Force"

In line 80021, strike through "Institute"

In line 51878, after " center" insert " or for the affiliated physician group practice"

In line 51894, after " employed" insert " or for the affiliated physician group practice with which the certificate holder is employed"

In line 64127, after " two" insert " unrelated"; delete " who are unrelated to the owner"

In line 64128, delete " of the facility"

In line 76593, after "309.30.73," insert "309.35.73,"

In line 80756, after "309.10," insert "309.30.10,"; after "309.30.73," insert "309.35.73,"

Between lines 81577 and 81578, insert:

**"Section 701.\_\_\_\_.** Upon the effective date of this act, all references to the Development Services Agency or Director of Development Services in uncodified sections of law in this act shall be deemed to refer to the Department of Development or the Director of Development, respectively."

In line 82691, delete "261.10,"

In line 82709, after "701.80," insert "701.\_\_\_\_,"

In line 76593, after "309.30.73," insert "309.60.20,"

Between lines 79315 and 79316, insert:

**"Sec. 309.60.20. UNEMPLOYMENT COMPENSATION INTEREST CONTINGENCY FUND**

The General Health and Human Service Pass-Through Fund (Fund 5HC0) is hereby renamed the Unemployment Compensation Interest Contingency Fund. On July 1, 2011, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$23,000,000 cash from the Child and Adult Protective Services Fund (Fund 5GV0), used by the Department of Job and Family Services, to the Unemployment Compensation Interest Contingency Fund (Fund 5HC0). ~~The~~

Notwithstanding any provision of law to the contrary, in fiscal year 2013, the Director of Budget and Management may transfer up to \$25,000,000 cash from the General Revenue Fund to Fund 5HC0.

The Director of Budget and Management may seek Controlling Board approval to establish appropriations for payment of interest costs paid to the United States Secretary of the Treasury for the repayment of accrued interest related to federal unemployment account borrowing."

In line 80756, after "309.30.73," insert "309.60.20,"

In line 276 of the title, after "309.35.73," insert "309.60.20,"

In line 43684, after "(A)" insert ""Administrative safeguards," "physical safeguards," and "technical safeguards" have the same meanings as in 45 C.F.R. 164.304.

(B)"

In line 43872, delete "(B)" and insert "(C)"

In line 43876, delete "(C)" and insert "(D)"

In line 43878, delete "(D)" and insert "(E)"

In line 43882, delete "(E)" and insert "(F)"

In line 43884, delete " (F)" and insert " (G)"

In line 43892, delete " (G)" and insert " (H)"

In line 43895, delete " (H)" and insert " (I)"

In line 43898, delete " (I)" and insert " (J)"

In line 43903, delete " (J)" and insert " (K)"

In line 43905, delete " (K)" and insert " (L)"

In line 43909, delete " (L)" and insert " (M)"

In line 43922, delete " (M)" and insert " (N)"

In line 43926, delete " (N)" and insert " (O)"

In line 43966, after the first " to" insert " a covered entity generally"; delete " general"

In line 43997, delete " prohibition in" and insert " conditions specified in divisions (A) to (D) of"; delete " on disclosure"

In line 43998, delete " or" and insert " when the covered entity discloses"

In line 43999, delete the second " a" and insert " the"

In line 44041, after " agency" insert " as defined in section 111.15 of the Revised Code"

In line 44053, after " agency" insert " as defined in section 111.15 of the Revised Code"

In line 44066, delete " uses" and insert " accesses protected health information from or through an approved health information exchange"

In line 44067, after " information" insert " to an approved health information exchange"

In line 44068, delete " sections 3798.03 and" and insert " section"

In line 44075, delete " a" and insert " either of the following:"

(1) A covered entity's having accessed protected health information from or through an approved health information exchange;

(2) A"

In line 44076, delete " , or"

Delete line 44077

In line 44078, delete " health information exchange,"; delete " or use"

In line 44079, delete " sections 3798.03 and" and insert " section"

In line 44237, delete everything after " Procedures"

Delete line 44238

In line 44239, delete "exchanges."

In line 44259, after "appropriate" insert "administrative, physical, and technical"

Between lines 44282 and 44283, insert:

"(C) In adopting standards under division (A)(6) of this section, the director shall take into consideration the technical capabilities of software available to health information exchanges."

In line 1677, after "listed" insert "or described"; reinsert the first comma and insert "(2), or"; reinsert "(3)"; strike through "or"; delete "(2)"

In line 1678, after "Code" delete the balance of the line

Delete lines 1679 and 1680

In line 1681, delete "173.394, 3701.881, or 5111.032 of the Revised Code"

Delete lines 1853 through 2463 and insert:

**"Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, or a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense;

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(1)(a) of this section ;

(c) If the request is made pursuant to section 3319.39 of the Revised Code for an applicant who is a teacher, any offense specified in section 3319.31 of the Revised Code.

~~(2) On receipt of a request pursuant to section 5123.081 of the Revised Code with respect to an applicant for employment in any position with the department of developmental disabilities, pursuant to section 5126.28 of the Revised Code with respect to an applicant for employment in any position with a county board of developmental disabilities, or pursuant to section 5126.281 of the Revised Code with respect to an applicant for employment in a direct services position with an entity contracting with a county board for employment, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request has been convicted of or pleaded guilty to any of the following:~~

~~(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, or 3716.11 of the Revised Code;~~

~~(b) An existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(2)(a) of this section.~~

~~(3) On receipt of a request pursuant to section 173.27, 173.394, 3712.09 ; or 3721.121 , 5119.693, or 5119.85 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person who has applied for employment in a position for which a criminal records check is required by those sections. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:~~

~~(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11,~~

2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code;

(b) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A) ~~(3)~~ (2)(a) of this section.

~~(4) On receipt of a request pursuant to section 3701.881 of the Revised Code with respect to an applicant for employment with a home health agency as a person responsible for the care, custody, or control of a child, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:~~

~~(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense;~~

~~(b) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(4)(a) of this section.~~

~~(5)~~ (3) On receipt of a request pursuant to section 173.27, 173.394, 3701.881, 5111.032, 5111.033, 5111.034, 5123.081, or 5123.169 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check of the person for whom the request is made. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of, has pleaded guilty to, or has been found eligible for intervention in lieu of conviction for any of the following, regardless of the date of the conviction, the date of entry of the guilty plea, or the date the person was found eligible for intervention in lieu of conviction:

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 2903.03,

2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, ~~2909.05~~, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, ~~2917.11~~, 2917.31, 2919.12, 2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 2921.36, ~~2923.01~~, ~~2923.02~~, ~~2923.03~~, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code ~~;~~ ~~felonious~~ ;

(b) Felonious sexual penetration in violation of former section 2907.12 of the Revised Code ~~;~~ ~~a~~ ;

(c) A violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996 ~~;~~ ~~a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date;~~

~~(b)~~ (d) A violation of section 2923.01, 2923.02, or 2923.03 of the Revised Code when the underlying offense that is the object of the conspiracy, attempt, or complicity is one of the offenses listed in divisions (A)(3)(a) to (c) of this section;

(e) A violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in ~~division~~ divisions (A) ~~(5)~~ (3)(a) to (d) of this section.

(6) ~~On receipt of a request pursuant to section 3701.881 of the Revised Code with respect to an applicant for employment with a home health agency in a position that involves providing direct care to an older adult, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:~~

(a) ~~A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01,~~

~~2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code;~~

~~(b) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(6)(a) of this section.~~

~~(7) When conducting a criminal records check upon a request pursuant to section 3319.39 of the Revised Code for an applicant who is a teacher, in addition to the determination made under division (A)(1) of this section, the superintendent shall determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any offense specified in section 3319.31 of the Revised Code.~~

~~(8) (4) On receipt of a request pursuant to section 2151.86 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:~~

~~(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, two or more OVI or OVUAC violations committed within the three years immediately preceding the submission of the application or petition that is the basis of the request, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code;~~

~~(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A) ~~(8)~~ (4)(a) of this section.~~

~~(9) (5) Upon receipt of a request pursuant to section 5104.012 or 5104.013 of the Revised Code, a completed form prescribed pursuant to division~~

(C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, a violation of section 2923.02 or 2923.03 of the Revised Code that relates to a crime specified in this division, or a second violation of section 4511.19 of the Revised Code within five years of the date of application for licensure or certification.

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in division (A) ~~(9)~~ (5)(a) of this section.

~~(40)~~ (6) Upon receipt of a request pursuant to section 5153.111 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a

violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, or a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense;

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A) ~~(4)~~ (6)(a) of this section.

~~(4)~~ (7) On receipt of a request for a criminal records check from an individual pursuant to section 4749.03 or 4749.06 of the Revised Code, accompanied by a completed copy of the form prescribed in division (C)(1) of this section and a set of fingerprint impressions obtained in a manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists indicating that the person who is the subject of the request has been convicted of or pleaded guilty to a felony in this state or in any other state. If the individual indicates that a firearm will be carried in the course of business, the superintendent shall require information from the federal bureau of investigation as described in division (B)(2) of this section. The superintendent shall report the findings of the criminal records check and any information the federal bureau of investigation provides to the director of public safety.

~~(4)~~ (8) On receipt of a request pursuant to section 1321.37, 1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person who has applied for a license, permit, or certification from the department of commerce or a division in the department. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following: a violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the Revised Code; any other criminal offense involving theft, receiving stolen property, embezzlement, forgery, fraud, passing bad checks, money laundering, or drug trafficking, or any criminal offense involving money or securities, as set forth in Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of the Revised Code; or any existing or former law of this state, any other state, or the United States that is substantially equivalent to those offenses.

~~(4)~~ (9) On receipt of a request for a criminal records check from the treasurer of state under section 113.041 of the Revised Code or from an individual under section 4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222,

4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, or 4779.091 of the Revised Code, accompanied by a completed form prescribed under division (C)(1) of this section and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request has been convicted of or pleaded guilty to any criminal offense in this state or any other state. The superintendent shall send the results of a check requested under section 113.041 of the Revised Code to the treasurer of state and shall send the results of a check requested under any of the other listed sections to the licensing board specified by the individual in the request.

~~(14)~~ (10) On receipt of a request pursuant to section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any criminal offense under any existing or former law of this state, any other state, or the United States.

~~(15)~~ (11) On receipt of a request for a criminal records check from an appointing or licensing authority under section 3772.07 of the Revised Code, a completed form prescribed under division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner prescribed in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty or no contest to any offense under any existing or former law of this state, any other state, or the United States that is a disqualifying offense as defined in section 3772.07 of the Revised Code or substantially equivalent to such an offense.

~~(16)~~ Not later than thirty days after the date the superintendent receives a request of a type described in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (14), or (15) of this section, the completed form, and the fingerprint impressions, the superintendent shall send the person, board, or entity that made the request any information, other than information the dissemination of which is prohibited by federal law, the superintendent determines exists with respect to the person who is the subject of the request that indicates that the person previously has been convicted of or pleaded guilty to any offense listed or described in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (14), or (15) of this section, as appropriate. The superintendent shall send the

person, board, or entity that made the request a copy of the list of offenses specified in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (14), or (15) of this section, as appropriate. If the request was made under section 3701.881 of the Revised Code with regard to an applicant who may be both responsible for the care, custody, or control of a child and involved in providing direct care to an older adult, the superintendent shall provide a list of the offenses specified in divisions (A)(4) and (6) of this section.

Not later than thirty days after the superintendent receives a request for a criminal records check pursuant to section 113.041 of the Revised Code, the completed form, and the fingerprint impressions, the superintendent shall send the treasurer of state any information, other than information the dissemination of which is prohibited by federal law, the superintendent determines exist with respect to the person who is the subject of the request that indicates that the person previously has been convicted of or pleaded guilty to any criminal offense in this state or any other state.

(12) On receipt of a request pursuant to section 2151.33 or 2151.412 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person for whom a criminal records check is required by that section. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code;

(b) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(12)(a) of this section.

(B) The superintendent shall conduct any criminal records check requested under section 113.041, 121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05;

~~4779.091, 5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 5119.693, 5119.85, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code to be conducted under this section~~ as follows:

(1) The superintendent shall review or cause to be reviewed any relevant information gathered and compiled by the bureau under division (A) of section 109.57 of the Revised Code that relates to the person who is the subject of the ~~request~~ criminal records check, including, if the criminal records check was requested under section 113.041, 121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 4749.03, 4749.06, 4763.05, 5104.012, 5104.013, 5111.032, 5111.033, 5111.034, ~~5119.693, 5119.85, 5123.081, 5126.28, 5126.281, 5123.169,~~ or 5153.111 of the Revised Code, any relevant information contained in records that have been sealed under section 2953.32 of the Revised Code;

(2) If the request received by the superintendent asks for information from the federal bureau of investigation, the superintendent shall request from the federal bureau of investigation any information it has with respect to the person who is the subject of the ~~request~~ criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 if the request is made pursuant to section 2151.86, 5104.012, or 5104.013 of the Revised Code or if any other Revised Code section requires fingerprint-based checks of that nature, and shall review or cause to be reviewed any information the superintendent receives from that bureau. If a request under section 3319.39 of the Revised Code asks only for information from the federal bureau of investigation, the superintendent shall not conduct the review prescribed by division (B)(1) of this section.

(3) The superintendent or the superintendent's designee may request criminal history records from other states or the federal government pursuant to the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code.

(4) The superintendent shall include in the results of the criminal records check a list or description of the offenses listed or described in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), or (12) of this section, whichever division requires the superintendent to conduct the criminal records check. The superintendent shall exclude from the results any information the dissemination of which is prohibited by federal law.

(5) The superintendent shall send the results of the criminal records check to the person to whom it is to be sent not later than the following number of days after the date the superintendent receives the request for the criminal records check, the completed form prescribed under division (C)(1) of this section, and the set of fingerprint impressions obtained in the manner described in division (C)(2) of this section:

(a) If the superintendent is required by division (A) of this section (other than division (A)(3) of this section) to conduct the criminal records check, thirty;

(b) If the superintendent is required by division (A)(3) of this section to conduct the criminal records check, sixty.

(C)(1) The superintendent shall prescribe a form to obtain the information necessary to conduct a criminal records check from any person for whom a criminal records check is ~~requested under section 113.041 of the Revised Code or required by section 121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 5119.693, 5119.85, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code to be conducted under this section.~~ The form that the superintendent prescribes pursuant to this division may be in a tangible format, in an electronic format, or in both tangible and electronic formats.

(2) The superintendent shall prescribe standard impression sheets to obtain the fingerprint impressions of any person for whom a criminal records check is ~~requested under section 113.041 of the Revised Code or required by section 121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 5119.693, 5119.85, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code to be conducted under this section.~~ Any person for whom a records check is ~~requested under or required by any of those sections to be conducted under this section~~ shall obtain the fingerprint impressions at a county sheriff's office, municipal police department, or any other entity with the ability to make fingerprint impressions on the standard impression sheets prescribed by the superintendent. The office, department, or entity may charge the person a reasonable fee for making the impressions. The standard impression sheets the superintendent prescribes pursuant to this division may be in a tangible format, in an electronic format, or in both tangible and electronic formats.

(3) Subject to division (D) of this section, the superintendent shall prescribe and charge a reasonable fee for providing a criminal records check ~~requested under section 113.041, 121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296,~~

4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 5119.693, 5119.85, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code under this section. The person ~~making a requesting the~~ criminal records request ~~under any of those sections~~ check shall pay the fee prescribed pursuant to this division. ~~A person making a request under section 3701.881 of the Revised Code for a criminal records check for an applicant who may be both responsible for the care, custody, or control of a child and involved in providing direct care to an older adult shall pay one fee for the request.~~ In the case of a request under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 2151.412, or 5111.032 of the Revised Code, the fee shall be paid in the manner specified in that section.

(4) The superintendent of the bureau of criminal identification and investigation may prescribe methods of forwarding fingerprint impressions and information necessary to conduct a criminal records check, which methods shall include, but not be limited to, an electronic method.

(D) ~~A determination whether any information exists that indicates that a person previously has been convicted of or pleaded guilty to any offense listed or described in division (A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or (b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), (A)(9)(a) or (b), (A)(10)(a) or (b), (A)(12), (A)(14), or (A)(15) of this section, or that indicates that a person previously has been convicted of or pleaded guilty to any criminal offense in this state or any other state regarding a criminal records check of a type described in division (A)(13) of this section, and that is made by the superintendent with respect to information considered in The results of a criminal records check in accordance with conducted under this section is , other than a criminal records check specified in division (A)(7) of this section, are valid for the person who is the subject of the criminal records check for a period of one year from the date upon which the superintendent makes the determination completes the criminal records check. During the If during that period in which the determination in regard to a person is valid, if the superintendent receives another request under this section is made for a criminal records check to be conducted under this section for that person, the superintendent shall provide the information that is the basis for the superintendent's initial determination results from the previous criminal records check of the person at a lower fee than the fee prescribed for the initial criminal records check.~~

(E) When the superintendent receives a request for information from a registered private provider, the superintendent shall proceed as if the request was received from a school district board of education under section 3319.39 of the Revised Code. The superintendent shall apply division (A) ~~(7)~~ (1)(c) of this section to any such request for an applicant who is a teacher.

(F) As used in this section:

(1) "Criminal records check" means any criminal records check conducted by the superintendent of the bureau of criminal identification and investigation in accordance with division (B) of this section.

(2) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.

(3) ~~"Older adult" means a person age sixty or older.~~

~~(4) "OVI or OVUAC violation" means a violation of section 4511.19 of the Revised Code or a violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to section 4511.19 of the Revised Code.~~

~~(5) (4) "Registered private provider" means a nonpublic school or entity registered with the superintendent of public instruction under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the Jon Peterson special needs scholarship program."~~

Delete lines 9048 through 9423 and insert:

"**Sec. 173.27.** (A) As used in this section:

(1) "Applicant" means a person who is under final consideration for employment with the office of the state long-term care ombudsperson program in a full-time, part-time, or temporary position that involves providing ombudsperson services to residents and recipients. "Applicant" includes ~~but is not limited to~~, a person who is under final consideration for employment as the state long-term care ombudsperson or the head of a regional long-term care ombudsperson program. "Applicant" does not include a person ~~who provides seeking to provide~~ ombudsperson services to residents and recipients as a volunteer without receiving or expecting to receive any form of remuneration other than reimbursement for actual expenses.

(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(3) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.

(4) "Employee" means a person employed by the office of the state long-term care ombudsperson program in a full-time, part-time, or temporary position that involves providing ombudsperson services to residents and recipients. "Employee" includes the person employed as the state long-term care ombudsperson and a person employed as the head of a regional long-term care ombudsperson program. "Employee" does not include a person who provides ombudsperson services to residents and recipients as a volunteer without receiving or expecting to receive any form of remuneration other than reimbursement for actual expenses.

(5) "Responsible entity" means the following:

(a) In the case of an applicant who is under final consideration for employment as the state long-term care ombudsperson or the person employed as the state long-term care ombudsperson, the director of aging:

(b) In the case of any other applicant or employee, the state long-term care ombudsperson or the ombudsperson's designee.

(B) The office of the state long-term care ombudsperson program may not employ an applicant or continue to employ an employee in a position that involves providing ombudsperson services to residents and recipients if any of the following apply:

(1) A review of the databases listed in division (D) of this section reveals any of the following:

(a) That the applicant or employee is included in one or more of the databases listed in divisions (D)(1) to (5) of this section:

(b) That there is in the state nurse aide registry established under section 3721.32 of the Revised Code a statement detailing findings by the director of health that the applicant or employee neglected or abused a long-term care facility or residential care facility resident or misappropriated property of such a resident:

(c) That the applicant or employee is included in one or more of the databases, if any, specified in rules adopted under this section and the rules prohibit the office from employing an applicant or continuing to employ an employee included in such a database in a position that involves providing ombudsperson services to residents and recipients.

(2) After the applicant or employee is provided, pursuant to division (E)(2)(a) of this section, a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard impression sheet prescribed pursuant to division (C)(2) of that section, the applicant or employee fails to complete the form or provide the applicant's or employee's fingerprint impressions on the standard impression sheet.

(3) Except as provided in rules adopted under this section, the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(C) The responsible entity shall inform each applicant of both of the following at the time of the applicant's initial application for employment in a position that involves providing ombudsperson services to residents and recipients:

(1) That a review of the databases listed in division (D) of this section will be conducted to determine whether the office of the state long-term care ombudsperson program is prohibited by division (B)(1) of this section from employing the applicant in the position:

(2) That, unless the database review reveals that the applicant may not be employed in the position, a criminal records check of the applicant will be conducted and the applicant is required to provide a set of the applicant's fingerprint impressions as part of the criminal records check.

(D) As a condition of any applicant's being employed by the office of the state long-term care ombudsperson program in a position that involves providing ombudsperson services to residents and recipients, the responsible entity shall conduct a database review of the applicant in accordance with rules adopted under this section. If rules adopted under this section so require, the responsible entity shall conduct a database review of an employee in accordance with the rules as a condition of the office's continuing to employ the employee in a position that involves providing ombudsperson services to residents and recipients. A database review shall determine whether the applicant or employee is included in any of the following:

(1) The excluded parties list system maintained by the United States general services administration pursuant to subpart 9.4 of the federal acquisition regulation;

(2) The list of excluded individuals and entities maintained by the office of inspector general in the United States department of health and human services pursuant to section 1128 of the "Social Security Act," 94 Stat. 2619 (1980), 42 U.S.C. 1320a-7, as amended, and section 1156 of the "Social Security Act," 96 Stat. 388 (1982), 42 U.S.C. 1320c-5, as amended;

(3) The registry of MR/DD employees established under section 5123.52 of the Revised Code;

(4) The internet-based sex offender and child-victim offender database established under division (A)(11) of section 2950.13 of the Revised Code;

(5) The internet-based database of inmates established under section 5120.66 of the Revised Code;

(6) The state nurse aide registry established under section 3721.32 of the Revised Code;

(7) Any other database, if any, specified in rules adopted under this section.

(E)(1) ~~The state long-term care ombudsperson or the ombudsperson's designee~~ As a condition of any applicant's being employed by the office of the state long-term care ombudsperson program in a position that involves providing ombudsperson services to residents and recipients, the responsible entity shall request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check ~~with respect to each~~ of the applicant. If rules adopted under this section so require, the responsible entity shall request that the superintendent conduct a criminal records check of an employee at times specified in the rules as a condition of the office's continuing to employ the employee in a position that involves providing ombudsperson

~~services to residents and recipients. However, if the applicant is under final consideration for employment as the state long-term care ombudsperson, the director of aging shall request that the superintendent conduct the criminal records check~~ the responsible entity is not required to request the criminal records check of the applicant or employee if the office is prohibited by division (B)(1) of this section from employing the applicant or continuing to employ the employee in a position that involves providing ombudsperson services to residents and recipients. If an applicant ~~or employee~~ for whom a criminal records check request is required ~~under by this division section~~ does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the applicant ~~or employee~~ from the federal bureau of investigation in a criminal records check, the ~~ombudsperson, designee, or director~~ responsible entity shall request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check ~~of the applicant.~~ Even if an applicant ~~or employee~~ for whom a criminal records check request is required ~~under by this division section~~ presents proof of having been a resident of this state for the five-year period, the ~~ombudsperson, designee, or director~~ responsible entity may request that the superintendent include information from the federal bureau of investigation in the criminal records check.

~~(2) A person required by division (B)(1) of this section to request a criminal records check~~ The responsible entity shall do both all of the following:

(a) Provide to each applicant ~~and employee~~ for whom a criminal records check request is required ~~under that division by this section~~ a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard ~~finger~~ fingerprint impression sheet prescribed pursuant to division (C)(2) of that section, ~~and obtain~~ ;

~~(b)~~ Obtain the completed form and standard impression sheet from the applicant ~~or employee~~;

~~(b) (c)~~ Forward the completed form and standard impression sheet to the superintendent ~~of the bureau of criminal identification and investigation.~~

~~(3) An applicant provided the form and fingerprint impression sheet under division (B)(2)(a) of this section who fails to complete the form or provide fingerprint impressions shall not be employed in any position for which a criminal records check is required by this section.~~

~~(C)(1) Except as provided in rules adopted by the director of aging in accordance with division (F) of this section and subject to division (C)(2) of this section, the office of the state long-term care ombudsperson may not employ a person in a position that involves providing ombudsperson services to residents and recipients if the person has been convicted of or pleaded guilty to any of the following:~~

~~(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11,~~

2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code.

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (C)(1)(a) of this section.

(2)(a) The office of the state long-term care ombudsman program shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check the responsible entity requests under this section. The office may charge an applicant a fee not exceeding the amount the office pays to the bureau under this section if the responsible entity notifies the applicant at the time of initial application for employment of the amount of the fee.

(F)(1) The office of the state long-term care ombudsman program may employ conditionally an applicant for whom a criminal records check request is required under division (B) of by this section prior to obtaining the results of a the criminal records check regarding the individual, provided that the state long-term care ombudsman, ombudsman's designee, or director of aging shall request a if the office is not prohibited by division (B)(1) of this section from employing the applicant in a position that involves providing ombudsman services to residents and recipients and the responsible entity requests the criminal records check regarding the individual in accordance with division (B)(1) (E) of this section not later than five business days after the individual applicant begins conditional employment.

(b) (2) The office of the state long-term care ombudsman program shall terminate the employment of an individual applicant employed conditionally under division (C)(2)(a) (F)(1) of this section if the results of the criminal records check request under division (B) of this section, other than the results of any request for information from the federal bureau of investigation, are not obtained within the period ending sixty days after the date the request for the criminal records check is made. Regardless of when the results of the criminal records check are obtained, if the results indicate that the individual applicant has been convicted of or , pleaded guilty to any of the offenses listed or described in division (C)(1) of this section , or been found eligible for intervention in lieu of conviction for a disqualifying offense, the office shall terminate the individual's applicant's employment unless circumstances specified in rules adopted under this section that permit the office to employ the applicant exist and the office chooses to employ the individual pursuant to division (F) of this section applicant. Termination of employment under this division shall be considered just cause for discharge for purposes of division (D)(2) of section

4141.29 of the Revised Code if the ~~individual~~ applicant makes any attempt to deceive the office about the ~~individual's~~ applicant's criminal record.

~~(D)(1) The office of the state long-term care ombudsperson program shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted pursuant to a request made under division (B) of this section.~~

~~(2) The office of the state long-term care ombudsperson program may charge an applicant a fee not exceeding the amount the office pays under division (D)(1) of this section. The office may collect a fee only if the office notifies the applicant at the time of initial application for employment of the amount of the fee.~~

~~(E)~~ (G) The report of any criminal records check conducted pursuant to a request made under this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following:

(1) The ~~individual~~ applicant or employee who is the subject of the criminal records check or the ~~individual's~~ applicant's or employee's representative;

~~(2) The state long-term care ombudsperson, ombudsperson's designee, director of aging, responsible entity or the ombudsperson, designee, or director's responsible entity's~~ representative;

(3) If the state long-term care ombudsperson designates the head or other employee of a regional long-term care ombudsperson program to request a criminal records check under this section, a representative of the office of the state long-term care ombudsperson program who is responsible for monitoring the regional program's compliance with this section;

(4) A court, hearing officer, or other necessary individual involved in a case dealing with a any of the following:

(a) A denial of employment of the applicant or dealing with employment employee;

(b) Employment or unemployment benefits of the applicant or employee;

(c) A civil or criminal action regarding the medicaid program or a program the department of aging administers.

~~(F) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall specify circumstances under which the office of the state long-term care ombudsperson program may employ a person who has been convicted of or pleaded guilty to an offense listed or described in division (C)(1) of this section but meets personal character standards set by the director.~~

(G) The office of the state long-term care ombudsperson program shall

~~inform each person, at the time of initial application for a position that involves providing ombudsperson services to residents and recipients, that the person is required to provide a set of fingerprint impressions and that a criminal records check is required to be conducted if the person comes under final consideration for employment.~~

(H) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an ~~individual applicant or employee~~ who the office of the state long-term care ombudsperson program employs in a position that involves providing ombudsperson services to residents and recipients, all of the following shall apply:

(1) If the office employed the ~~individual applicant or employee~~ in good faith and reasonable reliance on the report of a criminal records check requested under this section, the office shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate.

(2) If the office employed the ~~individual applicant~~ in good faith on a conditional basis pursuant to division ~~(C)(2)~~ (F) of this section, the office shall not be found negligent solely because it employed the ~~individual applicant~~ prior to receiving the report of a criminal records check requested under this section.

(3) If the office in good faith employed the ~~individual applicant or employee~~ according to the personal character standards established in rules adopted under ~~division (F)~~ of this section, the office shall not be found negligent solely because the ~~individual prior to being employed had~~ ~~applicant or employee~~ ~~has been convicted of or~~ ~~pleaded guilty to an offense listed or described in~~ ~~division (C)(1) of this section~~ , or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(I) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

(1) The rules may do the following:

(a) Require employees to undergo database reviews and criminal records checks under this section;

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;

(c) For the purpose of division (D)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.

(2) The rules shall specify all of the following:

(a) The procedures for conducting database reviews under this section;

(b) If the rules require employees to undergo database reviews and

criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted:

(c) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which the office of the state long-term care ombudsperson program is prohibited from employing an applicant or continuing to employ an employee who is found by a database review to be included in one or more of those databases;

(d) Circumstances under which the office of the state long-term care ombudsperson program may employ an applicant or employee who is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense but meets personal character standards."

In line 9523, after "listed" insert " or described"

In line 9524, delete " (d)" and insert " (e)"; strike through "173.394" and insert " 109.572"

In line 9526, delete " that"

In line 9527, reinsert "173.394 of the Revised Code"

Delete lines 9575 through 10047 and insert:

"**Sec. 173.394.** (A) As used in this section:

(+) "Applicant" means a person who is under final consideration for employment with a community-based long-term care agency in a full-time, part-time, or temporary position that involves providing direct care to an individual or is referred to a community-based long-term care agency by an employment service for such a position. "Applicant" does not include a person who provides direct care to an individual as a volunteer without receiving or expecting to receive any form of remuneration other than reimbursement for actual expenses.

(-) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

"Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.

"Employee" means a person employed by a community-based long-term care agency in a full-time, part-time, or temporary position that involves providing direct care to an individual and a person who works in such a position due to being referred to a community-based long-term care agency by an employment service. "Employee" does not include a person who provides direct care to an individual as a volunteer without receiving or expecting to receive any form of remuneration other than reimbursement for actual expenses.

"Waiver agency" has the same meaning as in section 5111.033 of the Revised Code.

(B) This section does not apply to any individual who is subject to a database review or criminal records check under section 3701.881 of the Revised Code. If a community-based long-term care agency also is a waiver agency, the agency may provide for applicants and employees to undergo database reviews and criminal records checks in accordance with section 5111.033 of the Revised Code rather than this section.

(C) No community-based long-term care agency shall employ an applicant or continue to employ an employee in a position that involves providing direct care to an individual if any of the following apply:

(1) A review of the databases listed in division (E) of this section reveals any of the following:

(a) That the applicant or employee is included in one or more of the databases listed in divisions (E)(1) to (5) of this section;

(b) That there is in the state nurse aide registry established under section 3721.32 of the Revised Code a statement detailing findings by the director of health that the applicant or employee neglected or abused a long-term care facility or residential care facility resident or misappropriated property of such a resident;

(c) That the applicant or employee is included in one or more of the databases, if any, specified in rules adopted under this section and the rules prohibit the agency from employing an applicant or continuing to employ an employee included in such a database in a position that involves providing direct care to an individual.

(2) After the applicant or employee is provided, pursuant to division (F)(2)(a) of this section, a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard impression sheet prescribed pursuant to division (C)(2) of that section, the applicant or employee fails to complete the form or provide the applicant's or employee's fingerprint impressions on the standard impression sheet.

(3) Except as provided in rules adopted under this section, the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(D) Except as provided by division (G) of this section, the chief administrator of a community-based long-term care agency shall inform each applicant of both of the following at the time of the applicant's initial application for employment or referral to the agency by an employment service for a position that involves providing direct care to an individual:

(1) That a review of the databases listed in division (E) of this section will be conducted to determine whether the agency is prohibited by division (C)(1) of this section from employing the applicant in the position;

(2) That, unless the database review reveals that the applicant may not be employed in the position, a criminal records check of the applicant will be conducted and the applicant is required to provide a set of the applicant's fingerprint impressions as part of the criminal records check.

(E) As a condition of employing any applicant in a position that involves providing direct care to an individual, the chief administrator of a community-based long-term care agency shall conduct a database review of the applicant in accordance with rules adopted under this section. If rules adopted under this section so require, the chief administrator of a community-based long-term care agency shall conduct a database review of an employee in accordance with the rules as a condition of continuing to employ the employee in a position that involves providing direct care to an individual. However, a chief administrator is not required to conduct a database review of an applicant or employee if division (G) of this section applies. A database review shall determine whether the applicant or employee is included in any of the following:

(1) The excluded parties list system maintained by the United States general services administration pursuant to subpart 9.4 of the federal acquisition regulation;

(2) The list of excluded individuals and entities maintained by the office of inspector general in the United States department of health and human services pursuant to section 1128 of the "Social Security Act," 94 Stat. 2619 (1980), 42 U.S.C. 1320a-7, as amended, and section 1156 of the "Social Security Act," 96 Stat. 388 (1982), 42 U.S.C. 1320c-5, as amended;

(3) The registry of MR/DD employees established under section 5123.52 of the Revised Code;

(4) The internet-based sex offender and child-victim offender database established under division (A)(11) of section 2950.13 of the Revised Code;

(5) The internet-based database of inmates established under section 5120.66 of the Revised Code;

(6) The state nurse aide registry established under section 3721.32 of the Revised Code;

(7) Any other database, if any, specified in rules adopted under this section.

(F)(1) ~~Except as provided in division (D) of this section~~ As a condition of employing any applicant in a position that involves providing direct care to an individual, the chief administrator of a community-based long-term care agency shall request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check ~~with respect to each~~ of the applicant. If rules adopted under this section so require, the chief administrator of a community-based long-term care agency shall request that the superintendent conduct a criminal records check of an employee at times specified in the rules as a condition of continuing to employ the employee in a

position that involves providing direct care to an individual. However, the chief administrator is not required to request the criminal records check of the applicant or employee if division (G) of this section applies or the agency is prohibited by division (C)(1) of this section from employing the applicant or continuing to employ the employee in a position that involves providing direct care to an individual. If an applicant or employee for whom a criminal records check request is required ~~under by this division section~~ does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the applicant or employee from the federal bureau of investigation in a criminal records check, the chief administrator shall request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check ~~of the applicant~~. Even if an applicant or employee for whom a criminal records check request is required ~~under by this division section~~ presents proof of having been a resident of this state for the five-year period, the chief administrator may request that the superintendent include information from the federal bureau of investigation in the criminal records check.

~~(2) A person required by division (B)(1) of this section to request a criminal records check~~ The chief administrator shall do both all of the following:

(a) Provide to each applicant and employee for whom a criminal records check request is required ~~under that division by this section~~ a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard ~~finger~~print impression sheet prescribed pursuant to division (C)(2) of that section ~~, and obtain~~ ;

(b) Obtain the completed form and standard impression sheet from the applicant or employee;

~~(b) (c)~~ Forward the completed form and standard impression sheet to the superintendent ~~of the bureau of criminal identification and investigation.~~

~~(3) An applicant provided the form and fingerprint impression sheet under division (B)(2)(a) of this section who fails to complete the form or provide fingerprint impressions shall not be employed in any position for which a criminal records check is required by this section.~~

~~(C)(1) Except as provided in rules adopted by the department of aging in accordance with division (F) of this section and subject to division (C)(2) of this section, no community-based long-term care agency shall employ a person in a position that involves providing direct care to an individual if the person has been convicted of or pleaded guilty to any of the following:~~

~~(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11,~~

2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code.

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (C)(1)(a) of this section.

(2)(a) A community-based long-term care agency shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check the agency requests under this section. An agency may charge an applicant a fee not exceeding the amount the agency pays to the bureau under this section if both of the following apply:

(a) The agency notifies the applicant at the time of initial application for employment of the amount of the fee and that, unless the fee is paid, the applicant will not be considered for employment.

(b) The medicaid program established under Chapter 5111. of the Revised Code does not reimburse the agency for the fee it pays to the bureau under this section.

(G) Divisions (D) to (F) of this section do not apply with regard to an applicant or employee if the applicant or employee is referred to a community-based long-term agency by an employment service that supplies full-time, part-time, or temporary staff for positions that involve providing direct care to an individual and both of the following apply:

(1) The chief administrator of the agency receives from the employment service confirmation that a review of the databases listed in division (E) of this section was conducted of the applicant or employee.

(2) The chief administrator of the agency receives from the employment service, applicant, or employee a report of the results of a criminal records check of the applicant or employee that has been conducted by the superintendent within the one-year period immediately preceding the following:

(a) In the case of an applicant, the date of the applicant's referral by the employment service to the agency;

(b) In the case of an employee, the date by which the agency would otherwise have to request a criminal records check of the employee under division (F) of this section.

(H)(1) A community-based long-term care agency may employ conditionally an applicant for whom a criminal records check request is required ~~under division (B) of~~ by this section prior to obtaining the results of a the criminal records check ~~regarding the individual, provided that if the agency is not prohibited by division (C)(1) of this section from employing the applicant in a position that involves providing direct care to an individual and either of the~~

following applies:

(a) The chief administrator of the agency shall request a requests the criminal records check regarding the individual in accordance with division (B)(1) (F) of this section not later than five business days after the individual applicant begins conditional employment .

(b) The applicant is referred to the agency by an employment service, the employment service or the applicant provides the chief administrator of the agency a letter that is on the letterhead of the employment service, the letter is dated and signed by a supervisor or another designated official of the employment service, and the letter states all of the following:

(i) That the employment service has requested the superintendent to conduct a criminal records check regarding the applicant;

(ii) That the requested criminal records check is to include a determination of whether the applicant has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense;

(iii) That the employment service has not received the results of the criminal records check as of the date set forth on the letter;

(iv) That the employment service promptly will send a copy of the results of the criminal records check to the chief administrator of the agency when the employment service receives the results. In the circumstances described in division (I)(2) of this section, a community-based long-term care agency may employ conditionally an applicant who has been referred to the agency by an employment service that supplies full-time, part-time, or temporary staff for positions involving the direct care of individuals and for whom, pursuant to that division, a criminal records check is not required under division (B) of this section.

(b) (2) If a community-based long-term care agency employs an applicant conditionally pursuant to division (H)(1)(b) of this section, the employment service, on its receipt of the results of the criminal records check, promptly shall send a copy of the results to the chief administrator of the agency.

(3) A community-based long-term care agency that employs an individual applicant conditionally under authority of pursuant to division (C)(2)(a) (H)(1)(a) or (b) of this section shall terminate the individual's applicant's employment if the results of the criminal records check request under division (B) of this section or described in division (I)(2) of this section, other than the results of any request for information from the federal bureau of investigation, are not obtained within the period ending sixty days after the date the request for the criminal records check is made. Regardless of when the results of the criminal records check are obtained, if the results indicate that the individual applicant has been convicted of or , pleaded guilty to any of the offenses listed or described in division (C)(1) of this section , or been found eligible for intervention in lieu of conviction for a disqualifying offense, the

agency shall terminate the ~~individual's~~ applicant's employment unless ~~circumstances specified in rules adopted under this section that permit the agency to employ the applicant exist and~~ the agency chooses to employ the ~~individual pursuant to division (F) of this section~~ applicant. Termination of employment under this division shall be considered just cause for discharge for purposes of division (D)(2) of section 4141.29 of the Revised Code if the ~~individual~~ applicant makes any attempt to deceive the agency about the ~~individual's~~ applicant's criminal record.

~~(D)(1) Each community-based long-term care agency shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted pursuant to a request made under division (B) of this section.~~

~~(2) A community-based long-term care agency may charge an applicant a fee not exceeding the amount the agency pays under division (D)(1) of this section. An agency may collect a fee only if both of the following apply:~~

~~(a) The agency notifies the person at the time of initial application for employment of the amount of the fee and that, unless the fee is paid, the person will not be considered for employment;~~

~~(b) The medicaid program established under Chapter 5111. of the Revised Code does not reimburse the agency the fee it pays under division (D)(1) of this section.~~

~~(E) (1) The report of any criminal records check conducted pursuant to a request made under this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following:~~

~~(1) The ~~individual~~ applicant or employee who is the subject of the criminal records check or the ~~individual's~~ applicant's or employee's representative;~~

~~(2) The chief administrator of the community-based long-term care agency requesting the criminal records check or the administrator's representative;~~

~~(3) The administrator of any other facility, agency, or program that provides direct care to individuals that is owned or operated by the same entity that owns or operates the community-based long-term care agency that requested the criminal records check;~~

~~(4) The employment service that requested the criminal records check;~~

~~(5) The director of aging or a person authorized by the director to monitor a community-based long-term care agency's compliance with this section;~~

~~(5) (6) The director of job and family services and the staff of the department of job and family services who are involved in the administration of~~

the medicaid program if either of the following apply:

(a) In the case of a criminal records check requested by a community-based long-term care agency, the agency also is a waiver agency:

(b) In the case of a criminal records check requested by an employment service, the employment service makes the request for an applicant or employee the employment service refers to a community-based long-term care agency that also is a waiver agency.

(7) A court, hearing officer, or other necessary individual involved in a case dealing with a any of the following:

(a) A denial of employment of the applicant or ~~dealing with employment~~ employee;

(b) Employment or unemployment benefits of the applicant or employee;

(6) Any person to whom the report is provided pursuant to, and in accordance with, division (I)(1) or (2) of this section (c) A civil or criminal action regarding the medicaid program or a program the department of aging administers.

(F) The department of aging shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall specify circumstances under which a community-based long-term care agency may employ a person who has been convicted of or pleaded guilty to an offense listed or described in division (C)(1) of this section but meets personal character standards set by the department.

(G) The chief administrator of a community-based long-term care agency shall inform each person, at the time of initial application for a position that involves providing direct care to an individual, that the person is required to provide a set of fingerprint impressions and that a criminal records check is required to be conducted if the person comes under final consideration for employment.

(H) (J) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an individual applicant or employee who a community-based long-term care agency employs in a position that involves providing direct care to individuals, all of the following shall apply:

(1) If the agency employed the individual applicant or employee in good faith and reasonable reliance on the report of a criminal records check requested under this section, the agency shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate ;

(2) If the agency employed the individual applicant in good faith on a conditional basis pursuant to division ~~(C)(2)~~ (H) of this section, the agency shall not be found negligent solely because it employed the individual applicant prior

to receiving the report of a criminal records check requested under this section ; .

(3) If the agency in good faith employed the ~~individual applicant or employee~~ according to the personal character standards established in rules adopted under ~~division (F)~~ of this section, the agency shall not be found negligent solely because the ~~individual prior to being employed had applicant or employee has~~ been convicted of or , pleaded guilty to ~~an offense listed or described in division (C)(1) of this section , or been found eligible for intervention in lieu of conviction for a disqualifying offense.~~

~~(I)(1) The chief administrator of a community-based long-term care agency is not required to request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of an applicant if the applicant has been referred to the agency by an employment service that supplies full-time, part-time, or temporary staff for positions involving the direct care of individuals and both of the following apply:~~

~~(a) The chief administrator receives from the employment service or the applicant a report of the results of a criminal records check regarding the applicant that has been conducted by the superintendent within the one-year period immediately preceding the applicant's referral;~~

~~(b) The report of the criminal records check demonstrates that the person has not been convicted of or pleaded guilty to an offense listed or described in division (C)(1) of this section, or the report demonstrates that the person has been convicted of or pleaded guilty to one or more of those offenses, but the community-based long-term care agency chooses to employ the individual pursuant to division (F) of this section.~~

~~(2) The chief administrator of a community-based long-term care agency is not required to request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of an applicant and may employ the applicant conditionally as described in this division, if the applicant has been referred to the agency by an employment service that supplies full-time, part-time, or temporary staff for positions involving the direct care of individuals and if the chief administrator receives from the employment service or the applicant a letter from the employment service that is on the letterhead of the employment service, dated, and signed by a supervisor or another designated official of the employment service and that states that the employment service has requested the superintendent to conduct a criminal records check regarding the applicant, that the requested criminal records check will include a determination of whether the applicant has been convicted of or pleaded guilty to any offense listed or described in division (C)(1) of this section, that, as of the date set forth on the letter, the employment service had not received the results of the criminal records check, and that, when the employment service receives the results of the criminal records check, it promptly will send a copy of the results to the community-based long-term care agency. If a community-based long-term care agency employs an applicant conditionally in accordance with this division, the employment service, upon its receipt of the results of the~~

~~criminal records check, promptly shall send a copy of the results to the community-based long-term care agency, and division (C)(2)(b) of this section applies regarding the conditional employment.~~

(K) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

(1) The rules may do the following:

(a) Require employees to undergo database reviews and criminal records checks under this section;

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;

(c) For the purpose of division (E)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.

(2) The rules shall specify all of the following:

(a) The procedures for conducting database reviews under this section;

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;

(c) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which a community-based long-term care agency is prohibited from employing an applicant or continuing to employ an employee who is found by a database review to be included in one or more of those databases;

(d) Circumstances under which a community-based long-term care agency may employ an applicant or employee who is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense but meets personal character standards."

In line 17244, delete " (5)" and insert " (4)"

In line 17313, delete " (5)" and insert " (4)"

Delete lines 29028 through 29686 and insert:

"**Sec. 3701.881.** (A) As used in this section:

(1) "Applicant" means ~~both of the following:~~

~~(a) A person who is under final consideration for appointment to or employment with a home health agency in a position as a person responsible for the care, custody, or control of a child;~~

~~(b) A person who is under final consideration for employment with a~~

~~home health agency in a full-time, part-time, or temporary position that involves providing direct care to an older adult individual or is referred to a home health agency by an employment service for such a position. With regard to persons providing direct care to older adults, "applicant" does not include a person who provides direct care as a volunteer without receiving or expecting to receive any form of remuneration other than reimbursement for actual expenses.~~

(2) "Community-based long-term care agency" has the same meaning as in section 173.39 of the Revised Code.

(3) "Criminal records check" and "older adult" have the same meanings meaning as in section 109.572 of the Revised Code.

(3) (4) "Direct care" means any of the following:

(a) Any service identified in divisions (A)(7)(a) to (f) of this section that is provided in a patient's place of residence used as the patient's home;

(b) Any activity that requires the person performing the activity to be routinely alone with a patient or to routinely have access to a patient's personal property or financial documents regarding a patient;

(c) For each home health agency individually, any other routine service or activity that the chief administrator of the home health agency designates as direct care.

(5) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.

(6) "Employee" means a person employed by a home health agency in a full-time, part-time, or temporary position that involves providing direct care to an individual and a person who works in such a position due to being referred to a home health agency by an employment service.

(7) "Home health agency" means a person or government entity, other than a nursing home, residential care facility, or hospice care program, that has the primary function of providing any of the following services to a patient at a place of residence used as the patient's home:

- (a) Skilled nursing care;
- (b) Physical therapy;
- (c) Speech-language pathology;
- (d) Occupational therapy;
- (e) Medical social services;
- (f) Home health aide services.

(4) (8) "Home health aide services" means any of the following services provided by an individual employed with or contracted for by employee of a home health agency:

- (a) Hands-on bathing or assistance with a tub bath or shower;
- (b) Assistance with dressing, ambulation, and toileting;
- (c) Catheter care but not insertion;
- (d) Meal preparation and feeding.

~~(5)~~ (9) "Hospice care program" has the same meaning as in section 3712.01 of the Revised Code.

~~(6)~~ (10) "Medical social services" means services provided by a social worker under the direction of a patient's attending physician.

~~(7)~~ (11) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.

~~(8)~~ (12) "Nursing home," "residential care facility," and "skilled nursing care" have the same meanings as in section 3721.01 of the Revised Code.

~~(9)~~ (13) "Occupational therapy" has the same meaning as in section 4755.04 of the Revised Code.

~~(10)~~ (14) "Physical therapy" has the same meaning as in section 4755.40 of the Revised Code.

~~(11)~~ (15) "Social worker" means a person licensed under Chapter 4757. of the Revised Code to practice as a social worker or independent social worker.

~~(12)~~ (16) "Speech-language pathology" has the same meaning as in section 4753.01 of the Revised Code.

(17) "Waiver agency" has the same meaning as in section 5111.033 of the Revised Code.

(B) No home health agency shall employ an applicant or continue to employ an employee in a position that involves providing direct care to an individual if any of the following apply:

(1) A review of the databases listed in division (D) of this section reveals any of the following:

(a) That the applicant or employee is included in one or more of the databases listed in divisions (D)(1) to (5) of this section;

(b) That there is in the state nurse aide registry established under section 3721.32 of the Revised Code a statement detailing findings by the director of health that the applicant or employee neglected or abused a long-term care facility or residential care facility resident or misappropriated property of such a resident;

(c) That the applicant or employee is included in one or more of the databases, if any, specified in rules adopted under this section and the rules prohibit the home health agency from employing an applicant or continuing to employ an employee included in such a database in a position that involves

providing direct care to an individual.

(2) After the applicant or employee is provided, pursuant to division (E)(2)(a) of this section, a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard impression sheet prescribed pursuant to division (C)(2) of that section, the applicant or employee fails to complete the form or provide the applicant's or employee's fingerprint impressions on the standard impression sheet.

(3) Except as provided in rules adopted under this section, the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(C) Except as provided by division (F) of this section, the chief administrator of a home health agency shall inform each applicant of both of the following at the time of the applicant's initial application for employment or referral to the home health agency by an employment service for a position that involves providing direct care to an individual:

(1) That a review of the databases listed in division (D) of this section will be conducted to determine whether the home health agency is prohibited by division (B)(1) of this section from employing the applicant in the position;

(2) That, unless the database review reveals that the applicant may not be employed in the position, a criminal records check of the applicant will be conducted and the applicant is required to provide a set of the applicant's fingerprint impressions as part of the criminal records check.

(D) As a condition of employing any applicant in a position that involves providing direct care to an individual, the chief administrator of a home health agency shall conduct a database review of the applicant in accordance with rules adopted under this section. If rules adopted under this section so require, the chief administrator of a home health agency shall conduct a database review of an employee in accordance with the rules as a condition of continuing to employ the employee in a position that involves providing direct care to an individual. However, the chief administrator is not required to conduct a database review of an applicant or employee if division (F) of this section applies. A database review shall determine whether the applicant or employee is included in any of the following:

(1) The excluded parties list system maintained by the United States general services administration pursuant to subpart 9.4 of the federal acquisition regulation;

(2) The list of excluded individuals and entities maintained by the office of inspector general in the United States department of health and human services pursuant to section 1128 of the "Social Security Act," 94 Stat. 2619 (1980), 42 U.S.C. 1320a-7, as amended, and section 1156 of the "Social Security Act," 96 Stat. 388 (1982), 42 U.S.C. 1320c-5, as amended;

(3) The registry of MR/DD employees established under section 5123.52 of the Revised Code;

(4) The internet-based sex offender and child-victim offender database established under division (A)(11) of section 2950.13 of the Revised Code;

(5) The internet-based database of inmates established under section 5120.66 of the Revised Code;

(6) The state nurse aide registry established under section 3721.32 of the Revised Code;

(7) Any other database, if any, specified in rules adopted under this section.

(E)(1) ~~Except as provided in division (I) of this section~~ As a condition of employing any applicant in a position that involves providing direct care to an individual, the chief administrator of a home health agency shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to each of the applicant. ~~If the position may involve both responsibility for the care, custody, or control of a child and provision of direct care to an older adult, the chief administrator shall request that the superintendent conduct a single criminal records check for the applicant. If rules adopted under this section so require, the chief administrator of a home health agency shall request the superintendent to conduct a criminal records check of an employee at times specified in the rules as a condition of continuing to employ the employee in a position that involves providing direct care to an individual. However, the chief administrator is not required to request the criminal records check of the applicant or the employee if division (F) of this section applies or the home health agency is prohibited by division (B)(1) of this section from employing the applicant or continuing to employ the employee in a position that involves providing direct care to an individual. If an applicant or employee for whom a criminal records check request is required under by this division section does not present proof of having been a resident of this state for the five-year period immediately prior to the date upon which the criminal records check is requested or does not provide evidence that within that five-year period the superintendent has requested information about the applicant from the federal bureau of investigation in a criminal records check, the chief administrator shall request that the superintendent obtain information from the federal bureau of investigation as a part of the criminal records check for the applicant. Even if an applicant or employee for whom a criminal records check request is required under by this division section presents proof that the applicant or employee has been a resident of this state for that five-year period, the chief administrator may request that the superintendent include information from the federal bureau of investigation in the criminal records check.~~

(2) ~~Any person required by division (B)(1) of this section to request a criminal records check~~ The chief administrator shall provide do all of the following:

(a) Provide to each applicant and employee for whom a criminal records check request is required ~~under that division by this section~~ a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet prescribed pursuant to division (C)(2) of that section ~~109.572 of the Revised Code, obtain~~ ;

(b) Obtain the completed form and standard impression sheet from each applicant ; and ~~forward~~ employee;

(c) Forward the completed form and standard impression sheet to the superintendent ~~of the bureau of criminal identification and investigation~~ at the time the chief administrator requests a the criminal records check ~~pursuant to division (B)(1) of this section.~~

(3) ~~An applicant who receives pursuant to division (B)(2) of this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a copy of an impression sheet prescribed pursuant to division (C)(2) of that section and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all the information necessary to complete the form and shall provide the impression sheets with the impressions of the applicant's fingerprints. If an applicant, upon request, fails to provide the information necessary to complete the form or fails to provide fingerprint impressions, the home health agency shall not employ that applicant for any position for which a criminal records check is required by division (B)(1) of this section.~~

(C)(1) ~~Except as provided in rules adopted by the department of health in accordance with division (F) of this section and subject to division (C)(3) of this section, no home health agency shall employ a person as a person responsible for the care, custody, or control of a child if the person previously has been convicted of or pleaded guilty to any of the following:~~

(a) ~~A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code;~~

(b) ~~A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (C)(1)(a) of this section.~~

~~(2) Except as provided in rules adopted by the department of health in accordance with division (F) of this section and subject to division (C)(3) of this section, no home health agency shall employ a person in a position that involves providing direct care to an older adult if the person previously has been convicted of or pleaded guilty to any of the following:~~

~~(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code.~~

~~(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (C)(2)(a) of this section.~~

(3)(a) A home health agency shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check the agency requests under this section. A home health agency may charge an applicant a fee not exceeding the amount the agency pays to the bureau under this section if both of the following apply:

(a) The home health agency notifies the applicant at the time of initial application for employment of the amount of the fee and that, unless the fee is paid, the applicant will not be considered for employment.

(b) The medicaid program established under Chapter 5111. of the Revised Code does not reimburse the home health agency for the fee it pays to the bureau under this section.

(F) Divisions (C) to (E) of this section do not apply with regard to an applicant or employee if the applicant or employee is referred to a home health agency by an employment service that supplies full-time, part-time, or temporary staff for positions that involve providing direct care to an individual and both of the following apply:

(1) The chief administrator of the home health agency receives from the employment service confirmation that a review of the databases listed in division (D) of this section was conducted with regard to the applicant or employee.

(2) The chief administrator of the home health agency receives from the employment service, applicant, or employee a report of the results of a criminal records check of the applicant or employee that has been conducted by the superintendent within the one-year period immediately preceding the following:

(a) In the case of an applicant, the date of the applicant's referral by the employment service to the home health agency;

(b) In the case of an employee, the date by which the home health agency would otherwise have to request a criminal records check of the employee under division (E) of this section.

(G)(1) A home health agency may employ conditionally an applicant for whom a criminal records check request is required under division (B) of by this section as a person responsible for the care, custody, or control of a child until the criminal records check regarding the applicant required by this section is completed and the agency receives before obtaining the results of the criminal records check if the agency is not prohibited by division (B) of this section from employing the applicant in a position that involves providing direct care to an individual and either of the following applies:

(a) The chief administrator of the home health agency requests the criminal records check in accordance with division (E) of this section not later than five business days after the applicant begins conditional employment.

(b) The applicant is referred to the home health agency by an employment service, the employment service or the applicant provides the chief administrator of the agency a letter that is on the letterhead of the employment service, the letter is dated and signed by a supervisor or another designated official of the employment service, and the letter states all of the following:

(i) That the employment service has requested the superintendent to conduct a criminal records check regarding the applicant;

(ii) That the requested criminal records check is to include a determination of whether the applicant has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense;

(iii) That the employment service has not received the results of the criminal records check as of the date set forth on the letter;

(iv) That the employment service promptly will send a copy of the results of the criminal records check to the chief administrator of the home health agency when the employment service receives the results.

(2) If a home health agency employs an applicant conditionally pursuant to division (G)(1)(b) of this section, the employment service, on its receipt of the results of the criminal records check, promptly shall send a copy of the results to the chief administrator of the agency. If the results of the criminal records check indicate that, pursuant to division (C)(1) of this section, the applicant does not qualify for employment, the agency shall release the applicant from employment unless the agency chooses to employ the applicant pursuant to division (F) of this section.

(b)(i) A home health agency may employ conditionally an applicant for whom a criminal records check request is required under division (B) of this section in a position that involves providing direct care to an older adult or in a position that involves both responsibility for the care, custody, and control of a

~~child and the provision of direct care to older adults prior to obtaining the results of a criminal records check regarding the individual, provided that the agency shall request a criminal records check regarding the individual in accordance with division (B)(1) of this section not later than five business days after the individual begins conditional employment. In the circumstances described in division (I)(2) of this section, a home health agency may employ conditionally in a position that involves providing direct care to an older adult an applicant who has been referred to the home health agency by an employment service that supplies full time, part time, or temporary staff for positions involving the direct care of older adults and for whom, pursuant to that division, a criminal records check is not required under division (B) of this section. In the circumstances described in division (I)(4) of this section, a home health agency may employ conditionally in a position that involves both responsibility for the care, custody, and control of a child and the provision of direct care to older adults an applicant who has been referred to the home health agency by an employment service that supplies full time, part time, or temporary staff for positions involving both responsibility for the care, custody, and control of a child and the provision of direct care to older adults and for whom, pursuant to that division, a criminal records check is not required under division (B) of this section.~~

(ii) (3) A home health agency that employs an individual applicant conditionally ~~under authority of~~ pursuant to division ~~(C)(3)(b)(i)~~ (G)(1)(a) or (b) of this section shall terminate the ~~individual's applicant's~~ applicant's employment if the results of the criminal records check ~~requested under division (B)(1) of this section or described in division (I)(2) or (4) of this section~~, other than the results of any request for information from the federal bureau of investigation, are not obtained within the period ending ~~thirty~~ sixty days after the date the request ~~for the criminal records check~~ is made. Regardless of when the results of the criminal records check are obtained, if the ~~individual was employed conditionally in a position that involves the provision of direct care to older adults and the results indicate that the individual applicant has been convicted of or , pleaded guilty to any of the offenses listed or described in division (C)(2) of this section, or if the individual was employed conditionally in a position that involves both responsibility for the care, custody, and control of a child and the provision of direct care to older adults and the results indicate that the individual has been convicted of or pleaded guilty to any of the offenses listed or described in division (C)(1) or (2) of this section , or been found eligible for intervention in lieu of conviction for a disqualifying offense~~, the home health agency shall terminate the ~~individual's applicant's~~ applicant's employment unless circumstances specified in rules adopted under this section that permit the agency to employ the applicant exist and the agency chooses to employ the ~~individual pursuant to division (F) of this section~~ applicant. Termination of employment under this division shall be considered just cause for discharge for purposes of division (D)(2) of section 4141.29 of the Revised Code if the ~~individual applicant~~ applicant makes any attempt to deceive the home health agency about the ~~individual's applicant's~~ applicant's criminal record.

~~(D)(1) Each home health agency shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon the request pursuant to division (B)(1) of this section of the chief administrator of the home health agency.~~

~~(2) A home health agency may charge an applicant a fee for the costs it incurs in obtaining a criminal records check under this section, unless the medical assistance program established under Chapter 5111. of the Revised Code reimburses the agency for the costs. A fee charged under division (D)(2) of this section shall not exceed the amount of fees the agency pays under division (D)(1) of this section. If a fee is charged under division (D)(2) of this section, the agency shall notify the applicant at the time of the applicant's initial application for employment of the amount of the fee and that, unless the fee is paid, the agency will not consider the applicant for employment.~~

~~(E) (H) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under division (B)(1) of this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following:~~

~~(1) The individual applicant or employee who is the subject of the criminal records check or the individual's applicant's or employee's representative;~~

~~(2) The home health agency requesting the criminal records check or its representative;~~

~~(3) The administrator of any other facility, agency, or program that provides direct care to ~~older adults~~ individuals that is owned or operated by the same entity that owns or operates the home health agency that requested the criminal records check;~~

~~(4) The employment service that requested the criminal records check;~~

~~(5) The director of health and the staff of the department of health who monitor a home health agency's compliance with this section;~~

~~(6) The director of aging or the director's designee if either of the following apply:~~

~~(a) In the case of a criminal records check requested by a home health agency, the home health agency also is a community-based long-term care agency;~~

~~(b) In the case of a criminal records check requested by an employment service, the employment service makes the request for an applicant or employee the employment service refers to a home health agency that also is a community-based long-term care agency.~~

~~(7) The director of job and family services and the staff of the department~~

of job and family services who are involved in the administration of the medicaid program if either of the following apply:

(a) In the case of a criminal records check requested by a home health agency, the home health agency also is a waiver agency;

(b) In the case of a criminal records check requested by an employment service, the employment service makes the request for an applicant or employee the employment service refers to a home health agency that also is a waiver agency.

(8) Any court, hearing officer, or other necessary individual involved in a case dealing with a any of the following:

(a) A denial of employment of the applicant or ~~dealing with employment~~ employee;

(b) Employment or unemployment benefits of the applicant or employee;

(5) Any person to whom the report is provided pursuant to, and in accordance with, division (I)(1), (2), (3), or (4) of this section (c) A civil or criminal action regarding the medicaid program.

~~(F) The department of health shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall specify circumstances under which the home health agency may employ a person who has been convicted of or pleaded guilty to an offense listed or described in division (C)(1) of this section but who meets standards in regard to rehabilitation set by the department or employ a person who has been convicted of or pleaded guilty to an offense listed or described in division (C)(2) of this section but meets personal character standards set by the department.~~

~~(G) Any person required by division (B)(1) of this section to request a criminal records check shall inform each person, at the time of initial application for employment that the person is required to provide a set of fingerprint impressions and that a criminal records check is required to be conducted and satisfactorily completed in accordance with section 109.572 of the Revised Code if the person comes under final consideration for appointment or employment as a precondition to employment for that position.~~

~~(H) (I) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an~~ individual applicant or employee ~~who a home health agency employs in a position that involves providing direct care to~~ ~~older adults~~ an individual, all of the following shall apply:

(1) If the home health agency employed the individual applicant or employee in good faith and reasonable reliance on the report of a criminal records check requested under this section, the agency shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate ;

(2) If the home health agency employed the individual applicant in good faith on a conditional basis pursuant to division ~~(C)(3)(b)~~ (G) of this section, the agency shall not be found negligent solely because it employed the individual applicant prior to receiving the report of a criminal records check requested under this section ~~;~~.

(3) If the home health agency in good faith employed the individual applicant or employee according to the personal character standards established in rules adopted under ~~division (F)~~ of this section, the agency shall not be found negligent solely because the individual prior to being employed applicant or employee had been convicted of ~~or~~ , pleaded guilty to ~~an~~ , or been found eligible for intervention in lieu of conviction for a disqualifying offense listed ~~or~~ described in division (C)(1) or (2) of this section.

~~(I)(1) The chief administrator of a home health agency is not required to request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of an applicant for a position that involves the provision of direct care to older adults if the applicant has been referred to the agency by an employment service that supplies full-time, part-time, or temporary staff for positions involving the direct care of older adults and both of the following apply:~~

~~(a) The chief administrator receives from the employment service or the applicant a report of the results of a criminal records check regarding the applicant that has been conducted by the superintendent within the one-year period immediately preceding the applicant's referral;~~

~~(b) The report of the criminal records check demonstrates that the person has not been convicted of or pleaded guilty to an offense listed or described in division (C)(2) of this section, or the report demonstrates that the person has been convicted of or pleaded guilty to one or more of those offenses, but the home health agency chooses to employ the individual pursuant to division (F) of this section.~~

~~(2) The chief administrator of a home health agency is not required to request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of an applicant for a position that involves providing direct care to older adults and may employ the applicant conditionally in a position of that nature as described in this division, if the applicant has been referred to the agency by an employment service that supplies full-time, part-time, or temporary staff for positions involving the direct care of older adults and if the chief administrator receives from the employment service or the applicant a letter from the employment service that is on the letterhead of the employment service, dated, and signed by a supervisor or another designated official of the employment service and that states that the employment service has requested the superintendent to conduct a criminal records check regarding the applicant, that the requested criminal records check will include a determination of whether the applicant has been convicted of or pleaded guilty to any offense listed or described in division (C)(2) of this section, that, as of the~~

date set forth on the letter, the employment service had not received the results of the criminal records check, and that, when the employment service receives the results of the criminal records check, it promptly will send a copy of the results to the home health agency. If a home health agency employs an applicant conditionally in accordance with this division, the employment service, upon its receipt of the results of the criminal records check, promptly shall send a copy of the results to the home health agency, and division (C)(3)(b) of this section applies regarding the conditional employment.

(3) The chief administrator of a home health agency is not required to request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of an applicant for a position that involves both responsibility for the care, custody, and control of a child and the provision of direct care to older adults if the applicant has been referred to the agency by an employment service that supplies full-time, part-time, or temporary staff for positions involving both responsibility for the care, custody, and control of a child and the provision of direct care to older adults and both of the following apply:

(a) The chief administrator receives from the employment service or applicant a report of a criminal records check of the type described in division (D)(1)(a) of this section;

(b) The report of the criminal records check demonstrates that the person has not been convicted of or pleaded guilty to an offense listed or described in division (C)(1) or (2) of this section, or the report demonstrates that the person has been convicted of or pleaded guilty to one or more of those offenses, but the home health agency chooses to employ the individual pursuant to division (F) of this section.

(4) The chief administrator of a home health agency is not required to request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of an applicant for a position that involves both responsibility for the care, custody, and control of a child and the provision of direct care to older adults and may employ the applicant conditionally in a position of that nature as described in this division, if the applicant has been referred to the agency by an employment service that supplies full-time, part-time, or temporary staff for positions involving both responsibility for the care, custody, and control of a child and the direct care of older adults and if the chief administrator receives from the employment service or the applicant a letter from the employment service that is on the letterhead of the employment service, dated, and signed by a supervisor or another designated official of the employment service and that states that the employment service has requested the superintendent to conduct a criminal records check regarding the applicant, that the requested criminal records check will include a determination of whether the applicant has been convicted of or pleaded guilty to any offense listed or described in division (C)(1) or (2) of this section, that, as of the date set forth on the letter, the employment service had not received the

~~results of the criminal records check, and that, when the employment service receives the results of the criminal records check, it promptly will send a copy of the results to the home health agency. If a home health agency employs an applicant conditionally in accordance with this division, the employment service, upon its receipt of the results of the criminal records check, promptly shall send a copy of the results to the home health agency, and division (C)(3)(b) of this section applies regarding the conditional employment.~~

(J) The director of health shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

(1) The rules may do the following:

(a) Require employees to undergo database reviews and criminal records checks under this section;

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;

(c) For the purpose of division (D)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.

(2) The rules shall specify all of the following:

(a) The procedures for conducting database reviews under this section;

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;

(c) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which a home health agency is prohibited from employing an applicant or continuing to employ an employee who is found by a database review to be included in one or more of those databases;

(d) Circumstances under which a home health agency may employ an applicant or employee who is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense but meets personal character standards."

In line 60355, delete " (6)" and insert " (5)"

In line 60503, delete " (6)" and insert " (5)"

In line 60600, delete " (6)" and insert " (5)"

Delete lines 61363 through 62364 and insert:

"**Sec. 5111.032.** (A) As used in this section:

(1) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(2) ~~"Department" includes a designee of the department of job and family services.~~

~~(3) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.~~

~~(3) "Owner" means a person who has an ownership interest in a provider or applicant to be a provider in an amount designated by the department of job and family services in rules adopted under this section.~~

(4) "Person subject to the criminal records check requirement" means the following:

(a) A provider or applicant to be a provider who is notified under division (E)(1) of this section that the provider or applicant is subject to a criminal records check;

(b) An owner or prospective owner, officer or prospective officer, or board member or prospective board member of a provider or applicant to be a provider if, pursuant to division (E)(1)(a) of this section, the owner or prospective owner, officer or prospective officer, or board member or prospective board member is specified in information given to the provider or applicant under division (E)(1) of this section;

(c) An employee or prospective employee of a provider or applicant to be a provider if both of the following apply:

(i) The employee or prospective employee is specified, pursuant to division (E)(1)(b) of this section, in information given to the provider or applicant under division (E)(1) of this section.

(ii) The provider or applicant is not prohibited by division (D)(3)(b) of this section from employing the employee or prospective employee.

(5) "Provider" means a person, institution, or entity that has a medicaid provider agreement with the department of job and family services ~~pursuant to Title XIX of the "Social Security Act," 49 State. 620 (1965), 42 U.S.C. 1396, as amended.~~

(6) "Responsible entity" means the following:

(a) With respect to a criminal records check required under this section for a provider or applicant to be a provider, the department of job and family services or the department's designee;

(b) With respect to a criminal records check required under this section for an owner or prospective owner, officer or prospective officer, board member or prospective board member, or employee or prospective employee of a provider or applicant to be a provider, the provider or applicant.

(B) (1) Except as provided in division (B)(2) of this section, the This section does not apply to any individual who is subject to a criminal records check under section 3712.09, 3721.121, 5111.034, 5123.081, or 5123.169 of the Revised Code or any individual who is subject to a database review or criminal records check under section 173.394, 3701.881, or 5111.033 of the Revised Code.

(C) The department of job and family services may require do any of the following:

(1) Require that any provider ; or applicant to be a provider ; employee or prospective employee of a provider, owner or prospective owner of a provider, officer or prospective officer of a provider, or board member or prospective board member of a provider submit to a criminal records check as a condition of obtaining having a medicaid provider agreement ; continuing to hold a provider agreement, being employed by a provider, having an ownership interest in a provider, or being an officer or board member of a provider. The department may designate the categories of persons who are subject to the criminal records check requirement. The department shall designate the times at which the criminal records checks must be conducted.

(2) The section does not apply to providers, applicants to be providers, employees of a provider, or prospective employees of a provider who are subject to criminal records checks under section 5111.033 or 5111.034 of the Revised Code ;

(2) Require that any provider or applicant to be a provider require an owner or prospective owner, officer or prospective officer, or board member or prospective board member of the provider or applicant submit to a criminal records check as a condition of being an owner, officer, or board member of the provider or applicant;

(3) Require that any provider or applicant to be a provider do the following:

(a) If so required by rules adopted under this section, determine pursuant to a database review conducted under division (F)(1)(a) of this section whether any employee or prospective employee of the provider or applicant is included in a database;

(b) Unless the provider or applicant is prohibited by division (D)(3)(b) of this section from employing the employee or prospective employee, require the employee or prospective employee to submit to a criminal records check as a condition of being an employee of the provider or applicant.

(D)(1) The department or the department's designee shall terminate a provider's medicaid provider agreement or deny an applicant's application for a medicaid provider agreement if the provider or applicant is a person subject to the criminal records check requirement and either of the following applies:

(a) The provider or applicant fails to obtain the criminal records check

after being given the information specified in division (G)(1) of this section.

(b) Except as provided in rules adopted under this section, the provider or applicant is found by the criminal records check to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense, regardless of the date of the conviction, the date of entry of the guilty plea, or the date the applicant or provider was found eligible for intervention in lieu of conviction.

(2) No provider or applicant to be a provider shall permit a person to be an owner, officer, or board member of the provider or applicant if the person is a person subject to the criminal records check requirement and either of the following applies:

(a) The person fails to obtain the criminal records check after being given the information specified in division (G)(1) of this section.

(b) Except as provided in rules adopted under this section, the person is found by the criminal records check to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense, regardless of the date of the conviction, the date of entry of the guilty plea, or the date the person was found eligible for intervention in lieu of conviction.

(3) No provider or applicant to be a provider shall employ a person if any of the following apply:

(a) The person has been excluded from providing services or items under the medicaid program, the medicare program operated pursuant to Title XVIII of the "Social Security Act," or any other federal health care program.

(b) If the person is subject to a database review conducted under division (F)(1)(a) of this section, the person is found by the database review to be included in a database and the rules adopted under this section regarding the database review prohibit the provider or applicant from employing a person included in the database.

(c) If the person is a person subject to the criminal records check requirement, either of the following applies:

(i) The person fails to obtain the criminal records check after being given the information specified in division (G)(1) of this section.

(ii) Except as provided in rules adopted under this section, the person is found by the criminal records check to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense, regardless of the date of the conviction, the date of entry of the guilty plea, or the date the person was found eligible for intervention in lieu of conviction.

(E)(1) The department or the department's designee shall inform each provider or applicant to be a provider whether the provider or applicant is subject

to a criminal records check ~~requirement under division (B) of this section~~. For providers, the information shall be given at times designated in rules adopted under this section. For applicants to be providers, the information shall be given at the time of initial application. When the information is given, the department or the department's designee shall specify which the following:

(a) Which of the provider's or applicant's employees or prospective employees, owners or prospective owners, officers or prospective officers, or board members or prospective board members are subject to the a criminal records check requirement ;

(b) Which of the provider's or applicant's employees or prospective employees are subject to division (C)(3) of this section.

(2) At times designated in rules adopted under this section, a provider or applicant to be a provider that is a person subject to the criminal records check requirement shall ~~inform~~ do the following:

(a) Inform each person specified by the department under division (C)(1) (E)(1)(a) of this section that the person is required, as applicable, to submit to a criminal records check for final consideration for employment in a full-time, part-time, or temporary position; as a condition of continued employment; or as a condition of becoming or continuing to be being an owner, officer, or board member or owner of a the provider or applicant;

(b) Inform each person specified under division (E)(1)(b) of this section that the person is subject to division (C)(3) of this section.

~~(D)~~ (E)(1) If a provider or applicant to be a provider is a person subject to a the criminal records check under this section requirement, the department or the department's designee shall require the conduct of a criminal records check by the superintendent of the bureau of criminal identification and investigation. ~~If a provider or applicant to be a provider for whom a criminal records check is required does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the individual from the federal bureau of investigation in a criminal records check, the department shall require the provider or applicant to request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check of the provider or applicant. Even if a provider or applicant for whom a criminal records check request is required presents proof of having been a resident of this state for the five-year period, the department may require that the provider or applicant request that the superintendent obtain information from the federal bureau of investigation and include it in the criminal records check of the provider or applicant.~~

(2) investigation. A provider or applicant to be a provider shall require the conduct of a criminal records check by the superintendent with respect to each of the persons specified ~~by the department~~ under division ~~(C)(1)~~ (E)(1)(a)

of this section. ~~If the person for whom a criminal records check is required does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent of the bureau of criminal identification and investigation has requested information about the individual from the federal bureau of investigation in a criminal records check, the individual shall request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check of the individual. Even if an individual for whom a criminal records check request is required presents proof of having been a resident of this state for the five-year period, the department may require the provider to request that the superintendent obtain information from the federal bureau of investigation and include it in the criminal records check of the person.~~ With respect to each employee and prospective employee specified under division (E)(1)(b) of this section, a provider or applicant to be a provider shall do the following:

(a) If rules adopted under this section require the provider or applicant to conduct a database review to determine whether the employee or prospective employee is included in a database, conduct the database review in accordance with the rules;

(b) Unless the provider or applicant is prohibited by division (D)(3)(b) of this section from employing the employee or prospective employee, require the conduct of a criminal records check of the employee or prospective employee by the superintendent.

(2) If a person subject to the criminal records check requirement does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the person from the federal bureau of investigation in a criminal records check, the responsible entity shall require the person to request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check of the person. Even if the person presents proof of having been a resident of this state for the five-year period, the responsible entity may require that the person request that the superintendent obtain information from the federal bureau of investigation and include it in the criminal records check of the person.

~~(E)(1) (G)~~ (G) Criminal records checks required ~~under~~ by this section ~~for providers or applicants to be providers~~ shall be obtained as follows:

~~(a) (1)~~ (1) The ~~department~~ responsible entity shall provide each ~~provider or applicant~~ person subject to the criminal records check requirement information about accessing and completing the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard ~~fingerpr~~ ingerprint impression sheet prescribed pursuant to division (C)(2) of that section.

~~(b) (2)~~ (2) The ~~provider or applicant~~ person subject to the criminal records check requirement shall submit the required form and one complete set of the

~~person's~~ fingerprint impressions directly to the superintendent for purposes of conducting the criminal records check using the applicable methods prescribed by division (C) of section 109.572 of the Revised Code. The ~~applicant or provider~~ person shall pay all fees associated with obtaining the criminal records check.

~~(e) (3)~~ The superintendent shall conduct the criminal records check in accordance with section 109.572 of the Revised Code. The ~~provider or applicant~~ person subject to the criminal records check requirement shall instruct the superintendent to submit the report of the criminal records check directly to the ~~director of job and family services~~.

~~(2) Criminal records checks required under this section for persons specified by the department under division (C)(1) of this section shall be obtained as follows:~~

~~(a) The provider shall give to each person subject to criminal records check requirement information about accessing and completing the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard fingerprint impression sheet prescribed pursuant to division (C)(2) of that section.~~

~~(b) The person shall submit the required form and one complete set of fingerprint impressions directly to the superintendent for purposes of conducting the criminal records check using the applicable methods prescribed by division (C) of section 109.572 of the Revised Code. The person shall pay all fees associated with obtaining the criminal records check.~~

~~(c) The superintendent shall conduct the criminal records check in accordance with section 109.572 of the Revised Code. The person subject to the criminal records check shall instruct the superintendent to submit the report of the criminal records check directly to the provider responsible entity. The If the department or the department's designee is not the responsible entity, the department or designee may require the provider responsible entity to submit the report to the department or designee.~~

~~(F) If a provider or applicant to be a provider is given the information specified in division (E)(1)(a) of this section but fails to obtain a criminal records check, the department shall, as applicable, terminate the provider agreement or deny the application to be a provider.~~

~~If a person is given the information specified in division (E)(2)(a) of this section but fails to obtain a criminal records check, the provider shall not, as applicable, permit the person to be an employee, owner, officer, or board member of the provider.~~

~~(G) Except as provided in rules adopted under division (J) of this section, the department shall terminate the provider agreement of a provider or the department shall not issue a provider agreement to an applicant if the provider or applicant is subject to a criminal records check under this section and the provider or applicant has been convicted of, has pleaded guilty to, or has been~~

found eligible for intervention in lieu of conviction for any of the following, regardless of the date of the conviction, the date of entry of the guilty plea, or the date the applicant or provider was found eligible for intervention in lieu of conviction:

(1) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date;

(2) A violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (G)(1) of this section.

(H)(1)(a) Except as provided in rules adopted under division (J) of this section and subject to division (H)(2) of this section, no provider shall permit a person to be an employee, owner, officer, or board member of the provider if the person is subject to a criminal records check under this section and the person has been convicted of, has pleaded guilty to, or has been found eligible for intervention in lieu of conviction for any of the offenses specified in division (G)(1) or (2) of this section.

(b) No provider shall employ a person who has been excluded from participating in the medicaid program, the medicare program operated pursuant to Title XVIII of the "Social Security Act," or any other federal health care program.

(2)(a) (H)(1) A provider or applicant to be a provider may employ conditionally a person for whom a criminal records check is required under by this section prior to obtaining the results of a the criminal records check regarding the person, but only if the both of the following apply:

(a) The provider or applicant is not prohibited by division (D)(3)(b) of this section from employing the person.

(b) The person submits a request for a the criminal records check not later than five business days after the ~~individual~~ person begins conditional employment.

~~(b) (2)~~ A provider or applicant to be a provider that employs a person conditionally under ~~authority of division (H) (2)(a)~~ (1) of this section shall terminate the person's employment if the results of the criminal records check request are not obtained within the period ending sixty days after the date the request is made. Regardless of when the results of the criminal records check are obtained, if the results indicate that the individual person has been convicted of, has pleaded guilty to, or has been found eligible for intervention in lieu of conviction for ~~any of the offenses specified in division (G)(1) or (2) of this section~~ a disqualifying offense, the provider or applicant shall terminate the person's employment unless circumstances specified in rules adopted under this section exist that permit the provider or applicant to employ the person and the provider or applicant chooses to employ the individual pursuant to division (J) of this section person.

(I) The report of a criminal records check conducted pursuant to this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following:

(1) The person who is the subject of the criminal records check or the person's representative;

(2) The director of job and family services and the staff of the department who are involved in the administration of the medicaid program;

(3) The department's designee;

(4) The provider or applicant to be a provider who required the person who is the subject of the criminal records check to submit to the criminal records check;

(5) A court, hearing officer, or other necessary individual involved in a case dealing with ~~the~~ any of the following:

(a) The denial or termination of a medicaid provider agreement;

~~(4) A court, hearing officer, or other necessary individual involved in a case dealing with a~~ (b) A person's denial of employment, termination of employment, or employment or unemployment benefits ;

(c) A civil or criminal action regarding the medicaid program.

(J) The ~~department~~ director of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. If the director adopts such rules, the rules shall designate the times at which a criminal records check must be conducted under this section. The rules may specify do any of the following:

(1) Designate the categories of persons who are subject to a criminal

records check under this section:

(2) Specify circumstances under which the department ~~or the department's designee~~ may continue a medicaid provider agreement or issue a medicaid provider agreement to an applicant when the provider or applicant ~~has~~ is found by a criminal records check to have been convicted of, has pleaded guilty to, or has been found eligible for intervention in lieu of conviction for any of the offenses specified in division (G)(1) or (2) of this section. ~~The rules may also specify a disqualifying offense;~~

(3) Specify circumstances under which a provider ~~or applicant to be a provider~~ may permit a person to be an employee, owner, officer, or board member of the provider ~~or applicant~~, when the person ~~has~~ is found by a criminal records check conducted pursuant to this section to have been convicted of, has pleaded guilty to, or has been found eligible for intervention in lieu of conviction for any of the offenses specified in division (G)(1) or (2) of this section a disqualifying offense;

(4) Specify all of the following:

(a) The circumstances under which a database review must be conducted under division (F)(1)(a) of this section to determine whether an employee or prospective employee of a provider or applicant to be a provider is included in a database;

(b) The procedures for conducting the database review;

(c) The databases that are to be checked;

(d) The circumstances under which a provider or applicant to be a provider is prohibited from employing a person who is found by the database review to be included in a database.

**Sec. 5111.033.** (A) As used in this section:

(1) ~~"Applicant" means a person who is under final consideration for employment or, after September 26, 2003, an existing employee with a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based waiver services to a person with disabilities. "Applicant" also means an existing employee with a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based waiver services to a person with disabilities after September 26, 2003.~~

(2) ~~"Criminal "Community-based long-term care agency" has the same meaning as in section 173.39 of the Revised Code.~~

"Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(3) ~~"Waiver agency" means a person or government entity that is not certified under the medicare program and is accredited by the community health~~

~~accreditation program or the joint commission on accreditation of health care organizations or a company that provides home and community-based waiver services to persons with disabilities through department of job and family services administered home and community-based waiver programs.~~

~~(4) "Home "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.~~

~~"Employee" means a person employed by a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based services.~~

~~"Home and community-based waiver services medicaid waiver component" means services furnished under the provision of 42 C.F.R. 441, subpart G, that permit individuals to live in a home setting rather than a nursing facility or hospital has the same meaning as in section 5111.85 of the Revised Code. Home and community-based waiver services are approved by the centers for medicare and medicaid for specific populations and are not otherwise available under the medicaid state plan.~~

~~"Waiver agency" means a person or government entity that provides home and community-based services under a home and community-based services medicaid waiver component administered by the department of job and family services, other than such a person or government entity that is certified under the medicare program. "Waiver agency" does not mean an independent provider as defined in section 5111.034 of the Revised Code.~~

~~(B) This section does not apply to any individual who is subject to a database review or criminal records check under section 3701.881 of the Revised Code. If a waiver agency also is a community-based long-term care agency, the agency may provide for applicants and employees to undergo database reviews and criminal records checks in accordance with section 173.394 of the Revised Code rather than this section.~~

~~(C) No waiver agency shall employ an applicant or continue to employ an employee in a position that involves providing home and community-based services if any of the following apply:~~

~~(1) A review of the databases listed in division (E) of this section reveals any of the following:~~

~~(a) That the applicant or employee is included in one or more of the databases listed in divisions (E)(1) to (5) of this section;~~

~~(b) That there is in the state nurse aide registry established under section 3721.32 of the Revised Code a statement detailing findings by the director of health that the applicant or employee neglected or abused a long-term care facility or residential care facility resident or misappropriated property of such a resident;~~

~~(c) That the applicant or employee is included in one or more of the~~

databases, if any, specified in rules adopted under this section and the rules prohibit the waiver agency from employing an applicant or continuing to employ an employee included in such a database in a position that involves providing home and community-based services.

(2) After the applicant or employee is given the information and notification required by divisions (F)(2)(a) and (b) of this section, the applicant or employee fails to do either of the following:

(a) Access, complete, or forward to the superintendent of the bureau of criminal identification and investigation the form prescribed to division (C)(1) of section 109.572 of the Revised Code or the standard impression sheet prescribed pursuant to division (C)(2) of that section;

(b) Instruct the superintendent to submit the completed report of the criminal records check required by this section directly to the chief administrator of the waiver agency.

(3) Except as provided in rules adopted under this section, the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense, regardless of the date of the conviction, date of entry of the guilty plea, or the date the applicant or employee was found eligible for intervention in lieu of conviction.

(D) At the time of each applicant's initial application for employment in a position that involves providing home and community-based services, the chief administrator of a waiver agency shall inform the applicant of both of the following:

(1) That a review of the databases listed in division (E) of this section will be conducted to determine whether the waiver agency is prohibited by division (C)(1) of this section from employing the applicant in the position;

(2) That, unless the database review reveals that the applicant may not be employed in the position, a criminal records check of the applicant will be conducted and the applicant is required to provide a set of the applicant's fingerprint impressions as part of the criminal records check.

(E) As a condition of employing any applicant in a position that involves providing home and community-based services, the chief administrator of a waiver agency shall conduct a database review of the applicant in accordance with rules adopted under this section. If rules adopted under this section so require, the chief administrator of a waiver agency shall conduct a database review of an employee in accordance with the rules as a condition of continuing to employ the employee in a position that involves providing home and community-based services. A database review shall determine whether the applicant or employee is included in any of the following:

(1) The excluded parties list system maintained by the United States general services administration pursuant to subpart 9.4 of the federal acquisition

regulation:

(2) The list of excluded individuals and entities maintained by the office of inspector general in the United States department of health and human services pursuant to section 1128 of the "Social Security Act," 94 Stat. 2619 (1980), 42 U.S.C. 1320a-7, as amended, and section 1156 of the "Social Security Act," 96 Stat. 388 (1982), 42 U.S.C. 1320c-5, as amended;

(3) The registry of MR/DD employees established under section 5123.52 of the Revised Code;

(4) The internet-based sex offender and child-victim offender database established under division (A)(11) of section 2950.13 of the Revised Code;

(5) The internet-based database of inmates established under section 5120.66 of the Revised Code;

(6) The state nurse aide registry established under section 3721.32 of the Revised Code;

(7) Any other database, if any, specified in rules adopted under this section.

(F)(1) ~~The~~ As a condition of employing any applicant in a position that involves providing home and community-based services, the chief administrator of a waiver agency shall require ~~each~~ the applicant to request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check with respect to of the applicant. If rules adopted under this section so require, the chief administrator of a waiver agency shall require an employee to request that the superintendent conduct a criminal records check of the employee at times specified in the rules as a condition of continuing to employ the employee in a position that involves providing home and community-based services. However, a criminal records check is not required for an applicant or employee if the waiver agency is prohibited by division (C)(1) of this section from employing the applicant or continuing to employ the employee in a position that involves providing home and community-based services. If an applicant or employee for whom a criminal records check request is required ~~under this division~~ by this section does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the applicant or employee from the federal bureau of investigation in a criminal records check, the chief administrator shall require the applicant or employee to request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check ~~of the applicant~~. Even if an applicant or employee for whom a criminal records check request is required ~~under this division~~ by this section presents proof of having been a resident of this state for the five-year period, the chief administrator may require the applicant or employee to request that the superintendent include information from the federal bureau of investigation in the criminal records check.

(2) The chief administrator shall provide the following to each applicant and employee for whom a criminal records check ~~request~~ is required ~~under~~ ~~division (B)(1) of~~ by this section:

(a) Information about accessing, completing, and forwarding to the superintendent of the bureau of criminal identification and investigation the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard ~~fingerprint~~ impression sheet prescribed pursuant to division (C)(2) of that section;

(b) Written notification that the applicant or employee is to instruct the superintendent to submit the completed report of the criminal records check directly to the chief administrator.

~~(3) An applicant given information and notification under divisions (B)(2)(a) and (b) of this section who fails to access, complete, and forward to the superintendent the form or the standard fingerprint impression sheet, or who fails to instruct the superintendent to submit the completed report of the criminal records check directly to the chief administrator, shall not be employed in any position in a waiver agency for which a criminal records check is required by this section. A waiver agency shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for any criminal records check required by this section. However, a waiver agency may require an applicant to pay to the bureau the fee for a criminal records check of the applicant. If the waiver agency pays the fee for an applicant, it may charge the applicant a fee not exceeding the amount the waiver agency pays to the bureau under this section if the waiver agency notifies the applicant at the time of initial application for employment of the amount of the fee and that, unless the fee is paid, the applicant will not be considered for employment.~~

~~(C)(1) Except as provided in rules adopted by the department of job and family services in accordance with division (F) of this section and subject to division (C)(2) of this section, no waiver agency shall employ a person in a position that involves providing home and community-based waiver services to persons with disabilities if the person has been convicted of, has pleaded guilty to, or has been found eligible for intervention in lieu of conviction for any of the following, regardless of the date of the conviction, the date of entry of the guilty plea, or the date the person was found eligible for intervention in lieu of conviction:~~

~~(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42,~~

2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date;

(b) A violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (C)(1)(a) of this section.

(2)(a) (G)(1) A waiver agency may employ conditionally an applicant for whom a criminal records check request is required ~~under division (B) of~~ by this section prior to obtaining the results of a the criminal records check regarding the individual, provided that ~~the~~ if both of the following apply:

(a) The waiver agency is not prohibited by division (C)(1) of this section from employing the applicant in a position that involves providing home and community-based services.

(b) The chief administrator of the waiver agency shall require ~~requires~~ the individual applicant to request a criminal records check regarding the individual applicant in accordance with division ~~(B)~~ (F)(1) of this section not later than five business days after the individual applicant begins conditional employment.

(b) (2) A waiver agency that employs an individual applicant conditionally under ~~authority of~~ division ~~(C)(2)(a)~~ (G)(1) of this section shall terminate the individual's applicant's employment if the results of the criminal records check ~~request under division (B) of this section~~, other than the results of any request for information from the federal bureau of investigation, are not obtained within the period ending sixty days after the date the request for the criminal records check is made. Regardless of when the results of the criminal records check are obtained, if the results indicate that the individual applicant has been convicted of, has pleaded guilty to, or has been found eligible for intervention in lieu of conviction for ~~any of the offenses listed or described in division (C)(1) of this section~~ a disqualifying offense, the waiver agency shall terminate the individual's applicant's employment unless circumstances specified in rules adopted under this section exist that permit the waiver agency to employ the applicant and the waiver agency chooses to employ the individual pursuant to division (F) of this section applicant.

(D)(1) ~~The fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted pursuant to a request made under division (B) of this section shall be paid to the bureau of~~

~~criminal identification and investigation by the applicant or the waiver agency.~~

~~(2) If a waiver agency pays the fee, it may charge the applicant a fee not exceeding the amount the agency pays under division (D)(1) of this section. An agency may collect a fee only if the agency notifies the person at the time of initial application for employment of the amount of the fee and that, unless the fee is paid, the person will not be considered for employment.~~

~~(E)~~ (H) The report of any criminal records check conducted pursuant to a request made under this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following:

(1) ~~The individual applicant or employee~~ who is the subject of the criminal records check or the ~~individual's~~ representative of the applicant or employee;

(2) ~~The chief administrator of the waiver agency requesting that requires the applicant or employee to request~~ the criminal records check or the administrator's representative;

(3) ~~An administrator at~~ The director of job and family services and the staff of the department who are involved in the administration of the medicaid program;

(4) The director of aging or the director's designee if the waiver agency also is a community-based long-term care agency;

(5) A court, hearing officer, or other necessary individual involved in a case dealing with ~~a~~ any of the following:

(a) ~~A denial of employment of the applicant or dealing with employment~~ employee;

(b) Employment or unemployment benefits of the applicant or employee;

(c) A civil or criminal action regarding the medicaid program.

~~(F)~~ (I) ~~The department~~ director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. ~~The~~

(1) The rules may do the following:

(a) Require employees to undergo database reviews and criminal records checks under this section;

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;

(c) For the purpose of division (E)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.

(2) The rules shall specify all of the following:

(a) The procedures for conducting a database review under this section:

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;

(c) If the rules specify other databases to be checked as part of a database review, the circumstances under which a waiver agency is prohibited from employing an applicant or continuing to employ an employee who is found by the database review to be included in one or more of those databases;

(d) The circumstances under which a waiver agency may employ a person an applicant or employee who has is found by a criminal records check required by this section to have been convicted of, has pleaded guilty to, or has been found eligible for intervention in lieu of conviction for an offense listed or described in division (C)(1) of this section a disqualifying offense.

(G) The chief administrator of a waiver agency shall inform each person, at the time of initial application for a position that involves providing home and community-based waiver services to a person with a disability, that the person is required to provide a set of fingerprint impressions and that a criminal records check is required to be conducted if the person comes under final consideration for employment.

(H)(1) A person who, on September 26, 2003, is an employee of a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based waiver services to a person with disabilities shall comply with this section within sixty days after September 26, 2003, unless division (H)(2) of this section applies.

(2) This section shall not apply to a person to whom all of the following apply:

(a) On September 26, 2003, the person is an employee of a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based waiver services to a person with disabilities.

(b) The person previously had been the subject of a criminal background check relating to that position;

(c) The person has been continuously employed in that position since that criminal background check had been conducted.

(J) The amendments made by H.B. 487 of the 129th general assembly to this section do not preclude the department of job and family services from taking action against a person for failure to comply with former division (H) of this section as that division existed on the day preceding the effective date of this amendment.

**Sec. 5111.034.** (A) As used in this section:

(4) "Anniversary date" means the later of the effective date of the provider agreement relating to the independent provider or sixty days after September 26, 2003.

(2) "~~Criminal~~ "Applicant" means a person who has applied for a medicaid provider agreement to provide home and community-based services as an independent provider under a home and community-based medicaid waiver component administered by the department of job and family services.

"Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(3) "~~Department~~" includes a designee of the department of job and family services.

(4) "~~Independent~~ "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.

"Independent provider" means a person who ~~is submitting an application for a provider agreement or who~~ has a medicaid provider agreement to provide home and community-based services as an independent provider in a home and community-based services medicaid waiver component administered by the department of job and family services administered home and community-based services program providing home and community-based waiver services to consumers with disabilities.

(5) "Home and community-based ~~waiver~~ services medicaid waiver component" has the same meaning as in section ~~5111.033~~ 5111.85 of the Revised Code.

(B) The department of job and family services or the department's designee shall deny an applicant's application for a medicaid provider agreement and shall terminate an independent provider's medicaid provider agreement if either of the following applies:

(1) After the applicant or independent provider is given the information and notification required by divisions (D)(2)(a) and (b) of this section, the applicant or independent provider fails to do either of the following:

(a) Access, complete, or forward to the superintendent of the bureau of criminal identification and investigation the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code or the standard impression sheet prescribed pursuant to division (C)(2) of that section;

(b) Instruct the superintendent to submit the completed report of the criminal records check required by this section directly to the department or the department's designee.

(2) Except as provided in rules adopted under this section, the applicant or independent provider is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for

intervention in lieu of conviction for a disqualifying offense, regardless of the date of the conviction, the date of entry of the guilty plea, or the date the applicant or independent provider was found eligible for intervention in lieu of conviction.

~~(C)~~(1) The department ~~of job and family services or the department's designee~~ shall inform each ~~independent provider applicant~~, at the time of initial application for a medicaid provider agreement that involves providing home and community-based waiver services to consumers with disabilities, that the ~~independent provider applicant~~ is required to provide a set of the applicant's fingerprint impressions and that a criminal records check is required to be conducted ~~if the person is to become an independent provider in a department administered home and community-based waiver program as a condition of the department's approving the application.~~

(2) Beginning on September 26, 2003, the department ~~or the department's designee~~ shall inform each ~~enrolled medicaid independent provider~~ on or before ~~the time of the anniversary date of the medicaid provider agreement that involves providing home and community-based waiver services to consumers with disabilities~~ that the independent provider is required to provide a set of the independent provider's fingerprint impressions and that a criminal records check is required to be conducted.

~~(C)~~ (D)(1) The department ~~or the department's designee~~ shall require ~~the independent provider~~ an applicant to complete a criminal records check prior to entering into a medicaid provider agreement with the independent provider and applicant. The department ~~or the department's designee~~ shall require an independent provider to complete a criminal records check at least annually ~~thereafter~~. If an applicant or independent provider for whom a criminal records check is required ~~under this division by this section~~ does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent of the bureau of criminal identification and investigation has requested information about the applicant or independent provider from the federal bureau of investigation in a criminal records check, the department ~~or the department's designee~~ shall request that the applicant or independent provider obtain through the superintendent a criminal records request from the federal bureau of investigation as part of the criminal records check of the applicant or independent provider. Even if an applicant or independent provider for whom a criminal records check request is required ~~under this division by this section~~ presents proof of having been a resident of this state for the five-year period, the department ~~or the department's designee~~ may request that the applicant or independent provider obtain information through the superintendent from the federal bureau of investigation in the criminal records check.

(2) The department ~~or the department's designee~~ shall provide the following to each applicant and independent provider for whom a criminal

records check ~~request~~ is required ~~under division (C)(1) of~~ by this section:

(a) Information about accessing, completing, and forwarding to the superintendent of the bureau of criminal identification and investigation the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard ~~fingerprint~~ impression sheet prescribed pursuant to division (C)(2) of that section;

(b) Written notification that the applicant or independent provider is to instruct the superintendent to submit the completed report of the criminal records check directly to the department or the department's designee.

~~(3) An independent provider given information and notification under divisions (C)(2)(a) and (b) of this section who fails to access, complete, and forward to the superintendent the form or the standard fingerprint impression sheet, or who fails to instruct the superintendent to submit the completed report of the criminal records check directly to the department, shall not be approved as an independent provider. Each applicant and independent provider for whom a criminal records check is required by this section shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for the criminal records check conducted of the applicant or independent provider.~~

~~(D) Except as provided in rules adopted by the department in accordance with division (G) of this section, the department shall not issue a new provider agreement to, and shall terminate an existing provider agreement of, an independent provider if the person has been convicted of, has pleaded guilty to, or has been found eligible for intervention in lieu of conviction for any of the following, regardless of the date of the conviction, the date of entry of the guilty plea, or the date the person was found eligible for intervention in lieu of conviction:~~

~~(1) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a~~

~~violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date;~~

~~(2) A violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (D)(1) of this section.~~

~~(E) Each independent provider shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted pursuant to a request made under division (C) of this section.~~

~~(F)~~ (E) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under ~~division (C)~~ of this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following:

(1) The person who is the subject of the criminal records check or the person's representative;

(2) An administrator at The director of job and family services and the staff of the department or the administrator's representative who are involved in the administration of the medicaid program;

(3) The department's designee;

(4) An individual who receives home and community-based services from the person who is the subject of the criminal records check;

(5) A court, hearing officer, or other necessary individual involved in a case dealing with ~~a~~ either of the following:

(a) ~~A~~ denial or termination of a provider agreement related to the criminal records check ;

(b) A civil or criminal action regarding the medicaid program.

~~(G)~~ (F) ~~The department~~ director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall specify circumstances under which the department or the department's designee may either ~~issue a provider agreement to an independent provider~~ approve an applicant's application or allow an independent provider to maintain an existing medicaid provider agreement ~~when even though the applicant or independent provider has is found by a criminal records check required by this section to have been convicted of, has pleaded guilty to, or has been found eligible for intervention in lieu of conviction for an offense listed or described in division (D)(1) or (2) of this section a disqualifying offense.~~

Delete lines 65564 through 66133 and insert:

"**Sec. 5123.081.** (A) As used in this section:

(1) (a) "Applicant" means a any of the following:

(i) A person who is under final consideration for appointment to or employment with the department of developmental disabilities, including, but not limited to, a or a county board of developmental disabilities;

(ii) A person who is being transferred to the department and an or a county board;

(iii) An employee who is being recalled to or reemployed by the department or a county board after a layoff ;

(iv) A person under final consideration for a direct services position with a provider or subcontractor.

(b) Neither of the following is an applicant:

(i) A person who is employed by a responsible entity in a position for which a criminal records check is required by this section and either is being considered for a different position with the responsible entity or is returning after a leave of absence or seasonal break in employment, unless the responsible entity has reason to believe that the person has committed a disqualifying offense;

(ii) A person who is to provide only respite care under a family support services program established under section 5126.11 of the Revised Code if a family member of the individual with mental retardation or a developmental disability who is to receive the respite care selects the person.

(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(3) "Direct services position" means an employment position in which the employee has the opportunity to be alone with or exercises supervision or control over one or more individuals with mental retardation or a developmental disability.

(4) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.

(5)(a) "Employee" means either of the following:

(i) A person appointed to or employed by the department of developmental disabilities or a county board of developmental disabilities;

(ii) A person employed in a direct services position by a provider or subcontractor.

(b) "Employee" does not mean a person who provides only respite care under a family support services program established under section 5126.11 of the Revised Code if a family member of the individual with mental retardation or a developmental disability who receives the respite care selected the person.

(6) "Minor drug possession offense" has the same meaning as in section

2925.01 of the Revised Code.

(7) "Provider" means a person that provides specialized services to individuals with mental retardation or a developmental disability and employs one or more persons in direct services positions.

(8) "Responsible entity" means the following:

(a) The department of developmental disabilities in the case of either of the following:

(i) A person who is an applicant because the person is under final consideration for appointment to or employment with the department, being transferred to the department, or being recalled to or reemployed by the department after a layoff;

(ii) A person who is an employee because the person is appointed to or employed by the department.

(b) A county board of developmental disabilities in the case of either of the following:

(i) A person who is an applicant because the person is under final consideration for appointment to or employment with the county board, being transferred to the county board, or being recalled to or reemployed by the county board after a layoff;

(ii) A person who is an employee because the person is appointed to or employed by the county board.

(c) A provider in the case of either of the following:

(i) A person who is an applicant because the person is under final consideration for a direct services position with the provider;

(ii) A person who is an employee because the person is employed in a direct services position by the provider.

(d) A subcontractor in the case of either of the following:

(i) A person who is an applicant because the person is under final consideration for a direct services position with the subcontractor;

(ii) A person who is an employee because the person is employed in a direct services position by the subcontractor.

(9) "Specialized services" means any program or service designed and operated to serve primarily individuals with mental retardation or a developmental disability, including a program or service provided by an entity licensed or certified by the department of developmental disabilities. If there is a question as to whether a provider or subcontractor is providing specialized services, the provider or subcontractor may request that the director of developmental disabilities make a determination. The director's determination is final.

(10) "Subcontractor" means a person to which both of the following apply:

(a) The person has either of the following:

(i) A subcontract with a provider to provide specialized services included in the contract between the provider and the department of developmental disabilities or a county board of developmental disabilities;

(ii) A subcontract with another subcontractor to provide specialized services included in a subcontract between the other subcontractor and a provider or other subcontractor.

(b) The person employs one or more persons in direct services positions.

(B) ~~The director of developmental disabilities~~ A responsible entity shall not employ an applicant or continue to employ an employee if either of the following applies:

(1) The applicant or employee fails to comply with division (D)(3) of this section.

(2) Except as provided in rules adopted under this section, the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(C) Before employing an applicant in a position for which a criminal records check is required by this section, a responsible entity shall require the applicant to submit a statement with the applicant's signature attesting that the applicant has not been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense. The responsible entity also shall require the applicant to sign an agreement under which the applicant agrees to notify the responsible entity within fourteen calendar days if, while employed by the responsible entity, the applicant is formally charged with, is convicted of, pleads guilty to, or is found eligible for intervention in lieu of conviction for a disqualifying offense. The agreement shall provide that the applicant's failure to provide the notification may result in termination of the applicant's employment.

(D)(1) As a condition of employing any applicant in a position for which a criminal records check is required by this section, a responsible entity shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to each applicant, except that the director is not required to request a criminal records check for an employee of the department who is being considered for a different position or is returning after a leave of absence or seasonal break in employment, as long as the director has no reason to believe that the employee has committed any of the offenses listed or described in division (E) of this section.

If the of the applicant. If rules adopted under this section require an

employee to undergo a criminal records check, a responsible entity shall request the superintendent to conduct a criminal records check of the employee at times specified in the rules as a condition of the responsible entity's continuing to employ the employee in a position for which a criminal records check is required by this section. If an applicant or employee does not present proof that the applicant or employee has been a resident of this state for the five-year period immediately prior to the date upon which the criminal records check is requested, the ~~director~~ responsible entity shall request that the superintendent of the ~~bureau~~ obtain information from the federal bureau of investigation as a part of the criminal records check for the applicant. If the applicant or employee presents proof that the applicant or employee has been a resident of this state for that five-year period, the ~~director~~ responsible entity may request that the superintendent of the ~~bureau~~ include information from the federal bureau of investigation in the criminal records check. For purposes of this division, an applicant or employee may provide proof of residency in this state by presenting, with a notarized statement asserting that the applicant or employee has been a resident of this state for that five-year period, a valid driver's license, notification of registration as an elector, a copy of an officially filed federal or state tax form identifying the applicant's or employee's permanent residence, or any other document the ~~director~~ responsible entity considers acceptable.

~~(C) The director~~ (2) A responsible entity shall provide do all of the following:

(a) Provide to each applicant and employee for whom a criminal records check is required by this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code ; ~~provide to each applicant and~~ a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of section 109.572 of the Revised Code ; ~~obtain ;~~

(b) Obtain the completed form and ~~standard~~ impression sheet from each the applicant ; ~~and forward~~ or employee;

(c) Forward the completed form and ~~standard~~ impression sheet to the superintendent of the ~~bureau of criminal identification and investigation~~ at the time the criminal records check is requested.

(3) Any applicant or employee who receives pursuant to this division a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a copy of ~~an~~ the ~~standard~~ impression sheet prescribed pursuant to division (C)(2) of that section and who is requested to complete the form and provide a set of the applicant's or employee's fingerprint impressions shall complete the form or provide all the information necessary to complete the form and shall provide the ~~material~~ standard impression sheet with the impressions of the applicant's or employee's fingerprints. ~~If an applicant, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the applicant's fingerprints, the director shall not employ the applicant.~~

~~(D) The director~~ (4) A responsible entity shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check requested and conducted pursuant to this section.

(E) A responsible entity may request any other state or federal agency to supply the ~~director~~ responsible entity with a written report regarding the criminal record of each an applicant or employee. ~~With regard to an applicant who becomes a department employee, if the~~ If an employee holds an occupational or professional license or other credentials, the ~~director~~ responsible entity may request that the state or federal agency that regulates the employee's occupation or profession supply the ~~director~~ responsible entity with a written report of any information pertaining to the employee's criminal record that the agency obtains in the course of conducting an investigation or in the process of renewing the employee's license or other credentials. The responsible entity may consider the reports when determining whether to employ the applicant or to continue to employ the employee.

~~(E) Except as provided in division (K)(2) of this section and in rules adopted by the director in accordance with division (M) of this section, the director shall not employ a person to fill a position with the department who has been convicted of or pleaded guilty to any of the following:~~

~~(1) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2903.341, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation occurred prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code;~~

~~(2) A felony contained in the Revised Code that is not listed in this division, if the felony bears a direct and substantial relationship to the duties and responsibilities of the position being filled;~~

~~(3) Any offense contained in the Revised Code constituting a misdemeanor of the first degree on the first offense and a felony on a subsequent offense, if the offense bears a direct and substantial relationship to the position being filled and the nature of the services being provided by the department;~~

~~(4) A violation of an existing or former municipal ordinance or law of this state, any other state, or the United States, if the offense is substantially equivalent to any of the offenses listed or described in division (E)(1), (2), or (3)~~

of this section.

(F) ~~Prior to employing an applicant, the director shall require the applicant to submit a statement with the applicant's signature attesting that the applicant has not been convicted of or pleaded guilty to any of the offenses listed or described in division (E) of this section. The director also shall require the applicant to sign an agreement under which the applicant agrees to notify the director within fourteen calendar days if, while employed with the department, the applicant is ever formally charged with, convicted of, or pleads guilty to any of the offenses listed or described in division (E) of this section. The agreement shall inform the applicant that failure to report formal charges, a conviction, or a guilty plea may result in being dismissed from employment. As a condition of employing an applicant in a position for which a criminal records check is required by this section and that involves transporting individuals with mental retardation or developmental disabilities or operating a responsible entity's vehicles for any purpose, the responsible entity shall obtain the applicant's driving record from the bureau of motor vehicles. If rules adopted under this section require a responsible entity to obtain an employee's driving record, the responsible entity shall obtain the employee's driving record from the bureau at times specified in the rules as a condition of continuing to employ the employee. The responsible entity may consider the applicant's or employee's driving record when determining whether to employ the applicant or to continue to employ the employee.~~

(G) ~~The director shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check requested and conducted pursuant to this section. A responsible entity may employ an applicant conditionally pending receipt of a report regarding the applicant requested under this section. The responsible entity shall terminate the applicant's employment if it is determined from a report that the applicant failed to inform the responsible entity that the applicant had been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.~~

(H) ~~A responsible entity may charge an applicant a fee for costs the responsible entity incurs in obtaining a report regarding the applicant under this section if the responsible entity notifies the applicant of the amount of the fee at the time of the applicant's initial application for employment and that, unless the fee is paid, the responsible entity will not consider the applicant for employment. The fee shall not exceed the amount of the fee, if any, the responsible entity pays for the report.~~

(I)(1) Any report obtained pursuant to this section is not a public record for purposes of section 149.43 of the Revised Code and shall not be made available to any person, other than the following:

(a) ~~The applicant or employee who is the subject of the records check or criminal records check report or the applicant's or employee's representative, the department ;~~

(b) The responsible entity that requested the report or its representative ; a county board of developmental disabilities, and any ;

(c) The department if a county board, provider, or subcontractor is the responsible entity that requested the report and the department requests the responsible entity to provide a copy of the report to the department;

(d) A county board if a provider or subcontractor is the responsible entity that requested the report and the county board requests the responsible entity to provide a copy of the report to the county board;

(e) Any court, hearing officer, or other necessary individual involved in a case dealing with the any of the following:

(i) The denial of employment to the applicant or the employee;

(ii) The denial, suspension, or revocation of a certificate or evidence of registration under section 5123.082 5123.166 or 5123.45 of the Revised Code ;

(iii) A civil or criminal action regarding the medicaid program or a program the department administers.

(2) An individual applicant or employee for whom the director responsible entity has obtained reports under this section may submit a written request to the director responsible entity to have copies of the reports sent to any state agency, entity of local government, or private entity. The individual applicant or employee shall specify in the request the agencies or entities to which the copies are to be sent. On receiving the request, the director responsible entity shall send copies of the reports to the agencies or entities specified.

The director (3) A responsible entity may request that a state agency, entity of local government, or private entity send copies to the director responsible entity of any report regarding a records check or criminal records check that the agency or entity possesses, if the director responsible entity obtains the written consent of the individual who is the subject of the report.

(I) The director shall request the registrar of motor vehicles to supply the director with a certified abstract regarding the record of convictions for violations of motor vehicle laws of each applicant who will be required by the applicant's employment to transport individuals with mental retardation or a developmental disability or to operate the department's vehicles for any other purpose. For each abstract provided under this section, the director shall pay the amount specified in section 4509.05 of the Revised Code.

(J) The director (4) A responsible entity shall provide each applicant and employee with a copy of any report or abstract obtained about the applicant or employee under this section.

(K)(1) The director shall inform each person, at the time of the person's initial application for employment, that the person is required to provide a set of impressions of the person's fingerprints and that a criminal records check is required to be conducted and satisfactorily completed in accordance with section

~~109.572 of the Revised Code if the person comes under final consideration for employment as a precondition to employment in a position.~~

~~(2) The director may employ an applicant pending receipt of reports requested under this section. The director shall terminate employment of any such applicant if it is determined from the reports that the applicant failed to inform the director that the applicant had been convicted of or pleaded guilty to any of the offenses listed or described in division (E) of this section.~~

~~(L) The director may charge an applicant a fee for costs the director incurs in obtaining reports, abstracts, or fingerprint impressions under this section. A fee charged under this division shall not exceed the amount of the fees the director pays under divisions (G) and (I) of this section. If a fee is charged under this division, the director shall notify the applicant of the amount of the fee at the time of the applicant's initial application for employment and that, unless the fee is paid, the director will not consider the applicant for employment.~~

~~(M) (J) The director of developmental disabilities shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section ; including rules specifying .~~

(1) The rules may do the following:

(a) Require employees to undergo criminal records checks under this section;

(b) Require responsible entities to obtain the driving records of employees under this section;

(c) If the rules require employees to undergo criminal records checks, require responsible entities to obtain the driving records of employees, or both, exempt one or more classes of employees from the requirements.

(2) The rules shall do both of the following:

(a) If the rules require employees to undergo criminal records checks, require responsible entities to obtain the driving records of employees, or both, specify the times at which the criminal records checks are to be conducted and the driving records are to be obtained;

(b) Specify circumstances under which ~~the director~~ a responsible entity may employ a ~~person who has an applicant or employee who is found by a criminal records check required by this section to have been convicted of or~~ , pleaded guilty to ~~an~~ , or been found eligible for intervention in lieu of conviction for a disqualifying offense listed or described in division (E) of this section but who meets standards in regard to rehabilitation set by the director.

**Sec. 5123.16.** (A) As used in sections 5123.16 to ~~5123.169~~ 5123.1610 of the Revised Code:

(1) "Applicant" means any of the following:

(a) The chief executive officer of a business that applies under section

5123.161 of the Revised Code for a certificate to provide supported living:

(b) The chief executive officer of a business that seeks renewal of the business's supported living certificate under section 5123.164 of the Revised Code;

(c) An individual who applies under section 5123.161 of the Revised Code for a certificate to provide supported living as an independent provider;

(d) An independent provider who seeks renewal of the independent provider's supported living certificate under section 5123.164 of the Revised Code.

(2)(a) "Business" means either of the following:

(i) An association, corporation, nonprofit organization, partnership, trust, or other group of persons;

(ii) An individual who employs, directly or through contract, one or more other individuals to provide supported living.

(b) "Business" does not mean an independent provider.

(3) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(4) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.

(5) "Independent provider" means a provider who provides supported living on a self-employed basis and does not employ, directly or through contract, another individual to provide the supported living.

(6) "Provider" means a person or government entity certified by the director of developmental disabilities to provide supported living.

(2) (7) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.

(8) "Related party" means any of the following:

(a) In the case of a provider who is an individual, any of the following:

(i) The spouse of the provider;

(ii) A parent or stepparent of the provider or provider's spouse;

(iii) A child of the provider or provider's spouse;

(iv) A sibling, half sibling, or stepsibling of the provider or provider's spouse;

(v) A grandparent of the provider or provider's spouse;

(vi) A grandchild of the provider or provider's spouse;

(vii) An employee or employer of the provider or provider's spouse.

(b) In the case of a provider that is a person other than an individual, any of the following:

- (i) An employee of the person;
- (ii) An officer of the provider, including the chief executive officer, president, vice-president, secretary, and treasurer;
- (iii) A member of the provider's board of directors or trustees;
- (iv) A person owning a financial interest of five per cent or more in the provider;
- (v) A corporation that has a subsidiary relationship with the provider;
- (vi) A person or government entity that has control over the provider's day-to-day operation;
- (vii) A person over which the provider has control of the day-to-day operation.

(c) In the case of a provider that is a government entity, any of the following:

- (i) An employee of the provider;
- (ii) An officer of the provider;
- (iii) A member of the provider's governing board;
- (iv) A government entity that has control over the provider's day-to-day operation;
- (v) A person or government entity over which the provider has control of the day-to-day operation.

(B) No person or government entity may provide supported living without a valid supported living certificate issued by the director of developmental disabilities.

(C) A county board of developmental disabilities may provide supported living only to the extent permitted by rules adopted under section ~~5123.169~~ 5123.1610 of the Revised Code."

Between lines 82483 and 82484, insert:

**"Section \_\_\_\_\_. RULES GOVERNING DATABASE REVIEWS AND CRIMINAL RECORDS CHECKS**

The Directors of Aging, Health, Job and Family Services, and Developmental Disabilities shall collaborate with each other when adopting the initial rules to be adopted for the purpose of implementing sections 173.27, 173.394, 3701.881, 5111.032, 5111.033, 5111.034, 5123.081, 5123.16, 5123.169, and 5123.1610 of the Revised Code, as amended or enacted by this act. In the collaboration, the Directors shall strive to do both of the following:

(A) Balance the risk mitigation that the database reviews and criminal records checks to be conducted under those sections are expected to realize with the costs of conducting the database reviews and criminal records checks;

(B) Make the policies established by the rules as similar as possible among the Departments of Aging, Health, Job and Family Services, and Developmental Disabilities."

Between lines 82655 and 82656, insert:

"The amendment, enactment, or repeal of sections 173.27, 173.391, 173.394, 1123.23, 1155.03, 1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3701.881, 4763.05, 5104.012, 5104.013, 5104.09, 5111.031, 5111.032, 5111.033, 5111.034, 5123.16, 5123.161, 5123.162, 5123.163, 5123.164, new 5123.169, 5123.169 (5123.1610), 5123.542, 5126.0221, 5126.28, and 5126.281 of the Revised Code takes effect January 1, 2013.

Sections 610.10, 610.11, 620.10, 620.11, and 751.20 of this act take effect January 1, 2013.

**Section \_\_\_\_\_. Sections subject to referendum: mixed effective dates.**

The sections listed in the left-hand column of the following table combine amendments by this act that take effect either on the ninety-first day after this act is filed with the Secretary of State or January 1, 2013. The middle column identifies amendments to the listed sections that take effect on the ninety-first day after this act is filed with the Secretary of State. The right-hand column identifies amendments to the listed sections that take effect January 1, 2013.

Section of law	Amendments that take effect on the ninety-first day after this act is filed with the Secretary of State	Amendments that take effect January 1, 2013
109.57	The amendment in division (G)	All except as described in the middle column
109.572	The amendment in relettered division (A)(2) striking the second comma, inserting "or", and striking ", 5119.693, or 5119.85", the amendment in relettered division (A)(12), the amendments in the first paragraph of division (B) and divisions (C)(1), (C)(2), and (C)(3) striking "5119.85," the amendment in division (B)(1) striking "5119.693, 5119.85," and the amendment in division (C)(3) inserting "2151.33, 2151.412,"	All except as described in the middle column
3712.09	The amendments in divisions (C)(1) and (F)	All except as described in the middle column
3721.121	The amendment in division (A)(1)	All except as described in the middle column
5123.033	All except as described in the right-hand column	The amendment striking "5123.169" and inserting "5123.1610"

5123.081	The amendment in relettered division (I)(1)(e)(ii)	All except as described in the middle column
5123.166	The amendment in division (D)(1)(c)(ii)	All except as described in the middle column"

In line 77120, strike through "\$43,011,277" and insert " \$43,361,277"

In line 77132a, delete " \$72,616,643" and insert " \$72,966,643"

In line 77162a, delete " \$221,738,345" and insert " \$222,088,345"

In line 77186, strike through "GENERAL REIMBURSEMENT FUND" and insert " CASH TRANSFER - LEGISLATIVE TASK FORCE ON REDISTRICTING"

Between lines 77191 and 77192, insert:

" Notwithstanding any other provision of law to the contrary, On July 1, 2012, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$350,000 cash from the General Revenue Fund to the General Reimbursement Fund (Fund 1060)."

In line 79488, strike through "\$750,000" and insert " \$400,000"

In line 79492a, delete " \$21,700,530" and insert " \$21,350,530"

In line 79499a, delete " \$21,940,530" and insert " \$21,590,530"

In line 338, after "3318.37," insert "3318.70,"

Between lines 25131 and 25132, insert:

**"Sec. 3318.70.** (A) As used in this section:

(1) "Acquisition of classroom facilities" has the same meaning as in section 3318.40 of the Revised Code.

(2) "Classroom facilities" has the same meaning as in section 3318.01 of the Revised Code.

(3) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code that is not governed by a single school district board of education, as prescribed by section 3326.51 of the Revised Code.

(B) Upon receipt of a written proposal by the governing body of a STEM school, the Ohio school facilities commission, subject to approval of the controlling board, may provide funding to assist that STEM school in the acquisition of classroom facilities. The proposal of the governing body shall be submitted in a form and in the manner prescribed by the commission ~~and~~ . The proposal shall indicate both the total amount of state funding requested from the commission and the amount of nonstate other funding pledged for the acquisition of the classroom facilities, the latter of which shall not be less than the total amount of state funding requested from the commission. If the commission decides in favor of providing funding for the classroom facilities and if the controlling board approves that funding, the commission shall enter into an

agreement with the governing body for the acquisition of the classroom facilities and shall encumber, in accordance with section 3318.11 of the Revised Code, the approved funding from the amounts appropriated to the commission for classroom facilities assistance projects. The agreement shall include a stipulation of the ownership of the classroom facilities in the event the STEM school permanently closes at any time."

In line 75047, after "3318.37," insert "3318.70,"

In line 46 of the title, after "3318.37," insert "3318.70,"

In line 77392, strike through "\$0" and insert "\$5,000,000"

In line 77397a, delete "1,509,374" and insert "6,509,374"

In line 77398a, delete "180,413,133" and insert "185,413,133"

In line 77524, after the period insert:

" In the event obligations issued under Chapter 166. remain outstanding for all or any portion of the period from July 1, 2012, through June 30, 2013, amounts necessary to pay debt service and related financing costs on those obligations are hereby appropriated, subject to the limitations set forth in section 166.11 of the Revised Code."

In line 77534, after "the period" insert:

" In the event obligations issued under sections 151.01 and 151.40 of the Revised Code remain outstanding for all or any portion of the period from July 1, 2012, through June 30, 2013, amounts necessary to pay debt service and related financing costs on those obligations are hereby appropriated."

In line 66973, delete "No" and insert "Except for existing nursing home beds not certified as intermediate care facility for the mentally retarded beds and relocated in accordance with a move authorized by a certificate of need under Chapter 3702. of the Revised Code, no"

Between lines 81577, and 81578, insert:

**"Section 701. \_\_\_\_.** The Department of Administrative Services shall conduct a study of the use of compressed natural gas in the motor vehicle fleets of the state and political subdivisions. The study shall examine the feasibility, budgetary effect, and return on investment from the use of compressed natural gas in the motor vehicle fleets of the state and political subdivisions, including transit fleets operated under Chapter 306. of the Revised Code. In examining the potential return on investment, the Department shall consider the impact of converting all or part of the different motor vehicle fleets over a period of two to four years and shall develop various proposals for funding the conversion of the motor vehicle fleets. The Department may conduct public hearings and may consult with experts and other persons as the Department considers necessary to fulfill its duties under this act.

Not later than six months after the effective date of this section, the

Department shall issue a report on its findings and recommendations on using compressed natural gas to fuel the motor vehicle fleets of the state and political subdivisions, including any recommendation for funding the conversion to compressed natural gas. The Department shall furnish copies of its report to the Governor, the Ohio Senate, and the Ohio House of Representatives.

As used in this section, "political subdivision" means a county, township, municipal corporation, or any other body corporate and politic that is responsible for government activities in a geographic area smaller than that of the state."

In line 81955, delete "that evaluates the status of public health services"

Delete line 81956

In line 81957, delete "health and health districts in the state" and insert "on the future of local public health in Ohio"

In line 81960, after "policies" insert "that would improve local public health services in Ohio"; delete "The policy recommendations shall"

Delete line 81961

In line 81962, delete "budget."

In line 81967, after the comma insert "and"

In line 81968, delete ", and the"

Delete lines 81969 through 81970

In line 81971, delete everything before the period and insert "for consideration as part of the operating budget for fiscal years 2014 and 2015"

In line 81976, delete the third "the"

In line 81977, delete "Association of Ohio Health Commissioners,"

In line 81980, after the period insert "The Association of Ohio Health Commissioners shall appoint two individuals to the Legislative Committee."

In line 81981, delete "one member of the Senate" and insert "two members"

In line 81983, delete "one member of the"

In line 81984, delete "House of Representatives" and insert "two members"; after the period insert "Of the two appointments made by each legislative leader, one shall be a member of the General Assembly from the appointing member's chamber."

In line 459, after "121.35," insert "122.862,"

Between lines 3055 and 3056, insert:

" **Sec. 122.862.** There is hereby established in the state treasury the SellOhio global initiative fund."

In line 211 of the title, after "121.35," insert "122.862,"

Delete lines 81188 through 81211

In line 287 of the title, delete "Section 701.10 of Sub. S.B. 312 of the"

In line 288 of the title, delete "129th General Assembly,"

In line 80160, delete " 2013" and insert " 2012"

In line 80166, delete " 2013" and insert " 2012"

In line 382, delete "4121.04,"

Delete lines 45371 through 45463

In line 75091, delete "4121.04,"

In line 108 of the title, delete "4121.04,"

In line 460, delete "171.021,"

Delete lines 8809 through 8818

In line 213 of the title, delete "171.021,"

In line 337, after "3318.31," insert "3318.36,"

Between lines 24993 and 24994, insert:

"**Sec. 3318.36.** (A)(1) As used in this section:

(a) "Ohio school facilities commission," "classroom facilities," "school district," "school district board," "net bonded indebtedness," "required percentage of the basic project costs," "basic project cost," "valuation," and "percentile" have the same meanings as in section 3318.01 of the Revised Code.

(b) "Required level of indebtedness" means five per cent of the school district's valuation for the year preceding the year in which the commission and school district enter into an agreement under division (B) of this section, plus [two one-hundredths of one per cent multiplied by (the percentile in which the district ranks minus one)].

(c) "Local resources" means any moneys generated in any manner permitted for a school district board to raise the school district portion of a project undertaken with assistance under sections 3318.01 to 3318.20 of the Revised Code.

(d) "Tangible personal property phase-out impacted district" means a school district for which the taxable value of its tangible personal property certified under division (A)(2) of section 3317.021 of the Revised Code for tax year 2005, excluding the taxable value of public utility personal property, made up eighteen per cent or more of its total taxable value for tax year 2005 as certified under that section.

(2) For purposes of determining the required level of indebtedness, the

required percentage of the basic project costs under division (C)(1) of this section, and priority for assistance under sections 3318.01 to 3318.20 of the Revised Code, the percentile ranking of a school district with which the commission has entered into an agreement under this section between the first day of July and the thirty-first day of August in each fiscal year is the percentile ranking calculated for that district for the immediately preceding fiscal year, and the percentile ranking of a school district with which the commission has entered into such agreement between the first day of September and the thirtieth day of June in each fiscal year is the percentile ranking calculated for that district for the current fiscal year. However, in the case of a tangible personal property phase-out impacted district, the district's priority for assistance under sections 3318.01 to 3318.20 of the Revised Code and its portion of the basic project cost under those sections shall be determined in the manner prescribed, respectively, in divisions (B)(3)(b) and (E)(1)(b) of this section.

(B)(1) There is hereby established the school building assistance expedited local partnership program. Under the program, the Ohio school facilities commission may enter into an agreement with the school district board of any school district under which the school district board may proceed with the new construction or major repairs of a part of the school district's classroom facilities needs, as determined under sections 3318.01 to 3318.20 of the Revised Code, through the expenditure of local resources prior to the school district's eligibility for state assistance under those sections and may apply that expenditure toward meeting the school district's portion of the basic project cost of the total of the school district's classroom facilities needs, as determined under sections 3318.01 to 3318.20 of the Revised Code and as recalculated under division (E) of this section, that are eligible for state assistance under sections 3318.01 to 3318.20 of the Revised Code when the school district becomes eligible for that assistance. Any school district that is reasonably expected to receive assistance under sections 3318.01 to 3318.20 of the Revised Code within two fiscal years from the date the school district adopts its resolution under division (B) of this section shall not be eligible to participate in the program established under this section.

(2) To participate in the program, a school district board shall first adopt a resolution certifying to the commission the board's intent to participate in the program.

The resolution shall specify the approximate date that the board intends to seek elector approval of any bond or tax measures or to apply other local resources to use to pay the cost of classroom facilities to be constructed under this section. The resolution may specify the application of local resources or elector-approved bond or tax measures after the resolution is adopted by the board, and in such case the board may proceed with a discrete portion of its project under this section as soon as the commission and the controlling board have approved the basic project cost of the district's classroom facilities needs as specified in division (D) of this section. The board shall submit its resolution to the commission not later than ten days after the date the resolution is adopted by

the board.

The commission shall not consider any resolution that is submitted pursuant to division (B)(2) of this section, as amended by this amendment, sooner than September 14, 2000.

(3) For purposes of determining when a district that enters into an agreement under this section becomes eligible for assistance under sections 3318.01 to 3318.20 of the Revised Code, the commission shall use one of the following as applicable:

(a) Except for a tangible personal property phase-out impacted district, the district's percentile ranking determined at the time the district entered into the agreement under this section, as prescribed by division (A)(2) of this section ;

(b) For a tangible personal property phase-out impacted district, the lesser of (i) the district's percentile ranking determined at the time the district entered into the agreement under this section, as prescribed by division (A)(2) of this section, or (ii) the district's current percentile ranking under section 3318.011 of the Revised Code.

(4) Any project under this section shall comply with section 3318.03 of the Revised Code and with any specifications for plans and materials for classroom facilities adopted by the commission under section 3318.04 of the Revised Code.

(5) If a school district that enters into an agreement under this section has not begun a project applying local resources as provided for under that agreement at the time the district is notified by the commission that it is eligible to receive state assistance under sections 3318.01 to 3318.20 of the Revised Code, all assessment and agreement documents entered into under this section are void.

(6) Only construction of or repairs to classroom facilities that have been approved by the commission and have been therefore included as part of a district's basic project cost qualify for application of local resources under this section.

(C) Based on the results of on-site visits and assessment, the commission shall determine the basic project cost of the school district's classroom facilities needs. The commission shall determine the school district's portion of such basic project cost, which shall be the greater of:

(1) The required percentage of the basic project costs, determined based on the school district's percentile ranking;

(2) An amount necessary to raise the school district's net bonded indebtedness, as of the fiscal year the commission and the school district enter into the agreement under division (B) of this section, to within five thousand dollars of the required level of indebtedness.

(D)(1) When the commission determines the basic project cost of the

classroom facilities needs of a school district and the school district's portion of that basic project cost under division (C) of this section, the project shall be conditionally approved. Such conditional approval shall be submitted to the controlling board for approval thereof. The controlling board shall forthwith approve or reject the commission's determination, conditional approval, and the amount of the state's portion of the basic project cost; however, no state funds shall be encumbered under this section. Upon approval by the controlling board, the school district board may identify a discrete part of its classroom facilities needs, which shall include only new construction of or additions or major repairs to a particular building, to address with local resources. Upon identifying a part of the school district's basic project cost to address with local resources, the school district board may allocate any available school district moneys to pay the cost of that identified part, including the proceeds of an issuance of bonds if approved by the electors of the school district.

All local resources utilized under this division shall first be deposited in the project construction account required under section 3318.08 of the Revised Code.

(2) Unless the school district board exercises its option under division (D)(3) of this section, for a school district to qualify for participation in the program authorized under this section, one of the following conditions shall be satisfied:

(a) The electors of the school district by a majority vote shall approve the levy of taxes outside the ten-mill limitation for a period of twenty-three years at the rate of not less than one-half mill for each dollar of valuation to be used to pay the cost of maintaining the classroom facilities included in the basic project cost as determined by the commission. The form of the ballot to be used to submit the question whether to approve the tax required under this division to the electors of the school district shall be the form for an additional levy of taxes prescribed in section 3318.361 of the Revised Code, which may be combined in a single ballot question with the questions prescribed under section 5705.218 of the Revised Code.

(b) As authorized under division (C) of section 3318.05 of the Revised Code, the school district board shall earmark from the proceeds of a permanent improvement tax levied under section 5705.21 of the Revised Code, an amount equivalent to the additional tax otherwise required under division (D)(2)(a) of this section for the maintenance of the classroom facilities included in the basic project cost as determined by the commission.

(c) As authorized under section 3318.051 of the Revised Code, the school district board shall, if approved by the commission, annually transfer into the maintenance fund required under section 3318.05 of the Revised Code the amount prescribed in section 3318.051 of the Revised Code in lieu of the tax otherwise required under division (D)(2)(a) of this section for the maintenance of the classroom facilities included in the basic project cost as determined by the commission.

(d) If the school district board has rescinded the agreement to make transfers under section 3318.051 of the Revised Code, as provided under division (F) of that section, the electors of the school district, in accordance with section 3318.063 of the Revised Code, first shall approve the levy of taxes outside the ten-mill limitation for the period specified in that section at a rate of not less than one-half mill for each dollar of valuation.

(e) The school district board shall apply the proceeds of a tax to leverage bonds as authorized under section 3318.052 of the Revised Code or dedicate a local donated contribution in the manner described in division (B) of section 3318.084 of the Revised Code in an amount equivalent to the additional tax otherwise required under division (D)(2)(a) of this section for the maintenance of the classroom facilities included in the basic project cost as determined by the commission.

(3) A school district board may opt to delay taking any of the actions described in division (D)(2) of this section until the school district becomes eligible for state assistance under sections 3318.01 to 3318.20 of the Revised Code. In order to exercise this option, the board shall certify to the commission a resolution indicating the board's intent to do so prior to entering into an agreement under division (B) of this section.

(4) If pursuant to division (D)(3) of this section a district board opts to delay levying an additional tax until the district becomes eligible for state assistance, it shall submit the question of levying that tax to the district electors as follows:

(a) In accordance with section 3318.06 of the Revised Code if it will also be necessary pursuant to division (E) of this section to submit a proposal for approval of a bond issue;

(b) In accordance with section 3318.361 of the Revised Code if it is not necessary to also submit a proposal for approval of a bond issue pursuant to division (E) of this section.

(5) No state assistance under sections 3318.01 to 3318.20 of the Revised Code shall be released until a school district board that adopts and certifies a resolution under division (D) of this section also demonstrates to the satisfaction of the commission compliance with the provisions of division (D)(2) of this section.

Any amount required for maintenance under division (D)(2) of this section shall be deposited into a separate fund as specified in division (B) of section 3318.05 of the Revised Code.

(E)(1) If the school district becomes eligible for state assistance under sections 3318.01 to 3318.20 of the Revised Code based on its percentile ranking under division (B)(3) of this section, the commission shall conduct a new assessment of the school district's classroom facilities needs and shall recalculate the basic project cost based on this new assessment. The basic project cost

recalculated under this division shall include the amount of expenditures made by the school district board under division (D)(1) of this section. The commission shall then recalculate the school district's portion of the new basic project cost, which shall be one of the following as applicable:

(a) Except for a tangible personal property phase-out impacted district, the percentage of the original basic project cost assigned to the school district as its portion under division (C) of this section ;

(b) For a tangible personal property phase-out impacted district, the lesser of (i) the percentage of the original basic project cost assigned to the school district as its portion under division (C) of this section, or (ii) the percentage of the new basic project cost determined under section 3318.032 of the Revised Code using the district's current percentile ranking under section 3318.011 of the Revised Code. ~~The~~

The commission shall deduct the expenditure of school district moneys made under division (D)(1) of this section from the school district's portion of the basic project cost as recalculated under this division. If the amount of school district resources applied by the school district board to the school district's portion of the basic project cost under this section is less than the total amount of such portion as recalculated under this division, the school district board by a majority vote of all of its members shall, if it desires to seek state assistance under sections 3318.01 to 3318.20 of the Revised Code, adopt a resolution as specified in section 3318.06 of the Revised Code to submit to the electors of the school district the question of approval of a bond issue in order to pay any additional amount of school district portion required for state assistance. Any tax levy approved under division (D) of this section satisfies the requirements to levy the additional tax under section 3318.06 of the Revised Code.

(2) If the amount of school district resources applied by the school district board to the school district's portion of the basic project cost under this section is more than the total amount of such portion as recalculated under ~~this~~ division (E)(1) of this section, within one year after the school district's portion is so recalculated under division (E)(1) of this section ~~the commission may grant to the school district the difference between the two calculated portions, but at no time shall the commission expend any state funds on a project in an amount greater than the state's portion of the basic project cost as recalculated under this~~ division (E)(1) of this section.

Any reimbursement under this division shall be only for local resources the school district has applied toward construction cost expenditures for the classroom facilities approved by the commission, which shall not include any financing costs associated with that construction.

The school district board shall use any moneys reimbursed to the district under this division to pay off any debt service the district owes for classroom facilities constructed under its project under this section before such moneys are applied to any other purpose. However, the district board first may deposit

moneys reimbursed under this division into the district's general fund or a permanent improvement fund to replace local resources the district withdrew from those funds, as long as, and to the extent that, those local resources were used by the district for constructing classroom facilities included in the district's basic project cost.

(3) A tangible personal property phase-out impacted district shall receive credit under division (E) of this section for the expenditure of local resources pursuant to any prior agreement authorized by this section, notwithstanding any recalculation of its average taxable value."

In line 75047, after "3318.31," insert "3318.36,"

In line 46 of the title, after "3318.31," insert "3318.36,"

In line 462, after "2329.192," insert "3302.043,"

Between lines 23373 and 23374, insert:

" **Sec. 3302.043.** If the United States department of education approves the application submitted in February 2012 by the Ohio department of education requesting a waiver from the "No Child Left Behind Act of 2001," notwithstanding any provision of the Revised Code to the contrary, the Ohio department of education may implement the changes contained in the application and approved by the United States department of education, except for any such changes related to the report cards issued under sections 3302.03, 3314.012, 3326.17, and 3328.26 of the Revised Code."

In line 215 of the title, after "2329.192," insert "3302.043,"

In line 78153a, delete " \$5,612,562,311" and insert " \$5,616,481,153"

In line 78155a, delete " \$7,630,028,102" and insert " \$7,633,946,944"

In line 78230a, delete " \$10,920,918,083" and insert " \$10,924,836,925"

In line 78611, delete " \$14,794,485" and insert " \$18,713,327"

Delete lines 78627 through 78632

In line 5320, delete " or (A)(13)"

In line 5337, reinsert "or the"

In line 5338, reinsert "political subdivisions of this state"

In line 5433, delete the underlined semicolon

Delete lines 5434 through 5443

In line 5444 delete " settlement"

In line 5446, delete " or (A)(13)"

In line 5466, delete everything after "Except"

In line 5467, delete " of this section or"

In line 5469, reinsert ", unless"

Reinsert lines 5470 through 5472

In line 5473, reinsert everything before the period

In line 5572, reinsert "and"; delete " , and (13)"

In line 5656, after "(N)" insert " (1)"

Between lines 5668 and 5669, insert:

" (2) An investment held in the county portfolio on the effective date of this amendment that was a legal investment under the law as it existed before the effective date of this amendment may be held until maturity."

In line 329, after "2305.01," insert "2305.02,"

In line 330, after "2743.10," insert "2743.48,"

Between lines 18001 and 18002, insert:

**"Sec. 2305.02.** ~~A~~ The court of common pleas in the county where the underlying criminal action was initiated has exclusive, original jurisdiction to hear and determine ~~an~~ a civil action or proceeding that is commenced by an individual who seeks a determination by that court that the individual satisfies divisions (A)(1) to ~~(4)~~ (5) of section 2743.48 of the Revised Code ~~and that seeks a determination by the court that the offense of which he was found guilty, including all lesser included offenses, either was not committed by him or was not committed by any person.~~ If ~~the~~ that court enters the requested determination, it shall comply with division (B) of that section."

Between lines 19125 and 19126, insert:

**"Sec. 2743.48.** (A) As used in this section and section 2743.49 of the Revised Code, a "wrongfully imprisoned individual" means an individual who satisfies each of the following:

(1) The individual was charged with a violation of a section of the Revised Code by an indictment or information ~~prior to, or on or after, September 24, 1986,~~ and the violation charged was an aggravated felony or felony.

(2) The individual was found guilty of, but did not plead guilty to, the particular charge or a lesser-included offense by the court or jury involved, and the offense of which the individual was found guilty was an aggravated felony or felony.

(3) The individual was sentenced to an indefinite or definite term of imprisonment in a state correctional institution for the offense of which the individual was found guilty.

(4) The individual's conviction was vacated ~~or was~~ dismissed, or reversed on appeal, the prosecuting attorney in the case cannot or will not seek any further appeal of right or upon leave of court, and no criminal proceeding is

pending, can be brought, or will be brought by any prosecuting attorney, city director of law, village solicitor, or other chief legal officer of a municipal corporation against the individual for any act associated with that conviction.

(5) Subsequent to sentencing and during or subsequent to imprisonment, an error in procedure resulted in the individual's release, or it was determined by ~~a~~ the court of common pleas in the county where the underlying criminal action was initiated that the charged offense of which the individual was found guilty, including all lesser-included offenses, either was not committed by the individual or was not committed by any person.

(B)(1) ~~When a~~ A person may file a civil action to be declared a wrongfully imprisoned individual in the court of common pleas in the county where the underlying criminal action was initiated. That civil action shall be separate from the underlying finding of guilt by the court of common pleas. Upon the filing of a civil action to be determined a wrongfully imprisoned individual, the attorney general shall be served with a copy of the complaint and shall be heard.

(2) ~~When the court of common pleas in the county where the underlying criminal action was initiated determines, on or after September 24, 1986, in a separate civil action~~ that a person is a wrongfully imprisoned individual, the court shall provide the person with a copy of this section and orally inform the person and the person's attorney of the person's rights under this section to commence a civil action against the state in the court of claims because of the person's wrongful imprisonment and to be represented in that civil action by counsel of the person's own choice.

~~(2)~~ (3) The court described in division (B)(1) of this section shall notify the clerk of the court of claims, in writing and within seven days after the date of the entry of its determination that the person is a wrongfully imprisoned individual, of the name and proposed mailing address of the person and of the fact that the person has the rights to commence a civil action and to have legal representation as provided in this section. The clerk of the court of claims shall maintain in the clerk's office a list of wrongfully imprisoned individuals for whom notices are received under this section and shall create files in the clerk's office for each such individual.

~~(3)~~ (4) Within sixty days after the date of the entry of ~~a court of common plea's~~ the determination by the court of common pleas in the county where the underlying criminal action was initiated that a person is a wrongfully imprisoned individual, the clerk of the court of claims shall forward a preliminary judgment to the president of the controlling board requesting the payment of fifty per cent of the amount described in division (E)(2)(b) of this section to the wrongfully imprisoned individual. The board shall take all actions necessary to cause the payment of that amount out of the emergency purposes special purpose account of the board.

(C)(1) In a civil action under this section, a wrongfully imprisoned individual has the right to have counsel of the individual's own choice.

(2) If a wrongfully imprisoned individual who is the subject of a court determination as described in division (B) ~~(1)~~ (2) of this section does not commence a civil action under this section within six months after the entry of that determination, the clerk of the court of claims shall send a letter to the wrongfully imprisoned individual, at the address set forth in the notice received from the court of common pleas pursuant to division (B) ~~(2)~~ (3) of this section or to any later address provided by the wrongfully imprisoned individual, that reminds the wrongfully imprisoned individual of the wrongfully imprisoned individual's rights under this section. Until the statute of limitations provided in division (H) of this section expires and unless the wrongfully imprisoned individual commences a civil action under this section, the clerk of the court of claims shall send a similar letter in a similar manner to the wrongfully imprisoned individual at least once each three months after the sending of the first reminder.

(D) Notwithstanding any provisions of this chapter to the contrary, a wrongfully imprisoned individual has and may file a civil action against the state, in the court of claims, to recover a sum of money as described in this section, because of the individual's wrongful imprisonment. The court of claims shall have exclusive, original jurisdiction over such a civil action. The civil action shall proceed, be heard, and be determined as provided in sections 2743.01 to 2743.20 of the Revised Code, except that if a provision of this section conflicts with a provision in any of those sections, the provision in this section controls.

(E)(1) In a civil action as described in division (D) of this section, the complainant may establish that the claimant is a wrongfully imprisoned individual by submitting to the court of claims a certified copy of the judgment entry of the court of common pleas associated with the claimant's conviction and sentencing, and a certified copy of the entry of the determination of ~~a~~ the court of common pleas that the claimant is a wrongfully imprisoned individual under division (B)(2) of this section. No other evidence shall be required of the complainant to establish that the claimant is a wrongfully imprisoned individual, and the claimant shall be irrebuttably presumed to be a wrongfully imprisoned individual.

(2) In a civil action as described in division (D) of this section, upon presentation of requisite proof to the court of claims, a wrongfully imprisoned individual is entitled to receive a sum of money that equals the total of each of the following amounts:

(a) The amount of any fine or court costs imposed and paid, and the reasonable attorney's fees and other expenses incurred by the wrongfully imprisoned individual in connection with all associated criminal proceedings and appeals, and, if applicable, in connection with obtaining the wrongfully imprisoned individual's discharge from confinement in the state correctional institution;

(b) For each full year of imprisonment in the state correctional institution

for the offense of which the wrongfully imprisoned individual was found guilty, forty thousand three hundred thirty dollars or the adjusted amount determined by the auditor of state pursuant to section 2743.49 of the Revised Code, and for each part of a year of being so imprisoned, a pro-rated share of forty thousand three hundred thirty dollars or the adjusted amount determined by the auditor of state pursuant to section 2743.49 of the Revised Code;

(c) Any loss of wages, salary, or other earned income that directly resulted from the wrongfully imprisoned individual's arrest, prosecution, conviction, and wrongful imprisonment;

(d) The amount of the following cost debts the department of rehabilitation and correction recovered from the wrongfully imprisoned individual who was in custody of the department or under the department's supervision:

(i) Any user fee or copayment for services at a detention facility, including, but not limited to, a fee or copayment for sick call visits;

(ii) The cost of housing and feeding the wrongfully imprisoned individual in a detention facility;

(iii) The cost of supervision of the wrongfully imprisoned individual;

(iv) The cost of any ancillary services provided to the wrongfully imprisoned individual.

(F)(1) If the court of claims determines in a civil action as described in division (D) of this section that the complainant is a wrongfully imprisoned individual, it shall enter judgment for the wrongfully imprisoned individual in the amount of the sum of money to which the wrongfully imprisoned individual is entitled under division (E)(2) of this section. In determining that sum, the court of claims shall not take into consideration any expenses incurred by the state or any of its political subdivisions in connection with the arrest, prosecution, and imprisonment of the wrongfully imprisoned individual, including, but not limited to, expenses for food, clothing, shelter, and medical services. The court shall reduce that sum by the amount of the payment to the wrongfully imprisoned individual described in division (B) ~~(3)~~ (4) of this section.

(2) If the wrongfully imprisoned individual was represented in the civil action under this section by counsel of the wrongfully imprisoned individual's own choice, the court of claims shall include in the judgment entry referred to in division (F)(1) of this section an award for the reasonable attorney's fees of that counsel. These fees shall be paid as provided in division (G) of this section.

(3) The state consents to be sued by a wrongfully imprisoned individual because the imprisonment was wrongful, and to liability on its part because of that fact, only as provided in this section. However, this section does not affect any liability of the state or of its employees to a wrongfully imprisoned individual on a claim for relief that is not based on the fact of the wrongful

imprisonment, including, but not limited to, a claim for relief that arises out of circumstances occurring during the wrongfully imprisoned individual's confinement in the state correctional institution.

(G) The clerk of the court of claims shall forward a certified copy of a judgment under division (F) of this section to the president of the controlling board. The board shall take all actions necessary to cause the payment of the judgment out of the emergency purposes special purpose account of the board.

(H) To be eligible to recover a sum of money as described in this section because of wrongful imprisonment, a both of the following shall apply to a wrongfully imprisoned individual:

(1) The wrongfully imprisoned individual shall not have been, prior to September 24, 1986, the subject of an act of the general assembly that authorized an award of compensation for the wrongful imprisonment or have been the subject of an action before the former sundry claims board that resulted in an award of compensation for the wrongful imprisonment. Additionally, to be eligible to so recover, the

(2) The wrongfully imprisoned individual shall commence a civil action under this section in the court of claims no later than two years after the date of the entry of the determination of a the court of common pleas that the individual is a wrongfully imprisoned individual under division (B)(2) of this section."

In line 75039, after "2305.01," insert "2305.02,"

In line 75040, after "2743.10," insert "2743.48,"

In line 35 of the title, after "2305.01," insert "2305.02,"

In line 36 of the title, after "2743.10," insert "2743.48,"

In line 306, after "121.084," insert "122.07,"

Between lines 3055 and 3056, insert:

"**Sec. 122.07.** (A) The department of development may do ~~either~~ any of the following:

(1) Disseminate information concerning the industrial, commercial, governmental, educational, cultural, recreational, agricultural, and other advantages and attractions of the state;

(2) Provide technical assistance to public and private agencies in the preparation of promotional programs designed to attract business, industry, and tourists to the state ;

(3) Enter into cooperative or contractual agreements, through the director of development, with any individual, organization, or business to create, administer, or otherwise be involved with Ohio tourism-related promotional programs. Compensation under such agreements shall be determined by the director and may include deferred compensation. This compensation is payable

from the travel and tourism cooperative projects fund of the department. Any excess revenue generated under such a cooperative or contractual agreement shall be remitted to the fund to be reinvested in ongoing tourism marketing initiatives as authorized by law.

(B) Records related to tourism market research submitted to or generated by the research office of the division of travel and tourism of the department of development, and any information taken for any purpose from such research, are not public records for the purposes of section 149.43 of the Revised Code. The department may use, however, such tourism market research in a public report if the director of the department determines that issuing and distributing the report would promote or market the state's travel and tourism industry or otherwise advance the purposes of this section."

In line 75014, after "121.084," insert "122.07,"

In line 3 of the title, after "121.084," insert "122.07,"

In line 470, after "4923.15," insert "4929.042,"

In line 59702, after "exemption" insert " .

(3) If the company, after a regulatory exemption has been granted under division (B)(2) of this section, subsequently places into service investments that perform the function that had been provided by the exempt investments prior to the granting of the regulatory exemption, the company shall not be authorized to recover revenues related to the investments placed into service greater than those consistent with the value of the exempt assets as would be determined under division (A)(1) of section 4909.15 of the Revised Code in the company's next rate case"

Between lines 59742 and 59743, insert:

" **Sec. 4929.042.** A natural gas company shall notify the public utilities commission in writing before converting the use of any gathering facilities described in division (B)(2) of section 4929.041 of the Revised Code."

In line 225 of the title, after "4923.15," insert "4929.042,"

In line 81249, delete "action" and insert "adoption"

In line 335, after "3301.55," insert "3304.14,"

Between lines 23373 and 23374, insert:

"**Sec. 3304.14.** (A) The governor shall appoint an administrator of the rehabilitation services commission to serve at the pleasure of the governor and shall fix the administrator's compensation. The administrator shall devote the administrator's entire time to the duties of the administrator's office, shall hold no other office or position of trust and profit, and shall engage in no other business during the administrator's term of office. The governor may 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.

(B)(1) The administrator shall have exclusive authority to administer the daily operation and provision of vocational rehabilitation services under this chapter.

(2) The administrator shall establish a fee schedule for vocational rehabilitation services in accordance with 34 C.F.R. 361.50."

In line 23377, delete " , including rules"

Delete line 23378

In line 23379, delete " in accordance with 34 C.F.R. 361.50"

In line 23403, after "duties" insert " , except that the commission shall delegate to the administrator of the commission, as provided in section 3304.14 of the Revised Code, the power and duty to administer the daily operation and provision of vocational rehabilitation services"

In line 75044, after "3301.55," insert "3304.14,"

In line 42 of the title, after "3301.55," insert "3304.14,"

Delete lines 81926 through 81952

In line 703, after the first "office" delete the balance of the line

Delete line 704

In line 705, delete " recent federal decennial census."

Delete line 1046

In line 1098, reinsert "or township"; delete " township officials of a"

Delete lines 1099 and 1100

In line 1101, delete " employees;"

Delete lines 81494 through 81501

In line 305, delete "109.33,"

Delete lines 1452 through 1458

In line 75013, delete "109.33,"

In line 2 of the title, delete "109.33,"

In line 462, delete "2329.192,"

Delete lines 18846 through 18901

In line 215 of the title, delete "2329.192,"

In line 305, delete "107.54,"

In line 459, delete "119.033,"

Delete lines 1432 through 1451

In line 2496, delete " and in section"

In line 2497, delete everything before the colon

In line 2502, after "agency" reinsert the balance of the line

Reinsert line 2503

In line 2504, reinsert "date"; delete " or an extended review date"

In line 2505, after "review" reinsert the balance of the line

In line 2506, reinsert "section"

In line 2517, after "(B)" reinsert the balance of the line

Reinsert lines 2518 through 2528

In line 2529, reinsert "during that five-year period."

In line 2531, reinsert "specified in this"

In line 2532, reinsert "division"

In line 2536, reinsert "original"

Reinsert line 2537

In line 2538, reinsert everything before the period

In line 2563, reinsert "(D)"; reinsert "the"; delete " its"; after "review" reinsert the balance of the line

In line 2564, reinsert "this section"

Reinsert lines 2568 through 2636

In line 2637, reinsert "(6)"; after "(6)" delete the balance of the line

Delete lines 2638 through 2646

In line 2647, delete " (E)"

In line 2659, after "to" reinsert the balance of the line

Reinsert lines 2660 and 2661

In line 2662, reinsert "action regarding the rule required by"; delete " comply with"; delete " or"

In line 2663, delete " section 119.033 of the Revised Code"

In line 2672, after "under" reinsert the balance of the line

In line 2673, reinsert "(F) of"; delete " or section 119.033 of the Revised Code"

Delete lines 2676 through 2776

In line 75013, delete "107.54,"

Delete lines 81567 through 81576

In line 2 of the title, delete "107.54,"

In line 211 of the title, delete "119.033,"

In line 322, delete "1321.52, "; delete "1322.02,"

In line 461, delete "1321.537,"

In line 462, delete "1321.538, 1322.042, 1322.043,"

Delete lines 13412 through 13530

Delete lines 13805 through 13935

Delete lines 14262 through 14350

In line 75031, delete "1321.52, "; delete "1322.02,"

In line 24 of the title, delete "1321.52,"

In line 25 of the title, delete "1322.02,"

In line 214 of the title, delete "1321.537, 1321.538, 1322.042,"

In line 215 of the title, delete "1322.043,"

In line 324, after "1509.071," insert "1509.36,"

In line 326, after "1555.06," insert "1571.14,"

In line 329, after "2301.01," insert "2301.03, 2301.18, 2301.20, 2301.21, 2301.22, 2301.23, 2301.24, 2301.25, 2301.26,"

In line 330, after "2317.56," insert "2319.27, "; after "2501.02," insert "2501.16, 2501.17, "; after "2743.02," insert "2743.09,"

In line 331, after "2746.01," insert "2746.03, 2746.04,"

In line 332, after "2935.03," insert "2939.11,"

In line 372, after "3745.01," insert "3745.05,"

Between lines 14975 and 14976, insert:

**"Sec. 1509.36.** Any person adversely affected by an order by the chief of the division of oil and gas resources management may appeal to the oil and gas commission for an order vacating or modifying the order.

The person so appealing to the commission shall be known as appellant and the chief shall be known as appellee. Appellant and appellee shall be deemed to be parties to the appeal.

The appeal shall be in writing and shall set forth the order complained of and the grounds upon which the appeal is based. The appeal shall be filed with the commission within thirty days after the date upon which the appellant

received notice by certified mail and, for all other persons adversely affected by the order, within thirty days after the date of the order complained of. Notice of the filing of the appeal shall be filed with the chief within three days after the appeal is filed with the commission.

Upon the filing of the appeal the commission promptly shall fix the time and place at which the hearing on the appeal will be held, and shall give the appellant and the chief at least ten days' written notice thereof by mail. The commission may postpone or continue any hearing upon its own motion or upon application of the appellant or of the chief.

The filing of an appeal provided for in this section does not automatically suspend or stay execution of the order appealed from, but upon application by the appellant the commission may suspend or stay the execution pending determination of the appeal upon such terms as the commission considers proper.

Either party to the appeal or any interested person who, pursuant to commission rules has been granted permission to appear, may submit such evidence as the commission considers admissible.

For the purpose of conducting a hearing on an appeal, the commission may require the attendance of witnesses and the production of books, records, and papers, and it may, and at the request of any party it shall, issue subpoenas for witnesses or subpoenas duces tecum to compel the production of any books, records, or papers, directed to the sheriffs of the counties where the witnesses are found. The subpoenas shall be served and returned in the same manner as subpoenas in criminal cases are served and returned. The fees of sheriffs shall be the same as those allowed by the court of common pleas in criminal cases. Witnesses shall be paid the fees and mileage provided for under section 119.094 of the Revised Code. Such fees and mileage expenses incurred at the request of appellant shall be paid in advance by the appellant, and the remainder of those expenses shall be paid out of funds appropriated for the expenses of the division of oil and gas resources management.

In case of disobedience or neglect of any subpoena served on any person, or the refusal of any witness to testify to any matter regarding which the witness may be lawfully interrogated, the court of common pleas of the county in which the disobedience, neglect, or refusal occurs, or any judge thereof, on application of the commission or any member thereof, shall compel obedience by attachment proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from that court or a refusal to testify therein. Witnesses at such hearings shall testify under oath, and any member of the commission may administer oaths or affirmations to persons who so testify.

At the request of any party to the appeal, a ~~stenographic~~ record of the testimony and other evidence submitted shall be taken by an official court ~~shorthand~~ reporter at the expense of the party making the request ~~therefor~~ for the record. The record shall include all of the testimony and other evidence and the

rulings on the admissibility thereof presented at the hearing. The commission shall pass upon the admissibility of evidence, but any party may at the time object to the admission of any evidence and except to the rulings of the commission thereon, and if the commission refuses to admit evidence the party offering same may make a proffer thereof, and such proffer shall be made a part of the record of the hearing.

If upon completion of the hearing the commission finds that the order appealed from was lawful and reasonable, it shall make a written order affirming the order appealed from; if the commission finds that the order was unreasonable or unlawful, it shall make a written order vacating the order appealed from and making the order that it finds the chief should have made. Every order made by the commission shall contain a written finding by the commission of the facts upon which the order is based.

Notice of the making of the order shall be given forthwith to each party to the appeal by mailing a certified copy thereof to each such party by certified mail.

The order of the commission is final unless vacated by the court of common pleas of Franklin county in an appeal as provided for in section 1509.37 of the Revised Code. Sections 1509.01 to 1509.37 of the Revised Code, providing for appeals relating to orders by the chief or by the commission, or relating to rules adopted by the chief, do not constitute the exclusive procedure that any person who believes the person's rights to be unlawfully affected by those sections or any official action taken thereunder must pursue in order to protect and preserve those rights, nor do those sections constitute a procedure that that person must pursue before that person may lawfully appeal to the courts to protect and preserve those rights."

Between lines 15430 and 15431, insert:

**"Sec. 1571.14.** Any person claiming to be aggrieved or adversely affected by an order of the chief of the division of oil and gas resources management made as provided in section 1571.10 or 1571.16 of the Revised Code may appeal to the director of natural resources for an order vacating or modifying such order. Upon receipt of the appeal, the director shall appoint an individual who has knowledge of the laws and rules regarding the underground storage of gas and who shall act as a hearing officer in accordance with Chapter 119. of the Revised Code in hearing the appeal.

The person appealing to the director shall be known as appellant and the chief shall be known as appellee. The appellant and the appellee shall be deemed parties to the appeal.

The appeal shall be in writing and shall set forth the order complained of and the grounds upon which the appeal is based. The appeal shall be filed with the director within thirty days after the date upon which appellant received notice by registered mail of the making of the order complained of, as required by section 1571.10 of the Revised Code. Notice of the filing of such appeal shall

be delivered by appellant to the chief within three days after the appeal is filed with the director.

Within seven days after receipt of the notice of appeal the chief shall prepare and certify to the director at the expense of appellant a complete transcript of the proceedings out of which the appeal arises, including a transcript of the testimony submitted to the chief.

Upon the filing of the appeal the director shall fix the time and place at which the hearing on the appeal will be held, and shall give appellant and the chief at least ten days' written notice thereof by mail. The director may postpone or continue any hearing upon the director's own motion or upon application of appellant or of the chief.

The filing of an appeal provided for in this section does not automatically suspend or stay execution of the order appealed from, but upon application by the appellant the director may suspend or stay such execution pending determination of the appeal upon such terms as the director deems proper.

The hearing officer appointed by the director shall hear the appeal de novo, and either party to the appeal may submit such evidence as the hearing officer deems admissible.

For the purpose of conducting a hearing on an appeal, the hearing officer may require the attendance of witnesses and the production of books, records, and papers, and may, and at the request of any party shall, issue subpoenas for witnesses or subpoenas duces tecum to compel the production of any books, records, or papers, directed to the sheriffs of the counties where such witnesses are found, which subpoenas shall be served and returned in the same manner as subpoenas in criminal cases are served and returned. The fees of sheriffs shall be the same as those allowed by the court of common pleas in criminal cases. Witnesses shall be paid the fees and mileage provided for under section 119.094 of the Revised Code. Such fee and mileage expenses incurred at the request of appellant shall be paid in advance by appellant, and the remainder of such expenses shall be paid out of funds appropriated for the expenses of the division of oil and gas resources management.

In case of disobedience or neglect of any subpoena served on any person, or the refusal of any witness to testify to any matter regarding which the witness may be lawfully interrogated, the court of common pleas of the county in which such disobedience, neglect, or refusal occurs, or any judge thereof, on application of the director, shall compel obedience by attachment proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein. Witnesses at such hearings shall testify under oath, and the hearing officer may administer oaths or affirmations to persons who so testify.

At the request of any party to the appeal, a ~~stenographic~~ record of the testimony and other evidence submitted shall be taken by an official court ~~shorthand~~ reporter at the expense of the party making the request ~~therefor~~ for the

record. The record shall include all of the testimony and other evidence and the rulings on the admissibility thereof presented at the hearing. The hearing officer shall pass upon the admissibility of evidence, but any party may at the time object to the admission of any evidence and except to the ruling of the hearing officer thereon, and if the hearing officer refuses to admit evidence, the party offering same may make a proffer thereof, and such proffer shall be made a part of the record of such hearing.

If upon completion of the hearing the hearing officer finds that the order appealed from was lawful and reasonable, the hearing officer shall make a written order affirming the order appealed from. If the hearing officer finds that such order was unreasonable or unlawful, the hearing officer shall make a written order vacating the order appealed from and making the order that it finds the chief should have made. Every order made by the hearing officer shall contain a written finding by the hearing officer of the facts upon which the order is based. Notice of the making of such order shall be given forthwith to each party to the appeal by mailing a certified copy thereof to each such party by registered mail."

Between lines 17818 and 17819, insert:

**"Sec. 2301.03.** (A) In Franklin county, the judges of the court of common pleas whose terms begin on January 1, 1953, January 2, 1953, January 5, 1969, January 5, 1977, and January 2, 1997, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Franklin county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. They shall have all the powers relating to juvenile courts, and all cases under Chapters 2151. and 2152. of the Revised Code, all parentage proceedings under Chapter 3111. of the Revised Code over which the juvenile court has jurisdiction, and all divorce, dissolution of marriage, legal separation, and annulment cases shall be assigned to them. In addition to the judge's regular duties, the judge who is senior in point of service shall serve on the children services board and the county advisory board and shall be the administrator of the domestic relations division and its subdivisions and departments.

(B) In Hamilton county:

(1) The judge of the court of common pleas, whose term begins on January 1, 1957, and successors, and the judge of the court of common pleas, whose term begins on February 14, 1967, and successors, shall be the juvenile judges as provided in Chapters 2151. and 2152. of the Revised Code, with the powers and jurisdiction conferred by those chapters.

(2) The judges of the court of common pleas whose terms begin on January 5, 1957, January 16, 1981, and July 1, 1991, and successors, shall be elected and designated as judges of the court of common pleas, division of domestic relations, and shall have assigned to them all divorce, dissolution of marriage, legal separation, and annulment cases coming before the court. On or

after the first day of July and before the first day of August of 1991 and each year thereafter, a majority of the judges of the division of domestic relations shall elect one of the judges of the division as administrative judge of that division. If a majority of the judges of the division of domestic relations are unable for any reason to elect an administrative judge for the division before the first day of August, a majority of the judges of the Hamilton county court of common pleas, as soon as possible after that date, shall elect one of the judges of the division of domestic relations as administrative judge of that division. The term of the administrative judge shall begin on the earlier of the first day of August of the year in which the administrative judge is elected or the date on which the administrative judge is elected by a majority of the judges of the Hamilton county court of common pleas and shall terminate on the date on which the administrative judge's successor is elected in the following year.

In addition to the judge's regular duties, the administrative judge of the division of domestic relations shall be the administrator of the domestic relations division and its subdivisions and departments and shall have charge of the employment, assignment, and supervision of the personnel of the division engaged in handling, servicing, or investigating divorce, dissolution of marriage, legal separation, and annulment cases, including any referees considered necessary by the judges in the discharge of their various duties.

The administrative judge of the division of domestic relations also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the personnel of the division, and shall fix the duties of its personnel. The duties of the personnel, in addition to those provided for in other sections of the Revised Code, shall include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases and counseling and conciliation services that may be made available to persons requesting them, whether or not the persons are parties to an action pending in the division.

The board of county commissioners shall appropriate the sum of money each year as will meet all the administrative expenses of the division of domestic relations, including reasonable expenses of the domestic relations judges and the division counselors and other employees designated to conduct the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases, conciliation and counseling, and all matters relating to those cases and counseling, and the expenses involved in the attendance of division personnel at domestic relations and welfare conferences designated by the division, and the further sum each year as will provide for the adequate operation of the division of domestic relations.

The compensation and expenses of all employees and the salary and expenses of the judges shall be paid by the county treasurer from the money appropriated for the operation of the division, upon the warrant of the county auditor, certified to by the administrative judge of the division of domestic relations.

The summonses, warrants, citations, subpoenas, and other writs of the division may issue to a bailiff, constable, or staff investigator of the division or to the sheriff of any county or any marshal, constable, or police officer, and the provisions of law relating to the subpoenaing of witnesses in other cases shall apply insofar as they are applicable. When a summons, warrant, citation, subpoena, or other writ is issued to an officer, other than a bailiff, constable, or staff investigator of the division, the expense of serving it shall be assessed as a part of the costs in the case involved.

(3) The judge of the court of common pleas of Hamilton county whose term begins on January 3, 1997, and the successors to that judge shall each be elected and designated as the drug court judge of the court of common pleas of Hamilton county. The drug court judge may accept or reject any case referred to the drug court judge under division (B)(3) of this section. After the drug court judge accepts a referred case, the drug court judge has full authority over the case, including the authority to conduct arraignment, accept pleas, enter findings and dispositions, conduct trials, order treatment, and if treatment is not successfully completed pronounce and enter sentence.

A judge of the general division of the court of common pleas of Hamilton county and a judge of the Hamilton county municipal court may refer to the drug court judge any case, and any companion cases, the judge determines meet the criteria described under divisions (B)(3)(a) and (b) of this section. If the drug court judge accepts referral of a referred case, the case, and any companion cases, shall be transferred to the drug court judge. A judge may refer a case meeting the criteria described in divisions (B)(3)(a) and (b) of this section that involves a violation of a condition of a community control sanction to the drug court judge, and, if the drug court judge accepts the referral, the referring judge and the drug court judge have concurrent jurisdiction over the case.

A judge of the general division of the court of common pleas of Hamilton county and a judge of the Hamilton county municipal court may refer a case to the drug court judge under division (B)(3) of this section if the judge determines that both of the following apply:

(a) One of the following applies:

(i) The case involves a drug abuse offense, as defined in section 2925.01 of the Revised Code, that is a felony of the third or fourth degree if the offense is committed prior to July 1, 1996, a felony of the third, fourth, or fifth degree if the offense is committed on or after July 1, 1996, or a misdemeanor.

(ii) The case involves a theft offense, as defined in section 2913.01 of the Revised Code, that is a felony of the third or fourth degree if the offense is committed prior to July 1, 1996, a felony of the third, fourth, or fifth degree if the offense is committed on or after July 1, 1996, or a misdemeanor, and the defendant is drug or alcohol dependent or in danger of becoming drug or alcohol dependent and would benefit from treatment.

(b) All of the following apply:

(i) The case involves an offense for which a community control sanction may be imposed or is a case in which a mandatory prison term or a mandatory jail term is not required to be imposed.

(ii) The defendant has no history of violent behavior.

(iii) The defendant has no history of mental illness.

(iv) The defendant's current or past behavior, or both, is drug or alcohol driven.

(v) The defendant demonstrates a sincere willingness to participate in a fifteen-month treatment process.

(vi) The defendant has no acute health condition.

(vii) If the defendant is incarcerated, the county prosecutor approves of the referral.

(4) If the administrative judge of the court of common pleas of Hamilton county determines that the volume of cases pending before the drug court judge does not constitute a sufficient caseload for the drug court judge, the administrative judge, in accordance with the Rules of Superintendence for Courts of Common Pleas, shall assign individual cases to the drug court judge from the general docket of the court. If the assignments so occur, the administrative judge shall cease the assignments when the administrative judge determines that the volume of cases pending before the drug court judge constitutes a sufficient caseload for the drug court judge.

(5) As used in division (B) of this section, "community control sanction," "mandatory prison term," and "mandatory jail term" have the same meanings as in section 2929.01 of the Revised Code.

(C)(1) In Lorain county:

(a) The judges of the court of common pleas whose terms begin on January 3, 1959, January 4, 1989, and January 2, 1999, and successors, and the judge of the court of common pleas whose term begins on February 9, 2009, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Lorain county and shall be elected and designated as the judges of the court of common pleas, division of domestic relations. The judges of the court of common pleas whose terms begin on January 3, 1959, January 4, 1989, and January 2, 1999, and successors, shall have all of the powers relating to juvenile courts, and all cases under Chapters 2151. and 2152. of the Revised Code, all parentage proceedings over which the juvenile court has jurisdiction, and all divorce, dissolution of marriage, legal separation, and annulment cases shall be assigned to them, except cases that for some special reason are assigned to some other judge of the court of common pleas. From February 9, 2009, through September 28, 2009, the judge of the court of common pleas whose term begins on February 9, 2009, shall have all the powers relating to juvenile courts, and

cases under Chapters 2151. and 2152. of the Revised Code, parentage proceedings over which the juvenile court has jurisdiction, and divorce, dissolution of marriage, legal separation, and annulment cases shall be assigned to that judge, except cases that for some special reason are assigned to some other judge of the court of common pleas.

(b) From January 1, 2006, through September 28, 2009, the judges of the court of common pleas, division of domestic relations, in addition to the powers and jurisdiction set forth in division (C)(1)(a) of this section, shall have jurisdiction over matters that are within the jurisdiction of the probate court under Chapter 2101. and other provisions of the Revised Code.

(c) The judge of the court of common pleas, division of domestic relations, whose term begins on February 9, 2009, is the successor to the probate judge who was elected in 2002 for a term that began on February 9, 2003. After September 28, 2009, the judge of the court of common pleas, division of domestic relations, whose term begins on February 9, 2009, shall be the probate judge.

(2)(a) From February 9, 2009, through September 28, 2009, with respect to Lorain county, all references in law to the probate court shall be construed as references to the court of common pleas, division of domestic relations, and all references to the probate judge shall be construed as references to the judges of the court of common pleas, division of domestic relations.

(b) From February 9, 2009, through September 28, 2009, with respect to Lorain county, all references in law to the clerk of the probate court shall be construed as references to the judge who is serving pursuant to Rule 4 of the Rules of Superintendence for the Courts of Ohio as the administrative judge of the court of common pleas, division of domestic relations.

(D) In Lucas county:

(1) The judges of the court of common pleas whose terms begin on January 1, 1955, and January 3, 1965, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Lucas county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. All divorce, dissolution of marriage, legal separation, and annulment cases shall be assigned to them.

The judge of the division of domestic relations, senior in point of service, shall be considered as the presiding judge of the court of common pleas, division of domestic relations, and shall be charged exclusively with the assignment and division of the work of the division and the employment and supervision of all other personnel of the domestic relations division.

(2) The judges of the court of common pleas whose terms begin on January 5, 1977, and January 2, 1991, and successors shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same

compensation as other judges of the court of common pleas of Lucas county, shall be elected and designated as judges of the court of common pleas, juvenile division, and shall be the juvenile judges as provided in Chapters 2151. and 2152. of the Revised Code with the powers and jurisdictions conferred by those chapters. In addition to the judge's regular duties, the judge of the court of common pleas, juvenile division, senior in point of service, shall be the administrator of the juvenile division and its subdivisions and departments and shall have charge of the employment, assignment, and supervision of the personnel of the division engaged in handling, servicing, or investigating juvenile cases, including any referees considered necessary by the judges of the division in the discharge of their various duties.

The judge of the court of common pleas, juvenile division, senior in point of service, also shall designate the title, compensation, expense allowance, hours, leaves of absence, and vacation of the personnel of the division and shall fix the duties of the personnel of the division. The duties of the personnel, in addition to other statutory duties include the handling, servicing, and investigation of juvenile cases and counseling and conciliation services that may be made available to persons requesting them, whether or not the persons are parties to an action pending in the division.

(3) If one of the judges of the court of common pleas, division of domestic relations, or one of the judges of the juvenile division is sick, absent, or unable to perform that judge's judicial duties or the volume of cases pending in that judge's division necessitates it, the duties shall be performed by the judges of the other of those divisions.

(E) In Mahoning county:

(1) The judge of the court of common pleas whose term began on January 1, 1955, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Mahoning county, shall be elected and designated as judge of the court of common pleas, division of domestic relations, and shall be assigned all the divorce, dissolution of marriage, legal separation, and annulment cases coming before the court. In addition to the judge's regular duties, the judge of the court of common pleas, division of domestic relations, shall be the administrator of the domestic relations division and its subdivisions and departments and shall have charge of the employment, assignment, and supervision of the personnel of the division engaged in handling, servicing, or investigating divorce, dissolution of marriage, legal separation, and annulment cases, including any referees considered necessary in the discharge of the various duties of the judge's office.

The judge also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the personnel of the division and shall fix the duties of the personnel of the division. The duties of the personnel, in addition to other statutory duties, include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and

annulment cases and counseling and conciliation services that may be made available to persons requesting them, whether or not the persons are parties to an action pending in the division.

(2) The judge of the court of common pleas whose term began on January 2, 1969, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Mahoning county, shall be elected and designated as judge of the court of common pleas, juvenile division, and shall be the juvenile judge as provided in Chapters 2151. and 2152. of the Revised Code, with the powers and jurisdictions conferred by those chapters. In addition to the judge's regular duties, the judge of the court of common pleas, juvenile division, shall be the administrator of the juvenile division and its subdivisions and departments and shall have charge of the employment, assignment, and supervision of the personnel of the division engaged in handling, servicing, or investigating juvenile cases, including any referees considered necessary by the judge in the discharge of the judge's various duties.

The judge also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacation of the personnel of the division and shall fix the duties of the personnel of the division. The duties of the personnel, in addition to other statutory duties, include the handling, servicing, and investigation of juvenile cases and counseling and conciliation services that may be made available to persons requesting them, whether or not the persons are parties to an action pending in the division.

(3) If a judge of the court of common pleas, division of domestic relations or juvenile division, is sick, absent, or unable to perform that judge's judicial duties, or the volume of cases pending in that judge's division necessitates it, that judge's duties shall be performed by another judge of the court of common pleas.

(F) In Montgomery county:

(1) The judges of the court of common pleas whose terms begin on January 2, 1953, and January 4, 1977, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Montgomery county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. These judges shall have assigned to them all divorce, dissolution of marriage, legal separation, and annulment cases.

The judge of the division of domestic relations, senior in point of service, shall be charged exclusively with the assignment and division of the work of the division and shall have charge of the employment and supervision of the personnel of the division engaged in handling, servicing, or investigating divorce, dissolution of marriage, legal separation, and annulment cases, including any necessary referees, except those employees who may be appointed by the judge, junior in point of service, under this section and sections 2301.12 ;

~~and 2301.18, and 2301.19~~ of the Revised Code. The judge of the division of domestic relations, senior in point of service, also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacation of the personnel of the division and shall fix their duties.

(2) The judges of the court of common pleas whose terms begin on January 1, 1953, and January 1, 1993, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Montgomery county, shall be elected and designated as judges of the court of common pleas, juvenile division, and shall be, and have the powers and jurisdiction of, the juvenile judge as provided in Chapters 2151. and 2152. of the Revised Code.

In addition to the judge's regular duties, the judge of the court of common pleas, juvenile division, senior in point of service, shall be the administrator of the juvenile division and its subdivisions and departments and shall have charge of the employment, assignment, and supervision of the personnel of the juvenile division, including any necessary referees, who are engaged in handling, servicing, or investigating juvenile cases. The judge, senior in point of service, also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacation of the personnel of the division and shall fix their duties. The duties of the personnel, in addition to other statutory duties, shall include the handling, servicing, and investigation of juvenile cases and of any counseling and conciliation services that are available upon request to persons, whether or not they are parties to an action pending in the division.

If one of the judges of the court of common pleas, division of domestic relations, or one of the judges of the court of common pleas, juvenile division, is sick, absent, or unable to perform that judge's duties or the volume of cases pending in that judge's division necessitates it, the duties of that judge may be performed by the judge or judges of the other of those divisions.

(G) In Richland county:

(1) The judge of the court of common pleas whose term begins on January 1, 1957, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Richland county and shall be elected and designated as judge of the court of common pleas, division of domestic relations. That judge shall be assigned and hear all divorce, dissolution of marriage, legal separation, and annulment cases, all domestic violence cases arising under section 3113.31 of the Revised Code, and all post-decree proceedings arising from any case pertaining to any of those matters. The division of domestic relations has concurrent jurisdiction with the juvenile division of the court of common pleas of Richland county to determine the care, custody, or control of any child not a ward of another court of this state, and to hear and determine a request for an order for the support of any child if the request is not ancillary to an action for divorce, dissolution of marriage, annulment, or legal separation, a criminal or civil action involving an allegation of domestic violence, or an action

for support brought under Chapter 3115. of the Revised Code. Except in cases that are subject to the exclusive original jurisdiction of the juvenile court, the judge of the division of domestic relations shall be assigned and hear all cases pertaining to paternity or parentage, the care, custody, or control of children, parenting time or visitation, child support, or the allocation of parental rights and responsibilities for the care of children, all proceedings arising under Chapter 3111. of the Revised Code, all proceedings arising under the uniform interstate family support act contained in Chapter 3115. of the Revised Code, and all post-decree proceedings arising from any case pertaining to any of those matters.

In addition to the judge's regular duties, the judge of the court of common pleas, division of domestic relations, shall be the administrator of the domestic relations division and its subdivisions and departments. The judge shall have charge of the employment, assignment, and supervision of the personnel of the domestic relations division, including any magistrates the judge considers necessary for the discharge of the judge's duties. The judge shall also designate the title, compensation, expense allowances, hours, leaves of absence, vacation, and other employment-related matters of the personnel of the division and shall fix their duties.

(2) The judge of the court of common pleas whose term begins on January 3, 2005, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Richland county, shall be elected and designated as judge of the court of common pleas, juvenile division, and shall be, and have the powers and jurisdiction of, the juvenile judge as provided in Chapters 2151. and 2152. of the Revised Code. Except in cases that are subject to the exclusive original jurisdiction of the juvenile court, the judge of the juvenile division shall not have jurisdiction or the power to hear, and shall not be assigned, any case pertaining to paternity or parentage, the care, custody, or control of children, parenting time or visitation, child support, or the allocation of parental rights and responsibilities for the care of children or any post-decree proceeding arising from any case pertaining to any of those matters. The judge of the juvenile division shall not have jurisdiction or the power to hear, and shall not be assigned, any proceeding under the uniform interstate family support act contained in Chapter 3115. of the Revised Code.

In addition to the judge's regular duties, the judge of the juvenile division shall be the administrator of the juvenile division and its subdivisions and departments. The judge shall have charge of the employment, assignment, and supervision of the personnel of the juvenile division who are engaged in handling, servicing, or investigating juvenile cases, including any magistrates whom the judge considers necessary for the discharge of the judge's various duties.

The judge of the juvenile division also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacation of the personnel of the division and shall fix their duties. The duties of the personnel, in

addition to other statutory duties, include the handling, servicing, and investigation of juvenile cases and providing any counseling, conciliation, and mediation services that the court makes available to persons, whether or not the persons are parties to an action pending in the court, who request the services.

(H) In Stark county, the judges of the court of common pleas whose terms begin on January 1, 1953, January 2, 1959, and January 1, 1993, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Stark county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. They shall have all the powers relating to juvenile courts, and all cases under Chapters 2151. and 2152. of the Revised Code, all parentage proceedings over which the juvenile court has jurisdiction, and all divorce, dissolution of marriage, legal separation, and annulment cases, except cases that are assigned to some other judge of the court of common pleas for some special reason, shall be assigned to the judges.

The judge of the division of domestic relations, second most senior in point of service, shall have charge of the employment and supervision of the personnel of the division engaged in handling, servicing, or investigating divorce, dissolution of marriage, legal separation, and annulment cases, and necessary referees required for the judge's respective court.

The judge of the division of domestic relations, senior in point of service, shall be charged exclusively with the administration of sections 2151.13, 2151.16, 2151.17, and 2152.71 of the Revised Code and with the assignment and division of the work of the division and the employment and supervision of all other personnel of the division, including, but not limited to, that judge's necessary referees, but excepting those employees who may be appointed by the judge second most senior in point of service. The senior judge further shall serve in every other position in which the statutes permit or require a juvenile judge to serve.

(I) In Summit county:

(1) The judges of the court of common pleas whose terms begin on January 4, 1967, and January 6, 1993, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Summit county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. The judges of the division of domestic relations shall have assigned to them and hear all divorce, dissolution of marriage, legal separation, and annulment cases that come before the court. Except in cases that are subject to the exclusive original jurisdiction of the juvenile court, the judges of the division of domestic relations shall have assigned to them and hear all cases pertaining to paternity, custody, visitation, child support, or the allocation of parental rights and responsibilities for the care of children and all post-decree proceedings arising from any case pertaining to any of those matters. The judges of the division of domestic relations shall have assigned to them and hear all

proceedings under the uniform interstate family support act contained in Chapter 3115. of the Revised Code.

The judge of the division of domestic relations, senior in point of service, shall be the administrator of the domestic relations division and its subdivisions and departments and shall have charge of the employment, assignment, and supervision of the personnel of the division, including any necessary referees, who are engaged in handling, servicing, or investigating divorce, dissolution of marriage, legal separation, and annulment cases. That judge also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the personnel of the division and shall fix their duties. The duties of the personnel, in addition to other statutory duties, shall include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases and of any counseling and conciliation services that are available upon request to all persons, whether or not they are parties to an action pending in the division.

(2) The judge of the court of common pleas whose term begins on January 1, 1955, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Summit county, shall be elected and designated as judge of the court of common pleas, juvenile division, and shall be, and have the powers and jurisdiction of, the juvenile judge as provided in Chapters 2151. and 2152. of the Revised Code. Except in cases that are subject to the exclusive original jurisdiction of the juvenile court, the judge of the juvenile division shall not have jurisdiction or the power to hear, and shall not be assigned, any case pertaining to paternity, custody, visitation, child support, or the allocation of parental rights and responsibilities for the care of children or any post-decree proceeding arising from any case pertaining to any of those matters. The judge of the juvenile division shall not have jurisdiction or the power to hear, and shall not be assigned, any proceeding under the uniform interstate family support act contained in Chapter 3115. of the Revised Code.

The juvenile judge shall be the administrator of the juvenile division and its subdivisions and departments and shall have charge of the employment, assignment, and supervision of the personnel of the juvenile division, including any necessary referees, who are engaged in handling, servicing, or investigating juvenile cases. The judge also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacation of the personnel of the division and shall fix their duties. The duties of the personnel, in addition to other statutory duties, shall include the handling, servicing, and investigation of juvenile cases and of any counseling and conciliation services that are available upon request to persons, whether or not they are parties to an action pending in the division.

(J) In Trumbull county, the judges of the court of common pleas whose terms begin on January 1, 1953, and January 2, 1977, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive

the same compensation as other judges of the court of common pleas of Trumbull county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. They shall have all the powers relating to juvenile courts, and all cases under Chapters 2151. and 2152. of the Revised Code, all parentage proceedings over which the juvenile court has jurisdiction, and all divorce, dissolution of marriage, legal separation, and annulment cases shall be assigned to them, except cases that for some special reason are assigned to some other judge of the court of common pleas.

(K) In Butler county:

(1) The judges of the court of common pleas whose terms begin on January 1, 1957, and January 4, 1993, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Butler county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. The judges of the division of domestic relations shall have assigned to them all divorce, dissolution of marriage, legal separation, and annulment cases coming before the court, except in cases that for some special reason are assigned to some other judge of the court of common pleas. The judges of the division of domestic relations also have concurrent jurisdiction with judges of the juvenile division of the court of common pleas of Butler county with respect to and may hear cases to determine the custody, support, or custody and support of a child who is born of issue of a marriage and who is not the ward of another court of this state, cases commenced by a party of the marriage to obtain an order requiring support of any child when the request for that order is not ancillary to an action for divorce, dissolution of marriage, annulment, or legal separation, a criminal or civil action involving an allegation of domestic violence, an action for support under Chapter 3115. of the Revised Code, or an action that is within the exclusive original jurisdiction of the juvenile division of the court of common pleas of Butler county and that involves an allegation that the child is an abused, neglected, or dependent child, and post-decree proceedings and matters arising from those types of cases. The judge senior in point of service shall be charged with the assignment and division of the work of the division and with the employment and supervision of all other personnel of the domestic relations division.

The judge senior in point of service also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the personnel of the division and shall fix their duties. The duties of the personnel, in addition to other statutory duties, shall include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases and providing any counseling and conciliation services that the division makes available to persons, whether or not the persons are parties to an action pending in the division, who request the services.

(2) The judges of the court of common pleas whose terms begin on January 3, 1987, and January 2, 2003, and successors, shall have the same

qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Butler county, shall be elected and designated as judges of the court of common pleas, juvenile division, and shall be the juvenile judges as provided in Chapters 2151. and 2152. of the Revised Code, with the powers and jurisdictions conferred by those chapters. Except in cases that are subject to the exclusive original jurisdiction of the juvenile court, the judges of the juvenile division shall not have jurisdiction or the power to hear and shall not be assigned, but shall have the limited ability and authority to certify, any case commenced by a party of a marriage to determine the custody, support, or custody and support of a child who is born of issue of the marriage and who is not the ward of another court of this state when the request for the order in the case is not ancillary to an action for divorce, dissolution of marriage, annulment, or legal separation. The judge of the court of common pleas, juvenile division, who is senior in point of service, shall be the administrator of the juvenile division and its subdivisions and departments. The judge, senior in point of service, shall have charge of the employment, assignment, and supervision of the personnel of the juvenile division who are engaged in handling, servicing, or investigating juvenile cases, including any referees whom the judge considers necessary for the discharge of the judge's various duties.

The judge, senior in point of service, also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacation of the personnel of the division and shall fix their duties. The duties of the personnel, in addition to other statutory duties, include the handling, servicing, and investigation of juvenile cases and providing any counseling and conciliation services that the division makes available to persons, whether or not the persons are parties to an action pending in the division, who request the services.

(3) If a judge of the court of common pleas, division of domestic relations or juvenile division, is sick, absent, or unable to perform that judge's judicial duties or the volume of cases pending in the judge's division necessitates it, the duties of that judge shall be performed by the other judges of the domestic relations and juvenile divisions.

(L)(1) In Cuyahoga county, the judges of the court of common pleas whose terms begin on January 8, 1961, January 9, 1961, January 18, 1975, January 19, 1975, and January 13, 1987, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Cuyahoga county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. They shall have all the powers relating to all divorce, dissolution of marriage, legal separation, and annulment cases, except in cases that are assigned to some other judge of the court of common pleas for some special reason.

(2) The administrative judge is administrator of the domestic relations division and its subdivisions and departments and has the following powers

concerning division personnel:

(a) Full charge of the employment, assignment, and supervision;

(b) Sole determination of compensation, duties, expenses, allowances, hours, leaves, and vacations.

(3) "Division personnel" include persons employed or referees engaged in hearing, servicing, investigating, counseling, or conciliating divorce, dissolution of marriage, legal separation and annulment matters.

(M) In Lake county:

(1) The judge of the court of common pleas whose term begins on January 2, 1961, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Lake county and shall be elected and designated as judge of the court of common pleas, division of domestic relations. The judge shall be assigned all the divorce, dissolution of marriage, legal separation, and annulment cases coming before the court, except in cases that for some special reason are assigned to some other judge of the court of common pleas. The judge shall be charged with the assignment and division of the work of the division and with the employment and supervision of all other personnel of the domestic relations division.

The judge also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the personnel of the division and shall fix their duties. The duties of the personnel, in addition to other statutory duties, shall include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases and providing any counseling and conciliation services that the division makes available to persons, whether or not the persons are parties to an action pending in the division, who request the services.

(2) The judge of the court of common pleas whose term begins on January 4, 1979, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Lake county, shall be elected and designated as judge of the court of common pleas, juvenile division, and shall be the juvenile judge as provided in Chapters 2151. and 2152. of the Revised Code, with the powers and jurisdictions conferred by those chapters. The judge of the court of common pleas, juvenile division, shall be the administrator of the juvenile division and its subdivisions and departments. The judge shall have charge of the employment, assignment, and supervision of the personnel of the juvenile division who are engaged in handling, servicing, or investigating juvenile cases, including any referees whom the judge considers necessary for the discharge of the judge's various duties.

The judge also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacation of the personnel of the

division and shall fix their duties. The duties of the personnel, in addition to other statutory duties, include the handling, servicing, and investigation of juvenile cases and providing any counseling and conciliation services that the division makes available to persons, whether or not the persons are parties to an action pending in the division, who request the services.

(3) If a judge of the court of common pleas, division of domestic relations or juvenile division, is sick, absent, or unable to perform that judge's judicial duties or the volume of cases pending in the judge's division necessitates it, the duties of that judge shall be performed by the other judges of the domestic relations and juvenile divisions.

(N) In Erie county:

(1) The judge of the court of common pleas whose term begins on January 2, 1971, and the successors to that judge whose terms begin before January 2, 2007, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judge of the court of common pleas of Erie county and shall be elected and designated as judge of the court of common pleas, division of domestic relations. The judge shall have all the powers relating to juvenile courts, and shall be assigned all cases under Chapters 2151. and 2152. of the Revised Code, parentage proceedings over which the juvenile court has jurisdiction, and divorce, dissolution of marriage, legal separation, and annulment cases, except cases that for some special reason are assigned to some other judge.

On or after January 2, 2007, the judge of the court of common pleas who is elected in 2006 shall be the successor to the judge of the domestic relations division whose term expires on January 1, 2007, shall be designated as judge of the court of common pleas, juvenile division, and shall be the juvenile judge as provided in Chapters 2151. and 2152. of the Revised Code with the powers and jurisdictions conferred by those chapters.

(2) The judge of the court of common pleas, general division, whose term begins on January 1, 2005, and successors, the judge of the court of common pleas, general division whose term begins on January 2, 2005, and successors, and the judge of the court of common pleas, general division, whose term begins February 9, 2009, and successors, shall have assigned to them, in addition to all matters that are within the jurisdiction of the general division of the court of common pleas, all divorce, dissolution of marriage, legal separation, and annulment cases coming before the court, and all matters that are within the jurisdiction of the probate court under Chapter 2101., and other provisions, of the Revised Code.

(O) In Greene county:

(1) The judge of the court of common pleas whose term begins on January 1, 1961, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Greene county and shall be elected and

designated as the judge of the court of common pleas, division of domestic relations. The judge shall be assigned all divorce, dissolution of marriage, legal separation, annulment, uniform reciprocal support enforcement, and domestic violence cases and all other cases related to domestic relations, except cases that for some special reason are assigned to some other judge of the court of common pleas.

The judge shall be charged with the assignment and division of the work of the division and with the employment and supervision of all other personnel of the division. The judge also shall designate the title, compensation, hours, leaves of absence, and vacations of the personnel of the division and shall fix their duties. The duties of the personnel of the division, in addition to other statutory duties, shall include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases and the provision of counseling and conciliation services that the division considers necessary and makes available to persons who request the services, whether or not the persons are parties in an action pending in the division. The compensation for the personnel shall be paid from the overall court budget and shall be included in the appropriations for the existing judges of the general division of the court of common pleas.

(2) The judge of the court of common pleas whose term begins on January 1, 1995, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Greene county, shall be elected and designated as judge of the court of common pleas, juvenile division, and, on or after January 1, 1995, shall be the juvenile judge as provided in Chapters 2151. and 2152. of the Revised Code with the powers and jurisdiction conferred by those chapters. The judge of the court of common pleas, juvenile division, shall be the administrator of the juvenile division and its subdivisions and departments. The judge shall have charge of the employment, assignment, and supervision of the personnel of the juvenile division who are engaged in handling, servicing, or investigating juvenile cases, including any referees whom the judge considers necessary for the discharge of the judge's various duties.

The judge also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacation of the personnel of the division and shall fix their duties. The duties of the personnel, in addition to other statutory duties, include the handling, servicing, and investigation of juvenile cases and providing any counseling and conciliation services that the court makes available to persons, whether or not the persons are parties to an action pending in the court, who request the services.

(3) If one of the judges of the court of common pleas, general division, is sick, absent, or unable to perform that judge's judicial duties or the volume of cases pending in the general division necessitates it, the duties of that judge of the general division shall be performed by the judge of the division of domestic relations and the judge of the juvenile division.

(P) In Portage county, the judge of the court of common pleas, whose term begins January 2, 1987, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Portage county and shall be elected and designated as judge of the court of common pleas, division of domestic relations. The judge shall be assigned all divorce, dissolution of marriage, legal separation, and annulment cases coming before the court, except in cases that for some special reason are assigned to some other judge of the court of common pleas. The judge shall be charged with the assignment and division of the work of the division and with the employment and supervision of all other personnel of the domestic relations division.

The judge also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the personnel of the division and shall fix their duties. The duties of the personnel, in addition to other statutory duties, shall include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases and providing any counseling and conciliation services that the division makes available to persons, whether or not the persons are parties to an action pending in the division, who request the services.

(Q) In Clermont county, the judge of the court of common pleas, whose term begins January 2, 1987, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Clermont county and shall be elected and designated as judge of the court of common pleas, division of domestic relations. The judge shall be assigned all divorce, dissolution of marriage, legal separation, and annulment cases coming before the court, except in cases that for some special reason are assigned to some other judge of the court of common pleas. The judge shall be charged with the assignment and division of the work of the division and with the employment and supervision of all other personnel of the domestic relations division.

The judge also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the personnel of the division and shall fix their duties. The duties of the personnel, in addition to other statutory duties, shall include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases and providing any counseling and conciliation services that the division makes available to persons, whether or not the persons are parties to an action pending in the division, who request the services.

(R) In Warren county, the judge of the court of common pleas, whose term begins January 1, 1987, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Warren county and shall be elected and designated as judge of the court of common pleas, division of domestic relations. The judge shall be assigned all divorce, dissolution of

marriage, legal separation, and annulment cases coming before the court, except in cases that for some special reason are assigned to some other judge of the court of common pleas. The judge shall be charged with the assignment and division of the work of the division and with the employment and supervision of all other personnel of the domestic relations division.

The judge also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the personnel of the division and shall fix their duties. The duties of the personnel, in addition to other statutory duties, shall include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases and providing any counseling and conciliation services that the division makes available to persons, whether or not the persons are parties to an action pending in the division, who request the services.

(S) In Licking county, the judges of the court of common pleas, whose terms begin on January 1, 1991, and January 1, 2005, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Licking county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. The judges shall be assigned all divorce, dissolution of marriage, legal separation, and annulment cases, all cases arising under Chapter 3111. of the Revised Code, all proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and the designation for the children of a place of residence and legal custodian, parenting time, and visitation, and all post-decree proceedings and matters arising from those cases and proceedings, except in cases that for some special reason are assigned to another judge of the court of common pleas. The administrative judge of the division of domestic relations shall be charged with the assignment and division of the work of the division and with the employment and supervision of the personnel of the division.

The administrative judge of the division of domestic relations shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the personnel of the division and shall fix the duties of the personnel of the division. The duties of the personnel of the division, in addition to other statutory duties, shall include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases, cases arising under Chapter 3111. of the Revised Code, and proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and the designation for the children of a place of residence and legal custodian, parenting time, and visitation and providing any counseling and conciliation services that the division makes available to persons, whether or not the persons are parties to an action pending in the division, who request the services.

(T) In Allen county, the judge of the court of common pleas, whose term begins January 1, 1993, and successors, shall have the same qualifications,

exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Allen county and shall be elected and designated as judge of the court of common pleas, division of domestic relations. The judge shall be assigned all divorce, dissolution of marriage, legal separation, and annulment cases, all cases arising under Chapter 3111. of the Revised Code, all proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and the designation for the children of a place of residence and legal custodian, parenting time, and visitation, and all post-decree proceedings and matters arising from those cases and proceedings, except in cases that for some special reason are assigned to another judge of the court of common pleas. The judge shall be charged with the assignment and division of the work of the division and with the employment and supervision of the personnel of the division.

The judge shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the personnel of the division and shall fix the duties of the personnel of the division. The duties of the personnel of the division, in addition to other statutory duties, shall include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases, cases arising under Chapter 3111. of the Revised Code, and proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and the designation for the children of a place of residence and legal custodian, parenting time, and visitation, and providing any counseling and conciliation services that the division makes available to persons, whether or not the persons are parties to an action pending in the division, who request the services.

(U) In Medina county, the judge of the court of common pleas whose term begins January 1, 1995, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Medina county and shall be elected and designated as judge of the court of common pleas, division of domestic relations. The judge shall be assigned all divorce, dissolution of marriage, legal separation, and annulment cases, all cases arising under Chapter 3111. of the Revised Code, all proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and the designation for the children of a place of residence and legal custodian, parenting time, and visitation, and all post-decree proceedings and matters arising from those cases and proceedings, except in cases that for some special reason are assigned to another judge of the court of common pleas. The judge shall be charged with the assignment and division of the work of the division and with the employment and supervision of the personnel of the division.

The judge shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the personnel of the division and shall fix the duties of the personnel of the division. The duties of the personnel, in addition to other statutory duties, include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment

cases, cases arising under Chapter 3111. of the Revised Code, and proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and the designation for the children of a place of residence and legal custodian, parenting time, and visitation, and providing counseling and conciliation services that the division makes available to persons, whether or not the persons are parties to an action pending in the division, who request the services.

(V) In Fairfield county, the judge of the court of common pleas whose term begins January 2, 1995, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Fairfield county and shall be elected and designated as judge of the court of common pleas, division of domestic relations. The judge shall be assigned all divorce, dissolution of marriage, legal separation, and annulment cases, all cases arising under Chapter 3111. of the Revised Code, all proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and the designation for the children of a place of residence and legal custodian, parenting time, and visitation, and all post-decree proceedings and matters arising from those cases and proceedings, except in cases that for some special reason are assigned to another judge of the court of common pleas. The judge also has concurrent jurisdiction with the probate-juvenile division of the court of common pleas of Fairfield county with respect to and may hear cases to determine the custody of a child, as defined in section 2151.011 of the Revised Code, who is not the ward of another court of this state, cases that are commenced by a parent, guardian, or custodian of a child, as defined in section 2151.011 of the Revised Code, to obtain an order requiring a parent of the child to pay child support for that child when the request for that order is not ancillary to an action for divorce, dissolution of marriage, annulment, or legal separation, a criminal or civil action involving an allegation of domestic violence, an action for support under Chapter 3115. of the Revised Code, or an action that is within the exclusive original jurisdiction of the probate-juvenile division of the court of common pleas of Fairfield county and that involves an allegation that the child is an abused, neglected, or dependent child, and post-decree proceedings and matters arising from those types of cases.

The judge of the domestic relations division shall be charged with the assignment and division of the work of the division and with the employment and supervision of the personnel of the division.

The judge shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the personnel of the division and shall fix the duties of the personnel of the division. The duties of the personnel of the division, in addition to other statutory duties, shall include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases, cases arising under Chapter 3111. of the Revised Code, and proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and the designation for the children of a

place of residence and legal custodian, parenting time, and visitation, and providing any counseling and conciliation services that the division makes available to persons, regardless of whether the persons are parties to an action pending in the division, who request the services. When the judge hears a case to determine the custody of a child, as defined in section 2151.011 of the Revised Code, who is not the ward of another court of this state or a case that is commenced by a parent, guardian, or custodian of a child, as defined in section 2151.011 of the Revised Code, to obtain an order requiring a parent of the child to pay child support for that child when the request for that order is not ancillary to an action for divorce, dissolution of marriage, annulment, or legal separation, a criminal or civil action involving an allegation of domestic violence, an action for support under Chapter 3115. of the Revised Code, or an action that is within the exclusive original jurisdiction of the probate-juvenile division of the court of common pleas of Fairfield county and that involves an allegation that the child is an abused, neglected, or dependent child, the duties of the personnel of the domestic relations division also include the handling, servicing, and investigation of those types of cases.

(W)(1) In Clark county, the judge of the court of common pleas whose term begins on January 2, 1995, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Clark county and shall be elected and designated as judge of the court of common pleas, domestic relations division. The judge shall have all the powers relating to juvenile courts, and all cases under Chapters 2151. and 2152. of the Revised Code and all parentage proceedings under Chapter 3111. of the Revised Code over which the juvenile court has jurisdiction shall be assigned to the judge of the division of domestic relations. All divorce, dissolution of marriage, legal separation, annulment, uniform reciprocal support enforcement, and other cases related to domestic relations shall be assigned to the domestic relations division, and the presiding judge of the court of common pleas shall assign the cases to the judge of the domestic relations division and the judges of the general division.

(2) In addition to the judge's regular duties, the judge of the division of domestic relations shall serve on the children services board and the county advisory board.

(3) If the judge of the court of common pleas of Clark county, division of domestic relations, is sick, absent, or unable to perform that judge's judicial duties or if the presiding judge of the court of common pleas of Clark county determines that the volume of cases pending in the division of domestic relations necessitates it, the duties of the judge of the division of domestic relations shall be performed by the judges of the general division or probate division of the court of common pleas of Clark county, as assigned for that purpose by the presiding judge of that court, and the judges so assigned shall act in conjunction with the judge of the division of domestic relations of that court.

(X) In Scioto county, the judge of the court of common pleas whose term

begins January 2, 1995, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Scioto county and shall be elected and designated as judge of the court of common pleas, division of domestic relations. The judge shall be assigned all divorce, dissolution of marriage, legal separation, and annulment cases, all cases arising under Chapter 3111. of the Revised Code, all proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and the designation for the children of a place of residence and legal custodian, parenting time, visitation, and all post-decree proceedings and matters arising from those cases and proceedings, except in cases that for some special reason are assigned to another judge of the court of common pleas. The judge shall be charged with the assignment and division of the work of the division and with the employment and supervision of the personnel of the division.

The judge shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the personnel of the division and shall fix the duties of the personnel of the division. The duties of the personnel, in addition to other statutory duties, include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases, cases arising under Chapter 3111. of the Revised Code, and proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and the designation for the children of a place of residence and legal custodian, parenting time, and visitation, and providing counseling and conciliation services that the division makes available to persons, whether or not the persons are parties to an action pending in the division, who request the services.

(Y) In Auglaize county, the judge of the probate and juvenile divisions of the Auglaize county court of common pleas also shall be the administrative judge of the domestic relations division of the court and shall be assigned all divorce, dissolution of marriage, legal separation, and annulment cases coming before the court. The judge shall have all powers as administrator of the domestic relations division and shall have charge of the personnel engaged in handling, servicing, or investigating divorce, dissolution of marriage, legal separation, and annulment cases, including any referees considered necessary for the discharge of the judge's various duties.

(Z)(1) In Marion county, the judge of the court of common pleas whose term begins on February 9, 1999, and the successors to that judge, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Marion county and shall be elected and designated as judge of the court of common pleas, domestic relations-juvenile-probate division. Except as otherwise specified in this division, that judge, and the successors to that judge, shall have all the powers relating to juvenile courts, and all cases under Chapters 2151. and 2152. of the Revised Code, all cases arising under Chapter 3111. of the Revised Code, all divorce, dissolution of marriage, legal separation, and annulment cases,

all proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and the designation for the children of a place of residence and legal custodian, parenting time, and visitation, and all post-decree proceedings and matters arising from those cases and proceedings shall be assigned to that judge and the successors to that judge. Except as provided in division (Z)(2) of this section and notwithstanding any other provision of any section of the Revised Code, on and after February 9, 2003, the judge of the court of common pleas of Marion county whose term begins on February 9, 1999, and the successors to that judge, shall have all the powers relating to the probate division of the court of common pleas of Marion county in addition to the powers previously specified in this division, and shall exercise concurrent jurisdiction with the judge of the probate division of that court over all matters that are within the jurisdiction of the probate division of that court under Chapter 2101., and other provisions, of the Revised Code in addition to the jurisdiction of the domestic relations-juvenile-probate division of that court otherwise specified in division (Z)(1) of this section.

(2) The judge of the domestic relations-juvenile-probate division of the court of common pleas of Marion county or the judge of the probate division of the court of common pleas of Marion county, whichever of those judges is senior in total length of service on the court of common pleas of Marion county, regardless of the division or divisions of service, shall serve as the clerk of the probate division of the court of common pleas of Marion county.

(3) On and after February 9, 2003, all references in law to "the probate court," "the probate judge," "the juvenile court," or "the judge of the juvenile court" shall be construed, with respect to Marion county, as being references to both "the probate division" and "the domestic relations-juvenile-probate division" and as being references to both "the judge of the probate division" and "the judge of the domestic relations- juvenile-probate division." On and after February 9, 2003, all references in law to "the clerk of the probate court" shall be construed, with respect to Marion county, as being references to the judge who is serving pursuant to division (Z)(2) of this section as the clerk of the probate division of the court of common pleas of Marion county.

(AA) In Muskingum county, the judge of the court of common pleas whose term begins on January 2, 2003, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Muskingum county and shall be elected and designated as the judge of the court of common pleas, division of domestic relations. The judge shall be assigned all divorce, dissolution of marriage, legal separation, and annulment cases, all cases arising under Chapter 3111. of the Revised Code, all proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and the designation for the children of a place of residence and legal custodian, parenting time, and visitation, and all post-decree proceedings and matters arising from those cases and proceedings, except in cases that for some special reason are assigned to another judge of the court of common pleas. The

judge shall be charged with the assignment and division of the work of the division and with the employment and supervision of the personnel of the division.

The judge shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the personnel of the division and shall fix the duties of the personnel of the division. The duties of the personnel of the division, in addition to other statutory duties, shall include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases, cases arising under Chapter 3111. of the Revised Code, and proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and the designation for the children of a place of residence and legal custodian, parenting time, and visitation and providing any counseling and conciliation services that the division makes available to persons, whether or not the persons are parties to an action pending in the division, who request the services.

(BB) In Henry county, the judge of the court of common pleas whose term begins on January 1, 2005, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judge of the court of common pleas of Henry county and shall be elected and designated as the judge of the court of common pleas, division of domestic relations. The judge shall have all of the powers relating to juvenile courts, and all cases under Chapter 2151. or 2152. of the Revised Code, all parentage proceedings arising under Chapter 3111. of the Revised Code over which the juvenile court has jurisdiction, all divorce, dissolution of marriage, legal separation, and annulment cases, all proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and the designation for the children of a place of residence and legal custodian, parenting time, and visitation, and all post-decree proceedings and matters arising from those cases and proceedings shall be assigned to that judge, except in cases that for some special reason are assigned to the other judge of the court of common pleas.

(CC)(1) In Logan county, the judge of the court of common pleas whose term begins January 2, 2005, and the successors to that judge, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Logan county and shall be elected and designated as judge of the court of common pleas, domestic relations-juvenile-probate division. Except as otherwise specified in this division, that judge, and the successors to that judge, shall have all the powers relating to juvenile courts, and all cases under Chapters 2151. and 2152. of the Revised Code, all cases arising under Chapter 3111. of the Revised Code, all divorce, dissolution of marriage, legal separation, and annulment cases, all proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and designation for the children of a place of residence and legal custodian, parenting time, and visitation, and all post-decree proceedings and matters arising from those cases and proceedings

shall be assigned to that judge and the successors to that judge. Notwithstanding any other provision of any section of the Revised Code, on and after January 2, 2005, the judge of the court of common pleas of Logan county whose term begins on January 2, 2005, and the successors to that judge, shall have all the powers relating to the probate division of the court of common pleas of Logan county in addition to the powers previously specified in this division and shall exercise concurrent jurisdiction with the judge of the probate division of that court over all matters that are within the jurisdiction of the probate division of that court under Chapter 2101., and other provisions, of the Revised Code in addition to the jurisdiction of the domestic relations-juvenile-probate division of that court otherwise specified in division (CC)(1) of this section.

(2) The judge of the domestic relations-juvenile-probate division of the court of common pleas of Logan county or the probate judge of the court of common pleas of Logan county who is elected as the administrative judge of the probate division of the court of common pleas of Logan county pursuant to Rule 4 of the Rules of Superintendence shall be the clerk of the probate division and juvenile division of the court of common pleas of Logan county. The clerk of the court of common pleas who is elected pursuant to section 2303.01 of the Revised Code shall keep all of the journals, records, books, papers, and files pertaining to the domestic relations cases.

(3) On and after January 2, 2005, all references in law to "the probate court," "the probate judge," "the juvenile court," or "the judge of the juvenile court" shall be construed, with respect to Logan county, as being references to both "the probate division" and the "domestic relations-juvenile-probate division" and as being references to both "the judge of the probate division" and the "judge of the domestic relations-juvenile-probate division." On and after January 2, 2005, all references in law to "the clerk of the probate court" shall be construed, with respect to Logan county, as being references to the judge who is serving pursuant to division (CC)(2) of this section as the clerk of the probate division of the court of common pleas of Logan county.

(DD)(1) In Champaign county, the judge of the court of common pleas whose term begins February 9, 2003, and the judge of the court of common pleas whose term begins February 10, 2009, and the successors to those judges, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Champaign county and shall be elected and designated as judges of the court of common pleas, domestic relations-juvenile-probate division. Except as otherwise specified in this division, those judges, and the successors to those judges, shall have all the powers relating to juvenile courts, and all cases under Chapters 2151. and 2152. of the Revised Code, all cases arising under Chapter 3111. of the Revised Code, all divorce, dissolution of marriage, legal separation, and annulment cases, all proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and the designation for the children of a place of residence and legal custodian, parenting time, and visitation, and all post-decree proceedings and matters arising from those cases

and proceedings shall be assigned to those judges and the successors to those judges. Notwithstanding any other provision of any section of the Revised Code, on and after February 9, 2009, the judges designated by this division as judges of the court of common pleas of Champaign county, domestic relations-juvenile-probate division, and the successors to those judges, shall have all the powers relating to probate courts in addition to the powers previously specified in this division and shall exercise jurisdiction over all matters that are within the jurisdiction of probate courts under Chapter 2101., and other provisions, of the Revised Code in addition to the jurisdiction of the domestic relations-juvenile-probate division otherwise specified in division (DD)(1) of this section.

(2) On and after February 9, 2009, all references in law to "the probate court," "the probate judge," "the juvenile court," or "the judge of the juvenile court" shall be construed with respect to Champaign county as being references to the "domestic relations-juvenile-probate division" and as being references to the "judge of the domestic relations-juvenile-probate division." On and after February 9, 2009, all references in law to "the clerk of the probate court" shall be construed with respect to Champaign county as being references to the judge who is serving pursuant to Rule 4 of the Rules of Superintendence for the Courts of Ohio as the administrative judge of the court of common pleas, domestic relations-juvenile-probate division.

(EE) If a judge of the court of common pleas, division of domestic relations, or juvenile judge, of any of the counties mentioned in this section is sick, absent, or unable to perform that judge's judicial duties or the volume of cases pending in the judge's division necessitates it, the duties of that judge shall be performed by another judge of the court of common pleas of that county, assigned for that purpose by the presiding judge of the court of common pleas of that county to act in place of or in conjunction with that judge, as the case may require.

**Sec. 2301.18.** The court of common pleas shall appoint a ~~stenographic~~ reporter as the official ~~shorthand~~ reporter of ~~such~~ the court, ~~who shall hold the appointment for a term not exceeding three years from the date thereof, unless removed by the court ; after a good cause shown ; for neglect of duty, misconduct in office, or incompetency. Such~~ The court may appoint assistant reporters as the business of the court requires for terms not exceeding three years under one appointment. The official ~~shorthand~~ reporter and assistant reporters shall take an oath faithfully and impartially to discharge the duties of ~~such position~~ their positions.

**Sec. 2301.20.** ~~Upon the trial of a~~ All civil ~~or~~ and criminal ~~action~~ actions in the court of common pleas, ~~if either party to the action or his attorney requests the services of a shorthand reporter, the trial judge shall grant the request, or may order a full report of the testimony or other proceedings. In either case, the shorthand shall be recorded. The~~ reporter shall take accurate ~~shorthand~~ notes of or electronically record the oral testimony ~~or other oral~~

~~proceedings~~. The notes and electronic records shall be filed in the office of the official ~~shorthand~~ reporter and carefully preserved for either of the following periods of time:

(A) If the action is not a capital case, the notes and electronic records shall be preserved for the period of time specified by the court of common pleas, which period of time shall not be longer than the period of time that the other records of the particular action are required to be kept ; .

(B) If the action is a capital case, the notes and electronic records shall be preserved for the longer of ten years or until the final disposition of the action and exhaustion of all appeals.

**Sec. 2301.21.** In every case ~~reported~~ recorded as provided in section 2301.20 of the Revised Code, there shall be taxed for each day's service of the official or assistant ~~shorthand~~ reporters a fee of twenty-five dollars, to be collected as other costs in the case. The fees so collected shall be paid quarterly by the clerk of the court of common pleas in which the cases were tried into the treasury of the county and shall be credited by the county treasurer to the general fund.

**Sec. 2301.22.** Each ~~shorthand~~ reporter shall receive ~~such the~~ compensation as that the court of common pleas making the appointment fixes. ~~Such That~~ compensation shall be in place of all per diem compensation in ~~such those~~ courts. In case ~~such the~~ appointment is for a term of less than one year, ~~such the~~ court may allow a per diem compensation to be fixed by the court, plus actual and necessary expenses incurred, for each day ~~such shorthand the~~ reporter is actually engaged in taking testimony or performing other duties under the orders of ~~such the~~ court, which allowance shall be in full payment for all services so rendered.

The county auditor shall issue warrants on the county treasurer for the payment of ~~such the~~ compensation under this section in equal monthly installments, ~~when if~~ the compensation is allowed annually, and ~~when~~ in case of services per diem, for the amount of the bill approved by the court, from the general fund upon the presentation of a certified copy of the journal entry of appointment and compensation of ~~such shorthand the~~ reporters.

**Sec. 2301.23.** When ~~shorthand~~ notes have been taken or an electronic recording has been made in a case as provided in section 2301.20 of the Revised Code, if the court ; or either party to the suit ~~or his attorney~~, requests written transcripts of any portion of ~~such notes in longhand the proceeding~~, the ~~shorthand~~ reporter reporting the case shall make full and accurate transcripts of the notes for the use of such court or party or electronic recording. The court may direct the official ~~shorthand~~ reporter to furnish to the court and the parties copies of decisions rendered and charges delivered by the court in pending cases.

When the compensation for transcripts, copies of decisions, or charges is taxed as a part of the costs, ~~such the~~ transcripts, copies of decisions, and charges shall remain on file with the papers of the case.

**Sec. 2301.24.** The compensation of ~~shorthand~~ reporters for making written transcripts and copies as provided in section 2301.23 of the Revised Code shall be fixed by ~~the judges of~~ the court of common pleas of the county ~~wherein in which~~ the trial is ~~had held~~. Such If more than one transcript of the same testimony or proceeding is ordered, the reporter shall make copies of the transcript at cost pursuant to division (B)(1) of section 149.43 of the Revised Code or shall provide an electronic copy of the transcript free of charge. The compensation shall be paid ~~forthwith~~ by the party for whose benefit a transcript is made. The compensation for transcripts ~~of testimony~~ requested by the prosecuting attorney ~~during trial or an indigent defendant~~ in criminal cases or by the trial judge ; in either civil or criminal cases, and for copies of decisions and charges furnished by direction of the court shall be paid from the county treasury ; and taxed and collected as costs.

**Sec. 2301.25.** When ordered by the prosecuting attorney or the defendant in a criminal ~~trial; case~~ or when ordered by a judge of the court of common pleas ~~for his use;~~ in either civil or criminal cases, the costs of transcripts ~~mentioned in section 2301.23 of the Revised Code;~~ shall be taxed as costs in the case, collected as other costs , whether ~~such the~~ transcripts have been prepaid or not, as provided by section 2301.24 of the Revised Code, ~~and~~ paid by the clerk of the court of common pleas ; quarterly ; into the county treasury, and credited to the general fund. If, upon final judgment, the costs or any part ~~thereof shall be of the costs~~ are adjudged against a defendant in a criminal case, ~~he the defendant~~ shall be allowed credit on the cost bill of the amount paid ~~by him~~ for the transcript ~~he the defendant~~ ordered and , if the costs are finally adjudged against the state, the defendant shall have ~~his the defendant's~~ deposit refunded. ~~When more than one transcript of the same testimony or proceedings is ordered at the same time by the same party, or by the court, the compensation for making such additional transcript shall be one half the compensation allowed for the first copy, and shall be paid for in the same manner except that where ordered by the same party only the cost of the original shall be taxed as costs.~~ All ~~such~~ transcripts shall be taken and received as prima-facie evidence of their correctness. ~~When~~ If the testimony of witnesses is taken before the grand jury by ~~shorthand~~ reporters, they shall receive for ~~such the~~ transcripts ~~as are ordered by the prosecuting attorney~~ the same compensation ~~per folio~~ and be paid ~~therefor~~ in the same manner as provided in this section and section 2301.24 of the Revised Code.

**Sec. 2301.26.** ~~Shorthand reporters~~ Reporters appointed under ~~sections section~~ 2301.18 ~~and 2301.19~~ of the Revised Code ; may be appointed referees to take and report evidence in causes pending in any of the courts of this state. In the taking of evidence as ~~such~~ referees, ~~they the reporters~~ may administer oaths to witnesses. They shall be furnished by the board of county commissioners with a suitable room in the courthouse, and with ~~stationery;~~ supplies and ~~other~~ equipment necessary in for the proper discharge of their duties and for the preservation of their ~~stenographic notes and electronic records.~~ Such The notes and electronic records shall be the property of the county and carefully preserved in the office of the ~~shorthand~~ reporters."

Between lines 18845 and 18846, insert:

"**Sec. 2319.27.** Except as section 147.08 of the Revised Code governs the fees chargeable by a notary public for services rendered in connection with depositions, the fees and expenses chargeable for the taking and certifying of a deposition by a person who is authorized to do so in this state, including, but not limited to, a ~~shorthand~~ reporter, stenographer, or person described in Civil Rule 28, may be established by that person subject to the qualification specified in this section, and may be different than the fees and expenses charged for the taking and certifying of depositions by similar persons in other areas of this state. Unless, prior to the taking and certifying of a deposition, the parties who request it agree that the fees or expenses to be charged may exceed the usual and customary fees or expenses charged in the particular community for similar services, such a person shall not charge fees or expenses in connection with the taking and certifying of the deposition that exceed those usual and customary fees and expenses.

The person taking and certifying a deposition may retain the deposition until the fees and expenses that ~~he~~ the person charged are paid. ~~He~~ The person also shall tax the costs, if any, of a sheriff or other officer who serves any process in connection with the taking of a deposition and the fees of the witnesses, and, if directed by a person entitled to those costs or fees, may retain the deposition until those costs or fees are paid."

Between lines 18924 and 18925, insert:

"**Sec. 2501.16.** (A) Each court of appeals may appoint one or more official ~~shorthand~~ reporters, law clerks, secretaries, and any other employees that the court considers necessary for its efficient operation.

The clerk of the court of common pleas, acting as the clerk of the court of appeals for the county, shall perform the duties otherwise performed and collect the fees otherwise collected by the clerk of the court of common pleas, as set forth in section 2303.03 of the Revised Code, and shall maintain the files and records of the court. The clerk of the court of common pleas, acting as the clerk of the court of appeals for the county, may refuse to accept for filing any pleading or paper submitted for filing by a person who has been found to be a vexatious litigator under section 2323.52 of the Revised Code and who has failed to obtain leave from the court of appeals to proceed under that section. The overhead expenses pertaining to the office of the clerk of the court of common pleas that result from the clerk's acting as clerk of the court of appeals for the county, other than wages and salaries, shall be paid from the funds provided under sections 2501.18 and 2501.181 of the Revised Code.

Each officer and employee appointed pursuant to this section shall take an oath of office, serve at the pleasure of the court, and perform any duties that the court directs. Each ~~shorthand~~ reporter shall have the powers that are vested in official ~~shorthand~~ reporters of the court of common pleas under sections 2301.18 to 2301.26 of the Revised Code. Whenever an opinion, per curiam, or report of a

case has been prepared in accordance with section 2503.20 of the Revised Code, the official ~~shorthand~~ reporter immediately shall forward one copy of the opinion, per curiam, or report to the reporter of the supreme court, without expense to the reporter.

(B) The court of appeals may determine that, for the efficient operation of the court, additional funds are necessary to acquire and pay for special projects of the court, including, but not limited to, the acquisition of additional facilities or the rehabilitation of existing facilities, the acquisition of equipment, the hiring and training of staff, the employment of magistrates, the training and education of judges, acting judges, and magistrates, community service programs, and other related services. Upon that determination, the court by rule may charge a fee, in addition to all other court costs, on the filing of each case or cause over which the court has jurisdiction.

If the court of appeals offers a special program or service in cases of a specific type, the court by rule may assess an additional charge in a case of that type, over and above court costs, to cover the special program or service. The court shall adjust the special assessment periodically, but not retroactively, so that the amount assessed in those cases does not exceed the actual cost of providing the service or program.

All moneys collected under division (B) of this section shall be paid to the county treasurer of the county selected as the principal seat of that court of appeals for deposit into either a general special projects fund or a fund established for a specific special project. Moneys from a fund of that nature shall be disbursed upon an order of the court in an amount no greater than the actual cost to the court of a project. If a specific fund is terminated because of the discontinuance of a program or service established under division (B) of this section, the court may order that moneys remaining in the fund be transferred to an account established under this division for a similar purpose.

**Sec. 2501.17.** Each officer and employee of a court of appeals appointed under section 2501.16 of the Revised Code shall receive the compensation that is fixed by the court of appeals and payable from the state treasury upon the certificate of the presiding or administrative judge of the district in which the officer or employee serves. The additional amount of compensation that the clerk of the court of common pleas receives for acting as the clerk of the court of appeals in ~~his~~ the clerk's county and assuming the duties of that office and that is equal to one-eighth of the annual compensation that ~~he~~ the clerk receives pursuant to sections 325.08 and 325.18 of the Revised Code for being the clerk of the court of common pleas is payable from the state treasury upon the certificate of the presiding or administrative judge of the district in which the clerk serves.

~~Shorthand reporters~~ Reporters may receive additional compensation for transcripts of evidence, the fee for the transcripts to be fixed by the judges of the court of appeals and paid and collected in the same manner as the fees for transcripts furnished by official ~~shorthand~~ reporters of the court of common

pleas under section 2301.24 of the Revised Code. ~~Shorthand reporters~~ Reporters appointed for a term of less than one year shall receive a per diem compensation of not less than thirty dollars per day. All ~~shorthand~~ reporters shall receive their actual expenses for traveling when attending court in any county other than that in which they reside, to be paid as provided by section ~~2301.24~~ 2301.22 of the Revised Code."

Between lines 19075 and 19076, insert:

"**Sec. 2743.09.** The clerk of the court of claims shall do all of the following:

(A) Administer oaths and take and certify affidavits, depositions, and acknowledgments of powers of attorney and other instruments in writing;

(B) Prepare the dockets, enter and record the orders, judgments, decisions, awards, and proceedings of the court of claims and the court of claims commissioners, and issue writs and process;

(C) Maintain an office in Franklin county in rooms provided by the supreme court for that purpose;

(D) Keep an appearance docket of civil actions, claims for an award of reparations, and appeals from decisions of the court of claims commissioners. The clerk may refuse to accept for filing any pleading or paper that relates to a civil action in the court of claims and that is submitted for filing by a person who has been found to be a vexatious litigator under section 2323.52 of the Revised Code and who has failed to obtain leave to proceed under that section.

Upon the commencement of an action or claim, the clerk shall assign it a number. This number shall be placed on the first page, and every continuation page, of the appearance docket that concerns the particular action or claim. In addition, this number and the names of the parties shall be placed on the case file, and every paper filed in the action or claim.

At the time the action is commenced the clerk shall enter in the appearance docket the names of the parties in full and the names of counsel and shall index the action alphabetically by the last name of each party. Thereafter, the clerk shall chronologically note in the appearance docket all process issued and returns, pleas, motions, papers filed in the action, orders, verdicts, and judgments. The notations shall be brief but shall show the date of filing, substance, and journal volume and page of each order, verdict, and judgment. An action is commenced for purposes of this division by the filing of a complaint, including a form complaint under section 2743.10 of the Revised Code or a petition for removal.

At the time an appeal for an award of reparations is commenced, the clerk shall enter the full names of the claimant, the victim, and the attorneys in the appearance docket and shall index the claim alphabetically by the last name of the claimant and the victim. Thereafter, the clerk shall chronologically note in the appearance docket all process issued and returns, motions, papers filed in the

claim, orders, decisions, and awards. The notations shall be brief but shall show the date of filing, substance, and journal volume and page of each order.

(E) Keep all original papers filed in an action or claim in a separate file folder and a journal in which all orders, verdicts, and judgments of the court and commissioners shall be recorded;

(F) Charge and collect fees pursuant to section 2303.20 of the Revised Code, keep a cashbook in which the clerk shall enter the amounts received, make a report to the clerk of the supreme court each quarter of the fees received during the preceding quarter, and pay them monthly into the state treasury;

(G) Appoint ~~stenographers, shorthand~~ reporters ; and other clerical personnel;

(H) Under the direction of the chief justice, establish procedures for hearing and determining appeals for an award of reparations pursuant to sections 2743.51 to 2743.72 of the Revised Code."

Between lines 19181 and 19182, insert:

**"Sec. 2746.03.** In addition to any applicable fees or costs set forth in sections 2746.01 and 2746.02 of the Revised Code or any other applicable provision of law, the supreme court, a court of appeals, or the court of claims shall tax as costs or otherwise require the payment of fees for the following services rendered or as compensation for the following persons or any other of the following fees that are applicable in a particular case:

(A) In the supreme court, filing fees, as provided in section 2503.17 of the Revised Code;

(B) In a court of appeals:

(1) Fees collectible by the clerk of a court of common pleas when acting as the clerk of the court of appeals of the county, as provided in section 2303.03 of the Revised Code;

(2) Additional filing fees or charges for special projects, programs, or services, as provided in section 2501.16 of the Revised Code;

(3) Sheriffs or other officers who serve process, as provided in section 2501.19 of the Revised Code;

(4) ~~Shorthand reporters~~ Reporters, as provided in section 2501.17 of the Revised Code;

(5) The expense of preparing and transcribing the record in an appeal to the tenth district court of appeals from a ruling of the director of health under the certificate of need program, as provided in section 3702.60 of the Revised Code.

(C) In the court of claims:

(1) The fees provided for in section 2743.09 of the Revised Code;

(2) Witness fees and mileage, as provided in section 2743.06 of the Revised Code.

**Sec. 2746.04.** In addition to any applicable fees or costs set forth in sections 2746.01 and 2746.02 of the Revised Code or any other applicable provision of law, a court of common pleas shall tax as costs or otherwise require the payment of fees for the following services rendered or as compensation for the following persons or any other of the following fees that are applicable in a particular case:

(A) The fees provided for in section 2303.20 of the Revised Code;

(B) Additional fees to computerize the court, make available computerized legal research services, computerize the office of the clerk of the court, provide financial assistance to legal aid societies, support the office of the state public defender, fund shelters for victims of domestic violence, and special projects of the court, as provided in section 2303.201 and, for a court that has a domestic relations division, section 2301.031 of the Revised Code;

(C) Filing for a divorce decree under section 3105.10 or a decree of dissolution under section 3105.65 of the Revised Code, as provided in section 3109.14 of the Revised Code;

(D) Filing of a foreign judgment pursuant to section 2329.022 of the Revised Code, as provided in section 2329.025 of the Revised Code;

(E) Interpreters, as provided in section 2301.14 of the Revised Code;

(F) Jurors in civil actions, as provided in section 2335.28 of the Revised Code;

(G) ~~Shorthand reporters~~ Reporters, as provided in sections 2301.21 and 2301.24 of the Revised Code;

(H) In a case involving the operation by a nonresident of a vessel upon the waters in this state, or the operation on the waters in this state of a vessel owned by a nonresident if operated with his consent, actual traveling expenses of the defendant, as provided in section 1547.36 of the Revised Code;

(I) In a civil case, the expenses of taking a deposition of a person who is imprisoned in a workhouse, juvenile detention facility, jail, or state correctional institution within this state, or who is in the custody of the department of youth services, as provided in section 2317.06 of the Revised Code;

(J) In proceedings relating to the examination of a judgment debtor under sections 2333.09 to 2333.27 of the Revised Code, compensation for clerks, sheriffs, referees, receivers, and witnesses, as provided in section 2333.27 of the Revised Code;

(K) In an appeal from an order of an agency issued pursuant to an adjudication under section 119.12 of the Revised Code, the expense of preparing and transcribing the record;

(L) In a case in which the court issues a protection order upon a petition alleging that the respondent engaged in domestic violence against a family or household member, the cost of supervision of the respondent's exercise of parenting time, visitation, or companionship rights, as provided in section 3113.31 of the Revised Code;

(M) Upon a petition to have a person involuntarily institutionalized, the costs of appointed counsel for the respondent at a full hearing, as provided in section 5123.76 of the Revised Code;

(N) In a case before the domestic relations division of the Hamilton county court of common pleas, the expense of serving a summons, warrant, citation, subpoena, or other writ issued to an officer other than a bailiff, constable, or staff investigator of the division, as provided in section 2301.03 of the Revised Code."

Between lines 20922 and 20923, insert:

"**Sec. 2939.11.** The official ~~shorthand~~ reporter of the county, or any ~~shorthand~~ reporter designated by the court of common pleas, at the request of the prosecuting attorney, or any such reporter designated by the attorney general in investigations conducted by ~~him~~ the attorney general, may take ~~shorthand~~ notes of or electronically record testimony before the grand jury, and furnish a transcript to the prosecuting attorney or the attorney general, and to no other person. The ~~shorthand~~ reporter shall withdraw from the jury room before the jurors begin to express their views or take their vote on the matter before them. Such reporter shall take an oath to be administered by the judge after the grand jury is sworn, imposing an obligation of secrecy to not disclose any testimony taken or heard except to the grand jury, prosecuting attorney, or attorney general, unless called upon in court to make disclosures."

Between lines 40609 and 40610, insert:

"**Sec. 3745.05.** (A) In hearing the appeal, if an adjudication hearing was conducted by the director of environmental protection in accordance with sections 119.09 and 119.10 of the Revised Code or conducted by a board of health, the environmental review appeals commission is confined to the record as certified to it by the director or the board of health, as applicable. The commission may grant a request for the admission of additional evidence when satisfied that such additional evidence is newly discovered and could not with reasonable diligence have been ascertained prior to the hearing before the director or the board, as applicable. If no adjudication hearing was conducted in accordance with sections 119.09 and 119.10 of the Revised Code or conducted by a board of health, the commission shall conduct a hearing de novo on the appeal.

For the purpose of conducting a de novo hearing, or where the commission has granted a request for the admission of additional evidence, the commission may require the attendance of witnesses and the production of written or printed materials.

When conducting a de novo hearing, or when a request for the admission of additional evidence has been granted, the commission may, and at the request of any party it shall, issue subpoenas for witnesses or for books, papers, correspondence, memoranda, agreements, or other documents or records relevant or material to the inquiry directed to the sheriff of the counties where the witnesses or documents or records are found, which subpoenas shall be served and returned in the same manner as those allowed by the court of common pleas in criminal cases.

(B) The fees of sheriffs shall be the same as those allowed by the court of common pleas in criminal cases. Witnesses shall be paid the fees and mileage provided for under section 119.094 of the Revised Code. The fee and mileage expenses incurred at the request of the appellant shall be paid in advance by the appellant, and the remainder of the expenses shall be paid out of funds appropriated for the expenses of the commission.

(C) In case of disobedience or neglect of any subpoena served on any person, or the refusal of any witness to testify to any matter regarding which the witness may be lawfully interrogated, the court of common pleas of the county in which the disobedience, neglect, or refusal occurs, or any judge thereof, on application of the commission or any member thereof, may compel obedience by attachment proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from the court or a refusal to testify therein.

(D) A witness at any hearing shall testify under oath or affirmation, which any member of the commission may administer. A witness, if the witness requests, shall be permitted to be accompanied, represented, and advised by an attorney, whose participation in the hearing shall be limited to the protection of the rights of the witness, and who may not examine or cross-examine witnesses. A witness shall be advised of the right to counsel before the witness is interrogated.

(E) A ~~stenographic~~ record of the testimony and other evidence submitted shall be taken by an official court ~~shorthand~~ reporter. The record shall include all of the testimony and other evidence and the rulings on the admissibility thereof presented at the hearing. The commission shall pass upon the admissibility of evidence, but any party may at the time object to the admission of any evidence and except to the rulings of the commission thereon, and if the commission refuses to admit evidence the party offering same may make a proffer thereof, and such proffer shall be made a part of the record of such hearing.

Any party may request the ~~stenographic~~ record of the hearing. Promptly after receiving such a request, the commission shall prepare and provide the ~~stenographic~~ record of the hearing to the party who requested it. The commission may charge a fee to the party who requested the ~~stenographic~~ record that does not exceed the cost to the commission for preparing and transcribing or transmitting it.

(F) If, upon completion of the hearing, the commission finds that the

action appealed from was lawful and reasonable, it shall make a written order affirming the action, or if the commission finds that the action was unreasonable or unlawful, it shall make a written order vacating or modifying the action appealed from.

The commission shall issue a written order affirming, vacating, or modifying an action pursuant to the following schedule:

(1) For an appeal that was filed with the commission before April 15, 2008, the commission shall issue a written order not later than December 15, 2009.

(2) For all other appeals that have been filed with the commission as of October 15, 2009, the commission shall issue a written order not later than July 15, 2010.

(3) For an appeal that is filed with the commission after October 15, 2009, the commission shall issue a written order not later than twelve months after the filing of the appeal with the commission.

(G) Every order made by the commission shall contain a written finding by the commission of the facts upon which the order is based. Notice of the making of the order shall be given forthwith to each party to the appeal by mailing a certified copy thereof to each party by certified mail, with a statement of the time and method by which an appeal may be perfected.

(H) The order of the commission is final unless vacated or modified upon judicial review."

In line 75034, after "1509.071," insert "1509.36,"

In line 75035, after "1555.06," insert "1571.14,"

In line 75038, after "2301.01," insert "2301.03, 2301.18, 2301.20, 2301.21, 2301.22, 2301.23, 2301.24, 2301.25, 2301.26,"

In line 75039, after "2317.56," insert "2319.27, "; after "2501.02," insert "2501.16, 2501.17,"

In line 75040, after "2743.02," insert "2743.09, "; after "2746.01," insert "2746.03, 2746.04,"

In line 75041, after "2935.03," insert "2939.11,"

In line 75081, after "3745.01," insert "3745.05,"

In line 75140, after "185.11," insert "2301.19,"

In line 28 of the title, after "1509.071," insert "1509.36,"

In line 30 of the title, after "1555.06," insert "1571.14,"

In line 34 of the title, after "2301.01," insert "2301.03, 2301.18, 2301.20, 2301.21, 2301.22, 2301.23, 2301.24, 2301.25, 2301.26,"

In line 36 of the title, after "2317.56," insert "2319.27,"; after "2501.02," insert "2501.16, 2501.17,"; after "2743.02," insert "2743.09,"

In line 37 of the title, after "2746.01," insert "2746.03, 2746.04,"

In line 39 of the title, after "2935.03," insert "2939.11,"

In line 94 of the title, after "3745.01," insert "3745.05,"

In line 228 of the title, after "185.11," insert "2301.19,"

In line 316, delete "189.04, 189.05, 189.06, 189.08,"

In line 461, delete "189.041,"

Delete lines 10444 through 10605

In line 75025, delete "189.04, 189.05, 189.06, 189.08,"

In line 16 of the title, delete "189.04,"

In line 17 of the title, delete "189.05, 189.06, 189.08,"

In line 213 of the title, delete "189.041,"

In line 425, delete "5709.43,"

In line 426, delete "5709.75, 5709.80,"

Delete line 10451

In line 10452, delete everything before the period

In line 10560, delete " or"

Delete line 10561

In line 10562, delete " 5709.43, 5709.75, or 5709.80 of the Revised Code"

Delete lines 70864 through 70952

Delete lines 72078 through 72212

In line 75135, delete "5709.43,"; delete "5709.75,"

In line 75136, delete "5709.80,"

In line 168 of the title, delete "5709.43,"

In line 169 of the title, delete "5709.75, 5709.80,"

In line 76592, after "267.30.40," insert "267.40.40,"

Between lines 78222 and 78223, insert:

" 7018 200686 Third Grade Reading §                      0 §                      13,000,000"  
Guarantee

In line 78224, strike through "\$680,500,000" and insert " \$693,500,000"

In line 78230a, delete " 10,920,918,083" and insert " 10,933,918,083"

Between lines 78666 and 78667, insert:

**"Sec. 267.40.40. LOTTERY PROFITS EDUCATION RESERVE FUND**

(A) There is hereby created the Lottery Profits Education Reserve Fund (Fund 7018) in the State Treasury. Investment earnings of the Lottery Profits Education Reserve Fund shall be credited to the fund.

(B) Notwithstanding any other provision of law to the contrary, the Director of Budget and Management may transfer cash from Fund 7018 to the Lottery Profits Education Fund (Fund 7017) in fiscal year 2012 and fiscal year 2013. Amounts transferred under this section are hereby appropriated.

(C) On July 15, 2011, or as soon as possible thereafter, the Director of the Ohio Lottery Commission shall certify to the Director of Budget and Management the amount by which lottery profit transfers received by Fund 7017 exceeded \$711,000,000 in fiscal year 2011. The Director of Budget and Management may transfer the amount so certified, plus the cash balance in Fund 7017, to Fund 7018.

(D) On July 15, 2012, or as soon as possible thereafter, the Director of the Ohio Lottery Commission shall certify to the Director of Budget and Management the amount by which lottery profit transfers received by Fund 7017 exceeded \$717,500,000 in fiscal year 2012. The Director of Budget and Management may transfer the amount so certified, plus the cash balance in Fund 7017, to Fund 7018.

**THIRD GRADE READING GUARANTEE**

The foregoing appropriation item 200686, Third Grade Reading Guarantee, shall be used to make competitive grants in an aggregate amount of up to \$13,000,000 to school districts and community schools to support reading intervention efforts that assist students in meeting the third grade reading guarantee established in section 3313.608 of the Revised Code.

The Superintendent of Public Instruction shall administer and award the grants. The Superintendent shall establish procedures and forms by which applicants may apply for a grant, a competitive process for awarding the grants, procedures for distributing grants to recipients, and procedures for monitoring the use of grants by recipients. The procedures shall require each school district and community school applying for a grant to submit, as part of its grant application, a reading program plan identifying how the grant award will be used. To be eligible for a grant award, school districts and community schools shall apply to the Superintendent not later than December 31, 2012. The Superintendent shall announce the grant awards not later than April 30, 2013.

In awarding the grants, the Superintendent shall give priority to plans that either utilize public-private partnerships or involve collaboration with educational service centers, other school districts, or local entities, such as libraries, parks and recreation authorities, or other community entities. The Superintendent shall also consider an applicant's past performance on the third

grade reading assessment administered pursuant to the version of section 3301.0710 of the Revised Code that was in effect prior to October 16, 2009. In considering this factor, the Superintendent shall take into account the existing resources available for reading improvement initiatives, including the amount of funding the school district or community school regularly receives under Title I of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6301, et seq."

In line 80755, after "267.30.40," insert "267.40.40,"

In line 82697, after "267.30.40," insert "267.40.40,"

In line 274 of the title, after "267.30.40," insert "267.40.40,"

In line 423, delete "5516.02, 5516.06,"

Delete lines 69432 through 69492

In line 75132, delete "5516.02,"

In line 75133, delete "5516.06,"

In line 164 of the title, delete "5516.02,"

In line 165 of the title, delete "5516.06,"

Managers on the Part of the  
House of Representatives

Managers on the Part of the  
Senate

/S/ /S/RON AMSTUTZ  
/S/RON AMSTUTZ

/S/ /S/CHRIS WIDENER  
/S/CHRIS WIDENER

/S/ /S/JEFFREY A. MCCLAIN  
/S/JEFFREY A. MCCLAIN

/S/ /S/SHANNON JONES  
/S/SHANNON JONES

\_\_\_\_\_  
VERNON SYKES

\_\_\_\_\_  
TOM SAWYER

The question being, "Shall the report of the committee of Conference be agreed to?"

The yeas and nays were taken and resulted - yeas 58, nays 38, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Barnes	Beck	Blair
Blessing	Brenner	Bubp	Buchy
Butler	Combs	Conditt	Damschroder
DeVitis	Derickson	Dovilla	Duffey
Gardner	Gonzales	Grossman	Hackett
Hagan, C.	Hall	Hayes	Henne
Hill	Hottinger	Huffman	Johnson
Kozlowski	Landis	Lynch	Maag
Martin	McClain	McGregor	Newbold
Patmon	Pelanda	Roegner	Rosenberger
Ruhl	Scherer	Schuring	Sears

Slaby M.  
Terhar  
Young

Sprague  
Thompson

Stautberg  
Uecker

Stebelton  
Wachtmann  
Batchelder-58.

Those who voted in the negative were: Representatives

Antonio  
Budish  
Cera  
Fende  
Goyal  
Luckie  
Murray  
Pillich  
Stinziano  
Winburn

Ashford  
Carney  
Clyde  
Foley  
Hagan, R.  
Lundy  
O'Brien  
Ramos  
Sykes

Boyce  
Celebrezze  
Driehaus  
Garland  
Heard  
Mallory  
Okey  
Reece  
Szollosi

Boyd  
Celeste  
Fedor  
Gerberry  
Letson  
Milkovich  
Phillips  
Slesnick  
Williams  
Yuko-38.

The report of the committee of Conference was agreed to.

### **REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION**

Representative Fende submitted the following report:

The standing committee on Health and Aging to which was referred **H. B. No. 259**-Representatives Adams, J., Yuko, et al., having had the same under consideration, reports it back and recommends its passage.

RE: COMPLEMENTARY/ALTERNATIVE HEALTH SERVICES

LYNN R. WACHTMANN  
JOHN BARNES  
BRUCE W. GOODWIN  
BRIAN HILL  
DAN RAMOS  
MARILYN SLABY  
KENNY YUKO

LORRAINE M. FENDE  
BARBARA BOYD  
ROBERT F. HAGAN  
DOROTHY PELANDA  
KIRK SCHURING  
RYAN SMITH

The following members voted "NO"

JOHN PATRICK CARNEY  
RANDY GARDNER  
ROBERT HACKETT  
TERRY JOHNSON

MIKE DUFFEY  
NANCY GARLAND  
JAY HOTTINGER  
BARBARA R. SEARS

The report was agreed to.

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

Representative Mallory submitted the following report:

The standing committee on Transportation, Public Safety and Homeland Security to which was referred **H. B. No. 269**-Representative Dovilla, et al., having had the same under consideration, reports it back and recommends its passage.

RE: OUT-OF-STATE DRIVER'S LICENSE-SEEK OHIO  
LICENSE-PASS ONLY VISION TEST

Representative Damschroder moved to amend the title as follows:

Add the names: "Kozlowski, Celebrezze, Johnson, Ruhl."

REX DAMSCHRODER	CASEY KOZLOWSKI
DALE MALLORY	NICHOLAS J. CELEBREZZE
ANTHONY DEVITIS	ROBERT F. HAGAN
TERRY JOHNSON	ROSS MCGREGOR
SEAN O'BRIEN	BILL PATMON
MARGARET RUHL	JOSEPH W. UECKER
RON YOUNG	

The report was agreed to.

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

Representative Gerberry submitted the following report:

The standing committee on State Government and Elections to which was referred **H. R. No. 384**-Representative Dovilla, et al., having had the same under consideration, reports it back and recommends its adoption.

RE: CHINESE CURRENCY MANIPULATION

RON MAAG	MICHAEL HENNE
JOHN ADAMS	JIM BUCHY
TED CELESTE	KATHLEEN CLYDE
COURTNEY COMBS	REX DAMSCHRODER
MIKE DOVILLA	TERESA FEDOR
RANDY GARDNER	CHERYL GROSSMAN
MATT HUFFMAN	TOM LETSON
MATT LUNDY	ROBERT COLE SPRAGUE
MICHAEL STINZIANO	VERNON SYKES
LOUIS TERHAR	RON YOUNG

The report was agreed to.

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

Representative Winburn submitted the following report:

The standing committee on Criminal Justice to which was referred **H. B. No. 414**-Representative Anielski, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: STALKING/TELECOMMUNICATIONS HARASSMENT-  
EXPAND OFFENSES/CREDIBLE THREAT OFFENSE

Representative Schuring moved to amend the title as follows:

Add the name: "Combs."

KIRK SCHURING	MARGARET CONDITT
ROLAND WINBURN	DANNY R. BUBP
COURTNEY COMBS	NANCY GARLAND
BILL HAYES	MATT LYNCH
CONNIE PILLICH	JOSEPH W. UECKER
SANDRA WILLIAMS	

The report was agreed to.

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

Representative Winburn submitted the following report:

The standing committee on Criminal Justice to which was referred **H. B. No. 421**-Representatives Slaby, O'Brien, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: PHYSICIANS-REPORT DRUG USE-IMMUNITY/NO PATIENT  
PRIVACY RIGHT

Representative Schuring moved to amend the title as follows:

Add the name: "Garland."

KIRK SCHURING	DANNY R. BUBP
COURTNEY COMBS	NANCY GARLAND
BILL HAYES	MATT LYNCH
CONNIE PILLICH	JOSEPH W. UECKER

The following members voted "NO"

MARGARET CONDITT	ROLAND WINBURN
SANDRA WILLIAMS	

The report was agreed to.

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

Representative Murray submitted the following report:

The standing committee on Judiciary and Ethics to which was referred **H. B. No. 461**-Representative Stebelton, et al., having had the same under consideration, reports it back and recommends its passage.

RE: FAMILY LAW DISPUTES-COLLABORATIVE FAMILY PROCESS TO RESOLVE

Representative Bubp moved to amend the title as follows:

Add the name: "Bubp."

DANNY R. BUBP	JIM BUTLER
DENNIS MURRAY	MARGARET CONDITT
MATT HUFFMAN	TOM LETSON
MATT LYNCH	MARK D. OKEY
DOROTHY PELANDA	GARY K. SCHERER
GERALD L. STEBELTON	MICHAEL STINZIANO
MATT SZOLLOSI	

The report was agreed to.

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

Representative Murray submitted the following report:

The standing committee on Judiciary and Ethics to which was referred **H. B. No. 479**-Representatives Hagan, C., Blessing, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: TRUSTS-ADOPT LEGACY TRUST ACT/MODIFY RELEVANT LAW

DANNY R. BUBP	JIM BUTLER
DENNIS MURRAY	MARGARET CONDITT
MATT HUFFMAN	TOM LETSON
MATT LYNCH	MARK D. OKEY
DOROTHY PELANDA	GARY K. SCHERER
GERALD L. STEBELTON	MICHAEL STINZIANO
MATT SZOLLOSI	

The report was agreed to.

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

Representative Gerberry submitted the following report:

The standing committee on State Government and Elections to which was referred **H. B. No. 501**-Representatives Carney, Duffey, having had the same under consideration, reports it back and recommends its passage.

RE: OFFICIAL STATE ARTIFACT-ADENA PIPE

Representative Maag moved to amend the title as follows:

Add the names: "Celeste, Letson."

RON MAAG	MICHAEL HENNE
RON GERBERRY	JOHN ADAMS
LOUIS W. BLESSING	JIM BUCHY
TED CELESTE	KATHLEEN CLYDE
COURTNEY COMBS	REX DAMSCHRODER
MIKE DOVILLA	TERESA FEDOR
RANDY GARDNER	CHERYL GROSSMAN
MATT HUFFMAN	TOM LETSON
MATT LUNDY	BILL PATMON
ROBERT COLE SPRAGUE	MICHAEL STINZIANO
VERNON SYKES	LOUIS TERHAR
RON YOUNG	

The report was agreed to.

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

Representative Winburn submitted the following report:

The standing committee on Criminal Justice to which was referred **H. B. No. 524**-Representatives McGregor, Heard, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: ADULT/JUVENILE CRIMINAL LAWS-MISCELLANEOUS REVISIONS

Representative Schuring moved to amend the title as follows:

Add the name: "Conditt."

KIRK SCHURING	MARGARET CONDITT
ROLAND WINBURN	LOUIS W. BLESSING
DANNY R. BUBP	COURTNEY COMBS
NANCY GARLAND	BILL HAYES
MATT LYNCH	CONNIE PILLICH
JOSEPH W. UECKER	SANDRA WILLIAMS

The report was agreed to.

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

Representative Murray submitted the following report:

The standing committee on Judiciary and Ethics to which was referred **H. B. No. 535**-Representative Hill, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: OFFENSE OF INTERCEPTING COMMUNICATIONS-EXEMPT PARENTS/IN LOCO PARENTIS

Representative Bubp moved to amend the title as follows:

Add the names: "Bubp, Letson."

DANNY R. BUBP	JIM BUTLER
DENNIS MURRAY	MARGARET CONDITT
MATT HUFFMAN	TOM LETSON
MATT LYNCH	MARK D. OKEY
DOROTHY PELANDA	GARY K. SCHERER
GERALD L. STEBELTON	MICHAEL STINZIANO
MATT SZOLLOSI	

The report was agreed to.

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

Representative Fende submitted the following report:

The standing committee on Health and Aging to which was referred **H. B. No. 543**-Representative Anielski, et al., having had the same under consideration, reports it back and recommends its passage.

RE: JASON FLATT ACT-PUBLIC SCHOOLS-SUICIDE  
AWARENESS/PREVENTION-TRAIN STAFF

Representative Wachtmann moved to amend the title as follows:

Add the names: "Fende, Duffey, Garland, Hackett, Ramos, Smith, Yuko."

LYNN R. WACHTMANN	ANNE GONZALES
LORRAINE M. FENDE	JOHN BARNES
BARBARA BOYD	JOHN PATRICK CARNEY
MIKE DUFFEY	RANDY GARDNER
NANCY GARLAND	BRUCE W. GOODWIN
ROBERT HACKETT	ROBERT F. HAGAN
BRIAN HILL	JAY HOTTINGER
TERRY JOHNSON	DOROTHY PELANDA
DAN RAMOS	KIRK SCHURING
BARBARA R. SEARS	MARILYN SLABY
RYAN SMITH	KENNY YUKO

The report was agreed to.

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

Representative Murray submitted the following report:

The standing committee on Judiciary and Ethics to which was referred **H. B. No. 554**-Representatives Kozlowski, Bubp, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: TRUMBULL COUNTY MUNICIPAL COURT-CREATE

DANNY R. BUBP  
MARGARET CONDITT  
MATT LYNCH  
GARY K. SCHERER

JIM BUTLER  
MATT HUFFMAN  
DOROTHY PELANDA  
GERALD L. STEBELTON

The following members voted "NO"

DENNIS MURRAY  
MARK D. OKEY  
MATT SZOLLOSI

TOM LETSON  
MICHAEL STINZIANO

The report was agreed to.

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

Representative Gerberry submitted the following report:

The standing committee on State Government and Elections to which was referred **S. C. R. No. 14**-Senator Jones, et al., having had the same under consideration, reports it back and recommends its adoption.

RE: WORLD CHOIR GAMES MONTH-JULY 2012

Representative Maag moved to amend the title as follows:

Add the names: "Representative Combs."

RON MAAG  
JOHN ADAMS  
TED CELESTE  
COURTNEY COMBS  
MIKE DOVILLA  
RANDY GARDNER  
MATT HUFFMAN  
MATT LUNDY  
MICHAEL STINZIANO  
LOUIS TERHAR

MICHAEL HENNE  
JIM BUCHY  
KATHLEEN CLYDE  
REX DAMSCHRODER  
TERESA FEDOR  
CHERYL GROSSMAN  
TOM LETSON  
ROBERT COLE SPRAGUE  
VERNON SYKES  
RON YOUNG

The report was agreed to.

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

Representative Mallory submitted the following report:

The standing committee on Transportation, Public Safety and Homeland Security to which was referred **Am. S. B. No. 222**-Senator Burke, et al., having had the same under consideration, reports it back and recommends its passage.

RE: INTERSTATE/OHIO TURNPIKE REST AREAS-DISPLAY  
CERTAIN FLAGS

Representative Damschroder moved to amend the title as follows:

Add the names: "Representatives Celebrezze, Johnson, Ruhl."

REX DAMSCHRODER	CASEY KOZLOWSKI
DALE MALLORY	NICHOLAS J. CELEBREZZE
ANTHONY DEVITIS	ROBERT F. HAGAN
TERRY JOHNSON	ROSS MCGREGOR
SEAN O'BRIEN	BILL PATMON
MARGARET RUHL	JOSEPH W. UECKER
RON YOUNG	

The report was agreed to.

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

Representative Murray submitted the following report:

The standing committee on Judiciary and Ethics to which was referred **Am. S. B. No. 224**-Senator Obhof, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: LAWSUIT ON WRITTEN CONTRACT-SHORTEN STATUTE OF LIMITATIONS

Representative Bulp moved to amend the title as follows:

Add the name: "Representative Bulp."

DANNY R. BULP	JIM BUTLER
DENNIS MURRAY	MARGARET CONDITT
MATT HUFFMAN	TOM LETSON
MATT LYNCH	MARK D. OKEY
DOROTHY PELANDA	GARY K. SCHERER
GERALD L. STEBELTON	MICHAEL STINZIANO
MATT SZOLLOSI	

The report was agreed to.

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

Representative Gerberry submitted the following report:

The standing committee on State Government and Elections to which was referred **Am. S. B. No. 275**-Senator Hite, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: STATE LAND CONVEYANCE-DEFIANCE COUNTY

RON MAAG	MICHAEL HENNE
RON GERBERRY	JOHN ADAMS
LOUIS W. BLESSING	JIM BUCHY
TED CELESTE	KATHLEEN CLYDE

COURTNEY COMBS  
 MIKE DOVILLA  
 RANDY GARDNER  
 MATT HUFFMAN  
 MATT LUNDY  
 ROBERT COLE SPRAGUE  
 VERNON SYKES  
 RON YOUNG

REX DAMSCHRODER  
 TERESA FEDOR  
 CHERYL GROSSMAN  
 TOM LETSON  
 BILL PATMON  
 MICHAEL STINZIANO  
 LOUIS TERHAR

The report was agreed to.

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

Representative Fende submitted the following report:

The standing committee on Health and Aging to which was referred **S. B. No. 301**-Senators Burke, Cafaro, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: HEALTHCARE LICENSING-ENFORCEMENT/PAIN  
 MANAGEMENT CLINICS/CONTROLLED SUBSTANCES

Representative Wachtmann moved to amend the title as follows:

Add the names: "Representatives Garland, Hackett, Johnson, Smith, Yuko."

LYNN R. WACHTMANN  
 LORRAINE M. FENDE  
 JOHN BARNES  
 JOHN PATRICK CARNEY  
 RANDY GARDNER  
 BRUCE W. GOODWIN  
 ROBERT F. HAGAN  
 JAY HOTTINGER  
 DOROTHY PELANDA  
 KIRK SCHURING  
 MARILYN SLABY  
 KENNY YUKO

ANNE GONZALES  
 NICKIE ANTONIO  
 BARBARA BOYD  
 MIKE DUFFEY  
 NANCY GARLAND  
 ROBERT HACKETT  
 BRIAN HILL  
 TERRY JOHNSON  
 DAN RAMOS  
 BARBARA R. SEARS  
 RYAN SMITH

The report was agreed to.

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

Representative O'Brien submitted the following report:

The standing committee on Transportation, Public Safety and Homeland Security to which was referred **Sub. S. B. No. 305**-Senator Hughes, et al., having had the same under consideration, reports it back and recommends its passage.

RE: VEHICLE-HIDDEN COMPARTMENT TO BE USED TO  
 FACILITATE A CRIME-AN OFFENSE

REX DAMSCHRODER  
NICHOLAS J. CELEBREZZE  
TERRY JOHNSON  
SEAN O'BRIEN

CASEY KOZLOWSKI  
ROBERT F. HAGAN  
ROSS MCGREGOR  
MARGARET RUHL

The following members voted "NO"

JOSEPH W. UECKER                      RON YOUNG

The report was agreed to.

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

Representative Williams submitted the following report:

The standing committee on Public Utilities to which was referred **Sub. S. B. No. 315**-Senator Jones, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE:    MID-TERM BUDGET REVIEW-ENERGY AND NATURAL  
RESOURCES LAWS AND PROGRAMS

Representative Stautberg moved to amend the title as follows:

Add the name: "Representative Stautberg."

PETER STAUTBERG  
PETER BECK  
JACK CERA  
ANNE GONZALES  
DAVE HALL  
JARROD MARTIN  
CLIFF ROSENBERGER

RON AMSTUTZ  
JIM BUTLER  
MARGARET CONDITT  
CHRISTINA HAGAN  
AL LANDIS  
KRISTINA ROEGNER  
ANDY THOMPSON

The following members voted "NO"

SANDRA WILLIAMS                      MIKE ASHFORD  
MIKE FOLEY                              SEAN O'BRIEN  
CONNIE PILLICH                         DAN RAMOS  
MICHAEL STINZIANO                    MATT SZOLLOSI

The report was agreed to.

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

### MOTIONS AND RESOLUTIONS

Representative Blessing moved that the following resolution be brought up for immediate adoption, read in full, and spread upon the pages of the journal.

The motion was agreed to.

The question being on the adoption of the resolution, reading as follows:

**H. R. No. 397**-Speaker Batchelder.

Cosponsors: Representatives Budish, Adams, J., Adams, R., Amstutz, Anielski, Antonio, Ashford, Baker, Barnes, Beck, Blair, Blessing, Boose, Boyce, Boyd, Brenner, Bubb, Buchy, Carney, Celebrezze, Celeste, Cera, Clyde, Combs, Conditt, Damschroder, DeVitis, Derickson, Dovilla, Driehaus, Duffey, Fedor, Fende, Foley, Gardner, Garland, Gerberry, Gonzales, Goodwin, Goyal, Grossman, Hackett, Hagan, C., Hagan, R., Hall, Hayes, Heard, Henne, Hill, Hottinger, Huffman, Johnson, Kozlowski, Landis, Letson, Luckie, Lundy, Lynch, Maag, Mallory, Martin, McClain, McGregor, Milkovich, Murray, Newbold, O'Brien, Okey, Patmon, Pelanda, Phillips, Pillich, Ramos, Reece, Roegner, Rosenberger, Ruhl, Scherer, Schuring, Sears, Slaby, M., Slesnick, Smith, Sprague, Stautberg, Stebelton, Stinziano, Sykes, Szollosi, Terhar, Thompson, Uecker, Wachtmann, Williams, Winburn, Young, Yuko.

In memory of the Reverend Michael M. DeBose.

WHEREAS, The members of the House of Representatives of the 129th General Assembly of Ohio extend our sincere sympathy to the family and friends of the Reverend Michael M. DeBose in their bereavement; and

WHEREAS, Michael DeBose's zealous love of life and his selfless concern for the welfare of others distinguished him as an outstanding human being and as a leading citizen. Serving the 12th District of the Ohio House of Representatives for eight years, he sponsored legislation to ban talking or texting on cell phones while driving, to make cock-fighting a felony, and to support a higher minimum wage, blood screens for cancer, and a moratorium on foreclosures, and he was the chaplain for the Ohio Legislative Black Caucus. An associate pastor of Zion Chapel Missionary Baptist Church, he previously worked for the City of Cleveland, the Cuyahoga Metropolitan Housing Authority, and the Cuyahoga County Sanitary Engineering Department, and he served as a member of the local school board. Without question, he was a dedicated and devoted public servant whose exemplary political career is an inspiration for others; and

WHEREAS, Michael DeBose's selfless dedication to the welfare of others distinguished him as an outstanding human being and a leading citizen. It is our sincere hope that his memory will be a source of comfort to those who loved and cherished him, including his wife, Cheryl, his three children, Shalimar, Michael, and Krystal, and his three grandchildren. His untiring efforts earned him the respect and esteem of many; and

WHEREAS, Michael DeBose will long be remembered for his kindness and his unwavering commitment to service. He led a remarkable life, manifesting those virtues we all seek to emulate, and his generosity, talents, and seemingly inexhaustible energy are a pleasure to recall; therefore be it

RESOLVED, That we, the members of the House of Representatives of the 129th General Assembly of Ohio, in adopting this Resolution, mourn the loss and salute the memory of a fine man, the Reverend Michael M. DeBose; and be it further

RESOLVED, That the Clerk of the House of Representatives transmit a duly authenticated copy of this Resolution to the family of the Reverend Michael M. DeBose.

The resolution was adopted.

### **BILLS FOR THIRD CONSIDERATION**

**Sub. H. B. No. 511**-Representatives Beck, Gonzales.

To amend sections 121.22, 122.15, 122.151, 122.152, 122.153, 122.154, 122.28, 122.30 to 122.36, 150.03, 150.05, 150.07, 150.10, and 184.02 and to repeal section 122.29 of the Revised Code to make various changes to the administration of the investment tax credit and the venture capital loan loss tax credit, including the increase of the maximum amount of the investment tax credit and the venture capital loan loss tax credit and the elimination of the Industrial Technology and Enterprise Advisory Councils, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Foley moved to amend as follows:

In line 1000, strike through "fifty" and insert "seventy-five"

In line 1395, after "**3.**" insert "The amendment by this act of division (D) of section 150.03 of the Revised Code applies to program funds invested on or after January 1, 2013.

#### **Section 4.**

In line 1404, delete "**4.**" and insert "**5.**"

Representative Huffman 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 56, nays 39, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Beck	Blair	Brenner
Bubp	Buchy	Butler	Combs
Conditt	Damschroder	DeVitis	Derickson
Dovilla	Duffey	Gardner	Gonzales
Grossman	Hackett	Hagan, C.	Hall
Hayes	Henne	Hill	Hottinger
Huffman	Johnson	Kozlowski	Landis
Lynch	Maag	Martin	McClain

McGregor	Newbold	Pelanda	Roegner
Rosenberger	Ruhl	Scherer	Schuring
Sears	Slaby M.	Smith	Sprague
Stautberg	Stebelton	Terhar	Thompson
Uecker	Wachtmann	Young	Batchelder-56.

Those who voted in the negative were: Representatives

Antonio	Ashford	Barnes	Boyce
Boyd	Budish	Carney	Celebrezze
Celeste	Cera	Clyde	Driehaus
Fedor	Fende	Foley	Garland
Gerberry	Goyal	Hagan, R.	Heard
Letson	Luckie	Lundy	Mallory
Milkovich	Murray	O'Brien	Okey
Patmon	Phillips	Pillich	Ramos
Slesnick	Stinziano	Sykes	Szollosi
Williams	Winburn		Yuko-39.

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

Representative Letson moved to amend as follows:

In line 14, after "184.02" insert "be amended and section 150.11"

In line 15, delete "amended" and insert "enacted"

Between lines 1342 and 1343, insert:

**" Sec. 150.11. If a venture capital fund does not comply with division (D)(1) of section 150.03 of the Revised Code within three years after receiving any money from the program fund, the director of development shall notify the fund that it is required to pay an amount equal to the program fund money received by the fund, plus interest accruing at the rate per annum prescribed by section 5703.47 of the Revised Code, to the program fund. If the venture capital fund does not remit the amount required, the director shall certify the amount to the attorney general for collection pursuant to section 131.02 of the Revised Code, according to the time prescribed by that section."**

In line 3 of the title, after "184.02" insert ", to enact section 150.11,"

Representative Huffman 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 42, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Beck	Blair	Blessing
Brenner	Bubp	Buchy	Combs
Conditt	Damschroder	DeVitis	Derickson
Dovilla	Duffey	Gardner	Gonzales

Grossman	Hackett	Hagan, C.	Hall
Hayes	Hill	Hottinger	Huffman
Johnson	Kozlowski	Landis	Lynch
Maag	Martin	McClain	McGregor
Newbold	Pelanda	Rosenberger	Ruhl
Scherer	Schuring	Sears	Slaby M.
Sprague	Stautberg	Stebelton	Terhar
Thompson	Uecker	Wachtmann	Young
			Batchelder-53.

Those who voted in the negative were: Representatives

Antonio	Ashford	Barnes	Boyce
Boyd	Budish	Butler	Carney
Celebrezze	Celeste	Cera	Clyde
Driehaus	Fedor	Fende	Foley
Garland	Gerberry	Goyal	Hagan, R.
Heard	Henne	Letson	Luckie
Lundy	Mallory	Milkovich	Murray
O'Brien	Okey	Patmon	Phillips
Pillich	Ramos	Reece	Roegner
Slesnick	Stinziano	Sykes	Szollosi
Winburn			Yuko-42.

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 91, nays 6, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Ashford	Baker	Barnes
Beck	Blair	Blessing	Boyce
Boyd	Brenner	Bubp	Buchy
Budish	Butler	Carney	Celebrezze
Celeste	Clyde	Combs	Conditt
Damschroder	DeVitis	Derickson	Dovilla
Driehaus	Duffey	Fedor	Fende
Gardner	Garland	Gerberry	Gonzales
Goyal	Grossman	Hackett	Hagan, C.
Hall	Hayes	Heard	Henne
Hill	Hottinger	Huffman	Johnson
Kozlowski	Landis	Letson	Luckie
Lundy	Lynch	Maag	Mallory
Martin	McClain	McGregor	Milkovich
Murray	Newbold	O'Brien	Okey
Patmon	Pelanda	Phillips	Pillich
Reece	Roegner	Rosenberger	Ruhl
Scherer	Schuring	Sears	Slaby M.
Slesnick	Smith	Sprague	Stautberg
Stebelton	Stinziano	Sykes	Szollosi
Terhar	Thompson	Uecker	Wachtmann
Young	Yuko		Batchelder-91.

Representatives Cera, Foley, Hagan, R., Ramos, Williams, and Winburn voted in the negative-6.

The bill passed.

Representative Beck moved to amend the title as follows:

Add the names: "Amstutz, Antonio, Baker, Barnes, Blair, Brenner, Bubp, Buchy, Carney, Celebrezze, Celeste, Clyde, Combs, Dovilla, Driehaus, Duffey, Fedor, Garland, Goyal, Grossman, Hackett, Hall, Henne, Huffman, Luckie, Mallory, Martin, McClain, Newbold, O'Brien, Phillips, Ruhl, Sears, Sprague, Stautberg, Stinziano, Szollosi, Terhar, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**H. B. No. 459-Representative Hottinger.**

Cosponsors: Representatives Slesnick, Thompson, Gonzales, Cera, Terhar, Gardner, Brenner, Stinziano, Rose, Dovilla, Young, Adams, R., Hayes, Martin, Beck, Milkovich, Ruhl, Stebelton, Yuko, Garland, Gerberry, O'Brien, Fende, Hackett, Grossman, Goodwin, Bubp, Matheney, Maag, Henne, Blessing, Buchy, Celeste, Combs, Letson, Lundy, Patmon, Sprague.

To enact section 5.091 of the Revised Code to declare that Ohio is a "Purple Heart State", was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 95, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Ashford	Baker	Barnes
Beck	Blair	Blessing	Boyce
Boyd	Brenner	Bubp	Buchy
Budish	Butler	Carney	Celebrezze
Celeste	Cera	Clyde	Combs
Conditt	Damschroder	DeVitis	Derickson
Dovilla	Driehaus	Duffey	Fedor
Fende	Foley	Gardner	Garland
Gerberry	Gonzales	Goyal	Grossman
Hackett	Hagan, C.	Hagan, R.	Hall
Hayes	Heard	Henne	Hill
Hottinger	Huffman	Johnson	Kozlowski
Landis	Luckie	Lundy	Lynch
Maag	Mallory	Martin	McClain
McGregor	Milkovich	Murray	Newbold
O'Brien	Okey	Patmon	Pelanda
Pillich	Ramos	Reece	Roegner
Rosenberger	Ruhl	Scherer	Schuring
Sears	Slaby M.	Slesnick	Smith

Sprague	Stautberg	Stebelon	Stinziano
Sykes	Szollosi	Terhar	Thompson
Uecker	Wachtmann	Williams	Winburn
Young	Yuko		Batchelder-95.

The bill passed.

Representative Hottinger moved to amend the title as follows:

Add the names: "Adams, J., Amstutz, Anielski, Antonio, Ashford, Baker, Barnes, Blair, Boyce, Boyd, Budish, Carney, Celebrezze, Clyde, Conditt, Damschroder, Derickson, DeVitis, Driehaus, Duffey, Fedor, Goyal, Hagan, C., Hagan, R., Hall, Heard, Hill, Huffman, Johnson, Kozlowski, Landis, Lynch, Mallory, McClain, McGregor, Newbold, Okey, Pelanda, Pillich, Reece, Roegner, Rosenberger, Scherer, Schuring, Sears, Slaby, M., Smith, Stautberg, Sykes, Szollosi, Uecker, Wachtmann, Winburn, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. B. No. 251**-Representative Schuring.

Cosponsors: Representatives Adams, J., Murray, Fedor, Phillips, Fende, Yuko, Hagan, R., Letson.

To amend sections 4731.02, 4731.06, 4731.07, 4731.22, 4731.36, 4734.31, 4762.01, 4762.02, 4762.03, 4762.031, 4762.04, 4762.05, 4762.06, 4762.08, 4762.09, 4762.10, 4762.11, 4762.12, 4762.13, 4762.131, 4762.132, 4762.14, 4762.15, 4762.16, 4762.17, 4762.18, 4762.19, and 4762.22 and to repeal section 4731.04 of the Revised Code to regulate the practice of Oriental medicine, to modify the laws governing the practice of acupuncture, and to revise certain laws governing the State Medical Board, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 96, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Ashford	Baker	Barnes
Beck	Blair	Blessing	Boyce
Boyd	Brenner	Bubp	Buchy
Budish	Butler	Carney	Celebrezze
Celeste	Cera	Clyde	Combs
Conditt	Damschroder	DeVitis	Derickson
Dovilla	Driehaus	Duffey	Fedor
Fende	Foley	Gardner	Garland
Gerberry	Gonzales	Goyal	Grossman
Hackett	Hagan, C.	Hagan, R.	Hall

Hayes	Heard	Henne	Hill
Hottinger	Huffman	Johnson	Kozlowski
Landis	Letson	Luckie	Lundy
Lynch	Maag	Mallory	Martin
McClain	McGregor	Milkovich	Murray
Newbold	O'Brien	Okey	Patmon
Pelanda	Pillich	Ramos	Reece
Roegner	Rosenberger	Ruhl	Scherer
Schuring	Sears	Slaby M.	Slesnick
Smith	Sprague	Stautberg	Stebelton
Stinziano	Sykes	Szollosi	Terhar
Thompson	Uecker	Wachtmann	Williams
Winburn	Young	Yuko	Batchelder-96.

The bill passed.

Representative Schuring moved to amend the title as follows:

Add the names: "Celeste, Combs, Derickson, Hagan, C., Luckie, Milkovich, Ramos, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. B. No. 514**-Representative Newbold.

To amend sections 4511.01, 4511.04, 4511.213, and 5501.03 of the Revised Code to authorize the Director of Transportation to enter into an agreement or contract with any entity to establish a traveler information program to provide real-time traffic conditions and travel time information at no cost to the traveler and to require motor vehicle operators to take certain actions upon approaching a highway maintenance vehicle, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Amstutz moved to amend as follows:

In line 11, delete "4511.213,"

Delete lines 466 through 510

In line 592, delete "4511.213,"

In line 1 of the title, delete "4511.213,"

In line 7 of the title, delete "and to"

Delete lines 8 and 9 of the title

In line 10 of the title, delete "vehicle"

Representative O'Brien 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 55, nays 41, as follows:

Those who voted in the affirmative were: Representatives

Anielski	Antonio	Ashford	Barnes
Boyce	Boyd	Brenner	Bubp
Budish	Celebrezze	Celeste	Cera
Clyde	Damschroder	Driehaus	Fedor
Fende	Foley	Garland	Gerberry
Goyal	Grossman	Hackett	Hagan, R.
Heard	Henne	Hill	Johnson
Letson	Luckie	Lundy	Mallory
Martin	McGregor	Milkovich	Murray
Newbold	O'Brien	Okey	Patmon
Pillich	Reece	Roegner	Rosenberger
Ruhl	Scherer	Slesnick	Smith
Sykes	Szollosi	Thompson	Wachtmann
Williams	Winburn		Yuko-55.

Those who voted in the negative were: Representatives

Adams J.	Adams R.	Amstutz	Baker
Beck	Blair	Blessing	Buchy
Butler	Carney	Combs	Conditt
DeVitis	Derickson	Dovilla	Duffey
Gardner	Gonzales	Hagan, C.	Hall
Hayes	Hottinger	Huffman	Kozlowski
Landis	Lynch	Maag	McClain
Pelanda	Ramos	Schuring	Sears
Slaby M.	Sprague	Stautberg	Stebelton
Stinziano	Terhar	Uecker	Young
			Batchelder-41.

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 81, nays 15, as follows:

Those who voted in the affirmative were: Representatives

Anielski	Antonio	Ashford	Baker
Barnes	Blair	Blessing	Boyce
Boyd	Brenner	Bubp	Budish
Butler	Celebrezze	Celeste	Cera
Clyde	Combs	Conditt	Damschroder
Derickson	Dovilla	Driehaus	Duffey
Fedor	Fende	Foley	Gardner
Garland	Gerberry	Gonzales	Goyal
Grossman	Hackett	Hagan, C.	Hagan, R.
Hall	Hayes	Heard	Henne
Hill	Hottinger	Huffman	Johnson
Kozlowski	Landis	Letson	Luckie
Lundy	Lynch	Mallory	Martin
McClain	McGregor	Milkovich	Murray

Newbold	O'Brien	Okey	Patmon
Pillich	Ramos	Reece	Rosenberger
Ruhl	Scherer	Schuring	Slaby M.
Slesnick	Smith	Sprague	Stautberg
Stebelton	Stinziano	Sykes	Szollosi
Williams	Winburn	Young	Yuko
			Batchelder-81.

Those who voted in the negative were: Representatives

Adams J.	Adams R.	Amstutz	Beck
Buchy	Carney	DeVitis	Maag
Pelanda	Roegner	Sears	Terhar
Thompson	Uecker		Wachtmann-15.

The bill passed.

Representative Newbold moved to amend the title as follows:

Add the names: "Antonio, Barnes, Boyd, Celebrezze, Damschroder, Fende, Hackett, Kozlowski, Luckie, Mallory, Murray, O'Brien, Patmon, Ruhl, Sykes, Szollosi, Winburn, Yuko, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. S. B. No. 294**-Senator Schaffer.

Cosponsors: Senators Balderson, Hite, Jones, Eklund, Bacon, LaRose, Beagle, Coley, Lehner, Manning, Niehaus, Patton, Peterson, Seitz. Representatives Kozlowski, Boose, Buchy, Murray.

To amend sections 3714.07, 3714.073, 3734.01, 3734.02, 3734.021, 3734.027, 3734.05, 3734.06, 3734.12, 3734.121, 3734.41, 3734.42, 3734.57, 3734.573, 3734.85, 3737.87, 3737.88, 3745.11, 3745.31, 3746.02, 6109.31, 6109.32, 6111.02, 6111.022, 6111.023, 6111.024, 6111.025, 6111.027, 6111.03, 6111.035, and 6111.30, to enact sections 3745.017, 6109.99, and 6111.0382, and to repeal sections 3734.022, 3734.131, 3734.132, and 3734.133 of the Revised Code to revise the laws governing environmental protection, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 95, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Ashford	Baker	Barnes
Beck	Blair	Boyce	Boyd
Brenner	Bubp	Buchy	Budish
Butler	Carney	Celebrezze	Celeste
Cera	Clyde	Combs	Conditt

Damschroder	DeVitis	Derickson	Dovilla
Driehaus	Duffey	Fedor	Fende
Foley	Gardner	Garland	Gerberry
Gonzales	Goyal	Grossman	Hackett
Hagan, C.	Hagan, R.	Hall	Hayes
Heard	Henne	Hill	Hottinger
Huffman	Johnson	Kozlowski	Landis
Letson	Luckie	Lundy	Lynch
Maag	Mallory	Martin	McClain
McGregor	Milkovich	Murray	Newbold
O'Brien	Okey	Patmon	Pelanda
Pillich	Ramos	Reece	Roegner
Rosenberger	Ruhl	Scherer	Schuring
Sears	Slaby M.	Slesnick	Smith
Sprague	Stautberg	Stebelton	Stinziano
Sykes	Szollosi	Terhar	Thompson
Uecker	Wachtmann	Williams	Winburn
Young	Yuko		Batchelder-95.

The bill passed.

Representative Hall moved to amend the title as follows:

Add the names: "Antonio, Brenner, Carney, Combs, Derickson, Hackett, Hagan, C., Hall, Hayes, Heard, Hottinger, Letson, Mallory, McClain, McGregor, O'Brien, Ruhl, Scherer, Sears, Smith, Sprague, Stinziano, Thompson, Young, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. S. B. No. 275**-Senator Hite.

Cosponsors: Senators Bacon, Beagle, Daniels, Lehner, Obhof, Wagoner.

To amend Section 753.25 of Am. Sub. H.B. 153 of the 129th General Assembly, to correct the legal property description in a previously authorized conveyance of state-owned real estate, to authorize the Governor to execute the necessary deeds for the conveyance of thirteen state properties, to authorize the Ohio Historical Society to execute a deed conveying state-owned real estate to the United States, to authorize the Director of Administrative Services to execute an easement granting to the City of Cambridge a perpetual interest in real estate associated with an existing water supply line at the Cambridge Developmental Center, to authorize the Governor to execute a deed for property in Montgomery County previously conveyed by the state to release all rights of reversion, and to declare an emergency, was taken up for consideration the third time.

The question being, "Shall the emergency clause stand as part of the bill?"

The yeas and nays were taken and resulted - yeas 88, nays 4, as follows:

Those who voted in the affirmative were: Representatives

Adams R.	Amstutz	Antonio	Ashford
Baker	Barnes	Beck	Blair
Boyce	Boyd	Brenner	Bubp
Buchy	Budish	Carney	Celebrezze
Celeste	Cera	Clyde	Combs
Conditt	Damschroder	DeVitis	Derickson
Dovilla	Driehaus	Duffey	Fedor
Fende	Foley	Gardner	Garland
Gerberry	Gonzales	Goyal	Grossman
Hackett	Hagan, C.	Hagan, R.	Hall
Heard	Henne	Hill	Hottinger
Huffman	Johnson	Kozlowski	Landis
Letson	Luckie	Lundy	Lynch
Maag	Mallory	McClain	McGregor
Milkovich	Murray	Newbold	O'Brien
Okey	Patmon	Pelanda	Pillich
Ramos	Reece	Roegner	Rosenberger
Scherer	Schuring	Sears	Slaby M.
Slesnick	Smith	Sprague	Stautberg
Stebelton	Stinziano	Sykes	Szollosi
Terhar	Thompson	Uecker	Wachtmann
Williams	Young	Yuko	Batchelder-88.

Representatives Adams J., Anielski, Martin, and Ruhl voted in the negative-4.

Having received a constitutional majority, the emergency clause stood as part of the bill.

The question being, "Shall the bill pass as an emergency measure?"

Representative Maag moved to amend as follows:

In line 2835, after "**20.**" insert "(A) The Governor is authorized to execute a deed in the name of the state conveying to Lebanon Trotting Club, Inc., and Miami Valley Trotting, Inc., the holders of pari-mutuel racing permits issued by the State Racing Commission, or to their respective successors and assigns (hereinafter collectively referred to as the "grantee"), all of the state's right, title, and interest in the following described real estate:

Situated in Turtlecreek Township, City of Lebanon, County of Warren, State of Ohio and being part of Warren County Parcel Nos. 11064000140 and 12363000030, which land is situated at the northeast corner of the intersection of State Route 63 and Union Road, and is bounded to the west by Union Road, to the south by Route 63, and to the east by a private roadway used by the Department of Rehabilitation and Correction for ingress and egress from Route 63 to the Lebanon Correctional Institution's dairy barn. The northerly boundary shall be established by a survey designed to ensure that the land to be conveyed does not exceed one hundred twenty acres.

In preparing the deed, the Auditor of State, with the assistance of the Attorney General, may modify the foregoing description insofar as necessary to bring it into conformity with the actual bounds of the real estate being described.

(B) Consideration for conveyance of the real estate is four million five hundred thousand dollars.

(C) The net proceeds of the sale of the real estate shall be deposited in the state treasury to the credit of the Department of Rehabilitation and Correction, Fund 2000, appropriation item 501607, Ohio Penal Industries, which contains funds for expenditures on farm and agricultural uses, for which these proceeds shall be used.

(D) The grantee, following the conveyance of the real estate, and in accordance with the terms of the purchase contract, shall do all of the following:

(1) Permit the state and its successors and assigns perpetual ingress and egress rights to the culvert and roadway located along the easterly line of the real estate, which culvert and roadway are presently used by the state to access the Lebanon Correctional Institution's dairy barn. The grantee shall be responsible for all costs related to the continued maintenance of the culvert and roadway in their current condition.

(2) Create and maintain, at the grantee's sole cost, a landscape buffer zone along the perimeter of the real estate. The design, location, and materials used in the landscape buffer zone shall be approved by the state.

(3) Coordinate with the appropriate state and local authorities to improve State Route 63 with new signage and adequate turning lanes.

(E) The grantee shall not use, develop, or sell the premises such that it will interfere with the quiet enjoyment of the neighboring state-owned land.

(F) The real estate shall be sold as an entire tract and not in parcels.

(G) The grantee shall pay all costs associated with the purchase and conveyance of the real estate, which costs shall include, but are not limited to, the following: surveying costs; title costs; preparation of metes and bounds property descriptions; appraisals; environmental studies, assessments, and remediation; and deed recordation costs.

(H) The Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate. The deed shall state the consideration and the conditions. The deed shall be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the grantee. The grantee shall present the deed for recording in the Office of the Warren County Recorder.

(I) This section expires two years after its effective date.

**Section 21."**

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

The yeas and nays were taken and resulted - yeas 95, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Ashford	Baker	Barnes
Beck	Blair	Blessing	Boyce
Boyd	Brenner	Bubp	Buchy
Budish	Carney	Celebrezze	Celeste
Cera	Clyde	Combs	Conditt
Damschroder	DeVitis	Derickson	Dovilla
Driehaus	Duffey	Fedor	Fende
Foley	Gardner	Garland	Gerberry
Gonzales	Goyal	Grossman	Hackett
Hagan, C.	Hagan, R.	Hall	Hayes
Heard	Henne	Hill	Hottinger
Huffman	Johnson	Kozlowski	Landis
Letson	Luckie	Lundy	Lynch
Maag	Mallory	Martin	McClain
McGregor	Milkovich	Murray	Newbold
O'Brien	Okey	Patmon	Pelanda
Pillich	Ramos	Reece	Roegner
Rosenberger	Ruhl	Scherer	Schuring
Sears	Slaby M.	Slesnick	Smith
Sprague	Stautberg	Stebelton	Stinziano
Sykes	Szollosi	Terhar	Thompson
Uecker	Wachtmann	Williams	Winburn
Young	Yuko		Batchelder-95.

The motion was agreed to and the bill so amended.

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

The yeas and nays were taken and resulted - yeas 95, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Ashford	Baker	Barnes
Beck	Blair	Blessing	Boyce
Boyd	Brenner	Bubp	Buchy
Budish	Carney	Celebrezze	Celeste
Cera	Clyde	Combs	Conditt
Damschroder	DeVitis	Derickson	Dovilla
Driehaus	Duffey	Fedor	Fende
Foley	Gardner	Garland	Gerberry
Gonzales	Goyal	Grossman	Hackett
Hagan, C.	Hagan, R.	Hall	Hayes
Heard	Henne	Hill	Hottinger
Huffman	Johnson	Kozlowski	Landis
Letson	Luckie	Lundy	Lynch
Maag	Mallory	Martin	McClain

McGregor	Milkovich	Murray	Newbold
O'Brien	Okey	Patmon	Pelanda
Pillich	Ramos	Reece	Roegner
Rosenberger	Ruhl	Scherer	Schuring
Sears	Slaby M.	Slesnick	Smith
Sprague	Stautberg	Stebelton	Stinziano
Sykes	Szollosi	Terhar	Thompson
Uecker	Wachtmann	Williams	Winburn
Young	Yuko		Batchelder-95.

Having received the required constitutional majority, the bill passed as an emergency measure.

Representative Maag moved to amend the title as follows:

Add the names: "Beck, Combs, Hackett, Henne, Maag, Patmon, Sprague, Terhar, Wachtmann."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**H. C. R. No. 43**-Representatives Johnson, Yuko.

Cosponsors: Representatives Grossman, Patmon, Terhar, Garland, Williams, Antonio, Murray, Bubb, Gardner, Hottinger, Reece, Fende, Stinziano, Ruhl, Hagan, R., Gerberry, Lundy, Celebrezze, Lynch, Landis, Pillich, Butler, Hagan, C., Milkovich, Rosenberger, Young.

To urge the Congress of the United States to appropriate funds for the telemedical diagnosis and treatment of traumatic brain injury in military service members and veterans at United States Department of Veterans Affairs medical facilities, was taken up for consideration the third time.

The question being, "Shall the concurrent resolution be adopted?"

Representative Johnson moved to amend the title as follows:

Add the names: "Adams, R., Amstutz, Anielski, Ashford, Beck, Blair, Blessing, Boyd, Brenner, Buchy, Carney, Celeste, Cera, Clyde, Combs, Conditt, Damschroder, Derickson, Dovilla, Duffey, Fedor, Hackett, Hall, Hayes, Heard, Hill, Kozlowski, Letson, Luckie, Maag, Mallory, Newbold, O'Brien, Okey, Ramos, Roegner, Schuring, Sears, Slaby, M., Smith, Stautberg, Thompson, Uecker, Wachtmann, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

The question being, "Shall the concurrent resolution be adopted?"

The yeas and nays were taken and resulted - yeas 95, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Ashford	Baker	Barnes
Beck	Blair	Blessing	Boyce
Boyd	Brenner	Bubp	Buchy
Budish	Butler	Carney	Celebrezze
Celeste	Cera	Clyde	Combs
Conditt	Damschroder	DeVitis	Derickson
Dovilla	Driehaus	Duffey	Fedor
Fende	Foley	Gardner	Garland
Gerberry	Gonzales	Goyal	Grossman
Hackett	Hagan, C.	Hagan, R.	Hall
Hayes	Heard	Henne	Hill
Hottinger	Huffman	Johnson	Kozlowski
Landis	Letson	Luckie	Lundy
Lynch	Maag	Mallory	Martin
McClain	McGregor	Milkovich	Murray
Newbold	O'Brien	Okey	Patmon
Pelanda	Pillich	Ramos	Reece
Roegner	Rosenberger	Ruhl	Scherer
Schuring	Sears	Slaby M.	Smith
Sprague	Stautberg	Stebelton	Stinziano
Sykes	Szollosi	Terhar	Thompson
Uecker	Wachtmann	Williams	Winburn
Young	Yuko		Batchelder-95.

The concurrent resolution was adopted.

#### Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

#### **Sub. H. B. No. 341** -Representative Henne

Cosponsors: Representatives Blair, Schuring, Stebelton, Hackett, Foley, Sears, Hottinger, Amstutz, Hagan, C., Hill, Murray, Thompson Senators Hite, Beagle, Bacon, Brown, Hughes, Lehner, Peterson, Seitz

To amend sections 3903.81, 3907.14, 3921.10, 3921.13, 3921.19, 3921.22, 3921.28, 3921.29, 3921.30, 3921.31, 3921.33, 3922.01, 3922.02, 3922.03, 3922.04, 3922.05, 3922.06, 3922.09, 3922.10, 3922.11, 3922.14, 3922.15, 3922.16, 3922.19, and 3925.08, to enact new section 3921.35 and sections 3921.101 and 3921.191, and to repeal section 3921.35 of the Revised Code to make changes to the law regulating fraternal benefit societies, the laws regulating insurance company investments, and the law regulating adverse benefit determinations.

As a substitute bill, in which the concurrence of the House is requested.

Attest:

Vincent L. Keeran,  
Clerk.

Pursuant to Joint Rule 16, Representative Blessing moved that the Senate amendments to **Sub. H. B. No. 341**-Representative Henne, et al., be taken up for immediate consideration.

The motion was agreed to without objection.

The Senate amendments to **Sub. H. B. No. 341**-Representative Henne, et al., were taken up for consideration.

**Sub. H. B. No. 341**-Representative Henne.

Cosponsors: Representatives Blair, Schuring, Stebelton, Hackett, Foley, Sears, Hottinger, Amstutz, Hagan, C., Hill, Murray, Thompson. Senators Hite, Beagle, Bacon, Brown, Hughes, Lehner, Peterson, Seitz.

To amend sections 3903.81, 3907.14, 3921.10, 3921.13, 3921.19, 3921.22, 3921.28, 3921.29, 3921.30, 3921.31, 3921.33, 3922.01, 3922.02, 3922.03, 3922.04, 3922.05, 3922.06, 3922.09, 3922.10, 3922.11, 3922.14, 3922.15, 3922.16, 3922.19, and 3925.08, to enact new section 3921.35 and sections 3921.101 and 3921.191, and to repeal section 3921.35 of the Revised Code to make changes to the law regulating fraternal benefit societies, the laws regulating insurance company investments, and the law regulating adverse benefit determinations.

The question being, "Shall the Senate amendments be concurred in?"

The yeas and nays were taken and resulted - yeas 94, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Ashford	Baker	Barnes
Beck	Blair	Blessing	Boyce
Boyd	Brenner	Bubp	Buchy
Budish	Butler	Carney	Celebrezze
Celeste	Cera	Clyde	Combs
Conditt	Damschroder	DeVitis	Derickson
Dovilla	Driehaus	Duffey	Fedor
Fende	Foley	Gardner	Garland
Gerberry	Gonzales	Goyal	Grossman
Hackett	Hagan, C.	Hagan, R.	Hall
Hayes	Heard	Henne	Hill
Hottinger	Huffman	Johnson	Kozlowski
Landis	Letson	Lundy	Lynch
Maag	Mallory	Martin	McClain
McGregor	Milkovich	Murray	Newbold
O'Brien	Okey	Patmon	Pelanda
Pillich	Ramos	Reece	Roegner

Rosenberger	Ruhl	Scherer	Schuring
Sears	Slaby M.	Smith	Sprague
Stautberg	Stebelton	Stinziano	Sykes
Szollosi	Terhar	Thompson	Uecker
Wachtmann	Williams	Winburn	Young
Yuko			Batchelder-94.

The Senate amendments were concurred in.

#### Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

#### **Sub. H. B. No. 491**-Representatives Young, Kozlowski

Cosponsors: Representatives Uecker, Yuko, Antonio, Ramos, Adams, J., Adams, R., Anielski, Baker, Barnes, Boose, Boyd, Brenner, Bulp, Buchy, Carney, Celebrezze, Damschroder, DeVitis, Dovilla, Driehaus, Duffey, Fedor, Foley, Garland, Gerberry, Goodwin, Grossman, Hall, Hottinger, Lundy, Lynch, Maag, Martin, McClain, Milkovich, Murray, O'Brien, Patmon, Phillips, Reece, Roegner, Ruhl, Slaby, M., Slesnick, Stebelton, Stinziano, Wachtmann, Williams, Winburn Senators Beagle, Hughes, Schaffer, Cafaro, Brown, Bacon, Balderson, Burke, Eklund, Gentile, Hite, Jones, Jordan, Kearney, LaRose, Lehner, Manning, Niehaus, Obhof, Oelslager, Peterson, Schiavoni, Seitz, Tavares, Turner, Wagoner, Widener

To amend section 4301.17 and to enact section 5.2282 of the Revised Code to designate June as "Ohio Wines Month" and to allow certain agency liquor stores to sell beer, wine, or mixed beverages for on- and off-premises consumption.

As a substitute bill, in which the concurrence of the House is requested.

Attest:

Vincent L. Keeran,  
Clerk.

Pursuant to Joint Rule 16, Representative Blessing moved that the Senate amendments to **Sub. H. B. No. 491**-Representatives Young, Kozlowski, et al., be taken up for immediate consideration.

The motion was agreed to without objection.

The Senate amendments to **Sub. H. B. No. 491**-Representatives Young, Kozlowski, et al., were taken up for consideration.

**Sub. H. B. No. 491**-Representatives Young, Kozlowski.

Cosponsors: Representatives Uecker, Yuko, Antonio, Ramos, Adams, J., Adams, R., Anielski, Baker, Barnes, Boose, Boyd, Brenner, Bubp, Buchy, Carney, Celebrezze, Damschroder, DeVitis, Dovilla, Driehaus, Duffey, Fedor, Foley, Garland, Gerberry, Goodwin, Grossman, Hall, Hottinger, Lundy, Lynch, Maag, Martin, McClain, Milkovich, Murray, O'Brien, Patmon, Phillips, Reece, Roegner, Ruhl, Slaby, M., Slesnick, Stebelton, Stinziano, Wachtmann, Williams, Winburn. Senators Beagle, Hughes, Schaffer, Cafaro, Brown, Bacon, Balderson, Burke, Eklund, Gentile, Hite, Jones, Jordan, Kearney, LaRose, Lehner, Manning, Niehaus, Obhof, Oelslager, Peterson, Schiavoni, Seitz, Tavares, Turner, Wagoner, Widener.

To amend section 4301.17 and to enact section 5.2282 of the Revised Code to designate June as "Ohio Wines Month" and to allow certain agency liquor stores to sell beer, wine, or mixed beverages for on- and off-premises consumption.

The question being, "Shall the Senate amendments be concurred in?"

The yeas and nays were taken and resulted - yeas 91, nays 4, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Anielski	Antonio
Ashford	Baker	Barnes	Beck
Blair	Blessing	Boyce	Boyd
Brenner	Bubp	Buchy	Budish
Butler	Celebrezze	Celeste	Cera
Clyde	Combs	Conditt	Damschroder
DeVitis	Derickson	Dovilla	Driehaus
Duffey	Fedor	Fende	Foley
Gardner	Garland	Gerberry	Gonzales
Goyal	Grossman	Hackett	Hagan, C.
Hagan, R.	Hall	Heard	Henne
Hill	Huffman	Johnson	Kozlowski
Landis	Letson	Luckie	Lundy
Lynch	Maag	Mallory	Martin
McClain	McGregor	Milkovich	Murray
Newbold	O'Brien	Okey	Patmon
Pelanda	Pillich	Ramos	Reece
Roegner	Rosenberger	Ruhl	Scherer
Schuring	Sears	Slaby M.	Smith
Sprague	Stautberg	Stebelton	Stinziano
Sykes	Szollosi	Terhar	Thompson
Uecker	Wachtmann	Williams	Winburn
Young	Yuko		Batchelder-91.

Representatives Amstutz, Carney, Hayes, and Hottinger voted in the negative-4.

The Senate amendments were concurred in.

## Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

**Am. Sub. H. B. No. 508** -Representative Beck

Cosponsors: Representatives Amstutz, Stautberg, Anielski, Antonio, Baker, Blessing, Boose, Bubp, Combs, Damschroder, Derickson, Garland, Gerberry, Grossman, Hackett, Hagan, R., Hayes, Huffman, Kozlowski, Lynch, Martin, McClain, Ruhl, Sears, Smith, Sprague, Stebelton, Terhar, Thompson, Young, Speaker Batchelder Senators Beagle, Coley, Hite, Manning

To amend sections 122.85, 131.02, 349.01, 1545.21, 1701.86, 1702.47, 3769.28, 4301.42, 4303.33, 4701.01, 4701.04, 5703.261, 5703.37, 5703.47, 5705.313, 5709.084, 5709.40, 5709.41, 5709.73, 5709.78, 5727.84, 5727.86, 5731.39, 5733.056, 5735.02, 5735.03, 5735.35, 5739.01, 5739.02, 5739.021, 5739.023, 5739.026, 5739.04, 5739.17, 5741.08, 5743.20, 5743.61, 5743.66, 5747.082, 5751.01, 5751.011, 5751.012, 5751.03, 5751.04, 5751.05, 5751.051, 5751.12, 5751.20, and 5751.22, to enact section 5703.061, and to repeal section 5751.032 of the Revised Code to make changes to the laws governing the assessment, levy, and collection of taxes in the state and to the laws governing public accounting firm peer review.

As a substitute bill with the following additional amendments, in which the concurrence of the House is requested.

In line 9356, delete " police" and insert " peace"

In line 14 of the title, delete the second comma and insert "and"

In line 15 of the title, delete the comma and insert a period

Delete line 16 of the title

In line 24, after "5751.20," insert "and"; delete ", and 5753.03"

Delete lines 9300 through 9367

In line 9375, after "5751.20," insert "and"; delete ", and 5753.03"

In line 9420, after "5751.20," insert "and"; delete ", and 5753.03"

In line 10 of the title, after "5751.20," insert "and"; delete "and"

In line 11 of the title, delete "5753.03,"

Attest:

Vincent L. Keeran,  
Clerk.

The Senate amendments were laid over under the Rule.

## Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has passed the following bills in which the concurrence of the House is requested:

**Sub. S. B. No. 333**-Senator Obhof

Cosponsors: Senators Beagle, Coley, LaRose, Seitz, Bacon, Peterson, Brown, Balderson, Burke, Hughes, Jones, Lehner, Manning, Wagoner, Widener

To amend sections 1321.52 and 1322.02 and to enact sections 1321.537, 1321.538, 1322.042, and 1322.043 of the Revised Code to authorize the Superintendent of Financial Institutions to issue a temporary mortgage loan originator license or temporary loan originator license to an out-of-state applicant who meets certain criteria.

**S. B. No. 199** -Senator Smith

Cosponsors: Senators Obhof, Skindell, Wagoner, Tavares, Sawyer, Hughes, Seitz, Beagle, Cafaro, Brown, Bacon, Balderson, Burke, Coley, Eklund, Faber, Gentile, Hite, Jones, Kearney, LaRose, Lehner, Manning, Niehaus, Oelslager, Peterson, Schaffer, Schiavoni, Turner

To enact section 5.2267 of the Revised Code to designate October 13 as Metastatic Breast Cancer Awareness Day.

**S. B. No. 328** -Senator Balderson

Cosponsors: Senators Seitz, Patton, LaRose, Beagle, Burke, Coley, Eklund, Hite, Hughes, Lehner, Manning, Obhof, Peterson, Schaffer, Wagoner

To enact section 1509.80 of the Revised Code to establish the Governor's Award for Environmental Stewardship to be awarded annually to the company or person involved in the oil and gas industry that best represented wise environmental stewardship during the previous one-year period.

Attest:

Vincent L. Keeran,  
Clerk.

Said bills were considered the first time.

## Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

**Am. H. B. No. 207** -Representatives Balderson, Letson

Cosponsors: Representatives Huffman, Yuko, Gerberry, Landis, Thompson, Derickson, Stinziano, Fende, Ashford, Combs, Phillips, Schuring, Martin, Buchy, Hayes, Blair, Hottinger, Milkovich, Adams, J., Adams, R., Amstutz, Anielski, Antonio, Barnes, Blessing, Boose, Bubp, Carey, Carney, Celeste, Condit, Damschroder, Dovilla, Driehaus, Duffey, Fedor, Gardner, Garland, Gentile, Grossman, Hackett, Hagan, C., Hagan, R., Hall, Heard, Hill, Hollington, Johnson, Kozlowski, Luckie, Lundy, Maag, Mallory, McClain, McGregor, Newbold, Patmon, Ramos, Reece, Ruhl, Sears, Slaby, Stautberg, Stebelton, Sykes, Szollosi, Uecker, Wachtmann, Winburn, Young, Speaker Batchelder Senators Beagle, Faber, Bacon, Hite, Schaffer, Jordan, Sawyer, Balderson, Brown, Burke, Cafaro, Coley, Eklund, Gentile, Hughes, Jones, Kearney, LaRose, Lehner, Manning, Niehaus, Obhof, Oelslager, Peterson, Schiavoni, Seitz, Skindell, Tavares, Turner, Wagoner, Widener

To enact section 5.2272 of the Revised Code to designate the week in which Labor Day occurs each year as "Ohio Coal Miners Week."

Attest:

Vincent L. Keeran,  
Clerk.

## Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

**Am. H. B. No. 473** -Representative Wachtmann

Cosponsors: Representatives Boose, Brenner, Buchy, Damschroder, Hall, Huffman, Johnson, Lynch, McClain, Sears, Stebelton, Thompson Senators Hite, Jordan, Niehaus, Seitz

To amend sections 1501.32, 1501.33, 1521.04, 1522.03, and 1522.05, to enact sections 1522.10, 1522.101, 1522.11 to 1522.13, 1522.131, and 1522.14 to 1522.21, and to repeal section 1522.07 of the Revised Code to establish a program for the issuance of permits for the withdrawal and consumptive use

of waters from the Lake Erie basin and to establish other requirements related to the implementation of the Great Lakes-St. Lawrence River Basin Water Resources Compact.

Attest:

Vincent L. Keeran,  
Clerk.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the House amendments to:

**Sub. S. B. No. 202** -Senator Seitz - et al.

Attest:

Vincent L. Keeran,  
Clerk.

On motion of Representative Blessing, the House recessed.

The House met pursuant to recess.

Representative Blessing moved that the House revert to the second order of business, being introduction of bills.

The motion was agreed to.

**INTRODUCTION OF BILLS**

The following bill was introduced:

**H. B. No. 559**-Representatives Landis, Hagan, C.

To enact section 4905.912 of the Revised Code to require operators and pipeline companies to disclose the country in which oil country tubular goods steel products were manufactured.

Said bill was considered the first time.

**REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS  
FOR SECOND CONSIDERATION**

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

**H.B. No. 555** - Representatives Stibelton and Butler, et al  
TO REVISE THE CURRENT ACADEMIC PERFORMANCE RATINGS SYSTEM FOR PUBLIC SCHOOLS WITH A SYSTEM UNDER WHICH DISTRICTS AND SCHOOLS ARE ASSIGNED LETTER GRADES.  
To the committee on Education

**H.B. No. 556** - Representatives O'Brien and Letson  
TO ABOLISH THE TRUMBULL COUNTY COUNTY COURT, TO CREATE THE TRUMBULL COUNTY MUNICIPAL COURT, AND TO PROVIDE THAT THE JUDGE OF THE TRUMBULL COUNTY MUNICIPAL COURT BE NOMINATED BY PETITION.  
To the committee on Judiciary and Ethics

**H.B. No. 557** - Representative Gerberry, et al  
TO ESTABLISH INSPECTION AND REPAIR STANDARDS FOR WHEELCHAIR LIFTS INSTALLED ON VEHICLES USED FOR PUPIL TRANSPORTATION.  
To the committee on Transportation, Public Safety, and Homeland Security

**Sub. S.B. No. 342** - Senators Niehaus and Kearney, et al  
TO REVISE THE LAW GOVERNING THE STATE TEACHERS RETIREMENT SYSTEM.  
To the committee on Health and Aging

**Sub. S.B. No. 343** - Senators Niehaus and Kearney, et al  
TO REVISE THE LAW GOVERNING THE PUBLIC EMPLOYEES RETIREMENT SYSTEM.  
To the committee on Health and Aging

**Sub. S.B. No. 340** - Senators Niehaus and Kearney, et al  
TO REVISE THE LAW GOVERNING THE OHIO POLICE AND FIRE PENSION FUND.  
To the committee on Health and Aging

**Sub. S.B. No. 341** - Senators Niehaus and Kearney, et al  
TO REVISE THE LAW GOVERNING THE SCHOOL EMPLOYEES RETIREMENT SYSTEM.  
To the committee on Health and Aging

**Sub. S.B. No. 333** - Senator Obhof, et al  
TO AUTHORIZE THE SUPERINTENDENT OF FINANCIAL INSTITUTIONS TO ISSUE A TEMPORARY MORTGAGE LOAN

ORIGINATOR LICENSE OR TEMPORARY LOAN ORIGINATOR  
LICENSE TO AN OUT-OF-STATE APPLICANT WHO MEETS CERTAIN  
CRITERIA.

To the committee on Financial Institutions, Housing and Urban Development

**S.B. No. 199** - Senator Smith, et al

TO DESIGNATE OCTOBER 13 AS METASTATIC BREAST CANCER  
AWARENESS DAY.

To the committee on Health and Aging

**S.B. No. 328** - Senator Balderson, et al

TO ESTABLISH THE GOVERNOR'S AWARD FOR ENVIRONMENTAL  
STEWARDSHIP TO BE AWARDED ANNUALLY TO THE COMPANY  
OR PERSON INVOLVED IN THE OIL AND GAS INDUSTRY THAT  
BEST REPRESENTED WISE ENVIRONMENTAL STEWARDSHIP  
DURING THE PREVIOUS ONE-YEAR PERIOD.

To the committee on Agriculture and Natural Resources

LOUIS W. BLESSING  
ANDREW BRENNER  
CHERYL GROSSMAN  
ARMOND BUDISH  
MATT SZOLLOSI

JOHN ADAMS  
ANNE GONZALES  
DOROTHY PELANDA  
TRACY HEARD

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

The motion was agreed to without objection.

The report was agreed to.

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

## MOTIONS AND RESOLUTIONS

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

**H.C.R. No. 48** - Representative Stinziano, et al

TO URGE THE CONGRESS OF THE UNITED STATES TO ESTABLISH  
A PLACE OF REMEMBRANCE AT ARLINGTON NATIONAL  
CEMETERY FOR THE INTERMENT OF CREMATED FRAGMENTS OF  
THE REMAINS OF MEMBERS OF THE ARMED FORCES.

To the committee on Veterans Affairs

**H.C.R. No. 49** - Representative Thompson, et al  
TO URGE THE CONGRESS OF THE UNITED STATES TO ADOPT S.J.  
RESOLUTION 37, WICH DISAPPROVES THE UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY'S MERCURY AND AIR  
TOXICS STANDARDS RULE.

To the committee on Agriculture and Natural Resources

**H.C.R. No. 50** - Representative R. Hagan, et al  
TO URGE THE CONGRESS OF THE UNITED STATES TO REQUEST  
THE UNITED STATES GOVERNMENT ACCOUNTABILITY OFFICE TO  
UPDATE ITS 1989 STUDY AND REPORT ON INJECTION WELLS AND  
DRINKING WATER CONTAMINATION.

To the committee on Agriculture and Natural Resources

**H.C.R. No. 51** - Representative Baker, et al  
TO URGE CONGRESS TO ENACT THE STOP INVASIVE SPECIES ACT,  
S. 2317 OF THE 112TH CONGRESS.

To the committee on Agriculture and Natural Resources

/s/LOUIS BLESSING

Louis Blessing, Chair

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

The motion was agreed to.

Said resolutions were introduced and referred as recommended.

## MOTIONS AND RESOLUTIONS

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

**H.R. No. 398** - Representative Pelanda  
Honoring C.J. Smith as a 2012 Division II State Wrestling Champion.

**H.R. No. 399** - Representatives Maag and Beck  
Honoring the Lebanon High School drumline on being named National Champions.

**H.R. No. 400** - Representatives O'Brien and Gerberry  
Honoring New Vision Television of Youngstown on receiving the 2012 Regional Edward R. Murrow Award.

**H.R. No. 401** - Representatives O'Brien and Letson  
Honoring the Tribune Chronicle on its Bicentennial.

**H.R. No. 402** - Speaker Batchelder

Honoring Debby Hutras on her retirement from state service.

/s/LOUIS BLESSING

Louis Blessing, Chair

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

The motion was agreed to.

On motion of Representative Blessing, the House adjourned until Thursday, May 24, 2012 at 1:00 o'clock p.m.

Attest:

THOMAS L. SHERMAN,  
Deputy Clerk.