

OHIO

House

of

Representatives

JOURNAL

WEDNESDAY, NOVEMBER 19, 2014

TWO HUNDRED FIFTH DAY
Hall of the House of Representatives, Columbus, Ohio
Wednesday, November 19, 2014, 9:00 o'clock a.m.

The House met pursuant to adjournment.

Prayer was offered by Pastor Adrian Doll of the First Presbyterian Church of Norwalk in Norwalk, Ohio, followed by the Pledge of Allegiance to the Flag.

The journal of yesterday was read and approved.

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

The Tallmadge 12U Softball All-Star team and Dylan Theisen received H.Rs. 491 and 492 respectively, presented by Representative DeVitis-36th district.

The Galion High School girls 4x100-meter relay team received H.R. 489, presented by Representative McClain-87th district.

The Paul Laurence Dunbar Early College High School boys track and field team received H.R. 500, presented by Representative Strahorn-39th district.

The Bloom-Carroll High School baseball team received H.R. 505, presented by Representatives Stebelton-77th district and Hood-78th district.

The Westfall High School softball team received H.C.R. 59, presented by Representative Scherer-92nd district.

Isabella Schenker and Griffin Harding received H.Rs. 520 and 521 respectively, presented by Representatives Becker-65th district and Stautberg-27th district.

Jared Michael, a guest of Representative Stinziano-18th district.

Students from Hilliard Darby High School, guests of Representative Kunze-24th district.

Soozie Hetterscheidt, Jim Bickley, Brian Thiel, Lester Tackett, and Christopher Schertzer, guests of Representative Ruhl-68th district.

Christian Jones, a guest of Representative Hottinger-71st district.

Zachary Callender, a guest of Representative Hackett-74th district.

Bill Stepro and the Galion High School 12th grade world history class, guests of Representative McClain-87th district.

CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Sub. H. B. No. 218**-Representatives Rosenberger, Dovilla, et al., were taken up for consideration.

Sub. H. B. No. 218-Representatives Rosenberger, Dovilla.

Cosponsors: Representatives Scherer, Reece, Smith, Baker, Fedor, Buchy, Barnes, Burkley, Hagan, C., Adams, R., Amstutz, Anielski, Antonio, Beck, Blair, Blessing, Boose, Brown, Budish, Butler, Celebrezze, Damschroder, Derickson, DeVitis, Green, Grossman, Hackett, Hall, Hayes, Henne, Hill, Johnson, Landis, Mallory, McClain, McGregor, Milkovich, O'Brien, Patterson, Perales, Pillich, Ramos, Retherford, Romanchuk, Ruhl, Sears, Sheehy, Sprague, Stebelton, Stinziano, Thompson, Wachtmann, Young, Speaker Batchelder. Senators Beagle, Bacon, Balderson, Brown, Burke, Coley, Eklund, Faber, Gardner, Hite, Hughes, Jones, LaRose, Lehner, Manning, Obhof, Oelslager, Peterson, Schaffer, Seitz, Tavares, Uecker, Widener.

To amend section 102.02 and to enact section 125.65 of the Revised Code to require the LeanOhio Office in the Department of Administrative Services to establish an entrepreneur in residence pilot program.

The question being, "Shall the Senate amendments be concurred in?"

The yeas and nays were taken and resulted - yeas 93, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams, J	Adams, R	Amstutz	Anielski
Antonio	Ashford	Baker	Barborak
Barnes	Becker	Blessing	Boose
Boyce	Brenner	Brown	Buchy
Budish	Burkley	Butler	Carney
Celebrezze	Cera	Clyde	Conditt
Curtin	Damschroder	DeVitis	Derickson
Dovilla	Driehaus	Duffey	Fedor
Foley	Gerberry	Gonzales	Green
Grossman	Hackett	Hagan, C	Hagan, R
Hall	Hayes	Heard	Hill
Hood	Hottinger	Huffman	Johnson
Kunze	Landis	Letson	Lundy
Lynch	Maag	Mallory	McClain
McGregor	Milkovich	O'Brien	Patmon
Pelanda	Perales	Phillips	Pillich
Ramos	Redfern	Reece	Retherford
Roegner	Rogers	Romanchuk	Rosenberger
Ruhl	Scherer	Schuring	Sears
Sheehy	Slaby	Slesnick	Smith
Sprague	Stautberg	Stebelton	Stinziano
Strahorn	Sykes	Terhar	Thompson
Wachtmann	Williams	Winburn	Young
			Batchelder-93.

The Senate amendments were concurred in.

**REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS
FOR SECOND CONSIDERATION**

Representative Stinziano submitted the following report:

The standing committee on Judiciary to which was referred **H. B. No. 438**-Representatives Pelanda, Grossman, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: TEMPORARY PHYSICAL CARE POWER OF ATTORNEY FOR CHILDREN

Representative Butler moved to amend the title as follows:

Add the name: "Celebrezze."

JIM BUTLER	DOROTHY PELANDA
MICHAEL STINZIANO	NICHOLAS J. CELEBREZZE
MARGARET CONDITT	MIKE FOLEY
BILL HAYES	TOM LETSON
MATT LYNCH	MARILYN SLABY
PETER STAUTBERG	GERALD L. STEBELTON

The report was agreed to.

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

Representative Stinziano submitted the following report:

The standing committee on Judiciary to which was referred **H. B. No. 595**-Representatives Brenner, Ruhl, having had the same under consideration, reports it back and recommends its passage.

RE: DELAWARE COUNTY COURT OF COMMON PLEAS-CREATE DOMESTIC RELATIONS DIVISION AND JUDGE

JIM BUTLER	DOROTHY PELANDA
MICHAEL STINZIANO	NICHOLAS J. CELEBREZZE
MARGARET CONDITT	MIKE FOLEY
BILL HAYES	TOM LETSON
MATT LYNCH	MARILYN SLABY
PETER STAUTBERG	GERALD L. STEBELTON

The report was agreed to.

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

Representative Stinziano submitted the following report:

The standing committee on Judiciary to which was referred **H. B. No. 238**-Representative Butler, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: CONTRACTS-STATE AND PRIVATE ATTORNEYS-
TRANSPARENCY

JIM BUTLER
MICHAEL STINZIANO
MARGARET CONDITT
MATT LYNCH
PETER STAUTBERG

DOROTHY PELANDA
NICHOLAS J. CELEBREZZE
BILL HAYES
MARILYN SLABY

The following members voted "NO"

MIKE FOLEY
GERALD L. STEBELTON

TOM LETSON

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 Policy and Legislative Oversight to which was referred **H. B. No. 594**-Representatives Gerberry, Buchy, having had the same under consideration, reports it back with the following amendments and recommends its passage when so amended.

RE: POWDERED/CRYSTALLINE ALCOHOL-PROHIBIT SALE
FOR HUMAN CONSUMPTION

Representative Gerberry moved to amend as follows:

In line 4, after "section" insert "4301.62 be amended and section"

Between lines 5 and 6, insert:

"Sec. 4301.62. (A) As used in this section:

(1) "Chauffeured limousine" means a vehicle registered under section 4503.24 of the Revised Code.

(2) "Street," "highway," and "motor vehicle" have the same meanings as in section 4511.01 of the Revised Code.

(B) No person shall have in the person's possession an opened container of beer or intoxicating liquor in any of the following circumstances:

(1) Except as provided in division (C)(1)(e) of this section, in an agency store;

(2) Except as provided in division (C) of this section, on the premises of the holder of any permit issued by the division of liquor control;

(3) ~~In~~ Except as provided in division (F) of this section, in any other public place;

(4) Except as provided in division (D) or (E) of this section, while

operating or being a passenger in or on a motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking;

(5) Except as provided in division (D) or (E) of this section, while being in or on a stationary motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.

(C)(1) A person may have in the person's possession an opened container of any of the following:

(a) Beer or intoxicating liquor that has been lawfully purchased for consumption on the premises where bought from the holder of an A-1-A, A-2, A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F-7, or F-8 permit;

(b) Beer, wine, or mixed beverages served for consumption on the premises by the holder of an F-3 permit or wine served for consumption on the premises by the holder of an F-4 or F-6 permit;

(c) Beer or intoxicating liquor consumed on the premises of a convention facility as provided in section 4303.201 of the Revised Code;

(d) Beer or intoxicating liquor to be consumed during tastings and samplings approved by rule of the liquor control commission;

(e) Spirituous liquor to be consumed for purposes of a tasting sample, as defined in section 4301.171 of the Revised Code.

(2) A person may have in the person's possession on an F liquor permit premises an opened container of beer or intoxicating liquor that was not purchased from the holder of the F permit if the premises for which the F permit is issued is a music festival and the holder of the F permit grants permission for that possession on the premises during the period for which the F permit is issued. As used in this division, "music festival" means a series of outdoor live musical performances, extending for a period of at least three consecutive days and located on an area of land of at least forty acres.

(3)(a) A person may have in the person's possession on a D-2 liquor permit premises an opened or unopened container of wine that was not purchased from the holder of the D-2 permit if the premises for which the D-2 permit is issued is an outdoor performing arts center, the person is attending an orchestral performance, and the holder of the D-2 permit grants permission for the possession and consumption of wine in certain predesignated areas of the premises during the period for which the D-2 permit is issued.

(b) As used in division (C)(3)(a) of this section:

(i) "Orchestral performance" means a concert comprised of a group of not fewer than forty musicians playing various musical instruments.

(ii) "Outdoor performing arts center" means an outdoor performing arts center that is located on not less than one hundred fifty acres of land and that is open for performances from the first day of April to the last day of October of each year.

(4) A person may have in the person's possession an opened or unopened container of beer or intoxicating liquor at an outdoor location at which the person is attending an orchestral performance as defined in division (C)(3)(b)(i) of this section if the person with supervision and control over the performance grants permission for the possession and consumption of beer or intoxicating liquor in certain predesignated areas of that outdoor location.

(5) A person may have in the person's possession on an F-9 liquor permit premises an opened or unopened container of beer or intoxicating liquor that was not purchased from the holder of the F-9 permit if the person is attending an orchestral performance and the holder of the F-9 permit grants permission for the possession and consumption of beer or intoxicating liquor in certain predesignated areas of the premises during the period for which the F-9 permit is issued.

As used in division (C)(5) of this section, "orchestral performance" has the same meaning as in division (C)(3)(b) of this section.

(6)(a) A person may have in the person's possession on the property of an outdoor motorsports facility an opened or unopened container of beer or intoxicating liquor that was not purchased from the owner of the facility if both of the following apply:

(i) The person is attending a racing event at the facility; and

(ii) The owner of the facility grants permission for the possession and consumption of beer or intoxicating liquor on the property of the facility.

(b) As used in division (C)(6)(a) of this section:

(i) "Racing event" means a motor vehicle racing event sanctioned by one or more motor racing sanctioning organizations.

(ii) "Outdoor motorsports facility" means an outdoor racetrack to which all of the following apply:

(I) It is two and four-tenths miles or more in length.

(II) It is located on two hundred acres or more of land.

(III) The primary business of the owner of the facility is the hosting and promoting of racing events.

(IV) The holder of a D-1, D-2, or D-3 permit is located on the property of the facility.

(D) This section does not apply to a person who pays all or a portion of the fee imposed for the use of a chauffeured limousine pursuant to a prearranged

contract, or the guest of the person, when all of the following apply:

(1) The person or guest is a passenger in the limousine.

(2) The person or guest is located in the limousine, but is not occupying a seat in the front compartment of the limousine where the operator of the limousine is located.

(3) The limousine is located on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.

(E) An opened bottle of wine that was purchased from the holder of a permit that authorizes the sale of wine for consumption on the premises where sold is not an opened container for the purposes of this section if both of the following apply:

(1) The opened bottle of wine is securely resealed by the permit holder or an employee of the permit holder before the bottle is removed from the premises. The bottle shall be secured in such a manner that it is visibly apparent if the bottle has been subsequently opened or tampered with.

(2) The opened bottle of wine that is resealed in accordance with division (E)(1) of this section is stored in the trunk of a motor vehicle or, if the motor vehicle does not have a trunk, behind the last upright seat or in an area not normally occupied by the driver or passengers and not easily accessible by the driver.

(F) This section does not apply to a person that has in the person's possession an opened container of beer or intoxicating liquor on the premises of a market if the beer or intoxicating liquor has been purchased from a D permit holder that is located in the market.

As used in division (F) of this section, "market" means an establishment that:

(1) Leases space in the market to individual vendors, not less than fifty per cent of which are retail food establishments or food service operations licensed under Chapter 3717. of the Revised Code;

(2) Has an indoor sales floor area of not less than twenty-two thousand square feet;

(3) Hosts a farmer's market on each Saturday from April through December;

(4) Is owned by a political subdivision."

After line 10, insert:

"**Section 2.** That existing section 4301.62 of the Revised Code is hereby repealed."

In line 1 of the title, after "To" insert "amend section 4301.62 and to"

In line 3 of the title, after "alcohol" insert "and to allow a person to possess beer or intoxicating liquor on the premises of a market if the beer or intoxicating liquor has been purchased from a D liquor permit holder that is located in the market"

The motion was agreed to and the bill so amended.

Representative Buchy moved to amend as follows:

In line 4, after "section" insert "4303.182 be amended and section"

After line 10, insert:

"Sec. 4303.182. (A) Except as otherwise provided in divisions (B) to ~~(J)~~ (K) of this section, permit D-6 shall be issued to the holder of an A-1-A, A-2, A-3a, C-2, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit to allow sale under that permit as follows:

(1) Between the hours of ten a.m. and midnight on Sunday if sale during those hours has been approved under question (C)(1), (2), or (3) of section 4301.351 or 4301.354 of the Revised Code, under question (B)(2) of section 4301.355 of the Revised Code, or under section 4301.356 of the Revised Code and has been authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code, under the restrictions of that authorization;

(2) Between the hours of eleven a.m. and midnight on Sunday, if sale during those hours has been approved on or after ~~the effective date of this amendment~~ October 16, 2009, under question (B)(1), (2), or (3) of section 4301.351 or 4301.354 of the Revised Code, under question (B)(2) of section 4301.355 of the Revised Code, or under section 4301.356 of the Revised Code and has been authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code, under the restrictions of that authorization;

(3) Between the hours of eleven a.m. and midnight on Sunday if sale between the hours of one p.m. and midnight was approved before ~~the effective date of this amendment~~ October 16, 2009, under question (B)(1), (2), or (3) of section 4301.351 or 4301.354 of the Revised Code, under question (B)(2) of section 4301.355 of the Revised Code, or under section 4301.356 of the Revised Code and has been authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code, under the other restrictions of that authorization.

(B) Permit D-6 shall be issued to the holder of any permit, including a D-4a and D-5d permit, authorizing the sale of intoxicating liquor issued for a premises located at any publicly owned airport, as defined in section 4563.01 of the Revised Code, at which commercial airline companies operate regularly scheduled flights on which space is available to the public, to allow sale under such permit between the hours of ten a.m. and midnight on Sunday, whether or not that sale has been authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code.

(C) Permit D-6 shall be issued to the holder of a D-5a permit, and to the holder of a D-3 or D-3a permit who is the owner or operator of a hotel or motel that is required to be licensed under section 3731.03 of the Revised Code, that contains at least fifty rooms for registered transient guests, and that has on its premises a retail food establishment or a food service operation licensed pursuant to Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and is affiliated with the hotel or motel and within or contiguous to the hotel or motel and serving food within the hotel or motel, to allow sale under such permit between the hours of ten a.m. and midnight on Sunday, whether or not that sale has been authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code.

(D) The holder of a D-6 permit that is issued to a sports facility may make sales under the permit between the hours of eleven a.m. and midnight on any Sunday on which a professional baseball, basketball, football, hockey, or soccer game is being played at the sports facility. As used in this division, "sports facility" means a stadium or arena that has a seating capacity of at least four thousand and that is owned or leased by a professional baseball, basketball, football, hockey, or soccer franchise or any combination of those franchises.

(E) Permit D-6 shall be issued to the holder of any permit that authorizes the sale of beer or intoxicating liquor and that is issued to a premises located in or at the Ohio historical society area or the state fairgrounds, as defined in division (B) of section 4301.40 of the Revised Code, to allow sale under that permit between the hours of ten a.m. and midnight on Sunday, whether or not that sale has been authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code.

(F) Permit D-6 shall be issued to the holder of any permit that authorizes the sale of intoxicating liquor and that is issued to an outdoor performing arts center to allow sale under that permit between the hours of one p.m. and midnight on Sunday, whether or not that sale has been authorized under section 4301.361 of the Revised Code. A D-6 permit issued under this division is subject to the results of an election, held after the D-6 permit is issued, on question (B)(4) as set forth in section 4301.351 of the Revised Code. Following the end of the period during which an election may be held on question (B)(4) as set forth in that section, sales of intoxicating liquor may continue at an outdoor performing arts center under a D-6 permit issued under this division, unless an election on that question is held during the permitted period and a majority of the voters voting in the precinct on that question vote "no."

As used in this division, "outdoor performing arts center" means an outdoor performing arts center that is located on not less than eight hundred acres of land and that is open for performances from the first day of April to the last day of October of each year.

(G) Permit D-6 shall be issued to the holder of any permit that authorizes the sale of beer or intoxicating liquor and that is issued to a golf course owned by the state, a conservancy district, a park district created under Chapter 1545. of

the Revised Code, or another political subdivision to allow sale under that permit between the hours of ten a.m. and midnight on Sunday, whether or not that sale has been authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code.

(H) Permit D-6 shall be issued to the holder of a D-5g permit to allow sale under that permit between the hours of ten a.m. and midnight on Sunday, whether or not that sale has been authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code.

(I) Permit D-6 shall be issued to the holder of any D permit for a premises that is licensed under Chapter 3717. of the Revised Code and that is located at a ski area to allow sale under the D-6 permit between the hours of ten a.m. and midnight on Sunday, whether or not that sale has been authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code.

As used in this division, "ski area" means a ski area as defined in section 4169.01 of the Revised Code, provided that the passenger tramway operator at that area is registered under section 4169.03 of the Revised Code.

(J) Permit D-6 shall be issued to the holder of any permit that is described in division (A) of this section for a permit premises that is located in a community entertainment district, as defined in section 4301.80 of the Revised Code, that was approved by the legislative authority of a municipal corporation under that section between October 1 and October 15, 2005, to allow sale under the permit between the hours of ten a.m. and midnight on Sunday, whether or not that sale has been authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code.

(K) A D-6 permit shall be issued to the holder of any D permit for a premises that is licensed under Chapter 3717. of the Revised Code and that is located in a state park to allow sales under the D-6 permit between the hours of ten a.m. and midnight on Sunday, whether or not those sales have been authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code.

As used in this division, "state park" means a state park that is established or dedicated under Chapter 1541. of the Revised Code and that has a working farm on its property.

(L) If the restriction to licensed premises where the sale of food and other goods and services exceeds fifty per cent of the total gross receipts of the permit holder at the premises is applicable, the division of liquor control may accept an affidavit from the permit holder to show the proportion of the permit holder's gross receipts derived from the sale of food and other goods and services. If the liquor control commission determines that affidavit to have been false, it shall revoke the permits of the permit holder at the premises concerned.

(~~L~~) (M) The fee for the D-6 permit is five hundred dollars when it is issued to the holder of an A-1-A, A-2, A-3a, D-2, D-3, D-3a, D-4, D-4a, D-5,

D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit. The fee for the D-6 permit is four hundred dollars when it is issued to the holder of a C-2 permit.

Section 2. That existing section 4303.182 of the Revised Code is hereby repealed."

In line 1 of the title, after "To" insert "amend section 4303.182 and to"

In line 3 of the title, after "alcohol" insert "and to require the D-6 liquor permit to be issued to a specified D liquor permit holder that is located in a state park that has a working farm on the state park's property"

The motion was agreed to and the bill so amended.

MIKE DOVILLA	JIM BUCHY
RON GERBERRY	JOHN ADAMS
LOUIS W. BLESSING	ANDREW BRENNER
MATT HUFFMAN	DOROTHY PELANDA
RICK PERALES	KATHLEEN CLYDE
MICHAEL F. CURTIN	MATT LUNDY
VERNON SYKES	

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 Policy and Legislative Oversight to which was referred **H. C. R. No. 55**-Representative McGregor, having had the same under consideration, reports it back and recommends its adoption.

RE: GA OPPOSES FEDERAL MANDATE-REVOKE DRIVERS LICENSE-CONTROLLED SUBSTANCE LAW VIOLATION

Representative Dovilla moved to amend the title as follows:

Add the name: "Brenner."

MIKE DOVILLA	JIM BUCHY
RON GERBERRY	JOHN ADAMS
LOUIS W. BLESSING	ANDREW BRENNER
MATT HUFFMAN	DOROTHY PELANDA
RICK PERALES	KATHLEEN CLYDE
MICHAEL F. CURTIN	MATT LUNDY
VERNON SYKES	

The report was agreed to.

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

Representative Boyce submitted the following report:

The standing committee on Financial Institutions, Housing and Urban Development to which was referred **H. B. No. 652**-Speaker Batchelder, Representative Hackett, having had the same under consideration, reports it back and recommends its passage.

RE: CREDIT UNION SHARE GUARANTY CORPORATIONS-
OPERATION OF

Representative Adams, R. moved to amend the title as follows:

Add the names: "Brenner, Brown."

RICHARD ADAMS	JAY HOTTINGER
KEVIN BOYCE	JOHN BARNES
ANDREW BRENNER	TIM W. BROWN
ROBERT HACKETT	CONNIE PILLICH
MARGARET RUHL	

The report was agreed to.

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

Representative Ashford submitted the following report:

The standing committee on Rules and Reference to which was referred **Sub. S. B. No. 258**-Senator Balderson, et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: PHARMACY AUDITS-STANDARDS FOR PERFORMANCE OF

Representative Buchy moved to amend as follows:

In line 67, delete " on or"

In line 68, delete " after January 1, 2015"

In line 239, delete " analgesic drugs that are"; strike through "controlled"

In line 240, strike through "substances"; delete " and" and insert " . to the extent"

In line 241, after "Code" insert " . analgesic controlled substances"

In line 293, delete " drugs that"

In line 294, delete " are"

In line 301, delete " drug"

In line 302, delete " that is a"; delete " that is either of"

Delete line 303

In line 304, delete " (a) A drug that is"; strike through the remainder of

the line

Strike through line 305

In line 306, strike through "category"; delete the underlined semicolon

Delete lines 307 through 313

In line 314, delete "control laws, as defined in section 3719.01 of the Revised Code" and insert "product that is used for the treatment of pain and meets one of the following conditions:

(a) The product is a preparation that contains an amount of codeine per dosage unit, as specified by the board, and also contains other active, nonnarcotic ingredients, such as acetaminophen or aspirin, in a therapeutic amount.

(b) The product is a preparation that contains an amount of hydrocodone per dosage unit, as specified by the board, and also contains other active, nonnarcotic ingredients, such as acetaminophen, aspirin, or ibuprofen, in a therapeutic amount.

(c) The product contains or consists of a drug or dangerous drug that was an analgesic included in the practice of optometry under a therapeutic pharmaceutical agents certificate immediately prior to the effective date of this amendment, was not a controlled substance at that time, and subsequently becomes a schedule II, III, IV, or V controlled substance"

In line 315, delete "drugs"

In line 316, delete "that are"

In line 321, delete "drugs that are"

In line 328, delete "drugs that are"

The motion was agreed to and the bill so amended.

MATT HUFFMAN
ROBERT HACKETT
ANDREW BRENNER
DEBBIE PHILLIPS
MIKE ASHFORD

JIM BUCHY
DOROTHY PELANDA
BILL HAYES
DAN RAMOS

The report was agreed to.

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

Representative Antonio submitted the following report:

The standing committee on Health and Aging to which was referred **H. C. R. No. 57**-Representatives Sears, Antonio, et al., having had the same under consideration, reports it back and recommends its adoption.

RE: MEDICARE/MEDICAID-PATIENT PAIN MANAGEMENT-
REVISE SURVEY MEASURES

Representative Wachtmann moved to amend the title as follows:

Add the names: "Wachtmann, Antonio, Brown, Smith, Sprague."

LYNN R. WACHTMANN	ANNE GONZALES
NICKIE J. ANTONIO	JOHN BARNES
TIM W. BROWN	JOHN PATRICK CARNEY
CHRISTINA HAGAN	ROBERT F. HAGAN
BRIAN HILL	JAY HOTTINGER
TERRY JOHNSON	RON MAAG
DAN RAMOS	KIRK SCHURING
BARBARA R. SEARS	RYAN SMITH
ROBERT COLE SPRAGUE	

The report was agreed to.

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

Representative Antonio submitted the following report:

The standing committee on Health and Aging to which was referred **H. B. No. 544**-Representative Grossman, having had the same under consideration, reports it back and recommends its passage.

RE: PARKINSON'S DISEASE AWARENESS MONTH-SEPTEMBER

Representative Wachtmann moved to amend the title as follows:

Add the names: "Barnes, Brown, Hill, Johnson, Ramos, Schuring, Sears, Smith, Sprague, Antonio."

LYNN R. WACHTMANN	ANNE GONZALES
NICKIE J. ANTONIO	JOHN BARNES
TIM W. BROWN	JOHN PATRICK CARNEY
CHRISTINA HAGAN	ROBERT F. HAGAN
BRIAN HILL	JAY HOTTINGER
TERRY JOHNSON	RON MAAG
DAN RAMOS	KIRK SCHURING
BARBARA R. SEARS	RYAN SMITH
ROBERT COLE SPRAGUE	

The report was agreed to.

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

Representative Ramos submitted the following report:

The standing committee on Finance and Appropriations to which was referred **Sub. H. B. No. 324**-Representatives Duffey, Hagan, C., et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: LOCAL GOVERNMENT INFORMATION EXCHANGE GRANT PROGRAM

RON AMSTUTZ	TERRY BOOSE
VERNON SYKES	RICHARD ADAMS
MARLENE ANIELSKI	NICKIE J. ANTONIO
JACK CERA	KATHLEEN CLYDE
TIMOTHY DERICKSON	MIKE DOVILLA
DENISE DRIEHAUS	MIKE DUFFEY
ANNE GONZALES	DAVE HALL
BILL HAYES	MATT LUNDY
RON MAAG	ROSS MCGREGOR
DEBBIE PHILLIPS	DAN RAMOS
ALICIA REECE	CLIFF ROSENBERGER
BARBARA R. SEARS	RYAN SMITH
ROBERT COLE SPRAGUE	PETER STAUTBERG
JEFF MCCLAIN	

The report was agreed to.

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

Representative Antonio submitted the following report:

The standing committee on Health and Aging to which was referred **H. B. No. 378**-Representatives Smith, Sprague, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: PHYSICIANS-NO DRUGS FOR OPIOID DEPENDENCE-UNLESS PATIENT ALSO COUNSELED

Representative Wachtmann moved to amend the title as follows:

Add the names: "Wachtmann, Brown, Sears."

LYNN R. WACHTMANN	ANNE GONZALES
NICKIE J. ANTONIO	JOHN BARNES
TIM W. BROWN	JOHN PATRICK CARNEY
CHRISTINA HAGAN	ROBERT F. HAGAN
BRIAN HILL	JAY HOTTINGER
TERRY JOHNSON	RON MAAG
DALE MALLORY	DAN RAMOS
KIRK SCHURING	BARBARA R. SEARS
RYAN SMITH	ROBERT COLE SPRAGUE

The report was agreed to.

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

Representative Antonio submitted the following report:

The standing committee on Health and Aging to which was referred **H. B. No. 536**-Representatives Smith, Antonio, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: CHILD CARE FACILITIES-REQUIRE CHILDREN TO BE IMMUNIZED

Representative Wachtmann moved to amend the title as follows:

Add the names: "Brown, Sprague."

LYNN R. WACHTMANN	ANNE GONZALES
NICKIE J. ANTONIO	JOHN BARNES
TIM W. BROWN	JOHN PATRICK CARNEY
CHRISTINA HAGAN	ROBERT F. HAGAN
BRIAN HILL	JAY HOTTINGER
TERRY JOHNSON	RON MAAG
DALE MALLORY	DAN RAMOS
KIRK SCHURING	BARBARA R. SEARS
RYAN SMITH	ROBERT COLE SPRAGUE

The report was agreed to.

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

BILLS FOR THIRD CONSIDERATION

Am. Sub. S. B. No. 258-Senator Balderson.

Cosponsors: Senators Beagle, Brown, Coley, Gentile, Hite, LaRose, Lehner, Oelslager, Patton, Peterson, Schaffer, Uecker. Representatives Brown, Bishoff, Wachtmann.

To amend sections 4725.01 and 4725.091 and to enact sections 3901.81, 3901.811, 3901.812, 3901.813, 3901.814, and 3901.815 of the Revised Code to establish standards for the performance of pharmacy audits in Ohio and to authorize the continued use of certain analgesic controlled substances in the practice of optometry, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 93, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams, J	Adams, R	Amstutz	Anielski
Antonio	Ashford	Baker	Barborak
Barnes	Becker	Blessing	Boose

Boyce	Brenner	Brown	Buchy
Budish	Burkley	Butler	Carney
Celebrezze	Cera	Clyde	Conditt
Curtin	Damschroder	DeVitis	Derickson
Dovilla	Driehaus	Duffey	Fedor
Foley	Gerberry	Gonzales	Green
Grossman	Hackett	Hagan, C	Hagan, R
Hall	Hayes	Heard	Hill
Hood	Hottinger	Huffman	Johnson
Kunze	Landis	Letson	Lundy
Lynch	Maag	Mallory	McClain
McGregor	Milkovich	O'Brien	Patmon
Pelanda	Perales	Phillips	Pillich
Ramos	Redfern	Reece	Retherford
Roegner	Rogers	Romanchuk	Rosenberger
Ruhl	Scherer	Schuring	Sears
Sheehy	Slaby	Slesnick	Smith
Sprague	Stautberg	Stebelton	Stinziano
Strahorn	Sykes	Terhar	Thompson
Wachtmann	Williams	Winburn	Young
			Batchelder-93.

The bill passed.

Representative Wachtmann moved to amend the title as follows:

Add the names: "Antonio, Barnes, Burkley, Cera, Green, Hackett, Hayes, Hill, Maag, McClain, Milkovich, Ruhl, Sears, Smith."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

H. B. No. 652-Speaker Batchelder, Representative Hackett.

Cosponsors: Representatives Brenner, Brown.

To amend sections 1761.05, 1761.06, 1761.08, 1761.09, 1761.10, 1761.12, 1761.13, and 1761.17 of the Revised Code relative to the operation of credit union share guaranty corporations, including with respect to the primary guaranteed amount, license renewals, reinsurance and lines of credit, corrective action agreements with participating credit unions, special premium assessments, and investments, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 93, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams, J	Adams, R	Amstutz	Anielski
Antonio	Ashford	Baker	Barborak
Barnes	Becker	Blessing	Boose

Boyce	Brenner	Brown	Buchy
Budish	Burkley	Butler	Carney
Celebrezze	Cera	Clyde	Conditt
Curtin	Damschroder	DeVitis	Derickson
Dovilla	Driehaus	Duffey	Fedor
Foley	Gerberry	Gonzales	Green
Grossman	Hackett	Hagan, C	Hagan, R
Hall	Hayes	Heard	Hill
Hood	Hottinger	Huffman	Johnson
Kunze	Landis	Letson	Lundy
Lynch	Maag	Mallory	McClain
McGregor	Milkovich	O'Brien	Patmon
Pelanda	Perales	Phillips	Pillich
Ramos	Redfern	Reece	Retherford
Roegner	Rogers	Romanchuk	Rosenberger
Ruhl	Scherer	Schuring	Sears
Sheehy	Slaby	Slesnick	Smith
Sprague	Stautberg	Stebelton	Stinziano
Strahorn	Sykes	Terhar	Thompson
Wachtmann	Williams	Winburn	Young
			Batchelder-93.

The bill passed.

Representative Hackett moved to amend the title as follows:

Add the names: "Antonio, Barnes, Boyce, Buchy, Celebrezze, Fedor, Gerberry, Green, Hagan, C., Hall, Letson, Mallory, Milkovich, O'Brien, Reece, Retherford, Ruhl, Schuring, Sears, Sprague."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 490-Representatives Hall, Thompson.

Cosponsors: Representatives Hagan, C., Ruhl.

To amend sections 901.22, 903.01, 903.03, 903.07, 903.082, 903.09, 903.10, 903.11, 903.12, 903.13, 903.16, 903.17, 903.25, 941.14, 953.22, 956.03, 956.04, 1501.011, 1509.01, 1509.06, 1509.07, 1509.11, 1509.16, 1509.222, 1509.223, 1509.23, 1509.27, 1509.28, 1509.33, 1509.99, 1511.01, 1511.02, 1511.021, 1511.022, 1511.023, 1511.05, 1511.07, 1511.99, 1514.09, 1514.11, 1515.01, 1515.08, 1522.10, 1522.13, 1533.081, 1533.12, 1548.07, 1561.24, 1711.13, 3704.05, 3734.02, 3734.029, 3745.70, 3750.081, 3750.13, 3769.21, 3781.10, 4507.03, 4707.02, 4905.71, 4927.01, 4927.02, 4927.07, 4927.11, 4927.15, 5713.051, 6109.10, 6111.03, 6111.04, 6111.30, 6111.44, 6111.99, 6112.01, and 6112.03; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 1511.022 (939.04) and 1511.023 (1511.022); to enact new section 1511.023 and sections 901.80, 901.801, 905.326, 905.327, 939.01, 939.02, 939.03, 939.05, 939.06, 939.07,

939.08, 939.09, 939.10, 939.11, 1509.051, 1509.211, 1509.231, 1511.024, 1511.025, 1511.09, 1522.25, 4507.021, 4927.10, 4927.101, 6111.32, and 6112.06; to repeal sections 903.04, 1511.071, 1514.40, 1514.41, 1514.42, 1514.43, 1514.44, 1514.45, 1514.46, and 1514.47 of the Revised Code; and to amend sections 1511.024 and 1511.025 as they result from Section 1 of this act for the purpose of adopting new section numbers 939.11 and 939.12 of the Revised Code on January 1, 2017, to revise certain laws governing agriculture, natural resources, environmental protection, telecommunications, video lottery terminals, and driver's licenses, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Barborak moved to amend as follows:

In line 43, delete "4905.71, 4927.01,"

In line 44, delete "4927.02, 4927.07, 4927.11, 4927.15,"

In line 52, delete "4927.10, 4927.101,"

Delete lines 6187 through 6593

In line 7806, delete "4905.71, 4927.01,"

In line 7807, delete "4927.02, 4927.07, 4927.11, 4927.15,"

In line 7906, delete "The Public Utilities Commission shall plan for the"

Delete lines 7907 through 7974

In line 7975, delete "**Section 10.**"

In line 7994, delete "**11**" and insert "**8**"

In line 8010, delete "**12**" and insert "**9**"

In line 8087, delete "**13**" and insert "**10**"

In line 8089, delete "**14**" and insert "**11**"; delete "12 and 13" and insert "9 and 10"

In line 8091, delete "**15**" and insert "**12**"

In line 12 of the title, delete "4905.71, 4927.01,"

In line 13 of the title, delete "4927.02, 4927.07, 4927.11, 4927.15,"

In line 23 of the title, delete "4927.10, 4927.101,"

In line 33 of the title, delete "telecommunications,"

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

Representative Sears 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 37, as follows:

Those who voted in the affirmative were: Representatives

Adams, J	Adams, R	Amstutz	Baker
Becker	Blessing	Boose	Brenner
Brown	Buchy	Burkley	Conditt
Curtin	Damschroder	DeVitis	Derickson
Dovilla	Duffey	Gonzales	Green
Grossman	Hackett	Hagan, C	Hall
Hayes	Hill	Hood	Hottinger
Huffman	Johnson	Kunze	Landis
Lynch	Maag	McClain	Pelanda
Perales	Retherford	Roegner	Romanchuk
Rosenberger	Ruhl	Scherer	Schuring
Sears	Slaby	Smith	Sprague
Stautberg	Stebelton	Terhar	Thompson
Wachtmann	Williams	Young	Batchelder-56.

Those who voted in the negative were: Representatives

Anielski	Antonio	Ashford	Barborak
Barnes	Boyce	Budish	Butler
Carney	Celebrezze	Cera	Clyde
Driehaus	Fedor	Foley	Gerberry
Hagan, R	Heard	Letson	Lundy
Mallory	McGregor	Milkovich	O'Brien
Patmon	Phillips	Pillich	Ramos
Redfern	Reece	Rogers	Sheehy
Slesnick	Stinziano	Strahorn	Sykes
			Winburn-37.

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

Representative Ramos moved to amend as follows:

In line 38, delete "1509.16,"

Delete lines 2862 through 2878

In line 7801, delete "1509.16,"

In line 5 of the title, delete "1509.16,"

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

Representative Sears 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 40, as follows:

Those who voted in the affirmative were: Representatives

Adams, J	Adams, R	Amstutz	Anielski
Baker	Becker	Blessing	Boose
Brenner	Brown	Buchy	Burkley

Conditt	Damschroder	DeVitis	Derickson
Dovilla	Duffey	Gonzales	Green
Grossman	Hackett	Hagan, C	Hall
Hayes	Hill	Hood	Hottinger
Huffman	Johnson	Kunze	Landis
Lynch	Maag	McClain	Pelanda
Perales	Retherford	Roegner	Romanchuk
Rosenberger	Ruhl	Scherer	Sears
Slaby	Smith	Sprague	Stautberg
Stebelton	Terhar	Thompson	Young
			Batchelder-53.

Those who voted in the negative were: Representatives

Antonio	Ashford	Barborak	Barnes
Boyce	Budish	Butler	Carney
Celebrezze	Cera	Clyde	Curtin
Driehaus	Fedor	Foley	Gerberry
Hagan, R	Heard	Letson	Lundy
Mallory	McGregor	Milkovich	O'Brien
Patmon	Phillips	Pillich	Ramos
Redfern	Reece	Rogers	Schuring
Sheehy	Slesnick	Stinziano	Strahorn
Sykes	Wachtmann	Williams	Winburn-40.

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

Representative Foley moved to amend as follows:

In line 42, after "3704.05," insert "3706.25,"

In line 43, after "4905.71," insert "4906.20, 4906.201,"

In line 44, after "4927.15," insert "4928.01, 4928.20, 4928.64, 4928.645, 4928.66,"

In line 46, delete "and" and insert a comma; after "(1511.022)" insert ", and 4928.645 (4928.65)"

Between lines 4956 and 4957, insert:

"**Sec. 3706.25.** As used in sections 3706.25 to 3706.30 of the Revised Code:

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

(B) "Advanced energy resource" means any of the following:

(1) Any method or any modification or replacement of any property, process, device, structure, or equipment that increases the generation output of an electric generating facility to the extent such efficiency is achieved without additional carbon dioxide emissions by that facility;

(2) Any distributed generation system consisting of customer cogeneration technology, primarily to meet the energy needs of the customer's facilities;

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

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

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

(6) Power produced by a run-of-the-river hydroelectric facility placed in service on or after January 1, 1980, that is located within this state, relies upon the Ohio river, and operates, or is rated to operate, at an aggregate capacity of forty or more megawatts;

(7) Heat captured from a generator of electricity, boiler, or heat exchanger fueled by biologically derived methane gas.

(C) "Air contaminant source" has the same meaning as in section 3704.01 of the Revised Code.

(D) "Cogeneration technology" means technology that produces electricity and useful thermal output simultaneously.

(E) "Renewable energy resource" means solar photovoltaic or solar thermal energy, wind energy, ~~power produced by a hydroelectric facility, power produced by a run-of-the-river hydroelectric facility placed in service on or after January 1, 1980, that is located within this state, relies upon the Ohio river, and operates, or is rated to operate, at an aggregate capacity of forty or more megawatts,~~ geothermal energy, fuel derived from solid wastes, as defined in section 3734.01 of the Revised Code, through fractionation, biological decomposition, or other process that does not principally involve combustion, biomass energy, energy produced by cogeneration technology that is placed into service on or before December 31, 2015, and for which more than ninety per cent of the total annual energy input is from combustion of a waste or byproduct

gas from an air contaminant source in this state, which source has been in operation since on or before January 1, 1985, provided that the cogeneration technology is a part of a facility located in a county having a population of more than three hundred sixty-five thousand but less than three hundred seventy thousand according to the most recent federal decennial census, biologically derived methane gas, ~~heat captured from a generator of electricity, boiler, or heat exchanger fueled by biologically derived methane gas,~~ or energy derived from nontreated by-products of the pulping process or wood manufacturing process, including bark, wood chips, sawdust, and lignin in spent pulping liquors. "Renewable energy resource" includes, but is not limited to, any fuel cell used in the generation of electricity, including, but not limited to, a proton exchange membrane fuel cell, phosphoric acid fuel cell, molten carbonate fuel cell, or solid oxide fuel cell; wind turbine located in the state's territorial waters of Lake Erie; methane gas emitted from an abandoned coal mine; storage facility that will promote the better utilization of a renewable energy resource that primarily generates off peak; or distributed generation system used by a customer to generate electricity from any such energy. As used in this division, "hydroelectric facility" means a hydroelectric generating facility that is located at a dam on a river, or on any water discharged to a river, that is within or bordering this state or within or bordering an adjoining state and meets all of the following standards:

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

(2) The facility demonstrates that it complies with the water quality standards of this state, which compliance may consist of certification under Section 401 of the "Clean Water Act of 1977," 91 Stat. 1598, 1599, 33 U.S.C. 1341, and demonstrates that it has not contributed to a finding by this state that the river has impaired water quality under Section 303(d) of the "Clean Water Act of 1977," 114 Stat. 870, 33 U.S.C. 1313.

(3) The facility complies with mandatory prescriptions regarding fish passage as required by the federal energy regulatory commission license issued for the project, regarding fish protection for riverine, anadromous, and catadromous fish.

(4) The facility complies with the recommendations of the Ohio environmental protection agency and with the terms of its federal energy regulatory commission license regarding watershed protection, mitigation, or enhancement, to the extent of each agency's respective jurisdiction over the facility.

(5) The facility complies with provisions of the "Endangered Species Act of 1973," 87 Stat. 884, 16 U.S.C. 1531 to 1544, as amended.

(6) The facility does not harm cultural resources of the area. This can be shown through compliance with the terms of its federal energy regulatory commission license or, if the facility is not regulated by that commission,

through development of a plan approved by the Ohio historic preservation office, to the extent it has jurisdiction over the facility.

(7) The facility complies with the terms of its federal energy regulatory commission license or exemption that are related to recreational access, accommodation, and facilities or, if the facility is not regulated by that commission, the facility complies with similar requirements as are recommended by resource agencies, to the extent they have jurisdiction over the facility; and the facility provides access to water to the public without fee or charge.

(8) The facility is not recommended for removal by any federal agency or agency of any state, to the extent the particular agency has jurisdiction over the facility."

Between lines 6211 and 6212, insert:

"**Sec. 4906.20.** (A) No person shall commence to construct an economically significant wind farm in this state without first having obtained a certificate from the power siting board. An economically significant wind farm with respect to which such a certificate is required shall be constructed, operated, and maintained in conformity with that certificate and any terms, conditions, and modifications it contains. A certificate shall be issued only pursuant to this section. The certificate may be transferred, subject to the approval of the board, to a person that agrees to comply with those terms, conditions, and modifications.

(B) The board shall adopt rules governing the certifying of economically significant wind farms under this section. Initial rules shall be adopted within one hundred twenty days after June 24, 2008.

(1) The rules shall provide for an application process for certifying economically significant wind farms that is identical to the extent practicable to the process applicable to certifying major utility facilities under sections 4906.06, 4906.07, 4906.08, 4906.09, 4906.10, 4906.11, and 4906.12 of the Revised Code and shall prescribe a reasonable schedule of application filing fees structured in the manner of the schedule of filing fees required for major utility facilities.

(2) Additionally, the rules shall prescribe reasonable regulations regarding any wind turbines and associated facilities of an economically significant wind farm, including, but not limited to, their location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement and including erosion control, aesthetics, recreational land use, wildlife protection, interconnection with power lines and with regional transmission organizations, independent transmission system operators, or similar organizations, ice throw, sound and noise levels, blade shear, shadow flicker, decommissioning, and necessary cooperation for site visits and enforcement investigations.

(a) The rules also shall prescribe a minimum setback for a wind turbine

of an economically significant wind farm. That minimum shall be equal to a horizontal distance, from the turbine's base to the property line of the wind farm property, equal to one and one-tenth times the total height of the turbine structure as measured from its base to the tip of its highest blade and be at least one thousand one hundred twenty-five feet in horizontal distance from the tip of the turbine's nearest blade at ninety degrees to ~~property line~~ the exterior of the nearest , habitable, residential structure, if any, located on adjacent property at the time of the certification application.

(b) (†) For any existing certificates and amendments thereto, and existing certification applications that have been found by the chairperson to be in compliance with division (A) of section 4906.06 of the Revised Code before the effective date of the amendment of this section by H.B. 59 of the 130th general assembly, September 29, 2013, the distance shall be seven hundred fifty feet instead of one thousand one hundred twenty-five feet.

~~(ii) Any amendment made to an existing certificate after the effective date of the amendment of this section by H.B. 483 of the 130th general assembly shall be subject to the setback provision of this section as amended by that act. The amendments to this section by that act shall not be construed to limit or abridge any rights or remedies in equity or under the common law.~~

(c) The setback shall apply in all cases except those in which all owners of property adjacent to the wind farm property waive application of the setback to that property pursuant to a procedure the board shall establish by rule and except in which, in a particular case, the board determines that a setback greater than the minimum is necessary.

Sec. 4906.201. (A) An electric generating plant that consists of wind turbines and associated facilities with a single interconnection to the electrical grid that is designed for, or capable of, operation at an aggregate capacity of fifty megawatts or more is subject to the minimum setback requirements established in rules adopted by the power siting board under division (B)(2) of section 4906.20 of the Revised Code.

(B) (†) For any existing certificates and amendments thereto, and existing certification applications that have been found by the chairperson to be in compliance with division (A) of section 4906.06 of the Revised Code before the effective date of the amendment of this section by H.B. 59 of the 130th general assembly, September 29, 2013, the distance shall be seven hundred fifty feet instead of one thousand one hundred twenty-five feet.

~~(2) Any amendment made to an existing certificate after the effective date of the amendment of this section by H.B. 483 of the 130th general assembly, shall be subject to the setback provision of this section as amended by that act. The amendments to this section by that act shall not be construed to limit or abridge any rights or remedies in equity or under the common law."~~

In line 6427, delete " 8" and insert " 9"; delete " Revised Code" and insert " 130th General Assembly"

Between lines 6593 and 6594, insert:

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

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

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

(3) "Certified territory" means the certified territory established for an electric supplier under sections 4933.81 to 4933.90 of the Revised Code.

(4) "Competitive retail electric service" means a component of retail electric service that is competitive as provided under division (B) of this section.

(5) "Electric cooperative" means a not-for-profit electric light company that both is or has been financed in whole or in part under the "Rural Electrification Act of 1936," 49 Stat. 1363, 7 U.S.C. 901, and owns or operates facilities in this state to generate, transmit, or distribute electricity, or a not-for-profit successor of such company.

(6) "Electric distribution utility" means an electric utility that supplies at least retail electric distribution service.

(7) "Electric light company" has the same meaning as in section 4905.03 of the Revised Code and includes an electric services company, but excludes any self-generator to the extent that it consumes electricity it so produces, sells that electricity for resale, or obtains electricity from a generating facility it hosts on its premises.

(8) "Electric load center" has the same meaning as in section 4933.81 of the Revised Code.

(9) "Electric services company" means an electric light company that is engaged on a for-profit or not-for-profit basis in the business of supplying or arranging for the supply of only a competitive retail electric service in this state. "Electric services company" includes a power marketer, power broker, aggregator, or independent power producer but excludes an electric cooperative,

municipal electric utility, governmental aggregator, or billing and collection agent.

(10) "Electric supplier" has the same meaning as in section 4933.81 of the Revised Code.

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

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

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

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

(15) "Level of funding for low-income customer energy efficiency programs provided through electric utility rates" means the level of funds specifically included in an electric utility's rates on October 5, 1999, pursuant to an order of the public utilities commission issued under Chapter 4905. or 4909. of the Revised Code and in effect on October 4, 1999, for the purpose of improving the energy efficiency of housing for the utility's low-income customers. The term excludes the level of any such funds committed to a specific nonprofit organization or organizations pursuant to a stipulation or contract.

(16) "Low-income customer assistance programs" means the percentage of income payment plan program, the home energy assistance program, the home weatherization assistance program, and the targeted energy efficiency and weatherization program.

(17) "Market development period" for an electric utility means the period of time beginning on the starting date of competitive retail electric service and ending on the applicable date for that utility as specified in section 4928.40 of the Revised Code, irrespective of whether the utility applies to receive transition revenues under this chapter.

(18) "Market power" means the ability to impose on customers a sustained price for a product or service above the price that would prevail in a competitive market.

(19) "Mercantile customer" means a commercial or industrial customer if the electricity consumed is for nonresidential use and the customer consumes more than seven hundred thousand kilowatt hours per year or is part of a national account involving multiple facilities in one or more states.

(20) "Municipal electric utility" means a municipal corporation that owns or operates facilities to generate, transmit, or distribute electricity.

(21) "Noncompetitive retail electric service" means a component of retail electric service that is noncompetitive as provided under division (B) of this section.

(22) "Nonfirm electric service" means electric service provided pursuant to a schedule filed under section 4905.30 of the Revised Code or pursuant to an arrangement under section 4905.31 of the Revised Code, which schedule or arrangement includes conditions that may require the customer to curtail or interrupt electric usage during nonemergency circumstances upon notification by an electric utility.

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

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

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

(26) "Regulatory assets" means the unamortized net regulatory assets that are capitalized or deferred on the regulatory books of the electric utility, pursuant to an order or practice of the public utilities commission or pursuant to generally accepted accounting principles as a result of a prior commission rate-making decision, and that would otherwise have been charged to expense as incurred or would not have been capitalized or otherwise deferred for future regulatory consideration absent commission action. "Regulatory assets" includes, but is not limited to, all deferred demand-side management costs; all deferred percentage of income payment plan arrears; post-in-service capitalized charges and assets recognized in connection with statement of financial accounting standards no. 109 (receivables from customers for income taxes); future nuclear decommissioning costs and fuel disposal costs as those costs have been determined by the commission in the electric utility's most recent rate or accounting application proceeding addressing such costs; the undepreciated costs

of safety and radiation control equipment on nuclear generating plants owned or leased by an electric utility; and fuel costs currently deferred pursuant to the terms of one or more settlement agreements approved by the commission.

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

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

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

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

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

(a) Uses as its fuel either solar, wind, biomass, landfill gas, or hydropower, or uses a microturbine or a fuel cell;

(b) Is located on a customer-generator's premises;

(c) Operates in parallel with the electric utility's transmission and distribution facilities;

(d) Is intended primarily to offset part or all of the customer-generator's requirements for electricity.

(32) "Self-generator" means an entity in this state that owns or hosts on its premises an electric generation facility that produces electricity primarily for the owner's consumption and that may provide any such excess electricity to another entity, whether the facility is installed or operated by the owner or by an agent under a contract.

(33) "Rate plan" means the standard service offer in effect on the effective date of the amendment of this section by S.B. 221 of the 127th general assembly, July 31, 2008.

(34) "Advanced energy resource" means any of the following:

(a) Any method or any modification or replacement of any property, process, device, structure, or equipment that increases the generation output of an electric generating facility to the extent such efficiency is achieved without additional carbon dioxide emissions by that facility;

(b) Any distributed generation system consisting of customer cogeneration technology;

(c) Clean coal technology that includes a carbon-based product that is chemically altered before combustion to demonstrate a reduction, as expressed as ash, in emissions of nitrous oxide, mercury, arsenic, chlorine, sulfur dioxide, or sulfur trioxide in accordance with the American society of testing and materials standard D1757A or a reduction of metal oxide emissions in accordance with standard D5142 of that society, or clean coal technology that includes the design capability to control or prevent the emission of carbon dioxide, which design capability the commission shall adopt by rule and shall be based on economically feasible best available technology or, in the absence of a determined best available technology, shall be of the highest level of economically feasible design capability for which there exists generally accepted scientific opinion;

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

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

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

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

(h) Any new, retrofitted, refueled, or repowered generating facility located in Ohio, including a simple or combined-cycle natural gas generating facility or a generating facility that uses biomass, coal, modular nuclear, or any other fuel as its input;

(i) Any uprated capacity of an existing electric generating facility if the uprated capacity results from the deployment of advanced technology ;

(j) Power produced by a run-of-the-river hydroelectric facility placed in service on or after January 1, 1980, that is located within this state, relies upon the Ohio river, and operates, or is rated to operate, at an aggregate capacity of forty or more megawatts;

(k) Heat captured from a generator of electricity, boiler, or heat exchanger fueled by biologically derived methane gas.

"Advanced energy resource" does not include a waste energy recovery system that is, or has been, included in an energy efficiency program of an

electric distribution utility pursuant to requirements under section 4928.66 of the Revised Code.

(35) "Air contaminant source" has the same meaning as in section 3704.01 of the Revised Code.

(36) "Cogeneration technology" means technology that produces electricity and useful thermal output simultaneously.

(37)(a) "Renewable energy resource" means any of the following:

(i) Solar photovoltaic or solar thermal energy;

(ii) Wind energy;

(iii) Power produced by a hydroelectric facility;

~~(iv) Power produced by a run-of-the-river hydroelectric facility placed in service on or after January 1, 1980, that is located within this state, relies upon the Ohio river, and operates, or is rated to operate, at an aggregate capacity of forty or more megawatts;~~

~~(v)~~ Geothermal energy;

~~(vi)~~ (v) Fuel derived from solid wastes, as defined in section 3734.01 of the Revised Code, through fractionation, biological decomposition, or other process that does not principally involve combustion;

~~(vii)~~ (vi) Biomass energy;

~~(viii)~~ (vii) Energy produced by cogeneration technology that is placed into service on or before December 31, 2015, and for which more than ninety per cent of the total annual energy input is from combustion of a waste or byproduct gas from an air contaminant source in this state, which source has been in operation since on or before January 1, 1985, provided that the cogeneration technology is a part of a facility located in a county having a population of more than three hundred sixty-five thousand but less than three hundred seventy thousand according to the most recent federal decennial census;

~~(ix)~~ (viii) Biologically derived methane gas;

~~(x)~~ Heat captured from a generator of electricity, boiler, or heat exchanger fueled by biologically derived methane gas;

~~(xi)~~ (ix) Energy derived from nontreated by-products of the pulping process or wood manufacturing process, including bark, wood chips, sawdust, and lignin in spent pulping liquors.

"Renewable energy resource" includes, but is not limited to, any fuel cell used in the generation of electricity, including, but not limited to, a proton exchange membrane fuel cell, phosphoric acid fuel cell, molten carbonate fuel cell, or solid oxide fuel cell; wind turbine located in the state's territorial waters of Lake Erie; methane gas emitted from an abandoned coal mine; waste energy recovery system placed into service or retrofitted on or after the effective date of

the amendment of this section by S.B. 315 of the 129th general assembly, September 10, 2012, except that a waste energy recovery system described in division (A)(38)(b) of this section may be included only if it was placed into service between January 1, 2002, and December 31, 2004; storage facility that will promote the better utilization of a renewable energy resource; or distributed generation system used by a customer to generate electricity from any such energy.

"Renewable energy resource" does not include a waste energy recovery system that is, or was, on or after January 1, 2012, included in an energy efficiency program of an electric distribution utility pursuant to requirements under section 4928.66 of the Revised Code.

(b) As used in division (A)(37) of this section, "hydroelectric facility" means a hydroelectric generating facility that is located at a dam on a river, or on any water discharged to a river, that is within or bordering this state or within or bordering an adjoining state and meets all of the following standards:

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

(ii) The facility demonstrates that it complies with the water quality standards of this state, which compliance may consist of certification under Section 401 of the "Clean Water Act of 1977," 91 Stat. 1598, 1599, 33 U.S.C. 1341, and demonstrates that it has not contributed to a finding by this state that the river has impaired water quality under Section 303(d) of the "Clean Water Act of 1977," 114 Stat. 870, 33 U.S.C. 1313.

(iii) The facility complies with mandatory prescriptions regarding fish passage as required by the federal energy regulatory commission license issued for the project, regarding fish protection for riverine, anadromous, and catadromous fish.

(iv) The facility complies with the recommendations of the Ohio environmental protection agency and with the terms of its federal energy regulatory commission license regarding watershed protection, mitigation, or enhancement, to the extent of each agency's respective jurisdiction over the facility.

(v) The facility complies with provisions of the "Endangered Species Act of 1973," 87 Stat. 884, 16 U.S.C. 1531 to 1544, as amended.

(vi) The facility does not harm cultural resources of the area. This can be shown through compliance with the terms of its federal energy regulatory commission license or, if the facility is not regulated by that commission, through development of a plan approved by the Ohio historic preservation office, to the extent it has jurisdiction over the facility.

(vii) The facility complies with the terms of its federal energy regulatory commission license or exemption that are related to recreational access,

accommodation, and facilities or, if the facility is not regulated by that commission, the facility complies with similar requirements as are recommended by resource agencies, to the extent they have jurisdiction over the facility; and the facility provides access to water to the public without fee or charge.

(viii) The facility is not recommended for removal by any federal agency or agency of any state, to the extent the particular agency has jurisdiction over the facility.

(38) "Waste energy recovery system" means either of the following:

(a) A facility that generates electricity through the conversion of energy from either of the following:

(i) Exhaust heat from engines or manufacturing, industrial, commercial, or institutional sites, except for exhaust heat from a facility whose primary purpose is the generation of electricity;

(ii) Reduction of pressure in gas pipelines before gas is distributed through the pipeline, provided that the conversion of energy to electricity is achieved without using additional fossil fuels.

(b) A facility at a state institution of higher education as defined in section 3345.011 of the Revised Code that recovers waste heat from electricity-producing engines or combustion turbines and that simultaneously uses the recovered heat to produce steam, provided that the facility was placed into service between January 1, 2002, and December 31, 2004.

(39) "Smart grid" means capital improvements to an electric distribution utility's distribution infrastructure that improve reliability, efficiency, resiliency, or reduce energy demand or use, including, but not limited to, advanced metering and automation of system functions.

(40) "Combined heat and power system" means the coproduction of electricity and useful thermal energy from the same fuel source designed to achieve thermal-efficiency levels of at least sixty per cent, with at least twenty per cent of the system's total useful energy in the form of thermal energy.

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

Sec. 4928.20. (A) The legislative authority of a municipal corporation may adopt an ordinance, or the board of township trustees of a township or the board of county commissioners of a county may adopt a resolution, under which, on or after the starting date of competitive retail electric service, it may aggregate in accordance with this section the retail electrical loads located, respectively, within the municipal corporation, township, or unincorporated area

of the county and, for that purpose, may enter into service agreements to facilitate for those loads the sale and purchase of electricity. The legislative authority or board also may exercise such authority jointly with any other such legislative authority or board. For customers that are not mercantile customers, an ordinance or resolution under this division shall specify whether the aggregation will occur only with the prior, affirmative consent of each person owning, occupying, controlling, or using an electric load center proposed to be aggregated or will occur automatically for all such persons pursuant to the opt-out requirements of division (D) of this section. The aggregation of mercantile customers shall occur only with the prior, affirmative consent of each such person owning, occupying, controlling, or using an electric load center proposed to be aggregated. Nothing in this division, however, authorizes the aggregation of the retail electric loads of an electric load center, as defined in section 4933.81 of the Revised Code, that is located in the certified territory of a nonprofit electric supplier under sections 4933.81 to 4933.90 of the Revised Code or an electric load center served by transmission or distribution facilities of a municipal electric utility.

(B) If an ordinance or resolution adopted under division (A) of this section specifies that aggregation of customers that are not mercantile customers will occur automatically as described in that division, the ordinance or resolution shall direct the board of elections to submit the question of the authority to aggregate to the electors of the respective municipal corporation, township, or unincorporated area of a county at a special election on the day of the next primary or general election in the municipal corporation, township, or county. The legislative authority or board shall certify a copy of the ordinance or resolution to the board of elections not less than ninety days before the day of the special election. No ordinance or resolution adopted under division (A) of this section that provides for an election under this division shall take effect unless approved by a majority of the electors voting upon the ordinance or resolution at the election held pursuant to this division.

(C) Upon the applicable requisite authority under divisions (A) and (B) of this section, the legislative authority or board shall develop a plan of operation and governance for the aggregation program so authorized. Before adopting a plan under this division, the legislative authority or board shall hold at least two public hearings on the plan. Before the first hearing, the legislative authority or board shall publish notice of the hearings once a week for two consecutive weeks in a newspaper of general circulation in the jurisdiction or as provided in section 7.16 of the Revised Code. The notice shall summarize the plan and state the date, time, and location of each hearing.

(D) No legislative authority or board, pursuant to an ordinance or resolution under divisions (A) and (B) of this section that provides for automatic aggregation of customers that are not mercantile customers as described in division (A) of this section, shall aggregate the electrical load of any electric load center located within its jurisdiction unless it in advance clearly discloses to the person owning, occupying, controlling, or using the load center that the

person will be enrolled automatically in the aggregation program and will remain so enrolled unless the person affirmatively elects by a stated procedure not to be so enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions of enrollment. The stated procedure shall allow any person enrolled in the aggregation program the opportunity to opt out of the program every three years, without paying a switching fee. Any such person that opts out before the commencement of the aggregation program pursuant to the stated procedure shall default to the standard service offer provided under section 4928.14 or division (D) of section 4928.35 of the Revised Code until the person chooses an alternative supplier.

(E)(1) With respect to a governmental aggregation for a municipal corporation that is authorized pursuant to divisions (A) to (D) of this section, resolutions may be proposed by initiative or referendum petitions in accordance with sections 731.28 to 731.41 of the Revised Code.

(2) With respect to a governmental aggregation for a township or the unincorporated area of a county, which aggregation is authorized pursuant to divisions (A) to (D) of this section, resolutions may be proposed by initiative or referendum petitions in accordance with sections 731.28 to 731.40 of the Revised Code, except that:

(a) The petitions shall be filed, respectively, with the township fiscal officer or the board of county commissioners, who shall perform those duties imposed under those sections upon the city auditor or village clerk.

(b) The petitions shall contain the signatures of not less than ten per cent of the total number of electors in, respectively, the township or the unincorporated area of the county who voted for the office of governor at the preceding general election for that office in that area.

(F) A governmental aggregator under division (A) of this section is not a public utility engaging in the wholesale purchase and resale of electricity, and provision of the aggregated service is not a wholesale utility transaction. A governmental aggregator shall be subject to supervision and regulation by the public utilities commission only to the extent of any competitive retail electric service it provides and commission authority under this chapter.

(G) This section does not apply in the case of a municipal corporation that supplies such aggregated service to electric load centers to which its municipal electric utility also supplies a noncompetitive retail electric service through transmission or distribution facilities the utility singly or jointly owns or operates.

(H) A governmental aggregator shall not include in its aggregation the accounts of any of the following:

- (1) A customer that has opted out of the aggregation;
- (2) A customer in contract with a certified electric services company;

(3) A customer that has a special contract with an electric distribution utility;

(4) A customer that is not located within the governmental aggregator's governmental boundaries;

(5) Subject to division (C) of section 4928.21 of the Revised Code, a customer who appears on the "do not aggregate" list maintained under that section.

(I) Customers that are part of a governmental aggregation under this section shall be responsible only for such portion of a surcharge under section 4928.144 of the Revised Code that is proportionate to the benefits, as determined by the commission, that electric load centers within the jurisdiction of the governmental aggregation as a group receive. The proportionate surcharge so established shall apply to each customer of the governmental aggregation while the customer is part of that aggregation. If a customer ceases being such a customer, the otherwise applicable surcharge shall apply. Nothing in this section shall result in less than full recovery by an electric distribution utility of any surcharge authorized under section 4928.144 of the Revised Code. Nothing in this section shall result in less than the full and timely imposition, charging, collection, and adjustment by an electric distribution utility, its assignee, or any collection agent, of the phase-in-recovery charges authorized pursuant to a final financing order issued pursuant to sections 4928.23 to 4928.2318 of the Revised Code.

(J) On behalf of the customers that are part of a governmental aggregation under this section and by filing written notice with the public utilities commission, the legislative authority that formed or is forming that governmental aggregation may elect not to receive standby service within the meaning of division (B)(2)(d) of section 4928.143 of the Revised Code from an electric distribution utility in whose certified territory the governmental aggregation is located and that operates under an approved electric security plan under that section. Upon the filing of that notice, the electric distribution utility shall not charge any such customer to whom competitive retail electric generation service is provided by another supplier under the governmental aggregation for the standby service. Any such consumer that returns to the utility for competitive retail electric service shall pay the market price of power incurred by the utility to serve that consumer plus any amount attributable to the utility's cost of compliance with the ~~renewable~~ alternative energy resource provisions of section 4928.64 of the Revised Code to serve the consumer. Such market price shall include, but not be limited to, capacity and energy charges; all charges associated with the provision of that power supply through the regional transmission organization, including, but not limited to, transmission, ancillary services, congestion, and settlement and administrative charges; and all other costs incurred by the utility that are associated with the procurement, provision, and administration of that power supply, as such costs may be approved by the commission. The period of time during which the market price and ~~renewable~~

alternative energy resource amount shall be so assessed on the consumer shall be from the time the consumer so returns to the electric distribution utility until the expiration of the electric security plan. However, if that period of time is expected to be more than two years, the commission may reduce the time period to a period of not less than two years.

(K) The commission shall adopt rules to encourage and promote large-scale governmental aggregation in this state. For that purpose, the commission shall conduct an immediate review of any rules it has adopted for the purpose of this section that are in effect on the effective date of the amendment of this section by S.B. 221 of the 127th general assembly, July 31, 2008. Further, within the context of an electric security plan under section 4928.143 of the Revised Code, the commission shall consider the effect on large-scale governmental aggregation of any nonbypassable generation charges, however collected, that would be established under that plan, except any nonbypassable generation charges that relate to any cost incurred by the electric distribution utility, the deferral of which has been authorized by the commission prior to the effective date of the amendment of this section by S.B. 221 of the 127th general assembly, July 31, 2008.

Sec. 4928.64. (A)(1) As used in ~~this section~~ sections 4928.64 and 4928.65 of the Revised Code, " ~~qualifying renewable~~ alternative energy resource" means ~~a~~ an advanced energy resource or renewable energy resource, as defined in section 4928.01 of the Revised Code that has a placed-in-service date on or after January 1, 1998, or with respect to any run-of-the-river hydroelectric facility, an in-service date on or after January 1, 1980; a renewable energy resource created on or after January 1, 1998, by the modification or retrofit of any facility placed in service prior to January 1, 1998; or a mercantile customer-sited advanced energy resource or renewable energy resource, whether new or existing, that the mercantile customer commits for integration into the electric distribution utility's demand-response, energy efficiency, or peak demand reduction programs as provided under division (A)(2)(c) of section 4928.66 of the Revised Code, including, but not limited to, any of the following:

- (a) A resource that has the effect of improving the relationship between real and reactive power;
- (b) A resource that makes efficient use of waste heat or other thermal capabilities owned or controlled by a mercantile customer;
- (c) Storage technology that allows a mercantile customer more flexibility to modify its demand or load and usage characteristics;
- (d) Electric generation equipment owned or controlled by a mercantile customer that uses ~~a~~ an advanced energy resource or renewable energy resource ;
- (e) Any advanced energy resource or renewable energy resource of the mercantile customer that can be utilized effectively as part of any advanced energy resource plan of an electric distribution utility and would otherwise qualify as an alternative energy resource if it were utilized directly by an electric

distribution utility.

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

(B) ~~(1)~~ By ~~2027~~ 2025 and thereafter, an electric distribution utility shall provide from ~~qualifying renewable alternative~~ alternative energy resources, including, at its discretion, ~~qualifying renewable alternative~~ alternative energy resources obtained pursuant to an electricity supply contract, a portion of the electricity supply required for its standard service offer under section 4928.141 of the Revised Code, and an electric services company shall provide a portion of its electricity supply for retail consumers in this state from ~~qualifying renewable alternative~~ alternative energy resources, including, at its discretion, ~~qualifying renewable alternative~~ alternative energy resources obtained pursuant to an electricity supply contract. That portion shall equal ~~twelve and one-half~~ twenty-six per cent of the total number of kilowatt hours of electricity sold by the subject utility or company to any and all retail electric consumers whose electric load centers are served by that utility and are located within the utility's certified territory or, in the case of an electric services company, are served by the company and are located within this state. However, nothing in this section precludes a utility or company from providing a greater percentage. The baseline for a utility's or company's compliance with the alternative energy resource requirements of this section shall be the average of such total kilowatt hours it sold in the preceding three calendar years, except that the commission may reduce a utility's or company's baseline to adjust for new economic growth in the utility's certified territory or, in the case of an electric services company, in the company's service area in this state.

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

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

(2) The portion required under division (B)(1) of this section At least half shall be generated from renewable energy resources, including one-half per cent from solar energy resources, in accordance with the following benchmarks:

By end of year	Renewable energy resources	Solar energy resources
2009	0.25%	0.004%
2010	0.50%	0.010%
2011	1%	0.030%
2012	1.5%	0.060%
2013	2%	0.090%
2014	2.5%	0.12%
2015	2.5 <u>4%</u>	0.12 <u>0.15%</u>
2016	2.5 <u>5%</u>	0.12 <u>0.18%</u>
2017	3.5 <u>6%</u>	0.15 <u>0.22%</u>
2018	4.5 <u>7%</u>	0.18 <u>0.26%</u>
2019	5.5 <u>8%</u>	0.22 <u>0.3%</u>
2020	6.5 <u>9%</u>	0.26 <u>0.34%</u>
2021	7.5 <u>10%</u>	0.3 <u>0.38%</u>
2022	8.5 <u>11%</u>	0.34 <u>0.42%</u>
2023	9.5 <u>12%</u>	0.38 <u>0.46%</u>
2024 <u>and each calendar year</u>	10.5 <u>13%</u>	0.42 <u>0.5%</u>

thereafter		
2025	11.5%	0.46%
2026 and each calendar year thereafter	12.5%	0.5%

(3) ~~The qualifying~~ At least one-half of the renewable energy resources implemented by the utility or company shall be met ~~either:~~

~~(a) Through~~ through facilities located in this state; ~~or~~

~~(b) With the remainder shall be met with~~ resources that can be shown to be deliverable into this state.

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

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

(a) The compliance payment pertaining to the solar energy resource benchmarks under division (B)(2) of this section shall be an amount per megawatt hour of undercompliance or noncompliance in the period under review, ~~as follows:~~

~~(i) Three~~ starting at four hundred fifty dollars for ~~2014, 2015, and 2016;~~

~~(ii) Two~~ 2009, four hundred fifty dollars for ~~2017~~ 2010 and ~~2018;~~

~~(iii) Two hundred~~ dollars for ~~2019 and 2020;~~

~~(iv) Similarly~~ 2011, and similarly reduced every two years thereafter through ~~2026~~ 2024 by fifty dollars, to a minimum of fifty dollars.

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

(c) The compliance payment shall not be passed through by the electric distribution utility or electric services company to consumers. The compliance payment shall be remitted to the commission, for deposit to the credit of the

advanced energy fund created under section 4928.61 of the Revised Code. Payment of the compliance payment shall be subject to such collection and enforcement procedures as apply to the collection of a forfeiture under sections 4905.55 to 4905.60 and 4905.64 of the Revised Code.

(3) An electric distribution utility or an electric services company need not comply with a benchmark under division (B) (1) or (2) of this section to the extent that its reasonably expected cost of that compliance exceeds its reasonably expected cost of otherwise producing or acquiring the requisite electricity by three per cent or more. The cost of compliance shall be calculated as though any exemption from taxes and assessments had not been granted under section 5727.75 of the Revised Code.

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

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

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

electric distribution utility or electric services company obligation under division (C)(4)(c) of this section, the commission may require the utility or company, if sufficient renewable energy resource credits exist in the marketplace, to acquire additional renewable energy resource credits in subsequent years equivalent to the utility's or company's modified obligation under division (C)(4)(c) of this section.

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

(D) (1) The commission annually shall submit to the general assembly in accordance with section 101.68 of the Revised Code a report describing all of the following:

~~(1)~~ (a) The compliance of electric distribution utilities and electric services companies with division (B) of this section;

~~(2)~~ (b) The average annual cost of renewable energy credits purchased by utilities and companies for the year covered in the report;

~~(3)~~ (c) Any strategy for utility and company compliance or for encouraging the use of ~~qualifying renewable~~ alternative energy resources in supplying this state's electricity needs in a manner that considers available technology, costs, job creation, and economic impacts.

The commission shall begin providing the information described in division (D) ~~(2)~~ (1)(b) of this section in each report submitted after September 10, 2012. The commission shall allow and consider public comments on the report prior to its submission to the general assembly. Nothing in the report shall be binding on any person, including any utility or company for the purpose of its compliance with any benchmark under division (B) of this section, or the enforcement of that provision under division (C) of this section.

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

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

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

Sec. ~~4928.645~~ 4928.65. (A) An electric distribution utility or electric services company may use ~~for the purpose of complying with the requirements under divisions (B)(1) and (2) of section 4928.64 of the Revised Code,~~ renewable energy credits any time in the five calendar years following the date of their purchase or acquisition from any entity, including, but not limited to, ~~the following:~~

(1) ~~A~~ a mercantile customer ;

(2) ~~An or an~~ owner or operator of a hydroelectric generating facility that is located at a dam on a river, or on any water discharged to a river, that is within or bordering this state or within or bordering an adjoining state, ~~or that produces power that can be shown to be deliverable into this state;~~

(3) ~~A seller of compressed natural gas that has been produced from biologically derived methane gas, provided that the seller may only provide renewable energy credits for metered amounts of gas for the purpose of complying with the renewable energy and solar energy resource requirements of division (B)(2) of section 4928.64 of the Revised Code.~~

(B)(1) The public utilities commission shall adopt rules specifying that one unit of credit shall equal one megawatt hour of electricity derived from renewable energy resources, except that, for a generating facility of seventy-five megawatts or greater that is situated within this state and has committed by December 31, 2009, to modify or retrofit its generating unit or units to enable the facility to generate principally from biomass energy by June 30, 2013, each megawatt hour of electricity generated principally from that biomass energy shall equal, in units of credit, the product obtained by multiplying the actual percentage of biomass feedstock heat input used to generate such megawatt hour by the quotient obtained by dividing the then existing unit dollar amount used to determine a renewable energy compliance payment as provided under division (C)(2)(b) of section 4928.64 of the Revised Code by the then existing market value of one renewable energy credit, but such megawatt hour shall not equal less than one unit of credit. ~~Renewable energy resources do not have to be converted to electricity in order to be eligible to receive renewable energy credits. The rules shall specify that, for purposes of converting the quantity of energy derived from biologically derived methane gas to an electricity equivalent, one megawatt hour equals 3,412,142 British thermal units.~~

(2) The rules also shall provide for this state a system of registering renewable energy credits by specifying which of any generally available registries shall be used for that purpose and not by creating a registry. That selected system of registering renewable energy credits shall allow a hydroelectric generating facility to be eligible for obtaining renewable energy credits and shall allow customer-sited projects or actions the broadest opportunities to be eligible for obtaining renewable energy credits.

Sec. 4928.66. (A)(1)(a) Beginning in 2009, an electric distribution utility shall implement energy efficiency programs that achieve energy savings equivalent to at least three-tenths of one per cent of the total, annual average, and normalized kilowatt-hour sales of the electric distribution utility during the preceding three calendar years to customers in this state. An energy efficiency program may include a combined heat and power system placed into service or retrofitted on or after the effective date of the amendment of this section by S.B. 315 of the 129th general assembly, September 10, 2012, or a waste energy recovery system placed into service or retrofitted on or after September 10, 2012, except that a waste energy recovery system described in division (A)(38)(b) of section 4928.01 of the Revised Code may be included only if it was placed into service between January 1, 2002, and December 31, 2004. For a waste energy recovery or combined heat and power system, the savings shall be as estimated by the public utilities commission. The savings requirement, using such a three-year average, shall increase to an additional five-tenths of one per cent in 2010, seven-tenths of one per cent in 2011, eight-tenths of one per cent in 2012, nine-tenths of one per cent in 2013, ~~and one per cent in from 2014.~~ ~~In 2015 and 2016, an electric distribution utility shall achieve energy savings equal to the result of subtracting the cumulative energy savings achieved since 2009 from the product of multiplying the baseline for energy savings, described in division (A)(2)(a) of this section, by four and two-tenths of one per cent. If the result is zero or less for the year for which the calculation is being made, the utility shall not be required to achieve additional energy savings for that year, but may achieve additional energy savings for that year. Thereafter, the annual savings requirements shall be, for years 2017, to 2018, 2019, and 2020, one per cent of the baseline, and two per cent each year thereafter, achieving a cumulative, annual energy savings in excess of twenty-two per cent by the end of 2027 2025.~~ For purposes of a waste energy recovery or combined heat and power system, an electric distribution utility shall not apply more than the total annual percentage of the electric distribution utility's industrial-customer load, relative to the electric distribution utility's total load, to the annual energy savings requirement.

(b) Beginning in 2009, an electric distribution utility shall implement peak demand reduction programs designed to achieve a one per cent reduction in peak demand in 2009 and an additional seventy-five hundredths of one per cent reduction each year through ~~2014~~ 2018. ~~In 2015 and 2016~~ 2018, ~~an electric distribution utility shall achieve a reduction in peak demand equal to the result of subtracting the cumulative peak demand reductions achieved since 2009 from the product of multiplying the baseline for peak demand reduction, described in division (A)(2)(a) of this section, by four and seventy-five hundredths of one per cent. If the result is zero or less for the year for which the calculation is being made, the utility shall not be required to achieve an additional reduction in peak demand for that year, but may achieve an additional reduction in peak demand for that year. In 2017 and each year thereafter through 2020, the utility shall achieve an additional seventy-five hundredths of one per cent reduction in~~ the standing committees in the house of representatives and the senate primarily

dealing with energy issues shall make recommendations to the general assembly regarding future peak demand reduction targets.

(2) For the purposes of divisions (A)(1)(a) and (b) of this section:

(a) The baseline for energy savings under division (A)(1)(a) of this section shall be the average of the total kilowatt hours the electric distribution utility sold in the preceding three calendar years. The baseline for a peak demand reduction under division (A)(1)(b) of this section shall be the average peak demand on the utility in the preceding three calendar years, except that the commission may reduce either baseline to adjust for new economic growth in the utility's certified territory. ~~Neither baseline shall include the load and usage of any of the following customers:~~

~~(i) Beginning January 1, 2017, a customer for which a reasonable arrangement has been approved under section 4905.31 of the Revised Code;~~

~~(ii) A customer that has opted out of the utility's portfolio plan under section 4928.6611 of the Revised Code;~~

~~(iii) A customer that has opted out of the utility's portfolio plan under Section 8 of S.B. 310 of the 130th general assembly.~~

(b) The commission may amend the benchmarks set forth in division (A)(1)(a) or (b) of this section if, after application by the electric distribution utility, the commission determines that the amendment is necessary because the utility cannot reasonably achieve the benchmarks due to regulatory, economic, or technological reasons beyond its reasonable control.

(c) Compliance with divisions (A)(1)(a) and (b) of this section shall be measured by including the effects of all demand-response programs for mercantile customers of the subject electric distribution utility, all waste energy recovery systems and all combined heat and power systems, and all such mercantile customer-sited energy efficiency, including waste energy recovery and combined heat and power, and peak demand reduction programs, adjusted upward by the appropriate loss factors. Any mechanism designed to recover the cost of energy efficiency, including waste energy recovery and combined heat and power, and peak demand reduction programs under divisions (A)(1)(a) and (b) of this section may exempt mercantile customers that commit their demand-response or other customer-sited capabilities, whether existing or new, for integration into the electric distribution utility's demand-response, energy efficiency, including waste energy recovery and combined heat and power, or peak demand reduction programs, if the commission determines that that exemption reasonably encourages such customers to commit those capabilities to those programs. If a mercantile customer makes such existing or new demand-response, energy efficiency, including waste energy recovery and combined heat and power, or peak demand reduction capability available to an electric distribution utility pursuant to division (A)(2)(c) of this section, the electric utility's baseline under division (A)(2)(a) of this section shall be adjusted to exclude the effects of all such demand-response, energy efficiency, including

waste energy recovery and combined heat and power, or peak demand reduction programs that may have existed during the period used to establish the baseline. The baseline also shall be normalized for changes in numbers of customers, sales, weather, peak demand, and other appropriate factors so that the compliance measurement is not unduly influenced by factors outside the control of the electric distribution utility.

(d) ~~(i)~~ Programs implemented by a utility may include the following:

~~(i)~~ (i) Demand-response programs;

~~(ii)~~ (ii) Smart grid investment programs, provided that such programs are demonstrated to be cost-beneficial;

~~(iii)~~ (iii) Customer-sited programs, including waste energy recovery and combined heat and power systems;

~~(iv)~~ (iv) Transmission and distribution infrastructure improvements that reduce line losses ;

~~(v) Energy efficiency savings and peak demand reduction that are achieved, in whole or in part, as a result of funding provided from the universal service fund established by section 4928.51 of the Revised Code to benefit low-income customers through programs that include, but are not limited to, energy audits, the installation of energy efficiency insulation, appliances, and windows, and other weatherization measures.~~

~~(ii) No energy efficiency or peak demand reduction achieved under divisions (A)(2)(d)(i)(IV) and (V) of this section shall qualify for shared savings.~~

~~(iii) Division (A)(2)(c) of this section shall be applied to include facilitating efforts by a mercantile customer or group of those customers to offer customer-sited demand-response, energy efficiency, including waste energy recovery and combined heat and power, or peak demand reduction capabilities to the electric distribution utility as part of a reasonable arrangement submitted to the commission pursuant to section 4905.31 of the Revised Code.~~

(e) No programs or improvements described in division (A)(2)(d) of this section shall conflict with any statewide building code adopted by the board of building standards.

(B) In accordance with rules it shall adopt, the public utilities commission shall produce and docket at the commission an annual report containing the results of its verification of the annual levels of energy efficiency and of peak demand reductions achieved by each electric distribution utility pursuant to division (A) of this section. A copy of the report shall be provided to the consumers' counsel.

(C) If the commission determines, after notice and opportunity for hearing and based upon its report under division (B) of this section, that an electric distribution utility has failed to comply with an energy efficiency or peak demand reduction requirement of division (A) of this section, the commission

shall assess a forfeiture on the utility as provided under sections 4905.55 to 4905.60 and 4905.64 of the Revised Code, either in the amount, per day per undercompliance or noncompliance, relative to the period of the report, equal to that prescribed for noncompliances under section 4905.54 of the Revised Code, or in an amount equal to the then existing market value of one renewable energy credit per megawatt hour of undercompliance or noncompliance. Revenue from any forfeiture assessed under this division shall be deposited to the credit of the advanced energy fund created under section 4928.61 of the Revised Code.

(D) The commission may establish rules regarding the content of an application by an electric distribution utility for commission approval of a revenue decoupling mechanism under this division. Such an application shall not be considered an application to increase rates and may be included as part of a proposal to establish, continue, or expand energy efficiency or conservation programs. The commission by order may approve an application under this division if it determines both that the revenue decoupling mechanism provides for the recovery of revenue that otherwise may be forgone by the utility as a result of or in connection with the implementation by the electric distribution utility of any energy efficiency or energy conservation programs and reasonably aligns the interests of the utility and of its customers in favor of those programs.

(E) The commission additionally shall adopt rules that require an electric distribution utility to provide a customer upon request with two years' consumption data in an accessible form."

In line 7805, after "3704.05," insert "3706.25,"

In line 7806, after "4905.71," insert "4906.20, 4906.201,"

In line 7807, after "4927.15," insert "4928.01, 4928.20, 4928.64, 4928.645, 4928.66,"

In line 7810, delete "and" and insert a comma; after "1514.47" insert ", 4928.641, 4928.643, 4928.644, 4928.65, 4928.662, 4928.6610, 4928.6611, 4928.6612, 4928.6613, 4928.6614, 4928.6615, and 4928.6616"

In line 7812, after "**3.**" insert "That Sections 3, 4, 5, 6, 7, 8, 9, 10, and 11 of Sub. S.B. 310 of the 130th General Assembly are hereby repealed.

Section 4.

In line 7875, delete "**4**" and insert "**5**"

In line 7893, delete "**5**" and insert "**6**"

In line 7898, delete "**6**" and insert "**7**"

In line 7906, delete "**7**" and insert "**8**"

In line 7918, delete "**8**" and insert "**9**"

In line 7956, delete "**9**" and insert "**10**"

In line 7966, delete "**7**" and insert "**8**"

In line 7975, delete "10" and insert "11"

In line 7994, delete "11" and insert "12"

In line 8010, delete "12" and insert "13"

In line 8087, delete "13" and insert "14"

In line 8089, delete "14" and insert "15"; delete "12 and 13" and insert "13 and 14"

In line 8091, delete "15" and insert "16"

In line 8098, delete "3,"

In line 8099, delete "and"; after "6" insert ", and 7"

In line 10 of the title, after "3704.05," insert "3706.25,"

In line 12 of the title, after "4905.71," insert "4906.20, 4906.201,"

In line 13 of the title, after "4927.15," insert "4928.01, 4928.20, 4928.64, 4928.645, 4928.66,"

In line 18 of the title, delete "and" and insert a comma; after "(1511.022)" insert ", and 4928.645 (4928.65)"

In line 26 of the title, delete "and" and insert a comma; after "1514.47" insert ", 4928.641, 4928.643, 4928.644, 4928.65, 4928.662, 4928.6610, 4928.6611, 4928.6612, 4928.6613, 4928.6614, 4928.6615, and 4928.6616"

In line 27 of the title, delete the first "and"

In line 31 of the title, delete the second comma and insert "; and to repeal Sections 3, 4, 5, 6, 7, 8, 9, 10, and 11 of Sub. S.B. 310 of the 130th General Assembly"

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

Representative Sears 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 37, as follows:

Those who voted in the affirmative were: Representatives

Adams, J	Adams, R	Amstutz	Anielski
Baker	Becker	Blessing	Brenner
Brown	Buchy	Burkley	Butler
Conditt	Damschroder	DeVitis	Derickson
Dovilla	Duffey	Gonzales	Green
Grossman	Hackett	Hagan, C	Hall
Hayes	Hill	Hood	Hottinger
Huffman	Johnson	Kunze	Landis
Lynch	Maag	McClain	McGregor
Pelanda	Perales	Retherford	Roegner
Romanchuk	Rosenberger	Ruhl	Scherer
Schuring	Sears	Slaby	Smith

Sprague Thompson	Stautberg Wachtmann	Stebelton Young	Terhar Batchelder-56.
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Those who voted in the negative were: Representatives

Antonio	Ashford	Barborak	Barnes
Boose	Boyce	Budish	Carney
Celebrezze	Cera	Clyde	Curtin
Driehaus	Fedor	Foley	Gerberry
Hagan, R	Heard	Letson	Lundy
Mallory	Milkovich	O'Brien	Patmon
Phillips	Pillich	Ramos	Redfern
Reece	Rogers	Sheehy	Slesnick
Stinziano	Strahorn	Sykes	Williams
			Winburn-37.

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

Representative Fedor moved to amend as follows:

In line 41, delete "1522.10, 1522.13,"

Delete lines 4446 through 4665

In line 7804, delete "1522.10, 1522.13,"

In line 9 of the title, delete "1522.10, 1522.13,"

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

Representative Sears 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 57, nays 36, as follows:

Those who voted in the affirmative were: Representatives

Adams, J	Adams, R	Amstutz	Anielski
Baker	Becker	Blessing	Boose
Brenner	Brown	Buchy	Burkley
Butler	Conditt	Damschroder	DeVitis
Derickson	Dovilla	Duffey	Gonzales
Green	Grossman	Hackett	Hagan, C
Hall	Hayes	Hill	Hood
Hottinger	Huffman	Johnson	Kunze
Landis	Lynch	Maag	McClain
McGregor	Pelanda	Perales	Retherford
Roegner	Romanchuk	Rosenberger	Ruhl
Scherer	Schuring	Sears	Slaby
Smith	Sprague	Stautberg	Stebelton
Terhar	Thompson	Wachtmann	Young
			Batchelder-57.

Those who voted in the negative were: Representatives

Antonio	Ashford	Barborak	Barnes
Boyce	Budish	Carney	Celebrezze
Cera	Clyde	Curtin	Driehaus
Fedor	Foley	Gerberry	Hagan, R
Heard	Letson	Lundy	Mallory
Milkovich	O'Brien	Patmon	Phillips
Pillich	Ramos	Redfern	Reece
Rogers	Sheehy	Slesnick	Stinziano
Strahorn	Sykes	Williams	Winburn-36.

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 73, nays 20, as follows:

Those who voted in the affirmative were: Representatives

Adams, J	Adams, R	Amstutz	Baker
Becker	Blessing	Boose	Boyce
Brenner	Brown	Buchy	Burkley
Celebrezze	Cera	Clyde	Conditt
Curtin	Damschroder	DeVitis	Derickson
Dovilla	Duffey	Fedor	Gerberry
Gonzales	Green	Grossman	Hackett
Hagan, C	Hall	Hayes	Heard
Hill	Hood	Hottinger	Huffman
Johnson	Kunze	Landis	Letson
Lynch	Maag	Mallory	McClain
O'Brien	Pelanda	Perales	Redfern
Reece	Retherford	Roegner	Rogers
Romanchuk	Rosenberger	Ruhl	Scherer
Schuring	Sears	Sheehy	Slaby
Slesnick	Smith	Sprague	Stautberg
Stebelton	Stinziano	Sykes	Terhar
Thompson	Wachtmann	Williams	Young
			Batchelder-73.

Those who voted in the negative were: Representatives

Anielski	Antonio	Ashford	Barborak
Barnes	Budish	Butler	Carney
Driehaus	Foley	Hagan, R	Lundy
McGregor	Milkovich	Patmon	Phillips
Pillich	Ramos	Strahorn	Winburn-20.

The bill passed.

Representative Hall moved to amend the title as follows:

Add the names: "Boose, Brown, Burkley, Grossman, Hackett, Maag, McClain, Retherford, Scherer, Sears, Smith, Wachtmann, Young, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

H. C. R. No. 52-Representatives Stautberg, Sears.

Cosponsors: Representatives Baker, Becker, Blair, Blessing, Brenner, Brown, Buchy, Curtin, Derickson, Duffey, Green, Hackett, Hagan, C., Hayes, Henne, Huffman, Retherford, Roegner, Romanchuk, Ruhl, Smith, Sprague, Stebelton, Terhar, Wachtmann, Schuring.

To recognize the valuable work of pregnancy resource centers and their positive, life-affirming impact on women, men, babies, and communities, was taken up for consideration the third time.

The question being, "Shall the concurrent resolution be adopted?"

Representative Stautberg moved to amend the title as follows:

Add the names: "Burkley, Conditt, Hill, Hood, Hottinger, Maag, McClain, McGregor, Pelanda, Scherer, 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 64, nays 27, as follows:

Those who voted in the affirmative were: Representatives

Adams, J	Adams, R	Amstutz	Anielski
Baker	Barborak	Becker	Blessing
Boose	Brenner	Brown	Buchy
Burkley	Butler	Cera	Conditt
Curtin	Damschroder	DeVitis	Derickson
Dovilla	Driehaus	Duffey	Fedor
Gonzales	Green	Grossman	Hagan, C
Hall	Hayes	Hill	Hood
Hottinger	Huffman	Johnson	Kunze
Landis	Lynch	Maag	McClain
McGregor	Patmon	Pelanda	Perales
Retherford	Roegner	Rogers	Romanchuk
Rosenberger	Ruhl	Scherer	Schuring
Sears	Slaby	Smith	Sprague
Stautberg	Stebelton	Sykes	Terhar
Thompson	Wachtmann	Young	Batchelder-64.

Those who voted in the negative were: Representatives

Antonio	Ashford	Boyce	Budish
Carney	Celebrezze	Clyde	Foley
Gerberry	Hagan, R	Heard	Letson
Lundy	Mallory	Milkovich	O'Brien

Phillips	Pillich	Ramos	Redfern
Reece	Sheehy	Slesnick	Stinziano
Strahorn	Williams		Winburn-27.

The concurrent resolution was adopted.

H. C. R. No. 55-Representative McGregor.

Cosponsor: Representative Brenner.

To declare that the Ohio General Assembly is opposed to the enactment of a state law, pursuant to a federal mandate, which would require the suspension or revocation of the driver's license of any individual convicted of any violation of the federal Controlled Substances Act or another drug law; to urge the Governor of Ohio to submit a written certification stating the Governor's opposition to such a law along with this resolution to the United States Secretary of Transportation; and accordingly to prevent the United States Secretary of Transportation from withholding a specified percentage of federal transportation apportionments pursuant to 23 U.S.C. 159, was taken up for consideration the third time.

The question being, "Shall the concurrent resolution be adopted?"

Representative McGregor moved to amend the title as follows:

Add the names: "Amstutz, Blessing, Boose, Brown, Butler, Conditt, Green, Huffman, Letson, Milkovich, O'Brien, Pelanda, Retherford, Ruhl, Schuring, Sears, Sprague, Stebelton, Terhar, Wachtmann, Young, 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 92, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams, J	Adams, R	Amstutz	Anielski
Antonio	Ashford	Baker	Barborak
Barnes	Becker	Blessing	Boose
Boyce	Brenner	Brown	Buchy
Budish	Burkley	Butler	Carney
Celebrezze	Cera	Clyde	Conditt
Curtin	Damschroder	DeVitis	Derickson
Dovilla	Driehaus	Duffey	Fedor
Foley	Gerberry	Gonzales	Green
Grossman	Hagan, C	Hagan, R	Hall
Hayes	Heard	Hill	Hood
Hottinger	Huffman	Johnson	Kunze
Landis	Letson	Lundy	Lynch
Maag	Mallory	McClain	McGregor
Milkovich	O'Brien	Patmon	Pelanda
Perales	Phillips	Pillich	Ramos

Redfern	Reece	Retherford	Roegner
Rogers	Romanchuk	Rosenberger	Ruhl
Scherer	Schuring	Sears	Sheehy
Slaby	Slesnick	Smith	Sprague
Stautberg	Stebelton	Stinziano	Strahorn
Sykes	Terhar	Thompson	Wachtmann
Williams	Winburn	Young	Batchelder-92.

The concurrent resolution was adopted.

Am. H. B. No. 531-Representative Gonzales.

Cosponsors: Representatives DeVitis, Wachtmann.

To amend sections 4730.14, 4731.22, 4731.222, 4731.225, 4731.24, 4731.281, and 4778.06 and to enact sections 4730.252, 4760.133, 4762.133, 4774.133, and 4778.141 of the Revised Code to authorize the State Medical Board to fine certain professionals it regulates for failing to comply with continuing education requirements without suspending the individual's license or certificate to practice, to authorize the Board to fine the professionals it regulates for violating law administered by the Board, and to impose additional terms and conditions for physician certificate restoration, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 92, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams, J	Adams, R	Amstutz	Anielski
Antonio	Ashford	Baker	Barborak
Barnes	Becker	Blessing	Boose
Boyce	Brenner	Brown	Buchy
Budish	Burkley	Butler	Carney
Celebrezze	Cera	Clyde	Conditt
Curtin	Damschroder	DeVitis	Derickson
Dovilla	Driehaus	Duffey	Fedor
Foley	Gerberry	Gonzales	Green
Grossman	Hagan, C	Hagan, R	Hall
Hayes	Heard	Hill	Hood
Hottinger	Huffman	Johnson	Kunze
Landis	Letson	Lundy	Lynch
Maag	Mallory	McClain	McGregor
Milkovich	O'Brien	Patmon	Pelanda
Perales	Phillips	Pillich	Ramos
Redfern	Reece	Retherford	Roegner
Rogers	Romanchuk	Rosenberger	Ruhl
Scherer	Schuring	Sears	Sheehy
Slaby	Slesnick	Smith	Sprague
Stautberg	Stebelton	Stinziano	Strahorn

Sykes
Williams

Terhar
Winburn

Thompson
Young

Wachtmann
Batchelder-92.

The bill passed.

Representative Gonzales moved to amend the title as follows:

Add the names: "Amstutz, Anielski, Blessing, Brown, Duffey, Fedor, Green, Letson, Mallory, McClain, McGregor, Milkovich, Smith, Terhar, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Am. H. B. No. 594-Representatives Gerberry, Buchy.

To amend sections 4301.62 and 4303.182 and to enact section 4301.71 of the Revised Code to prohibit the sale or offering for sale for human consumption of powdered or crystalline alcohol, to allow a person to possess beer or intoxicating liquor on the premises of a market if the beer or intoxicating liquor has been purchased from a D liquor permit holder that is located in the market, and to require the D-6 liquor permit to be issued to a specified D liquor permit holder that is located in a state park that has a working farm on the state park's property, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Gerberry moved that **Am. H. B. No. 594**-Representatives Gerberry, Buchy, be informally passed and retain its place on the calendar.

The motion was agreed to.

On motion of Representative Huffman, the House recessed.

The House met pursuant to recess.

MESSAGE FROM THE SPEAKER

Pursuant to House Rules 13, 28, and 30, the Speaker hereby makes the following changes to the standing committee on Health and Aging:

Remove Representatives Hottinger, Brown, Sears, and Bishoff; appoint Representatives Conditt, Roegner, Ruhl, and Curtin.

MESSAGE FROM THE SPEAKER

Pursuant to House Rules 13, 28, and 30, the Speaker hereby makes the following changes to the standing committee on Public Utilities:

Remove Representative Ramos; appoint Representative Ashford.

MESSAGE FROM THE SPEAKER

The Speaker of the House of Representatives, on November 19, 2014, signed the following:

H.B. No. 27 - Representatives Derickson, Letson - et al.

Sub. S.B. No. 69 - Senator Beagle - et al.

S.B. No. 301 - Senator Bacon - et al.

On motion of Representative Wachtmann, the House adjourned until Thursday, November 20, 2014 at 9:00 o'clock a.m.

Attest:

BRADLEY J. YOUNG,
Clerk.