

**OHIO**

**SENATE**

**JOURNAL**

TUESDAY, JUNE 3, 2014

ONE HUNDRED EIGHTY-NINTH DAY  
Senate Chamber, Columbus, Ohio  
**Tuesday, June 3, 2014, 1:30 p.m.**

The Senate met pursuant to adjournment.

Prayer was offered by Chaplain Tom McCullough, Capitol Commission, Granville, Ohio, followed by the Pledge of Allegiance to the Flag.

The journal of the last legislative day was read and approved.

**REPORTS OF REFERENCE AND BILLS FOR SECOND  
CONSIDERATION**

Senator Jordan reports for the Standing Committee on Reference, recommending that the following bills, standing in order for second consideration, be referred to committee as recommended:

**Am. H. B. No. 494**-Representative Schuring, et al.

To amend sections 133.01, 4504.08, and 4504.09 and to enact sections 4504.22 and 5595.01 to 5595.14 of the Revised Code to authorize counties to undertake regional transportation improvement projects funded by the issuance of securities and by revenue pledges from the state and political subdivisions and taxing districts located within the cooperating counties.

To the Committee on Ways and Means.

**Am. H. B. No. 511**-Representative Sears, et al.

To amend sections 1739.061, 1751.14, 3923.022, 3923.24, 3923.241, 3923.281, 3923.57, 3923.58, 3923.601, 3923.65, 3923.83, and 3924.01, to enact sections 505.377, 737.082, and 737.222 of the Revised Code to clarify the status of volunteer firefighters for purposes of the Patient Protection and Affordable Care Act, to make changes regarding coverage for a dependent child under a parent's health insurance plan and the hours of work needed to qualify for coverage under a small employer health benefit plan, and to increase the duration of the health insurance considered to be short-term under certain insurance laws.

To the Committee on Insurance and Financial Institutions.

**S. B. No. 345**-Senator Gardner, et al.

To enact section 5533.641 of the Revised Code to designate a portion of

State Route 65 in Wood County as the "Staff Sergeant Bradley C. Hart Memorial Roadway."

To the Committee on Transportation.

YES - 9: KRIS JORDAN, SCOTT OELSLAGER, TOM PATTON, LARRY OBHOF, KEVIN BACON, RANDY GARDNER, LOU GENTILE, MICHAEL J. SKINDELL, CHRIS WIDENER.

NO - 0.

The question being, "Shall the report of the committee be accepted?"

The report of the committee was accepted.

Said bills were considered a second time and referred to committee as recommended.

#### **REPORTS OF STANDING AND SELECT COMMITTEES**

Senator Burke submitted the following report:

The standing committee on State Government Oversight and Reform, to which was referred **S. B. No. 84**-Senator Kearney, et al., having had the same under consideration, reports it back with the following amendments and recommends its passage when so amended.

In line 28, after "readings" insert "in both rural and urban counties"

In line 37 delete "December 31, 2013," and insert "ninety days after the effective date of this section"; delete "the thirty-first"

In line 38, delete "day of December"

In line 42, delete "July 1, 2014," and insert "one hundred twenty days after the effective date of this section"; delete "the thirty-first day of"

In line 43, delete "July"

In line 45, delete "(1)" and insert "(2)"

Co-Sponsor: LaRose.

YES - 10: DAVE BURKE, BILL COLEY, BILL SEITZ, CHRIS WIDENER, LARRY OBHOF, KEVIN BACON, SHIRLEY A. SMITH, JOE UECKER, FRANK LAROSE, MICHAEL J. SKINDELL.

NO - 0.

Senator Faber submitted the following report:

Pursuant to Senate Rule No. 37, the standing committee on Rules recommends the **H. B. No. 309**-Representatives Peland and Antonio, having been referred to the standing committee on Criminal Justice, be re-referred to the standing committee on Civil Justice.

YES - 10: KEITH L. FABER, CHRIS WIDENER, EDNA BROWN, DAVE BURKE, BILL COLEY, LOU GENTILE, JIM HUGHES, SCOTT OELSLAGER, TOM PATTON, CHARLETA B. TAVARES.

NO - 0.

Senator Lehner submitted the following report:

The standing committee on Education, to which was referred **Am. H. B. No. 362**-Representatives Scherer, Derickson, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Gardner, Coley, Manning, Lehner.

YES - 9: TROY BALDERSON, CLIFF HITE, BILL BEAGLE, RANDY GARDNER, GAYLE MANNING, THOMAS SAWYER, BILL COLEY, NINA TURNER, PEGGY B. LEHNER.

NO - 1: ERIC H. KEARNEY.

The question being, "Shall the reports of the committees be accepted?"

The reports of the committees were accepted.

On the motion of Senator Widener the Senate advanced to the Sixth Order of Business, Bills for Third Consideration.

**BILLS FOR THIRD CONSIDERATION****Sub. S. B. No. 207**-Senators Patton, Manning.

To amend sections 2105.06, 2937.02, 3107.07, 3109.042, and 3111.04 and to enact sections 2105.062, 3109.50, 3109.501, 3109.502, 3109.503, 3109.504, 3109.505, 3109.506, and 3109.507 of the Revised Code regarding the parental rights of a person who was convicted of or pleaded guilty to rape or sexual battery, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 207**, pass?"

On the motion of Senator Widener, **Sub. S. B. No. 207** was informally passed and retained its place on the calendar.

**Sub. H. B. No. 362**-Representatives Scherer, Derickson.

Cosponsors: Representatives Anielski, Blessing, Butler, Roegner, Young, Bishoff, Baker, Beck, Buchy, Burkley, Conditt, Green, Grossman, Hackett, Hall, Maag, Romanchuk, Stebelton, Terhar, Wachtmann, Speaker Batchelder. Senators Gardner, Coley, Manning, Lehner.

To amend sections 3301.162, 3314.03, 3319.111, 3319.112, 3326.02, 3326.03, 3326.04, and 3326.09 and to enact sections 3319.114 and 3326.032 of the Revised Code to authorize the STEM Committee to grant a designation of STEM school equivalent to a community school or chartered nonpublic school, to make other revisions to the law regarding STEM schools, and to make changes to the law regarding educator performance evaluations, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 362**, pass?"

The yeas and nays were taken and resulted - yeas 30, nays 3, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Gardner	Gentile	Hite	Hughes
Jones	Jordan	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Peterson	Sawyer	Schaffer	Seitz
Skindell	Smith	Turner	Uecker
Widener			Faber-30.

Senators Kearney, Schiavoni, and Tavares voted in the negative-3.

So the bill passed.

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

Senator Lehner moved to amend the title as follows:

Add the names: "Eklund, Hite, LaRose, Patton, Peterson, Seitz, Widener."

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

The motion was agreed to and the title so amended.

On the motion of Senator Widener the Senate reverted to the Second Order of Business, Reports of Standing and Select Committees.

Senator Faber submitted the following report:

The Standing Committee on Rules to which were referred the appointments by the Governor of:

**Martin J. Chambers, Jr.**, from Rocky River, Cuyahoga County, Ohio, as Member of the State Dental Board for a term beginning April 18, 2014, ending at the close of business April 6, 2018, replacing Jacinto Beard, term expired.

**Harold F. Dates**, from Cincinnati, Hamilton County, Ohio, as Member of the Commercial Dog Breeding Advisory Board for a term beginning March 20, 2014, ending at the close of business March 12, 2017.

**Marybeth D. Shaffer**, from Columbiana, Mahoning County, Ohio, as Member of the State Dental Board for a term beginning April 23, 2014, ending at the close of business April 6, 2018.

**Andrea Deborah Yagodich**, from Pickerington, Fairfield County, Ohio, as Member of the Ohio Respiratory Care Board for a term beginning March 24, 2014, ending at the close of business March 14, 2017.

Having had the same under consideration, reports back the recommendation that the Senate advise and consent to said appointments.

YES - 11: KEITH L. FABER, CHRIS WIDENER, TOM PATTON,  
LARRY OBHOF, SCOTT OELSLAGER, DAVE  
BURKE, BILL COLEY, JIM HUGHES, LOU GENTILE,  
EDNA BROWN, CHARLETA B. TAVARES.

NO - 0.

The question being, "Shall the Senate advise and consent to the appointments by the Governor?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Gardner	Gentile	Hite	Hughes

Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Uecker	Widener
			Faber-33.

So the Senate advised and consented to said appointments.

### REPORTS OF CONFERENCE COMMITTEES

Senator Oelslager submitted the following report:

The Committee of Conference to which the matters of difference between the two houses were referred on Am. Sub. H.B. 483, Representative Amstutz - et al., having had the same under consideration, recommends to the respective houses as follows:

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

In line 15545, reinsert "All revenue that the"

Reinsert lines 15546 through 15575

Delete lines 15576 through 15595

In line 15833, reinsert everything after the period

Reinsert lines 15834 through 15847

Delete lines 15848 through 15865

In line 33725, after "269.10," insert "509.80,"

Between lines 34184 and 34185, insert:

#### "Sec. 509.80. AUTHORIZATION OF THE DIRECTOR OF BUDGET AND MANAGEMENT

The Director of Budget and Management shall authorize both of the following:

(A) The initial release of moneys for projects from the funds into which proceeds of direct obligations of the state are deposited; and

(B) The expenditure or encumbrance of moneys from funds into which proceeds of direct obligations are deposited, only after determining to the director's satisfaction that either of the following applies:

(1) The application of such moneys to the particular project will not negatively affect any ~~exemption or exclusion from federal income tax~~ of the

interest or interest equivalent on obligations ; issued to provide moneys to the particular fund from the calculation of gross income for federal income tax purposes under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended.

(2) Moneys for the project will come from the proceeds of federally taxable obligations, the interest on which is not so excluded or exempt from the calculation of gross income for federal income tax purposes and which have been authorized as "taxable obligations" and issued on that basis by the their issuing authority.

The In the event the director shall report any nonrelease of moneys pursuant to this section to the Governor, the presiding officer of each house of the General Assembly, and the agency for the use of which the project is intended determines that the condition set forth in division (B)(1) of this section does not apply, and that there is no existing fund in the state treasury to enable compliance with the condition set forth in division (B)(2) of this section, the director may create a fund in the state treasury for the purpose of receiving proceeds of federally taxable obligations. The director may establish capital appropriation items in that taxable bond fund that correspond to the preexisting capital appropriation items in the associated tax-exempt bond fund. The director also may transfer capital appropriations in whole or in part between the taxable and tax-exempt bond funds within a particular purpose for which the bonds have been authorized."

In line 34194, after "269.10," insert "509.80,"

In line 75 of the title, after "269.10," insert "509.80,"

In line 87, after "9.91," insert "103.41,"

Between lines 503 and 504, insert:

"**Sec. 103.41.** (A) As used in sections 103.41 to 103.415 of the Revised Code:

(1) "JMOC" means the joint medicaid oversight committee created under this section.

(2) "State and local government medicaid agency" means all of the following:

(a) The department of medicaid;

(b) The office of health transformation;

(c) Each state agency and political subdivision with which the department of medicaid contracts under section 5162.35 of the Revised Code to have the state agency or political subdivision administer one or more components of the medicaid program, or one or more aspects of a component, under the department's supervision;

(d) Each agency of a political subdivision that is responsible for



administering one or more components of the medicaid program, or one or more aspects of a component, under the supervision of the department or a state agency or political subdivision described in division (A)(2)(c) of this section.

(B) There is hereby created the joint medicaid oversight committee. JMOC shall consist of the following members:

(1) Five members of the senate appointed by the president of the senate, three of whom are members of the majority party and two of whom are members of the minority party;

(2) Five members of the house of representatives appointed by the speaker of the house of representatives, three of whom are members of the majority party and two of whom are members of the minority party.

(C) The term of each JMOC member shall begin on the day of appointment to JMOC and end on the last day that the member serves in the house (in the case of a member appointed by the speaker) or senate (in the case of a member appointed by the president) during the general assembly for which the member is appointed to JMOC. The president and speaker shall make the initial appointments not later than fifteen days after ~~the effective date of this section~~ March 20, 2014. However, if this section takes effect before January 1, 2014, the president and speaker shall make the initial appointments during the period beginning January 1, 2014, and ending January 15, 2014. The president and speaker shall make subsequent appointments not later than fifteen days after the commencement of the first regular session of each general assembly. JMOC members may be reappointed. A vacancy on JMOC shall be filled in the same manner as the original appointment.

(D) In odd-numbered years, the speaker shall designate one of the majority members from the house as the JMOC chairperson and the president shall designate one of the minority members from the senate as the JMOC ranking minority member. In even-numbered years, the president shall designate one of the majority members from the senate as the JMOC chairperson and the speaker shall designate one of the minority members from the house as the JMOC ranking minority member.

(E) In appointing members from the minority, and in designating ranking minority members, the president and speaker shall consult with the minority leader of their respective houses.

(F) JMOC shall meet at the call of the JMOC chairperson. The chairperson shall call JMOC to meet not less often than once each calendar month, unless the chairperson and ranking minority member agree that the chairperson should not call JMOC to meet for a particular month.

(G) Notwithstanding section 101.26 of the Revised Code, the members, when engaged in their duties as members of JMOC on days when there is not a voting session of the member's house of the general assembly, shall be paid at the per diem rate of one hundred fifty dollars, and their necessary traveling

expenses, which shall be paid from the funds appropriated for the payment of expenses of legislative committees.

(H) JMOC may employ professional, technical, and clerical employees as are necessary for JMOC to be able successfully and efficiently to perform its duties. All such employees are in the unclassified service and serve at JMOC's pleasure. JMOC may contract for the services of persons who are qualified by education and experience to advise, consult with, or otherwise assist JMOC in the performance of its duties.

~~(H)~~ (I) The JMOC chairperson, when authorized by JMOC and the president and speaker, may issue subpoenas and subpoenas duces tecum in aid of JMOC's performance of its duties. A subpoena may require a witness in any part of the state to appear before JMOC at a time and place designated in the subpoena to testify. A subpoena duces tecum may require witnesses or other persons in any part of the state to produce books, papers, records, and other tangible evidence before JMOC at a time and place designated in the subpoena duces tecum. A subpoena or subpoena duces tecum shall be issued, served, and returned, and has consequences, as specified in sections 101.41 to 101.45 of the Revised Code.

~~(H)~~ (J) The JMOC chairperson may administer oaths to witnesses appearing before JMOC."

In line 30452, after "9.91," insert "103.41,"

Between lines 34225 and 34226, insert:

"**Section 701.** \_\_\_\_\_. The compensation and reimbursement for expenses added by this act to section 103.41 of the Revised Code are available to only a member of the Joint Medicaid Oversight Committee whose term in the General Assembly begins on or after the effective date of this section."

In line 2 of the title, after "9.91," insert "103.41,"

In line 88, after "125.13," insert "125.18,"

Between lines 941 and 942, insert:

"**Sec. 125.18.** (A) There is hereby established the office of information technology within the department of administrative services. The office shall be under the supervision of a state chief information officer to be appointed by the director of administrative services and subject to removal at the pleasure of the director. The chief information officer is an assistant director of administrative services.

(B) Under the direction of the director of administrative services, the state chief information officer shall lead, oversee, and direct state agency activities related to information technology development and use. In that regard, the state chief information officer shall do all of the following:

(1) Coordinate and superintend statewide efforts to promote common use and development of technology by state agencies. The office of information

technology shall establish policies and standards that govern and direct state agency participation in statewide programs and initiatives.

(2) Establish policies and standards for the acquisition and use of common information technology by state agencies, including, but not limited to, hardware, software, technology services, and security, and the extension of the service life of information technology systems, with which state agencies shall comply;

(3) Establish criteria and review processes to identify state agency information technology projects or purchases that require alignment or oversight. As appropriate, the department of administrative services shall provide the governor and the director of budget and management with notice and advice regarding the appropriate allocation of resources for those projects. The state chief information officer may require state agencies to provide, and may prescribe the form and manner by which they must provide, information to fulfill the state chief information officer's alignment and oversight role;

(4) Establish policies and procedures for the security of personal information that is maintained and destroyed by state agencies;

(5) Employ a chief information security officer who is responsible for the implementation of the policies and procedures described in division (B)(4) of this section and for coordinating the implementation of those policies and procedures in all of the state agencies;

(6) Employ a chief privacy officer who is responsible for advising state agencies when establishing policies and procedures for the security of personal information and developing education and training programs regarding the state's security procedures;

(7) Establish policies on the purchasing, use, and reimbursement for use of handheld computing and telecommunications devices by state agency employees;

(8) Establish policies for the reduction of printing and the use of electronic records by state agencies;

(9) Establish policies for the reduction of energy consumption by state agencies;

(10) Compute the amount of revenue attributable to the amortization of all equipment purchases and capitalized systems from information technology service delivery and major information technology purchases operating appropriation items and major computer purchases capital appropriation items that is recovered as part of the information technology services rates the department of administrative services charges and deposits into the information technology fund created in section 125.15 of the Revised Code ;

(11) Regularly review and make recommendations regarding improving the infrastructure of the state's cybersecurity operations with existing resources

and through partnerships between government, business, and institutions of higher education:

(12) Assist, as needed, with general state efforts to grow the cybersecurity industry in this state.

(C)(1) The chief information security officer shall assist each state agency with the development of an information technology security strategic plan and review that plan, and each state agency shall submit that plan to the state chief information officer. The chief information security officer may require that each state agency update its information technology security strategic plan annually as determined by the state chief information officer.

(2) Prior to the implementation of any information technology data system, a state agency shall prepare or have prepared a privacy impact statement for that system.

(D) When a state agency requests a purchase of information technology supplies or services under Chapter 125. of the Revised Code, the state chief information officer may review and reject the requested purchase for noncompliance with information technology direction, plans, policies, standards, or project-alignment criteria.

(E) The office of information technology may operate technology services for state agencies in accordance with this chapter.

(F) With the approval of the director of administrative services, the office of information technology may establish cooperative agreements with federal and local government agencies and state agencies that are not under the authority of the governor for the provision of technology services and the development of technology projects.

(G) The office of information technology may operate a program to make information technology purchases. The director of administrative services may recover the cost of operating the program from all participating government entities by issuing intrastate transfer voucher billings for the procured technology or through any pass-through billing method agreed to by the director of administrative services, the director of budget and management, and the participating government entities that will receive the procured technology.

If the director of administrative services chooses to recover the program costs through intrastate transfer voucher billings, the participating government entities shall process the intrastate transfer vouchers to pay for the cost. Amounts received under this section for the information technology purchase program shall be deposited to the credit of the information technology governance fund created in section 125.15 of the Revised Code.

(H) Upon request from the director of administrative services, the director of budget and management may transfer cash from the information technology fund created in section 125.15 of the Revised Code to the major information technology purchases fund in an amount not to exceed the amount

computed under division (B)(10) of this section. The major information technology purchases fund is hereby created in the state treasury.

(I) As used in this section:

(1) "Personal information" has the same meaning as in section 149.45 of the Revised Code.

(2) "State agency" means every organized body, office, or agency established by the laws of the state for the exercise of any function of state government, other than any state-supported institution of higher education, the office of the auditor of state, treasurer of state, secretary of state, or attorney general, the adjutant general's department, the bureau of workers' compensation, the industrial commission, the public employees retirement system, the Ohio police and fire pension fund, the state teachers retirement system, the school employees retirement system, the state highway patrol retirement system, the general assembly or any legislative agency, the capitol square review advisory board, or the courts or any judicial agency."

In line 30453, after "125.13," insert "125.18,"

In line 30489, after "sections" insert "121.92,"

In line 3 of the title, after "125.13," insert "125.18,"

In line 63 of the title, after "sections" insert "121.92,"

In line 34529, delete "Public Safety" and insert "Administrative Services"

In line 34530, delete "Administrative Services" and insert "Public Safety"

In line 96, after "3314.08," insert "3317.01,"

In line 127, after "3313.902," insert "3314.38, 3317.036, 3317.23, 3317.231, 3317.24,"

In line 128, after "3345.56," insert "3345.86,"

Between lines 9595 and 9596, insert:

" **Sec. 3314.38.** (A) An individual who is at least twenty-two years of age and who is an eligible individual as defined in section 3317.23 of the Revised Code may enroll for up to two cumulative school years in a dropout prevention and recovery program operated by a community school that is designed to allow enrollees to earn a high school diploma. An individual enrolled under this division may elect to satisfy the requirements to earn a high school diploma by successfully completing a competency-based instructional program that complies with the standards adopted by the state board of education under section 3317.231 of the Revised Code. The community school shall report that individual's enrollment on a full-time equivalency basis to the department of education. This report shall be in addition to the report required under division (B) of section 3314.08 of the Revised Code. An individual enrolled under this division shall not be assigned to classes or settings with students who are

younger than eighteen years of age.

(B)(1) For each community school that enrolls individuals under division (A) of this section, the department of education annually shall certify the enrollment and attendance, on a full-time equivalency basis, of each individual reported by the school under that division.

(2) For each individual enrolled in a community school under division (A) of this section, the department annually shall pay to the community school an amount equal to the following: \$5,000 X the individual's enrollment on a full-time equivalency basis as certified under division (B)(1) of this section X the portion of the school year in which the individual is enrolled in the school expressed as a percentage

(C) A community school that enrolls individuals under division (A) of this section shall be subject to the program administration standards adopted by the state board under section 3317.231 of the Revised Code, as applicable.

**Sec. 3317.01.** As used in this section, "school district," unless otherwise specified, means any city, local, exempted village, joint vocational, or cooperative education school district and any educational service center.

This chapter shall be administered by the state board of education. The superintendent of public instruction shall calculate the amounts payable to each school district and shall certify the amounts payable to each eligible district to the treasurer of the district as provided by this chapter. As soon as possible after such amounts are calculated, the superintendent shall certify to the treasurer of each school district the district's adjusted charge-off increase, as defined in section 5705.211 of the Revised Code. Certification of moneys pursuant to this section shall include the amounts payable to each school building, at a frequency determined by the superintendent, for each subgroup of students, as defined in section 3317.40 of the Revised Code, receiving services, provided for by state funding, from the district or school. No moneys shall be distributed pursuant to this chapter without the approval of the controlling board.

The state board of education shall, in accordance with appropriations made by the general assembly, meet the financial obligations of this chapter.

Moneys distributed to school districts pursuant to this chapter shall be calculated based on the annual enrollment calculated from the three reports required under ~~section~~ sections 3317.03 and 3317.036 of the Revised Code and paid on a fiscal year basis, beginning with the first day of July and extending through the thirtieth day of June. The moneys appropriated for each fiscal year shall be distributed periodically to each school district unless otherwise provided for. The state board, in June of each year, shall submit to the controlling board the state board's year-end distributions pursuant to this chapter.

Except as otherwise provided, payments under this chapter shall be made only to those school districts in which:

(A) The school district, except for any educational service center and any

joint vocational or cooperative education school district, levies for current operating expenses at least twenty mills. Levies for joint vocational or cooperative education school districts or county school financing districts, limited to or to the extent apportioned to current expenses, shall be included in this qualification requirement. School district income tax levies under Chapter 5748. of the Revised Code, limited to or to the extent apportioned to current operating expenses, shall be included in this qualification requirement to the extent determined by the tax commissioner under division (D) of section 3317.021 of the Revised Code.

(B) The school year next preceding the fiscal year for which such payments are authorized meets the requirement of section 3313.48 of the Revised Code, with regard to the minimum number of hours school must be open for instruction with pupils in attendance, for individualized parent-teacher conference and reporting periods, and for professional meetings of teachers.

A school district shall not be considered to have failed to comply with this division because schools were open for instruction but either twelfth grade students were excused from attendance for up to the equivalent of three school days or only a portion of the kindergarten students were in attendance for up to the equivalent of three school days in order to allow for the gradual orientation to school of such students.

A board of education or governing board of an educational service center which has not conformed with other law and the rules pursuant thereto, shall not participate in the distribution of funds authorized by this chapter, except for good and sufficient reason established to the satisfaction of the state board of education and the state controlling board.

All funds allocated to school districts under this chapter, except those specifically allocated for other purposes, shall be used to pay current operating expenses only."

Between lines 9874 and 9875, insert:

" **Sec. 3317.036.** (A) The superintendent of each city, local, and exempted village school district shall report to the state board of education as of the last day of October, March, and June of each year the enrollment under section 3317.23 of the Revised Code, on a full-time equivalency basis, of individuals who are at least twenty-two years of age. This report shall be in addition to the district's report of the enrollment of students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code that is required under section 3317.03 of the Revised Code.

(B) The superintendent of each joint vocational school district shall report and certify to the superintendent of public instruction as of the last day of October, March, and June of each year the enrollment of individuals receiving services from the district on a full-time equivalency basis under section 3317.24 of the Revised Code. This report shall be in addition to the district's report of the enrollment of students that is required under section 3317.03 of the Revised

Code."

Between lines 10095 and 10096, insert:

" **Sec. 3317.23.** (A) For purposes of this section, an "eligible individual" is an individual who satisfies both of the following criteria:

(1) The individual is at least twenty-two years of age.

(2) The individual has not been awarded a high school diploma or a certificate of high school equivalence as defined in section 4109.06 of the Revised Code.

(B) An eligible individual may enroll in a city, local, or exempted village school district that operates a dropout prevention and recovery program for up to two cumulative school years for the purpose of earning a high school diploma. An individual enrolled under this division may elect to satisfy the requirements to earn a high school diploma by successfully completing a competency-based instructional program that complies with the standards adopted by the state board of education under section 3317.231 of the Revised Code. The district shall report that individual's enrollment on a full-time equivalency basis under division (A) of section 3317.036 of the Revised Code and shall not report that individual's enrollment under section 3317.03 of the Revised Code. An individual enrolled under this division shall not be assigned to classes or settings with students who are younger than eighteen years of age.

(C)(1) For each district that enrolls individuals under division (B) of this section, the department of education annually shall certify the enrollment and attendance, on a full-time equivalency basis, of each individual reported by the district under division (A) of section 3317.036 of the Revised Code.

(2) For each individual enrolled in a district under division (B) of this section, the department annually shall pay to the district an amount equal to the following:  
\$5,000 X the individual's enrollment on a full-time equivalency basis as certified under division (C)(1) of this section X the portion of the school year in which the individual is enrolled in the district expressed as a percentage

(D) A district that enrolls individuals under division (B) of this section shall be subject to the program administration standards adopted by the state board under section 3317.231 of the Revised Code, as applicable.

**Sec. 3317.231.** Not later than December 31, 2014, the state board of education shall adopt rules regarding the administration of programs that enroll individuals who are at least twenty-two years of age under sections 3314.38, 3317.23, 3317.24, and 3345.86 of the Revised Code, including data collection, the reporting and certification of enrollment in the programs, the measurement of the academic performance of individuals enrolled in the programs, and the standards for competency-based instructional programs.

**Sec. 3317.24.** (A) For purposes of this section, an "eligible individual"



has the same meaning as in section 3317.23 of the Revised Code.

(B) An eligible individual may enroll in a joint vocational school district that operates an adult education program for up to two cumulative school years for the purpose of completing the requirements to earn a high school diploma. An individual enrolled under this division may elect to satisfy these requirements by successfully completing a competency-based instructional program that complies with the standards adopted by the state board of education under section 3317.231 of the Revised Code. The district shall report an individual's enrollment under this division on a full-time equivalency basis under division (B) of section 3317.036 of the Revised Code and shall not report that individual's enrollment under section 3317.03 of the Revised Code. An individual enrolled under this division shall not be assigned to classes or settings with students who are younger than eighteen years of age.

(C)(1) For each joint vocational school district that enrolls individuals under division (B) of this section, the department of education annually shall certify the enrollment and attendance, on a full-time equivalency basis, of each individual reported by the district under division (B) of section 3317.036 of the Revised Code.

(2) For each individual enrolled in a joint vocational school district under division (B) of this section, the department annually shall pay to the district an amount equal to the following:  
\$5,000 X the individual's enrollment on a full-time equivalency basis as certified under division (C)(1) of this section X the portion of the school year in which the individual is enrolled in the district expressed as a percentage

(D) If an individual enrolled in a joint vocational school district under division (B) of this section completes the requirements to earn a high school diploma, the joint vocational school district shall certify the completion of those requirements to the city, local, or exempted village school district in which the individual resides. Upon receiving certification under this division, the city, local, or exempted village school district in which the individual resides shall issue a high school diploma to the individual.

(E) A joint vocational school district that enrolls individuals under division (B) of this section shall be subject to the program administration standards adopted by the state board under section 3317.231 of the Revised Code, as applicable."

Between lines 10399 and 10400, insert:

" **Sec. 3345.86.** (A) As used in this section, an "eligible institution" means a community college established under Chapter 3354. of the Revised Code, a university branch established under Chapter 3355. of the Revised Code, a technical college established under Chapter 3357. of the Revised Code, or a state community college established under Chapter 3358. of the Revised Code.

(B) An individual who is at least twenty-two years of age and who is an

eligible individual as defined in section 3317.23 of the Revised Code may enroll in an eligible institution for up to two cumulative school years for the purpose of completing the requirements to earn a high school diploma. An individual enrolled under this division may elect to satisfy these requirements by successfully completing a competency-based instructional program that complies with the standards adopted by the state board of education under section 3317.231 of the Revised Code.

The eligible institution in which the individual enrolls shall report that individual's enrollment on a full-time equivalency basis to the department of education.

(C)(1) For each eligible institution that enrolls individuals under division (B) of this section, the department annually shall certify the enrollment and attendance, on a full-time equivalency basis, of each individual reported by the institution under that division.

(2) For each individual enrolled in an eligible institution under division (B) of this section, the department annually shall pay to the institution an amount equal to the following:

\$5,000 X the individual's enrollment on a full-time equivalency basis as certified under division (C)(1) of this section X the portion of the school year in which the individual is enrolled in the institution expressed as a percentage

(D) If an individual enrolled in an eligible institution under division (B) of this section completes the requirements to earn a high school diploma, the institution shall certify the completion of those requirements to the city, local, or exempted village school district in which the individual resides. Upon receiving certification under this division, the city, local, or exempted village school district in which the individual resides shall issue a high school diploma to the individual.

(E) An eligible institution that enrolls individuals under division (B) of this section shall be subject to the program administration standards adopted by the state board under section 3317.231 of the Revised Code, as applicable."

In line 30461, after "3314.08," insert "3317.01,"

In line 30612, after "263.10," insert "263.40,"

In line 31661, strike through the second "\$7,403,998" and insert "\$12,403,998"

In line 31685a, delete " \$8,387,357,295" and insert " \$8,392,357,295"

In line 31759a, delete " \$12,020,718,929" and insert " \$12,025,718,929"

Between lines 31759a and 31761, insert:

**"Sec. 263.40. ALTERNATIVE EDUCATION PROGRAMS**

Of the foregoing appropriation item 200421, Alternative Education

Programs, up to \$5,000,000 in fiscal year 2015 shall be used to make payments under sections 3314.38, 3317.23, 3317.24, and 3345.86 of the Revised Code as enacted by this act.

The foregoing remainder of appropriation item 200421, Alternative Education Programs, shall be used for the renewal of successful implementation grants and for competitive matching grants to school districts for alternative educational programs for existing and new at-risk and delinquent youth. Programs shall be focused on youth in one or more of the following categories: those who have been expelled or suspended, those who have dropped out of school or who are at risk of dropping out of school, those who are habitually truant or disruptive, or those on probation or on parole from a Department of Youth Services facility. Grants shall be awarded only to programs in which the grant will not serve as the program's primary source of funding. These grants shall be administered by the Department of Education.

The Department of Education may waive compliance with any minimum education standard established under section 3301.07 of the Revised Code for any alternative school that receives a grant under this section on the grounds that the waiver will enable the program to more effectively educate students enrolled in the alternative school.

Of the foregoing appropriation item 200421, Alternative Education Programs, a portion may be used for program administration, monitoring, technical assistance, support, research, and evaluation."

In line 33718, after "263.10," insert "263.40,"

Between lines 34406 and 34407, insert:

"**Section 733.**\_\_\_\_. (A) As used in this section:

(1) "Eligible individual" has the same meaning as in section 3317.23 of the Revised Code as enacted by this act.

(2) "Eligible institution" has the same meaning as in section 3345.86 of the Revised Code as enacted by this act.

(B) For fiscal year 2015, the combined enrollment in city, local, and exempted village school districts under division (B) of section 3317.23 of the Revised Code, joint vocational school districts under division (B) of section 3317.24 of the Revised Code, community school dropout prevention and recovery programs under division (A) of section 3314.38 of the Revised Code, and eligible institutions under division (B) of section 3345.86 of the Revised Code of individuals who are at least twenty-two years of age shall be limited to 1,000 eligible individuals on a full-time equivalency basis as determined by the Department of Education.

**Section 733.**\_\_\_\_. Not later than December 31, 2015, the Department of Education shall prepare and submit a report to the General Assembly, in accordance with section 101.68 of the Revised Code, regarding services

provided to individuals who are at least twenty-two years of age under sections 3314.38, 3317.23, 3317.24, and 3345.86 of the Revised Code as enacted by this act."

In line 15 of the title, after "3314.08," insert "3317.01,"

In line 58 of the title, after "3313.902," insert "3314.38, 3317.036, 3317.23, 3317.231, 3317.24,"

In line 59 of the title, after "3345.56," insert "3345.86,"

In line 68 of the title, after "263.10," insert "263.40,"

In line 33725, after "223.10," insert "223.30, 223.40,"

Strike through line 33794

In line 33796, strike through "\$11,366,525" and insert "\$7,945,485"

In line 33799, strike through "\$13,027,940" and insert "\$1,027,940"

In line 33805, strike through "\$57,748,465" and insert "\$39,727,425"

In line 33807, strike through "\$42,050,000" and insert "\$44,650,000"

In line 33810, strike through "\$35,639,595" and insert "\$47,006,120"

Between lines 33812a and 33813, insert:

" C725R3                      State Park Renovations Upgrades                      \$12,000,000"

In line 33814, strike through "\$137,690,595" and insert "\$163,657,120"

In line 33823, strike through "\$236,947,484" and insert "\$244,892,969"

Strike through lines 33830 through 33859

In line 33905, after "Trail" insert "\$.3,500,000 shall be used for the Flats East Gateway and Riverfront Park, \$1,000,000 shall be used for the City of Celina Boardwalk, \$1,000,000 shall be used for the Middletown River Center, \$1,000,000 shall be used for the Voice of America Multi-Purpose Field and Athletic Complex, \$1,000,000 shall be used for the Euclid Waterfront Improvements Plan - Phase II Implementation, \$875,000 shall be used for the Preble County Agricultural Facility Improvements, \$500,000 shall be used for the New Economy Neighborhood - Phase II, \$500,000 shall be used for the Nimisila Spillway Replacement Project, \$350,000 shall be used for the Perry Township Park Lakeshore Stabilization, \$300,000 shall be used for the Fairfield Sports Complex Entrance, \$250,000 shall be used for the Riverfront Enhancement, \$250,000 shall be used for the Earl Thomas Conley Riverside Park Campground, \$150,000 shall be used for the Treasure Island River Corridor Improvement, \$150,000 shall be used for the Russ Nature Reserve, \$100,000 shall be used for the Hillsboro North High Trail and Pedestrian Bridge, \$100,000 shall be used for the PASA Field Lighting, \$100,000 shall be used for the Gallipolis Riverfront Project – Phase I, \$80,000 shall be used for the Black River Landing Pavilion, \$50,000 shall be used for the Loudonville Public Swimming Pool, \$35,000 shall be used for the A.S.K. Playground, \$30,000 shall be used for

the Medina Community Recreation Center, \$25,000 shall be used for the Newbury Veterans' Memorial Park, and \$21,525 shall be used for the Black Swamp Education Center Parking Lot"

Between lines 33905 and 33906, insert:

"**Sec. 223.30.** The Ohio Public Facilities Commission is hereby authorized to issue and sell, in accordance with Section 21 of Article VIII, Ohio Constitution, and Chapter 151, and particularly sections 151.01 and 151.05 of the Revised Code, original obligations in an aggregate principal amount not to exceed ~~\$58,000,000~~ \$40,000,000 in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued, subject to applicable constitutional and statutory limitations, as needed to provide sufficient moneys to the credit of the Ohio Parks and Natural Resources Fund (Fund 7031) to pay costs of capital facilities as defined in sections 151.01 and 151.05 of the Revised Code.

**Sec. 223.40.** The Treasurer of State is hereby authorized to issue and sell, in accordance with Section 2i of Article VIII, Ohio Constitution, and Chapter 154, of the Revised Code, particularly section 154.22 of the Revised Code, original obligations in an aggregate principal amount not to exceed ~~\$139,000,000~~ \$165,000,000, in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued, subject to applicable constitutional and statutory limitations, as needed to provide sufficient moneys to the credit of the Parks and Recreation Improvement Fund (Fund 7035) to pay the costs of capital facilities for parks and recreation as defined in section 154.01 of the Revised Code."

In line 34194, after "223.10," insert "223.30, 223.40,"

In line 75 of the title, after "223.10," insert "223.30, 223.40,"

Delete lines 34288 and 34289

In line 34290, delete "(E)" and insert "(D)"

In line 34306, delete "(F)" and insert "(E)"

In line 34377, delete "Legislative Service"

Delete lines 34378 and 34379

In line 34380, delete everything before "Committee"

In line 34515, delete everything after the period

Delete lines 34516 through 34519

In line 92, after "757.08," insert "935.03,"

Between lines 4692 and 4693, insert:

"**Sec. 935.03.** (A) Division (A) of section 935.02 of the Revised Code does not apply to any of the following:

(1) A person to which all of the following apply:

(a) The person possesses a dangerous wild animal.

(b) The person has been issued a license by the United States department of agriculture under the federal animal welfare act.

(c) The director of agriculture has determined that the person is in the process of becoming an accredited member of the association of zoos and aquariums or the zoological association of America.

(d) The director has informed the person that the person is exempt from division (A) of section 935.02 of the Revised Code.

(2) An organization to which all of the following apply:

(a) The organization possesses a dangerous wild animal.

(b) The director has determined that the organization is in the process of being accredited or verified by the global federation of animal sanctuaries as a wildlife sanctuary.

(c) The director has informed the organization that it is exempt from division (A) of section 935.02 of the Revised Code.

(3) A person whose possession of a dangerous wild animal is authorized by an unexpired permit issued under this chapter.

(B) Except for the purposes of divisions (A) and (B) of section 935.04 of the Revised Code, this chapter does not apply to any of the following:

(1) A facility that is an accredited member of the association of zoos and aquariums or the zoological association of America and that is licensed by the United States department of agriculture under the federal animal welfare act;

(2) A research facility as defined in the federal animal welfare act;

(3) A research facility that is accredited by the association for the assessment and accreditation of laboratory animal care international;

(4) A circus;

(5) A wildlife rehabilitation facility that is issued a permit by the chief of the division of wildlife in rules adopted under section 1531.08 of the Revised Code and that rehabilitates dangerous wild animals or restricted snakes that are native to the state for the purpose of reintroduction into the wild;

(6) A veterinarian that is providing temporary veterinary care to a dangerous wild animal or restricted snake;

(7) A wildlife sanctuary;

(8) An individual who does not reside in this state, is traveling through this state with a dangerous wild animal or restricted snake, and does all of the following:

- (a) Confines the animal or snake in a cage at all times;
  - (b) Confines the animal or snake in a cage that is not accessible to the public;
  - (c) Does not exhibit the animal or snake;
  - (d) Is in the state not more than forty-eight hours unless the animal or snake is receiving veterinary care.
- (9) An educational institution that displays a single dangerous wild animal as a sports mascot and that meets all of the following criteria:
- (a) An official of the educational institution has submitted an affidavit attesting that the institution will care for the animal as long as the animal lives and in a facility that is an accredited member of the association of zoos and aquariums or the zoological association of America.
  - (b) The educational institution maintains a liability insurance policy with an insurer authorized or approved to write such insurance in this state that covers claims for injury or damage to persons or property caused by a dangerous wild animal. The amount of the insurance coverage shall be not less than one million dollars.
  - (c) During display and transport, the educational institution confines the dangerous wild animal in a cage that does not permit physical contact between the animal and the public.
  - (d) The educational institution began displaying a dangerous wild animal as a mascot prior to ~~the effective date of this section~~ September 5, 2012.
- (10) Any person who has been issued a permit under section 1533.08 of the Revised Code , provided that the permit lists each specimen of wild animal that is a dangerous wild animal or restricted snake in the person's possession;
- (11) Any person authorized to possess a dangerous wild animal or restricted snake under section 1531.25 of the Revised Code or rules adopted under it;
- (12) A mobility impaired person as defined in section 955.011 of the Revised Code who possesses a dangerous wild animal specified in division (C)(20)(h) of section 935.01 of the Revised Code that has been trained by a nonprofit agency or is in such training to assist the mobility impaired person;
- (13) A deaf or hearing-impaired person who possesses a dangerous wild animal specified in division (C)(20)(h) of section 935.01 of the Revised Code that has been trained by a nonprofit agency or is in such training to assist the deaf or hearing-impaired person;
- (14) A person who is blind as defined in section 955.011 of the Revised Code and possesses a dangerous wild animal specified in division (C)(20)(h) of section 935.01 of the Revised Code that has been trained by a nonprofit agency or is in such training to assist the blind person."

In line 30457, after "757.08," insert "935.03,"

In line 8 of the title, after "757.08," insert "935.03,"

In line 129, after "4758.64," insert "5101.061,"

Between lines 20640 and 20641, insert:

" **Sec. 5101.061.** (A) There is hereby established in the department of job and family services the office of human services innovation. The office shall develop recommendations, as described in division (B) of this section, regarding the coordination and reform of state programs to assist the residents of this state in preparing for life and the dignity of work and to promote individual responsibility and work opportunity.

The director of job and family services shall establish the office's organizational structure, may reassign the department's staff and resources as necessary to support the office's activities, and is responsible for the office's operations. The superintendent of public instruction, chancellor of the Ohio board of regents, director of the governor's office of workforce transformation, and director of the governor's office of health transformation shall assist the director of job and family services with leadership and organizational support for the office.

(B) Not later than January 1, 2015, the office shall submit to the governor recommendations for all of the following:

(1) Coordinating services across all public assistance programs to help individuals find employment, succeed at work, and stay out of poverty;

(2) Revising incentives for public assistance programs to foster person-centered case management;

(3) Standardizing and automating eligibility determination policies and processes for public assistance programs;

(4) Other matters the office considers appropriate.

(C) Not later than three months after the effective date of this section, the office shall establish clear principles to guide the development of its recommendations, shall identify in detail the problems to be addressed in the recommendations, and shall make an inventory of all state and other resources that the office considers relevant to the recommendations.

(D) The office shall convene the directors and staff of the departments, agencies, offices, boards, commissions, and institutions of the executive branch of the state as necessary to develop the office's recommendations. The departments, agencies, offices, boards, commissions, and institutions shall comply with all requests and directives that the office makes, subject to the supervision of the directors of the departments, agencies, offices, boards, commissions, and institutions. The office also shall convene other individuals interested in the issues that the office addresses in the development of the



recommendations to obtain their input on, and support for, the recommendations."

In line 61 of the title, after "4758.64," insert "5101.061,"

In line 87, after "122.861," insert "124.05,"

In line 96, after "3123.89," insert "3301.03,"

In line 100, after "3772.02," insert "4121.02,"; after "4141.01," insert "4141.06,"

In line 101, after "4141.35," insert "4301.07,"

In line 109, after "4781.04," insert "4901.05,"

Between lines 815 and 816, insert:

**"Sec. 124.05.** The state personnel board of review shall be composed of three members, not more than two of whom shall be affiliated with the same political party, to be appointed by the governor with the advice and consent of the senate. Terms of office shall be for six years, commencing on the ninth day of February and ending on the eighth day of February, except that upon expiration of the term ending February 11, 1975, the new term which succeeds it shall commence on February 12, 1975 and end on February 8, 1981; and upon expiration of the term ending February 12, 1979, the new term which succeeds it shall commence on February 13, 1979 and end on February 8, 1985. Each member shall hold office from the date of ~~his~~ the member's appointment until the end of the term for which ~~he~~ the member was appointed.

A vacancy in the office of a member of the board shall be filled pursuant to section 3.03 of the Revised Code. Any member appointed to fill a vacancy prior to the expiration of the term for which ~~his~~ the member's predecessor was appointed shall hold office for the remainder of such term. Any member shall continue in office subsequent to the expiration date of ~~his~~ the member's term until ~~his~~ a successor takes office, or until a period of sixty days has elapsed, whichever occurs first.

Each member of the board, before entering upon the duties of ~~his~~ office, shall take and subscribe an oath of office and give bond as provided in section 121.11 of the Revised Code.

Any member of the board may be removed from office for any of the causes and in the manner provided in section 3.04 of the Revised Code.

No member of the board shall hold any other office of trust or profit under the government of the United States, the state, or any political subdivision thereof.

Each member of the board shall devote whatever time is necessary to the duties of this office and shall hold no other office ~~or position~~ of ~~public~~ trust or profit. Each member of the board shall receive a salary fixed pursuant to section 124.14 of the Revised Code, payable in the same manner as the salaries of other

state officers, and shall be reimbursed for ~~his~~ actual expenses incurred in the performance of ~~his~~ official duties.

The governor, at the time of making the original appointment of the members of the board and at the time of making the appointment of any member for a full term thereafter, shall designate one of the members as ~~chairman~~ chairperson. A quorum of the board is a majority of its members and no action of the board is valid without the concurrence of at least a majority of its members.

As used in this section only, "office of trust or profit" means:

(A) A federal or state elective office or an elected office of a political subdivision of the state;

(B) A position on a board or commission of the state that is appointed by the governor;

(C) An office set forth in section 121.03, 121.04, or 121.05 of the Revised Code;

(D) An office of the government of the United States that is appointed by the president of the United States."

Between lines 8792 and 8793, insert:

**"Sec. 3301.03.** Each elected voting member of the state board of education shall be a qualified elector residing in the territory composing the district from which the member is elected, and shall be nominated and elected to office as provided by Title XXXV of the Revised Code. Each appointed voting member of the board shall be a qualified elector residing in the state. At least four of the appointed voting members shall represent rural school districts in the state, as evidenced by the member's current place of residence and at least one of the following:

(A) The member's children attend, or at one time attended, school in a rural district;

(B) The member's past or present occupation is associated with rural areas of the state;

(C) The member possesses other credentials or experience demonstrating knowledge and familiarity with rural school districts.

No elected or appointed voting member of the board shall, during the member's term of office, hold any other ~~public position~~ office of trust or profit or be an employee or officer of any public or private elementary or secondary school. Before entering on the duties of office, each elected and appointed voting member shall subscribe to the official oath of office.

Each voting member of the state board of education shall be paid a salary fixed pursuant to division (J) of section 124.15 of the Revised Code, together with the member's actual and necessary expenses incurred while engaged in the performance of the member's official duties or in the conduct of authorized

board business, and while en route to and from the member's home for such purposes.

(D) As used in this section only, "office of trust or profit" means:

(1) A federal or state elective office or an elected office of a political subdivision of the state;

(2) A position on a board or commission of the state that is appointed by the governor;

(3) An office set forth in section 121.03, 121.04, or 121.05 of the Revised Code;

(4) An office of the government of the United States that is appointed by the president of the United States."

Between lines 12210 and 12211, insert:

**"Sec. 4121.02.** (A) There is hereby created the industrial commission. The commission shall consist of three members appointed by the governor, with the advice and consent of the senate. One member shall be an individual who, on account of the individual's previous vocation, employment, or affiliations, can be classed as a representative of employers; one shall be an individual who, on account of the individual's previous vocation, employment, or affiliations, can be classed as a representative of employees; and one shall be an individual who, on account of the individual's previous vocation, employment, or affiliations, can be classed as a representative of the public. Each member shall have six or more years of recognized expertise in the field of workers' compensation, and at least one member shall be an attorney registered to practice law in this state. No more than two members of the industrial commission shall belong to or be affiliated with the same political party.

(B) Within thirty days after the industrial commission nominating council submits its list to the governor under division (D) of this section, the governor shall make initial appointments to the commission. Of the initial appointments, the member who is a representative of employees shall serve a term ending on June 30, 1995; the member who is a representative of employers shall serve a term ending on June 30, 1997; and the member who is a representative of the public shall serve a term ending on June 30, 1999. Thereafter, terms of office are for six years, beginning on the first day of July and ending on the thirtieth day of June.

(C) Each member shall hold office from the date of the member's confirmation by the senate, as provided in division (E) of this section, until the end of the term for which the member was appointed, except that if a member has not been appointed by the end of the term, the member shall remain in office until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. However, if a member is appointed to fill a full term subsequent to an initial appointment, the term of office is as provided in division (B) of this section. The governor shall not appoint any person to more

than two full six-year terms of office on the commission. This restriction does not prevent the governor from appointing a person to fill a vacancy caused by death, resignation, or removal of a commission member, or from appointing that person twice to full terms on the commission, or from appointing a person previously appointed to fill less than a full term twice to full terms on the commission. Except for the public member's tenure as chairperson of the self-insuring employer's evaluation board, a member of the commission shall hold no other ~~public office or position~~ of trust or profit, engage in any other occupation or business, or serve on any committee of any political party and shall devote full time to the member's duties as a member of the commission.

(D) In making appointments to the commission, the governor shall select the members from the list of the names submitted by the industrial commission nominating council pursuant to this division. ~~Within thirty days after the effective date of this section~~ October 20, 1993, the nominating council shall submit to the governor for the initial appointments a list containing three separate names for the employer, employee, and public members to be filled. Within seven days of the submission of the initial list, the governor shall either appoint individuals from the list or request the nominating council to submit another list of three names for each member the governor has not appointed from the original list, which list the nominating council shall submit to the governor within seven days of the governor's request. The governor then shall appoint, within seven days of the submission of the second list, individuals from either list to fill each position for which the governor has not made an appointment from the original list. Thereafter, within sixty days of a vacancy occurring as a result of the expiration of a term and within thirty days after other vacancies occurring on the commission, the nominating council shall submit an initial list containing three names for each vacancy. Within seven days of the submission of the initial list, the governor shall either appoint individuals from the list or request the nominating council to submit another list of three names for each member the governor has not appointed from the original list, which list the nominating council shall submit to the governor within fourteen days of the governor's request. The governor then shall appoint, within seven days of the submission of the second list, one of the individuals from either list to fill the vacancy for which the governor has not made an appointment from the original list. In order for a name of an individual to be submitted to the governor under this division, the nominating council shall approve the individual by an affirmative vote of not less than two-thirds of its members.

(E) The governor shall notify the senate of the names of the individuals for whom the governor is making the initial appointments to the commission within thirty days after the submission of the names to the governor by the industrial commission nominating council under division (D) of this section. For appointments subsequent to the initial appointments under this division, if the appointment is to fill a member's term which is to expire, the governor shall notify the senate of the name of the individual to be appointed to fill that position by no later than the first day of June of the year that the term is to expire. For

subsequent appointments to fill a vacancy on the commission occurring as a result of the death, resignation, or removal of the commission member, the governor shall notify the senate of the name of the individual to be appointed to fill the remainder of that term within thirty days after the submission of the names to the governor by the nominating council under division (D) of this section. For all appointments, the senate shall refer the matter to an appropriate standing committee for consideration of the appointments, and the committee shall hold a public hearing to consider the appointments. After conclusion of the public hearing, the standing committee shall make its recommendations to the senate. The senate shall not confirm any appointee if the individual does not meet the qualifications of division (A) of this section or if the individual has not been approved by the industrial commission nominating council as provided in division (D) of this section. If the full senate fails to take a final vote on an appointment within thirty days after the governor submits the names to the senate under this division, the individual's appointment is deemed confirmed by the senate and the individual shall take the office of commission member subject to removal as provided in division (F) of this section.

(F) The governor may remove or suspend a member of the commission pursuant to section 3.04 of the Revised Code. The governor shall notify the senate of any decision to remove or suspend a commission member. The senate shall refer the matter to an appropriate standing committee for consideration and the committee shall hold a public hearing to consider the matter. At the hearing, the governor or the governor's authorized representative may present evidence and give testimony in support of the decision. The commission member or the member's authorized representatives may appear and present evidence and testimony. After conclusion of the public hearing, the committee shall make its recommendation to the senate.

Upon receipt of a recommendation from the standing committee, the senate shall vote on the issue of whether to advise and consent to the removal or suspension of the member. The senate shall vote on the matter within sixty legislative days from the date the governor communicates the decision to remove or suspend the member.

(G) The governor shall determine the compensation of the members of the commission, based upon such facts as the governor considers appropriate, provided that the salary of each member shall be no less than seventy-five thousand dollars per year. In addition, each commission member shall receive an annual salary increase based upon the average salary increases of other state department directors for that year, not to exceed five per cent per year.

(H) Before entering upon the duties of office, each member shall take and subscribe to the constitutional oath of office and swear and affirm that the member holds no position under any committee of a political party, which oath or affirmation the member shall file in the office of the governor. Each member shall give a bond in the sum of fifty thousand dollars, which bond shall be approved by the governor and filed with the treasurer of state. All employees or

deputies of the commission who receive or disburse state funds shall give a bond to the state in the amounts and surety approved by the industrial commission.

(I) As used in this section only, "office of trust or profit" means:

(1) A federal or state elective office or an elected office of a political subdivision of the state;

(2) A position on a board or commission of the state that is appointed by the governor;

(3) An office set forth in section 121.03, 121.04, or 121.05 of the Revised Code;

(4) An office of the government of the United States that is appointed by the president of the United States."

Between lines 13136 and 13137, insert:

"**Sec. 4141.06.** There is hereby created an unemployment compensation review commission consisting of three full-time members appointed by the governor, with the advice and consent of the senate. Terms of office shall be staggered and shall be for six years, commencing on the twenty-eighth day of February and ending on the twenty-seventh day of February. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. Any member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. The chairperson of the commission and each member shall be paid a salary fixed pursuant to section 124.14 of the Revised Code. The governor, at any time, may remove any member for inefficiency, neglect of duty, malfeasance, misfeasance, or nonfeasance in office.

Not more than one of the appointees to the commission shall be a person who, on account of the appointee's previous vocation, employment, or affiliations, can be classed as a representative of employers, and not more than one of the appointees shall be a person who, on account of the appointee's previous vocation, employment, or affiliations, can be classed as a representative of employees. Not more than two of the members of the commission shall belong to the same political party. No member of the commission shall hold any ~~position~~ office of trust or profit or engage in any occupation or business interfering or inconsistent with the member's duties as a member and no member shall serve on any committee of any political party. The commission shall elect a chairperson and a vice-chairperson. The vice-chairperson shall exercise the powers of the chairperson in the chairperson's absence.

No commission member shall participate in the disposition of any appeal in which the member has an interest in the controversy. Challenges to the interest of any commission member may be made by any interested party

defined in division (I) of section 4141.01 of the Revised Code and shall be in writing. All challenges shall be decided by the chairperson of the advisory council, who, if the challenge is found to be well taken, shall advise the governor, who shall appoint a member of the advisory council representing the same affiliations to act and receive the same compensation for serving in place of such member.

The commission may appoint a secretary to hold office at its pleasure. The secretary shall have such powers and shall perform such duties as the commission prescribes and shall keep a record of the proceedings of the commission and of its determinations. The secretary shall receive a salary fixed pursuant to section 124.14 of the Revised Code. Notwithstanding division (A)(8) of section 124.11 of the Revised Code, each member of the commission may appoint a private secretary who shall be in the classified service of the state and hold office at the pleasure of such member.

Two members of the commission constitute a quorum and no action of the commission is valid unless it has the concurrence of at least two members. A vacancy on the commission does not impair the right of a quorum to exercise all the rights and perform all the duties of the commission.

The commission and its hearing officers shall hear appeals arising from determinations of the director of job and family services involving claims for compensation and other unemployment compensation issues. The commission shall adopt, amend, or rescind rules of procedure, and undertake such investigations, and take such action required for the hearing and disposition of appeals as it deems necessary and consistent with this chapter. The rules adopted by the commission shall be effective to the extent that the rules are consistent with this chapter.

The commission, subject to Chapter 124. of the Revised Code, and with the approval of the governor, shall appoint such hearing officers as are necessary. The hearing officers shall be classified by the department of administrative services. Any promotions or increases in compensation of the hearing officers may be recommended by the commission subject to classifications which are made by the department of administrative services. The members of the commission and hearing officers may conduct hearings for unemployment compensation appeals coming before the commission. The members and hearing officers may exercise all powers provided by section 4141.17 of the Revised Code.

The commission, subject to Chapter 124. of the Revised Code, may employ such support personnel as are needed to carry out the duties of the commission. The salaries of such employees are fixed pursuant to section 124.14 of the Revised Code. The commission shall further provide itself and its employees with such offices, equipment, and supplies as are necessary, using those already provided for the department of job and family services wherever possible.

The commission shall have access to only the records of the department of job and family services that are necessary for the administration of this chapter and needed in the performance of its official duties. The commission shall have the right to request of the director necessary information from any work unit of the department having that information.

The commission shall prepare and submit to the director an annual budget financing the costs necessary to administer its duties under this chapter. The fund request shall relate to, but not be limited to, the United States department of labor's allocations for the commission's functions. The director shall approve the commission's request unless funds are insufficient to finance the request. The director shall notify the commission of the amount of funds available for its operation, as soon as possible, but not later than thirty days after receiving the allocation from the United States department of labor.

In the event that the director determines that sufficient funds are not available to approve the request as submitted and a revised budget is not agreed to within thirty days of the director's notification to the commission, the director of budget and management shall review and determine the funding levels for the commission and notify the commission and the director of the determination by the director of budget and management.

As used in this section only, "office of trust or profit" means:

(A) A federal or state elective office or an elected office of a political subdivision of the state;

(B) A position on a board or commission of the state that is appointed by the governor;

(C) An office set forth in section 121.03, 121.04, or 121.05 of the Revised Code;

(D) An office of the government of the United States that is appointed by the president of the United States."

Between lines 14681 and 14682, insert:

"**Sec. 4301.07.** Each member of the liquor control commission shall devote the member's entire time to the duties of office and shall hold no other ~~public position~~ office of trust or profit. No member of the commission, nor the superintendent of liquor control, nor any of the employees of the commission or of the division of liquor control, shall have any direct financial interest in, or any interest otherwise prohibited by Chapter 102. or section 2921.42 or 2921.43 of the Revised Code in, the manufacture, distribution, or sale of beer or intoxicating liquor.

Each member of the commission and the chairperson shall receive a salary fixed pursuant to division (J) of section 124.15 of the Revised Code. In addition to that salary, each member shall receive actual and necessary travel expenses in connection with commission hearings and business. The chairperson



shall be an attorney at law who has had five years of active law practice.

As used in this section only, "office of trust or profit" means:

(A) A federal or state elective office or an elected office of a political subdivision of the state;

(B) A position on a board or commission of the state that is appointed by the governor;

(C) An office set forth in section 121.03, 121.04, or 121.05 of the Revised Code;

(D) An office of the government of the United States that is appointed by the president of the United States."

Between lines 20443 and 20444, insert:

"**Sec. 4901.05.** Each public utilities commissioner shall be a bona fide resident of this state and shall not, during ~~his the commissioner's~~ term of office, hold any other office ~~under the government of the United States, or of this state, or of any political subdivision thereof, either~~ of trust or profit. No commissioner shall engage in any occupation or business inconsistent with ~~his the commissioner's~~ duties as commissioner, but shall devote ~~his~~ entire time to the duties of ~~his that~~ office.

As used in this section only, "office of trust or profit" means:

(A) A federal or state elective office or an elected office of a political subdivision of the state;

(B) A position on a board or commission of the state that is appointed by the governor;

(C) An office set forth in section 121.03, 121.04, or 121.05 of the Revised Code;

(D) An office of the government of the United States that is appointed by the president of the United States."

In line 30453, after "122.861," insert "124.05,"

In line 30461, after "3123.89," insert "3301.03,"

In line 30465, after "3772.02," insert "4121.02,"; after "4141.01," insert "4141.06,"

In line 30466, after "4141.35," insert "4301.07,"

In line 30474, after "4781.04," insert "4901.05,"

In line 3 of the title, after "122.861," insert "124.05,"

In line 14 of the title, after "3123.89," insert "3301.03,"

In line 20 of the title, after "3772.02," insert "4121.02,"; after "4141.01,"

insert "4141.06,"

In line 21 of the title, after "4141.35," insert "4301.07,"

In line 33 of the title, after "4781.04," insert "4901.05,"

In line 87, after "103.63," insert "109.572,"

In line 90, after "164.26," insert "173.38, 173.391, 173.392,"

In line 117, after "5153.42," insert "5164.34,"

In line 124, after "164.261," insert "173.381,"

Between lines 532 and 533, insert:

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

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

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

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

(2) On receipt of a request pursuant to section 3712.09 or 3721.121 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal

identification and investigation shall conduct a criminal records check with respect to any person who has applied for employment in a position for which a criminal records check is required by those sections. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

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

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

(3) On receipt of a request pursuant to section 173.27, 173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 5123.081, or 5123.169 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check of the person for whom the request is made. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of, has pleaded guilty to, or (except in the case of a request pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised Code) has been found eligible for intervention in lieu of conviction for any of the following, regardless of the date of the conviction, the date of entry of the guilty plea, or (except in the case of a request pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised Code) the date the person was found eligible for intervention in lieu of conviction:

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03,

2917.31, 2919.12, 2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;

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

(c) A violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996;

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

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

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

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

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

(5) Upon receipt of a request pursuant to section 5104.012 or 5104.013 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request has been convicted of or pleaded guilty to any of the following:

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

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

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

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05,

2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, or a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense;

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

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

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

Revised Code; or any existing or former law of this state, any other state, or the United States that is substantially equivalent to those offenses.

(9) On receipt of a request for a criminal records check from the treasurer of state under section 113.041 of the Revised Code or from an individual under section 4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4776.021, 4779.091, or 4783.04 of the Revised Code, accompanied by a completed form prescribed under division (C)(1) of this section and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request has been convicted of or pleaded guilty to any criminal offense in this state or any other state. Subject to division (F) of this section, the superintendent shall send the results of a check requested under section 113.041 of the Revised Code to the treasurer of state and shall send the results of a check requested under any of the other listed sections to the licensing board specified by the individual in the request.

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

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

(12) On receipt of a request pursuant to section 2151.33 or 2151.412 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of

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

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

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

(B) Subject to division (F) of this section, the superintendent shall conduct any criminal records check to be conducted under this section as follows:

(1) The superintendent shall review or cause to be reviewed any relevant information gathered and compiled by the bureau under division (A) of section 109.57 of the Revised Code that relates to the person who is the subject of the criminal records check, including, if the criminal records check was requested under section 113.041, 121.08, 173.27, 173.38, 173.381, 1121.23, 1155.03, 1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 4749.03, 4749.06, 4763.05, 5104.012, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 5153.111 of the Revised Code, any relevant information contained in records that have been sealed under section 2953.32 of the Revised Code;

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



prescribed by division (B)(1) of this section.

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

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

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

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

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

(C)(1) The superintendent shall prescribe a form to obtain the information necessary to conduct a criminal records check from any person for whom a criminal records check is to be conducted under this section. The form that the superintendent prescribes pursuant to this division may be in a tangible format, in an electronic format, or in both tangible and electronic formats.

(2) The superintendent shall prescribe standard impression sheets to obtain the fingerprint impressions of any person for whom a criminal records check is to be conducted under this section. Any person for whom a records check is to be conducted under this section shall obtain the fingerprint impressions at a county sheriff's office, municipal police department, or any other entity with the ability to make fingerprint impressions on the standard impression sheets prescribed by the superintendent. The office, department, or entity may charge the person a reasonable fee for making the impressions. The standard impression sheets the superintendent prescribes pursuant to this division may be in a tangible format, in an electronic format, or in both tangible and electronic formats.

(3) Subject to division (D) of this section, the superintendent shall prescribe and charge a reasonable fee for providing a criminal records check under this section. The person requesting the criminal records check shall pay the fee prescribed pursuant to this division. In the case of a request under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 2151.412, or

5164.34 of the Revised Code, the fee shall be paid in the manner specified in that section.

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

(D) The results of a criminal records check conducted under this section, other than a criminal records check specified in division (A)(7) of this section, are valid for the person who is the subject of the criminal records check for a period of one year from the date upon which the superintendent completes the criminal records check. If during that period the superintendent receives another request for a criminal records check to be conducted under this section for that person, the superintendent shall provide the results from the previous criminal records check of the person at a lower fee than the fee prescribed for the initial criminal records check.

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

(F)(1) All information regarding the results of a criminal records check conducted under this section that the superintendent reports or sends under division (A)(7) or (9) of this section to the director of public safety, the treasurer of state, or the person, board, or entity that made the request for the criminal records check shall relate to the conviction of the subject person, or the subject person's plea of guilty to, a criminal offense.

(2) Division (F)(1) of this section does not limit, restrict, or preclude the superintendent's release of information that relates to an adjudication of a child as a delinquent child, or that relates to a criminal conviction of a person under eighteen years of age if the person's case was transferred back to a juvenile court under division (B)(2) or (3) of section 2152.121 of the Revised Code and the juvenile court imposed a disposition or serious youthful offender disposition upon the person under either division, if either of the following applies with respect to the adjudication or conviction:

(a) The adjudication or conviction was for a violation of section 2903.01 or 2903.02 of the Revised Code.

(b) The adjudication or conviction was for a sexually oriented offense, as defined in section 2950.01 of the Revised Code, the juvenile court was required to classify the child a juvenile offender registrant for that offense under section 2152.82, 2152.83, or 2152.86 of the Revised Code, and that classification has not been removed.

(G) As used in this section:

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

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

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

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

Between lines 2690 and 2691, insert:

"**Sec. 173.38.** (A) As used in this section:

(1) "Applicant" means a person who is under final consideration for employment with a responsible party in a full-time, part-time, or temporary direct-care position or is referred to a responsible party by an employment service for such a position. "Applicant" does not include a person being considered for a direct-care position as a volunteer.

(2) "Area agency on aging" has the same meaning as in section 173.14 of the Revised Code.

(3) "Chief administrator of a responsible party" includes a consumer when the consumer is a responsible party.

(4) "Community-based long-term care services" means community-based long-term care services, as defined in section 173.14 of the Revised Code, that are provided under a program the department of aging administers.

~~(4)~~ (5) "Consumer" means an individual who receives community-based long-term care services.

~~(5)~~ (6) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

~~(6)~~ (7)(a) "Direct-care position" means an employment position in which an employee has either or both of the following:

(i) In-person contact with one or more consumers;

(ii) Access to one or more consumers' personal property or records.

(b) "Direct-care position" does not include a person whose sole duties are transporting individuals under Chapter 306. of the Revised Code.

~~(7)~~ (8) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.

~~(8)~~ (9) "Employee" means a person employed by a responsible party in a full-time, part-time, or temporary direct-care position and a person who works in such a position due to being referred to a responsible party by an employment service. "Employee" does not include a person who works in a direct-care position as a volunteer.

~~(9)~~ (10) "PASSPORT administrative agency" has the same meaning as in section 173.42 of the Revised Code.

~~(10)~~ (11) "Provider" has the same meaning as in section 173.39 of the Revised Code.

~~(11)~~ (12) "Responsible party" means the following:

(a) An area agency on aging in the case of either of the following:

(i) A person who is an applicant because the person is under final consideration for employment with the agency in a full-time, part-time, or temporary direct-care position or is referred to the agency by an employment service for such a position;

(ii) A person who is an employee because the person is employed by the agency in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the agency by an employment service.

(b) A PASSPORT administrative agency in the case of either of the following:

(i) A person who is an applicant because the person is under final consideration for employment with the agency in a full-time, part-time, or temporary direct-care position or is referred to the agency by an employment service for such a position;

(ii) A person who is an employee because the person is employed by the agency in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the agency by an employment service.

(c) A provider in the case of either of the following:

(i) A person who is an applicant because the person is under final consideration for employment with the provider in a full-time, part-time, or temporary direct-care position or is referred to the provider by an employment service for such a position;

(ii) A person who is an employee because the person is employed by the provider in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the provider by an employment service.

(d) A subcontractor in the case of either of the following:

(i) A person who is an applicant because the person is under final

consideration for employment with the subcontractor in a full-time, part-time, or temporary direct-care position or is referred to the subcontractor by an employment service for such a position;

(ii) A person who is an employee because the person is employed by the subcontractor in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the subcontractor by an employment service.

~~(12)~~ (e) A consumer in the case of either of the following:

(i) A person who is an applicant because the person is under final consideration for employment with the consumer in a full-time, part-time, or temporary direct-care position for which the consumer, as the employer of record, is to direct the person in the provision of community-based long-term care services the person is to provide the consumer or is referred to the consumer by an employment service for such a position;

(ii) A person who is an employee because the person is employed by the consumer in a full-time, part-time, or temporary direct-care position for which the consumer, as the employer of record, directs the person in the provision of community-based long-term care services the person provides to the consumer or who works in such a position due to being referred to the consumer by an employment service.

(13) "Subcontractor" has the meaning specified in rules adopted under this section.

~~(13)~~ (14) "Volunteer" means a person who serves in a direct-care position without receiving or expecting to receive any form of remuneration other than reimbursement for actual expenses.

~~(14)~~ (15) "Waiver agency" has the same meaning as in section 5164.342 of the Revised Code.

(B) This section does not apply to any individual who is subject to a database review or criminal records check under section 173.381 or 3701.881 of the Revised Code or to any individual who is subject to a criminal records check under section 3721.121 of the Revised Code. If a provider or subcontractor also is a waiver agency, the provider or subcontractor may provide for applicants and employees to undergo database reviews and criminal records checks in accordance with section 5164.342 of the Revised Code rather than this section.

(C) No responsible party shall employ an applicant or continue to employ an employee in a direct-care position if any of the following apply:

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

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

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

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

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

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

(D) Except as provided by division (G) of this section, the chief administrator of a responsible party shall inform each applicant of both of the following at the time of the applicant's initial application for employment or referral to the responsible party by an employment service for a direct-care position:

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

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

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

(1) The excluded parties list system that is maintained by the United States general services administration pursuant to subpart 9.4 of the federal acquisition regulation and available at the federal web site known as the system for award management;

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

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

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

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

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

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

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

(2) The chief administrator shall do all of the following:

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

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

(c) Forward the completed form and standard impression sheet to the superintendent.

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

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

(b) The medicaid program does not pay the responsible party for the fee it pays to the bureau under this section.

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

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

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

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

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

(H)(1) A responsible party may employ conditionally an applicant for whom a criminal records check request is required by this section prior to obtaining the results of the criminal records check if the responsible party is not prohibited by division (C)(1) of this section from employing the applicant in a



direct-care position and either of the following applies:

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

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

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

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

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

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

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

(3) A responsible party that employs an applicant conditionally pursuant to division (H)(1)(a) or (b) of this section shall terminate the applicant's employment if the results of the criminal records check, other than the results of any request for information from the federal bureau of investigation, are not obtained within the period ending sixty days after the date the request for the criminal records check is made. Regardless of when the results of the criminal records check are obtained, if the results indicate that the applicant has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense, the responsible party shall terminate the applicant's employment unless the applicant meets standards specified in rules adopted under this section that permit the responsible party to employ the applicant and the responsible party chooses to employ the applicant. Termination of employment under this division shall be considered just cause for discharge for purposes of division (D)(2) of section 4141.29 of the Revised Code if the applicant makes any attempt to deceive the responsible party about the applicant's criminal record.

(I) The report of any criminal records check conducted pursuant to a request made under this section is not a public record for the purposes of section

149.43 of the Revised Code and shall not be made available to any person other than the following:

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

(2) The chief administrator of the responsible party requesting the criminal records check or the administrator's representative;

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

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

(5) The director of aging or a person authorized by the director to monitor a responsible party's compliance with this section;

(6) The medicaid director and the staff of the department of medicaid who are involved in the administration of the medicaid program if ~~either~~ any of the following apply:

(a) In the case of a criminal records check requested by a provider or subcontractor, the provider or subcontractor also is a waiver agency;

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

(c) The criminal records check is requested by a consumer who is acting as a responsible party.

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

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

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

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

(J) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an applicant or employee who a responsible party employs in a direct-care position, all of the following shall apply:

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

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

(3) If the responsible party in good faith employed the applicant or employee because the applicant or employee meets standards specified in rules adopted under this section, the responsible party shall not be found negligent solely because the applicant or employee has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

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

(1) The rules may do the following:

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

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

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

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

(a) The meaning of the term "subcontractor";

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

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

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

(e) Standards that an applicant or employee must meet for a responsible party to be permitted to employ the applicant or continue to employ the employee in a direct-care position if the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

**Sec. 173.381. (A) As used in this section:**

(1) "Community-based long-term care services" means community-based long-term care services, as defined in section 173.14 of the Revised Code, that are provided under a program the department of aging administers.

(2) "Community-based long-term care services certificate" means a certificate issued under section 173.391 of the Revised Code.

(3) "Community-based long-term care services contract or grant" means a contract or grant awarded under section 173.392 of the Revised Code.

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

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

(6) "Provider" has the same meaning as in section 173.39 of the Revised Code.

(7) "Self-employed provider" means a provider who works for the provider's self and has no employees.

(B) This section does not apply to any individual who is subject to a database review or criminal records check under section 3701.881 of the Revised Code.

(C)(1) The department of aging or its designee shall take the following actions when the circumstances specified in division (C)(2) of this section apply:

(a) Refuse to issue a community-based long-term care services certificate to a self-employed provider;

(b) Revoke a self-employed provider's community-based long-term care services certificate;

(c) Refuse to award a community-based long-term care services contract or grant to a self-employed provider;

(d) Terminate a self-employed provider's community-based long-term care services contract or grant awarded on or after the effective date of this section.

(2) The following are the circumstances that require the department of aging or its designee to take action under division (C)(1) of this section:

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

(i) That the self-employed provider is included in one or more of the databases listed in divisions (E)(1) to (5) of this section;

(ii) That there is in the state nurse aide registry established under section 3721.32 of the Revised Code a statement detailing findings by the director of health that the self-employed provider neglected or abused a long-term care

facility or residential care facility resident or misappropriated property of such a resident;

(iii) That the self-employed provider is included in one or more of the databases, if any, specified in rules adopted under this section and the rules require the department or its designee to take action under division (C)(1) of this section if a self-employed provider is included in such a database.

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

(c) Unless the self-employed provider meets standards specified in rules adopted under this section, the self-employed provider is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(D) The department of aging or its designee shall inform each self-employed provider of both of the following at the time of the self-employed provider's initial application for a community-based long-term care services certificate or initial bid for a community-based long-term care services contract or grant:

(1) That a review of the databases listed in division (E) of this section will be conducted to determine whether the department or its designee is required by division (C) of this section to refuse to issue or award a community-based long-term care services certificate or community-based long-term care services contract or grant to the self-employed provider;

(2) That, unless the database review reveals that the department or its designee is required to refuse to issue or award a community-based long-term care services certificate or community-based long-term care services contract or grant to the self-employed provider, a criminal records check of the self-employed provider will be conducted and the self-employed provider is required to provide a set of the self-employed provider's fingerprint impressions as part of the criminal records check.

(E) As a condition of issuing or awarding a community-based long-term care services certificate or community-based long-term care services contract or grant to a self-employed provider, the department of aging or its designee shall conduct a database review of the self-employed provider in accordance with rules adopted under this section. If rules adopted under this section so require, the department or its designee shall conduct a database review of a self-employed provider in accordance with the rules as a condition of not revoking or terminating the self-employed provider's community-based long-term care services certificate or community-based long-term care services

contract or grant. A database review shall determine whether the self-employed provider is included in any of the following:

(1) The excluded parties list system that is maintained by the United States general services administration pursuant to subpart 9.4 of the federal acquisition regulation and available at the federal web site known as the system for award management;

(2) The list of excluded individuals and entities maintained by the office of inspector general in the United States department of health and human services pursuant to the "Social Security Act," 42 U.S.C. 1320a-7 and 1320c-5;

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

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

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

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

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

(F)(1) As a condition of issuing or awarding a community-based long-term care services certificate or community-based long-term care services contract or grant to a self-employed provider, the department of aging or its designee shall request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of the self-employed provider. If rules adopted under this section so require, the department or its designee shall request that the superintendent conduct a criminal records check of a self-employed provider at times specified in the rules as a condition of not revoking or terminating the self-employed provider's community-based long-term care services certificate or community-based long-term care services contract or grant. However, the department or its designee is not required to request the criminal records check of the self-employed provider if the department or its designee, because of circumstances specified in division (C)(2)(a) of this section, is required to refuse to issue or award a community-based long-term care services certificate or community-based long-term care services contract or grant to the self-employed provider or to revoke or terminate the self-employed provider's certificate or contract or grant.

If a self-employed provider for whom a criminal records check request is required by this section does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the self-employed provider from

the federal bureau of investigation in a criminal records check, the department or its designee shall request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check. Even if a self-employed provider for whom a criminal records check request is required by this section presents proof of having been a resident of this state for the five-year period, the department or its designee may request that the superintendent include information from the federal bureau of investigation in the criminal records check.

(2) The department or its designee shall do all of the following:

(a) Provide to each self-employed provider for whom a criminal records check request is required by this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet prescribed pursuant to division (C)(2) of that section;

(b) Obtain the completed form and standard impression sheet from the self-employed provider;

(c) Forward the completed form and standard impression sheet to the superintendent.

(3) The department or its designee shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check of a self-employed provider the department or its designee requests under this section. The department or its designee may charge the self-employed provider a fee that does not exceed the amount the department or its designee pays to the bureau.

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

(1) The self-employed provider or the self-employed provider's representative;

(2) The department of aging, the department's designee, or a representative of the department or its designee;

(3) The medicaid director and the staff of the department of medicaid who are involved in the administration of the medicaid program if the self-employed provider is to provide, or provides, community-based long-term care services under a component of the medicaid program that the department of aging administers;

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

(a) A refusal to issue or award a community-based long-term services certificate or community-based long-term care services contract or grant to the

self-employed provider:

(b) A revocation or termination of the self-employed provider's community-based long-term care services certificate or community-based long-term care services contract or grant;

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

(H) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by a self-employed provider, both of the following shall apply:

(1) If the department of aging or its designee, in good faith and reasonable reliance on the report of a criminal records check requested under this section, issued or awarded a community-based long-term care services certificate or community-based long-term care services contract or grant to the self-employed provider or did not revoke or terminate the self-employed provider's certificate or contract or grant, the department and its designee shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate.

(2) If the department or its designee in good faith issued or awarded a community-based long-term care services certificate or community-based long-term care services contract or grant to the self-employed provider or did not revoke or terminate the self-employed provider's certificate or contract or grant because the self-employed provider meets standards specified in rules adopted under this section, the department and its designee shall not be found negligent solely because the self-employed provider has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

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

(1) The rules may do the following:

(a) Require self-employed providers who have been issued or awarded community-based long-term care services certificates or community-based long-term care services contracts or grants to undergo database reviews and criminal records checks under this section;

(b) If the rules require self-employed providers who have been issued or awarded community-based long-term care services certificates or community-based long-term care services contracts or grants to undergo database reviews and criminal records checks under this section, exempt one or more classes of such self-employed providers from the requirements;

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



this section.

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

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

(b) If the rules require self-employed providers who have been issued or awarded community-based long-term care services certificates or community-based long-term care services contracts or grants to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;

(c) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which the department of aging or its designee is required to refuse to issue or award a community-based long-term care services certificate or community-based long-term care services contract or grant to a self-employed provider or to revoke or terminate a self-employed provider's certificate or contract or grant when the self-employed provider is found by a database review to be included in one or more of those databases;

(d) Standards that a self-employed provider must meet for the department or its designee to be permitted to issue or award a community-based long-term care services certificate or community-based long-term care services contract or grant to the self-employed provider or not to revoke or terminate the self-employed provider's certificate or contract or grant if the self-employed provider is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

**Sec. 173.391.** (A) The Subject to section 173.381 of the Revised Code, the department of aging or its designee shall do all of the following in accordance with Chapter 119. of the Revised Code:

(1) Certify a provider to provide community-based long-term care services under a program the department administers if the provider satisfies the requirements for certification established by rules adopted under division (B) of this section and pays the fee, if any, established by rules adopted under division (G) of this section;

(2) When required to do so by rules adopted under division (B) of this section, take one or more of the following disciplinary actions against a provider certified under division (A)(1) of this section:

(a) Issue a written warning;

(b) Require the submission of a plan of correction or evidence of compliance with requirements identified by the department;

(c) Suspend referrals;

(d) Remove clients;

(e) Impose a fiscal sanction such as a civil monetary penalty or an order

that unearned funds be repaid;

- (f) Suspend the certification;
- (g) Revoke the certification;
- (h) Impose another sanction.

(3) Except as provided in division (E) of this section, hold hearings when there is a dispute between the department or its designee and a provider concerning actions the department or its designee takes regarding a decision not to certify the provider under division (A)(1) of this section or a disciplinary action under divisions (A)(2)(e) to (h) of this section.

(B) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code establishing certification requirements and standards for determining which type of disciplinary action to take under division (A)(2) of this section in individual situations. The rules shall establish procedures for all of the following:

(1) Ensuring that providers comply with ~~section~~ sections 173.38 and 173.381 of the Revised Code;

(2) Evaluating the services provided by the providers to ensure that the services are provided in a quality manner advantageous to the individual receiving the services;

(3) ~~Determining~~ In a manner consistent with section 173.381 of the Revised Code, determining when to take disciplinary action under division (A)(2) of this section and which disciplinary action to take;

(4) Determining what constitutes another sanction for purposes of division (A)(2)(h) of this section.

(C) The procedures established in rules adopted under division (B)(2) of this section shall require that all of the following be considered as part of an evaluation described in division (B)(2) of this section:

- (1) The provider's experience and financial responsibility;
- (2) The provider's ability to comply with standards for the community-based long-term care services that the provider provides under a program the department administers;
- (3) The provider's ability to meet the needs of the individuals served;
- (4) Any other factor the director considers relevant.

(D) The rules adopted under division (B)(3) of this section shall specify that the reasons disciplinary action may be taken under division (A)(2) of this section include good cause, including misfeasance, malfeasance, nonfeasance, confirmed abuse or neglect, financial irresponsibility, or other conduct the director determines is injurious, or poses a threat, to the health or safety of individuals being served.

(E) Subject to division (F) of this section, the department is not required to hold hearings under division (A)(3) of this section if any of the following conditions apply:

(1) Rules adopted by the director of aging pursuant to this chapter require the provider to be a party to a provider agreement; hold a license, certificate, or permit; or maintain a certification, any of which is required or issued by a state or federal government entity other than the department of aging, and either of the following is the case:

(a) The provider agreement has not been entered into or the license, certificate, permit, or certification has not been obtained or maintained.

(b) The provider agreement, license, certificate, permit, or certification has been denied, revoked, not renewed, or suspended or has been otherwise restricted.

(2) The provider's certification under this section has been denied, suspended, or revoked for any of the following reasons:

(a) A government entity of this state, other than the department of aging, has terminated or refused to renew any of the following held by, or has denied any of the following sought by, a provider: a provider agreement, license, certificate, permit, or certification. Division (E)(2)(a) of this section applies regardless of whether the provider has entered into a provider agreement in, or holds a license, certificate, permit, or certification issued by, another state.

(b) The provider or a principal owner or manager of the provider who provides direct care has entered a guilty plea for, or has been convicted of, an offense materially related to the medicaid program.

(c) ~~The provider or a~~ A principal owner or manager of the provider who provides direct care has entered a guilty plea for, been convicted of, or been found eligible for intervention in lieu of conviction for an offense listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code, but only if the provider, principal owner, or manager does not meet standards specified by the director in rules adopted under section 173.38 of the Revised Code.

(d) The department or its designee is required by section 173.381 of the Revised Code to deny or revoke the provider's certification.

(e) The United States department of health and human services has taken adverse action against the provider and that action impacts the provider's participation in the medicaid program.

(~~e~~) (f) The provider has failed to enter into or renew a provider agreement with the PASSPORT administrative agency, as that term is defined in section 173.42 of the Revised Code, that administers programs on behalf of the department of aging in the region of the state in which the provider is certified to provide services.

~~(g)~~ (g) The provider has not billed or otherwise submitted a claim to the department for payment under the medicaid program in at least two years.

~~(h)~~ (h) The provider denied or failed to provide the department or its designee access to the provider's facilities during the provider's normal business hours for purposes of conducting an audit or structural compliance review.

~~(i)~~ (i) The provider has ceased doing business.

~~(j)~~ (j) The provider has voluntarily relinquished its certification for any reason.

(3) The provider's provider agreement with the department of medicaid has been suspended under division (C) of section 5164.37 of the Revised Code.

(4) The provider's provider agreement with the department of medicaid is denied or revoked because the provider or its owner, officer, authorized agent, associate, manager, or employee has been convicted of an offense that caused the provider agreement to be suspended under section 5164.37 of the Revised Code.

(F) If the department does not hold hearings when any condition described in division (E) of this section applies, the department may send a notice to the provider describing a decision not to certify the provider under division (A)(1) of this section or the disciplinary action the department proposes to take under division (A)(2)(e) to (h) of this section. The notice shall be sent to the provider's address that is on record with the department and may be sent by regular mail.

(G) The director of aging may adopt rules in accordance with Chapter 119. of the Revised Code establishing a fee to be charged by the department of aging or its designee for certification issued under this section.

All fees collected by the department or its designee under this section shall be deposited in the state treasury to the credit of the provider certification fund, which is hereby created. Money credited to the fund shall be used to pay for community-based long-term care services, administrative costs associated with provider certification under this section, and administrative costs related to the publication of the Ohio long-term care consumer guide.

**Sec. 173.392.** (A) The department of aging may pay a provider for providing community-based long-term care services under a program the department administers, even though the provider is not certified under section 173.391 of the Revised Code, if all of the following are the case:

(1) The provider has a contract with the department of aging or the department's designee to provide the services in accordance with the contract or has received a grant from the department or its designee to provide the services in accordance with a grant agreement;

(2) The contract or grant agreement includes detailed conditions of participation for the provider and service standards that the provider is required

to satisfy;

(3) The provider complies with the contract or grant agreement;

(4) The contract or grant is not for medicaid-funded services, other than services provided under the PACE program administered by the department of aging under section 173.50 of the Revised Code.

(B) (1) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code governing both of the following:

~~(1)~~ (a) Contracts and grant agreements between the department of aging or its designee and providers;

~~(2)~~ (b) The department's payment for community-based long-term care services under this section.

(2) The rules adopted under this section shall be consistent with section 173.381 of the Revised Code."

Between lines 26249 and 26250, insert:

"**Sec. 5164.34.** (A) As used in this section:

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

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

(3) "Owner" means a person who has an ownership interest in a medicaid provider in an amount designated in rules authorized by this section.

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

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

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

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

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

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

(5) "Responsible entity" means the following:

(a) With respect to a criminal records check required under this section for a medicaid provider, the department of medicaid or the department's designee;

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

(B) This section does not apply to any individual who is subject to a criminal records check under section 3712.09, 3721.121, 5123.081, 5123.169, or 5164.341 of the Revised Code or any individual who is subject to a database review or criminal records check under section 173.38, 173.381, 3701.881, or 5164.342 of the Revised Code.

(C) The department of medicaid may do any of the following:

(1) Require that any medicaid provider submit to a criminal records check as a condition of obtaining or maintaining a provider agreement;

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

(3) Require that any medicaid provider do the following:

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

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

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

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

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

(2) No medicaid provider shall permit a person to be an owner, officer, or board member of the provider if the person is a person subject to the criminal

records check requirement and either of the following applies:

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

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

(3) No medicaid provider shall employ a person if any of the following apply:

(a) The person has been excluded from being a medicaid provider, a medicare provider, or provider for any other federal health care program.

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

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

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

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

(E)(1) The department or the department's designee shall inform each medicaid provider whether the provider is subject to a criminal records check. For providers with valid provider agreements, the information shall be given at times designated in rules authorized by this section. For providers applying to be medicaid providers, the information shall be given at the time of initial application. When the information is given, the department or the department's designee shall specify the following:

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

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

(2) At times designated in rules authorized by this section, a medicaid provider that is a person subject to the criminal records check requirement shall do the following:

(a) Inform each person specified under division (E)(1)(a) of this section

that the person is required to submit to a criminal records check as a condition of being an owner, officer, or board member of the provider;

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

(F)(1) If a medicaid provider is a person subject to the criminal records check requirement, the department or the department's designee shall require the conduct of a criminal records check by the superintendent of the bureau of criminal identification and investigation. A medicaid provider shall require the conduct of a criminal records check by the superintendent with respect to each of the persons specified under division (E)(1)(a) of this section. With respect to each employee and prospective employee specified under division (E)(1)(b) of this section, a medicaid provider shall do the following:

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

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

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

(G) Criminal records checks required by this section shall be obtained as follows:

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

(2) The person subject to the criminal records check requirement shall submit the required form and one complete set of the person's fingerprint impressions directly to the superintendent for purposes of conducting the criminal records check using the applicable methods prescribed by division (C)



of section 109.572 of the Revised Code. The person shall pay all fees associated with obtaining the criminal records check.

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

(H)(1) A medicaid provider may employ conditionally a person for whom a criminal records check is required by this section prior to obtaining the results of the criminal records check if both of the following apply:

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

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

(2) A medicaid provider that employs a person conditionally under division (H)(1) of this section shall terminate the person's employment if the results of the criminal records check request are not obtained within the period ending sixty days after the date the request is made. Regardless of when the results of the criminal records check are obtained, if the results indicate that the person has been convicted of or has pleaded guilty to a disqualifying offense, the provider shall terminate the person's employment unless circumstances specified in rules authorized by this section exist that permit the provider to employ the person and the provider chooses to employ the person.

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

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

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

(3) The department's designee;

(4) The medicaid provider who required the person who is the subject of the criminal records check to submit to the criminal records check;

(5) An individual receiving or deciding whether to receive, from the subject of the criminal records check, home and community-based services available under the medicaid state plan;

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

- (a) The denial or termination of a provider agreement;
  - (b) A person's denial of employment, termination of employment, or employment or unemployment benefits;
  - (c) A civil or criminal action regarding the medicaid program.
- (J) The medicaid director may adopt rules under section 5164.02 of the Revised Code to implement this section. If the director adopts such rules, the rules shall designate the times at which a criminal records check must be conducted under this section. The rules may do any of the following:
- (1) Designate the categories of persons who are subject to a criminal records check under this section;
  - (2) Specify circumstances under which the department or the department's designee may continue a provider agreement or issue a provider agreement when the medicaid provider is found by a criminal records check to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense;
  - (3) Specify circumstances under which a medicaid provider may permit a person to be an employee, owner, officer, or board member of the provider when the person is found by a criminal records check conducted pursuant to this section to have been convicted of or have pleaded guilty to a disqualifying offense;
  - (4) Specify all of the following:
    - (a) The circumstances under which a database review must be conducted under division (F)(1)(a) of this section to determine whether an employee or prospective employee of a medicaid provider is included in a database;
    - (b) The procedures for conducting the database review;
    - (c) The databases that are to be checked;
    - (d) The circumstances under which a medicaid provider is prohibited from employing a person who is found by the database review to be included in a database."

In line 30452, after "103.63," insert "109.572,"

In line 30455, after "164.26," insert "173.38, 173.391, 173.392,"

In line 30482, after "5153.42," insert "5164.34,"

In line 2 of the title, after "103.63," insert "109.572,"

In line 6 of the title, after "164.26," insert "173.38, 173.391, 173.392,"

In line 44 of the title, after "5153.42," insert "5164.34,"

In line 54 of the title, after "164.261," insert "173.381,"

In line 11319, delete " supervising medical" and insert " providing"

clinical education to"

In line 11320, delete " medical"; after " residents" insert " regarding the primary care physician's normal course of practice and expertise"; delete " letter"

In line 11321, delete " of intent" and insert " contract"; delete " 3702.73" and insert " 3702.74"

In line 34795, after "(5)" insert "The Director of Mental Health and Addiction Services or the Director's designee;

(6) The Director of Developmental Disabilities or the Director's designee;

(7)"

In line 34797, delete "(6)" and insert "(8)"

In line 34800, delete "(7)" and insert "(9)"

In line 34803, delete "(8)" and insert "(10)"

In line 34805, delete "(9)" and insert "(11)"

In line 34807, delete "(10)" and insert "(12)"

In line 34808, delete "(11)" and insert "(13)"

In line 34825, delete "120 days after the effective date of this"

In line 32826, delete "section" and insert "September 30, 2014"

In line 35013, after "751.120," insert "751.130,"

In line 34842, after "(4)" insert "The Director of Mental Health and Addiction Services or the Director's designee;

(5) The Director of Developmental Disabilities or the Director's designee;

(6)"

In line 34844, delete "(5)" and insert "(7)"

In line 34847, delete "(6)" and insert "(8)"

In line 34850, delete "(7)" and insert "(9)"

In line 34852, delete "(8)" and insert "(10)"

In line 34855, delete "(9)" and insert "(11)"

In line 34857, delete "(10)" and insert "(12)"

In line 34875, delete "120 days after the effective date of this"

In line 34876, delete "section" and insert "September 30, 2014"

In line 15633, after "(A)" insert " or (B)"

In line 15635, after " division" insert " (A) or"

In line 33403, strike through "34,187,858" and insert " 32,439,358";

strike through "34,314,390" and insert " 36,062,890"

In line 33410a, delete " 1,509,829,607" and insert " 1,508,081,107"; delete " 1,537,262,822" and insert " 1,539,011,322"

In line 33429a, delete " 1,594,393,267" and insert " 1,592,644,767"; delete " 1,617,336,671" and insert " 1,619,085,171"

In line 34319, delete "nineteen" and insert "twenty-one"

In line 34325, after the period insert "One member shall be the Director of Youth Services or the Director's individual designee."

In line 34331, delete "eleven" and insert "twelve"

In line 34332, delete "six" and insert "seven"

In line 34342, delete "and"

In line 34343, after "providers" insert "; and one representative of a juvenile justice organization"

In line 34366, delete "Nine" and insert "Eleven"

In line 32795, strike through the second "\$123,596,474" and insert " 139,596,474"

In line 32801a, delete " 727,780,115" and insert " 743,780,115"

In line 32803a, delete " 765,982,672" and insert " 781,982,672"

In line 32856a, delete " 3,548,371,446" and insert " 3,564,371,446"

In line 4427, delete " a"; after " jail" insert " space"

In line 4428, after " staff" insert " based upon the minimum standards for jails in Ohio promulgated pursuant to section 5120.10 of the Revised Code"

In line 4431, after " the" insert " Ohio"; delete " /Lawrence county"

In line 4433, before " If" insert " (2)"; delete the second " a"

In line 4434, after " jail" insert " space"; after " staff" insert " based upon the minimum standards for jails in Ohio promulgated pursuant to section 5120.10 of the Revised Code"; after " agreement" insert " to jail persons"

In line 4435, delete " as described in division (B)(1) of"

In line 4436, delete " section 341.121 of the Revised Code"

In line 4439, after the second " the" insert " Ohio"; delete " /Lawrence county"

In line 4441, delete " (2)" and insert " (3)"; delete " division" and insert " divisions"; after " (1)" insert " and (2)"; delete " river" and insert " Ohio river"

In line 4442, delete " /Lawrence county"

In line 4444, delete the underlined colon

Delete line 4445 and insert " ,"Ohio river valley facility" means"

Delete lines 4449 through 4453

In line 4454, delete " ,the"

Delete line 4455

In line 4456, delete " correction,"

In line 4458, delete " juvenile"

In line 4459, delete " correctional"

In line 4461, delete " juvenile correctional"; after " facility" insert " to Lawrence county"

In line 4462, delete " departments" and insert " department"

In line 4465, after " the" insert " specified portion of the Ohio"

In line 4466, delete " /Lawrence county"

In line 4467, delete " the commission of an offense" and insert " a violation of a law or municipal ordinance"; after " sentenced" insert " or ordered"

In line 4468, delete " an offense" and insert " a violation"

In line 4469, delete " offense" and insert " violation"

In line 4472, after " sheriff" insert " pursuant to division (B)(2) of section 341.12 of the Revised Code"; delete " in that facility"

In line 4473, delete " The sheriff of Lawrence county shall not" and insert " Any"; after " use" insert " of""; after " the" insert " specified portion of the Ohio"

In line 4474, delete " /Lawrence county"

In line 4476, after " offender" insert " shall be in accordance with Chapter 2152. of the Revised Code"

Delete lines 4477 through 4481

In line 4482, delete " (4)" and insert " (3)""; after the second " the" insert " specified portion of the Ohio"

In line 4483, delete " /Lawrence county"

In line 4484, after " section" insert " and division (B)(2) of section 341.12 of the Revised Code"

In line 4485, after the second " that" insert " portion of the"

In line 4486, after " agreement" insert " entered into pursuant to division (B) of this section"

In line 4487, delete " that" and insert " the specified portion of the"; after

" facility" insert " pursuant to that agreement"

In line 4489, after the first " that" insert " portion of the"; after the second " that" insert " portion of the"

In line 4493, after " operation" insert " and management of the specified portion"; delete " that" and insert " the"

In line 4494, delete " that" and insert " the jail"

In line 4497, after " that" insert " portion of the"

In line 4500, after " (c)" insert " The sheriff may enter into one or more shared service agreements with any other entity leasing buildings at the Ohio river valley facility regarding any of the responsibilities and duties described in division (B)(3)(b) of this section or regarding any other service related to the operation of the facility;

(d)"

In line 4502, delete " that" and insert " the specified portion of the Ohio river valley"

In line 4503, after " that" insert " portion of the"

In line 4505, after the first " that" insert " portion of the"; after the second " that" insert " portion of the"

In line 4507, delete " (1)" and insert " (2)"; delete " this"

In line 4508, after " section" insert " 341.12 of the Revised Code"

In line 4509, delete " (d)" and insert " (e)"

In line 4510, delete " that" and insert " the specified portion of the"

In line 4511, after " that" insert " portion of the"

In line 4514, delete " (e)" and insert " (f)"

In line 4515, delete " that" and insert " the specified portion of the"

In line 4521, delete " (f)" and insert " (g)"; delete " that" and insert " the specified portion of the"

In line 4523, after the second underlined comma insert " and"; delete " and (4)(a) to (f)"

In line 4525, after the second " the" insert " specified portion of the Ohio"

In line 4526, delete " /Lawrence county"

In line 4527, after " section" insert " and division (B)(2) of section 341.12 of the Revised Code"

In line 4528, delete " that" and insert " the specified portion of the"

In line 4529, after the second " the" insert " specified portion of the"

In line 98, move "3702.59," to after "3702.526,"

In line 8826, after " purpose" insert " of"

In line 32810, strike through "\$124,780,339 \$116,773,328" and insert "\$116,680,339 \$116,680,339"

In line 32856, strike through "\$3,586,058,989" and insert "\$3,577,958,989"

In line 32856a, delete " \$3,548,371,446" and insert " \$3,548,278,457"

Between lines 32908 and 32909, insert:

**" CHILD PLACEMENT LEVEL OF CARE TOOL PILOT PROGRAM"**

In line 33718, after "241.10," insert "245.10,"

In line 95, after "2915.08," insert "2925.61,"

In line 103, after "4729.12," insert "4729.51,"

Between lines 8362 and 8363, insert:

**"Sec. 2925.61.** (A) As used in this section:

(1) "Administer naloxone" means to give naloxone to a person by either of the following routes:

(a) Using a device manufactured for the intranasal administration of liquid drugs;

(b) Using an autoinjector in a manufactured dosage form.

(2) "Law enforcement agency" means a government entity that employs peace officers to perform law enforcement duties.

(3) "Licensed health professional" means all of the following:

(a) A physician who is authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;

(b) A physician assistant who holds a certificate to prescribe issued under Chapter 4730. of the Revised Code;

(c) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner who holds a certificate to prescribe issued under section 4723.48 of the Revised Code.

(4) "Peace officer" has the same meaning as in section 2921.51 of the Revised Code.

(B) A family member, friend, or other individual who is in a position to assist an individual who is apparently experiencing or at risk of experiencing an opioid-related overdose, is not subject to criminal prosecution for a violation of

section 4731.41 of the Revised Code or criminal prosecution under this chapter if the individual, acting in good faith, does all of the following:

(1) Obtains naloxone from a licensed health professional or a prescription for naloxone from a licensed health professional;

(2) Administers that naloxone to an individual who is apparently experiencing an opioid-related overdose;

(3) Attempts to summon emergency services either immediately before or immediately after administering the naloxone.

(C) Division (B) of this section does not apply to a peace officer or to an emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic, as defined in section 4765.01 of the Revised Code.

(D) A peace officer employed by a law enforcement agency licensed under Chapter 4729. of the Revised Code as a terminal distributor of dangerous drugs is not subject to administrative action, criminal prosecution for a violation of section 4731.41 of the Revised Code, or criminal prosecution under this chapter if the peace officer, acting in good faith, obtains naloxone from the peace officer's law enforcement agency and administers the naloxone to an individual who is apparently experiencing an opioid-related overdose."

Between lines 17336 and 17337, insert:

"**Sec. 4729.51.** (A)(1) Except as provided in division (A)(2) of this section, no person other than a registered wholesale distributor of dangerous drugs shall possess for sale, sell, distribute, or deliver, at wholesale, dangerous drugs, except as follows:

(a) A pharmacist who is a licensed terminal distributor of dangerous drugs or who is employed by a licensed terminal distributor of dangerous drugs may make occasional sales of dangerous drugs at wholesale;

(b) A licensed terminal distributor of dangerous drugs having more than one establishment or place may transfer or deliver dangerous drugs from one establishment or place for which a license has been issued to the terminal distributor to another establishment or place for which a license has been issued to the terminal distributor if the license issued for each establishment or place is in effect at the time of the transfer or delivery.

(2) A manufacturer of dangerous drugs may donate epinephrine autoinjectors to any of the following:

(a) The board of education of a city, local, exempted village, or joint vocational school district;

(b) A community school established under Chapter 3314. of the Revised Code;

(c) A STEM school established under Chapter 3326. of the Revised



Code;

(d) A college-preparatory boarding school established under Chapter 3328. of the Revised Code;

(e) A chartered or nonchartered nonpublic school.

(B)(1) No registered wholesale distributor of dangerous drugs shall possess for sale, or sell, at wholesale, dangerous drugs to any person other than the following:

(a) Except as provided in division (B)(2)(a) of this section, a licensed health professional authorized to prescribe drugs;

(b) An optometrist licensed under Chapter 4725. of the Revised Code who holds a topical ocular pharmaceutical agents certificate;

(c) A registered wholesale distributor of dangerous drugs;

(d) A manufacturer of dangerous drugs;

(e) Subject to division (B)(3) of this section, a licensed terminal distributor of dangerous drugs;

(f) Carriers or warehouses for the purpose of carriage or storage;

(g) Terminal or wholesale distributors of dangerous drugs who are not engaged in the sale of dangerous drugs within this state;

(h) An individual who holds a current license, certificate, or registration issued under Title XLVII of the Revised Code and has been certified to conduct diabetes education by a national certifying body specified in rules adopted by the state board of pharmacy under section 4729.68 of the Revised Code, but only with respect to insulin that will be used for the purpose of diabetes education and only if diabetes education is within the individual's scope of practice under statutes and rules regulating the individual's profession;

(i) An individual who holds a valid certificate issued by a nationally recognized S.C.U.B.A. diving certifying organization approved by the state board of pharmacy in rule, but only with respect to medical oxygen that will be used for the purpose of emergency care or treatment at the scene of a diving emergency;

(j) Except as provided in division (B)(2)(b) of this section, a business entity that is a corporation formed under division (B) of section 1701.03 of the Revised Code, a limited liability company formed under Chapter 1705. of the Revised Code, or a professional association formed under Chapter 1785. of the Revised Code if the entity has a sole shareholder who is a licensed health professional authorized to prescribe drugs and is authorized to provide the professional services being offered by the entity;

(k) Except as provided in division (B)(2)(c) of this section, a business entity that is a corporation formed under division (B) of section 1701.03 of the

Revised Code, a limited liability company formed under Chapter 1705. of the Revised Code, a partnership or a limited liability partnership formed under Chapter 1775. of the Revised Code, or a professional association formed under Chapter 1785. of the Revised Code, if, to be a shareholder, member, or partner, an individual is required to be licensed, certified, or otherwise legally authorized under Title XLVII of the Revised Code to perform the professional service provided by the entity and each such individual is a licensed health professional authorized to prescribe drugs;

(l) With respect to epinephrine autoinjectors that may be possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28, or 3328.29 of the Revised Code, any of the following: the board of education of a city, local, exempted village, or joint vocational school district; a chartered or nonchartered nonpublic school; a community school established under Chapter 3314. of the Revised Code; a STEM school established under Chapter 3326. of the Revised Code; or a college-preparatory boarding school established under Chapter 3328. of the Revised Code;

(m) With respect to epinephrine autoinjectors that may be possessed under section 5101.76 of the Revised Code, any of the following: a residential camp, as defined in section 2151.011 of the Revised Code; a child day camp, as defined in section 5104.01 of the Revised Code; or a child day camp operated by any county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code ;

(n) With respect to naloxone that may be possessed under section 2925.61 of the Revised Code, a law enforcement agency and its peace officers.

(2) No registered wholesale distributor of dangerous drugs shall possess for sale, or sell, at wholesale, dangerous drugs to any of the following:

(a) A prescriber who is employed by a pain management clinic that is not licensed as a terminal distributor of dangerous drugs with a pain management clinic classification issued under section 4729.552 of the Revised Code;

(b) A business entity described in division (B)(1)(j) of this section that is, or is operating, a pain management clinic without a license as a terminal distributor of dangerous drugs with a pain management clinic classification issued under section 4729.552 of the Revised Code;

(c) A business entity described in division (B)(1)(k) of this section that is, or is operating, a pain management clinic without a license as a terminal distributor of dangerous drugs with a pain management clinic classification issued under section 4729.552 of the Revised Code.

(3) No registered wholesale distributor of dangerous drugs shall possess dangerous drugs for sale at wholesale, or sell such drugs at wholesale, to a licensed terminal distributor of dangerous drugs, except as follows:

(a) In the case of a terminal distributor with a category I license, only dangerous drugs described in category I, as defined in division (A)(1) of section 4729.54 of the Revised Code;

(b) In the case of a terminal distributor with a category II license, only dangerous drugs described in category I and category II, as defined in divisions (A)(1) and (2) of section 4729.54 of the Revised Code;

(c) In the case of a terminal distributor with a category III license, dangerous drugs described in category I, category II, and category III, as defined in divisions (A)(1), (2), and (3) of section 4729.54 of the Revised Code;

(d) In the case of a terminal distributor with a limited category I, II, or III license, only the dangerous drugs specified in the certificate furnished by the terminal distributor in accordance with section 4729.60 of the Revised Code.

(C)(1) Except as provided in division (C)(4) of this section, no person shall sell, at retail, dangerous drugs.

(2) Except as provided in division (C)(4) of this section, no person shall possess for sale, at retail, dangerous drugs.

(3) Except as provided in division (C)(4) of this section, no person shall possess dangerous drugs.

(4) Divisions (C)(1), (2), and (3) of this section do not apply to a registered wholesale distributor of dangerous drugs, a licensed terminal distributor of dangerous drugs, or a person who possesses, or possesses for sale or sells, at retail, a dangerous drug in accordance with Chapters 3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of the Revised Code.

Divisions (C)(1), (2), and (3) of this section do not apply to an individual who holds a current license, certificate, or registration issued under Title XLVII of the Revised Code and has been certified to conduct diabetes education by a national certifying body specified in rules adopted by the state board of pharmacy under section 4729.68 of the Revised Code, but only to the extent that the individual possesses insulin or personally supplies insulin solely for the purpose of diabetes education and only if diabetes education is within the individual's scope of practice under statutes and rules regulating the individual's profession.

Divisions (C)(1), (2), and (3) of this section do not apply to an individual who holds a valid certificate issued by a nationally recognized S.C.U.B.A. diving certifying organization approved by the state board of pharmacy in rule, but only to the extent that the individual possesses medical oxygen or personally supplies medical oxygen for the purpose of emergency care or treatment at the scene of a diving emergency.

Division (C)(3) of this section does not apply to the board of education of a city, local, exempted village, or joint vocational school district, a school building operated by a school district board of education, a chartered or

nonchartered nonpublic school, a community school, a STEM school, or a college-preparatory boarding school for the purpose of possessing epinephrine autoinjectors under section 3313.7110, 3313.7111, 3314.143, 3326.28, or 3328.29 of the Revised Code.

Division (C)(3) of this section does not apply to a residential camp, as defined in section 2151.011 of the Revised Code, a child day camp, as defined in section 5104.01 of the Revised Code, or a child day camp operated by any county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code for the purpose of possessing epinephrine autoinjectors under section 5101.76 of the Revised Code.

Division (C)(3) of this section does not apply to a law enforcement agency or the agency's peace officers if the agency or officers possess naloxone for administration to individuals who are apparently experiencing opioid-related overdoses.

(D) No licensed terminal distributor of dangerous drugs shall purchase for the purpose of resale dangerous drugs from any person other than a registered wholesale distributor of dangerous drugs, except as follows:

(1) A licensed terminal distributor of dangerous drugs may make occasional purchases of dangerous drugs for resale from a pharmacist who is a licensed terminal distributor of dangerous drugs or who is employed by a licensed terminal distributor of dangerous drugs;

(2) A licensed terminal distributor of dangerous drugs having more than one establishment or place may transfer or receive dangerous drugs from one establishment or place for which a license has been issued to the terminal distributor to another establishment or place for which a license has been issued to the terminal distributor if the license issued for each establishment or place is in effect at the time of the transfer or receipt.

(E) No licensed terminal distributor of dangerous drugs shall engage in the sale or other distribution of dangerous drugs at retail or maintain possession, custody, or control of dangerous drugs for any purpose other than the distributor's personal use or consumption, at any establishment or place other than that or those described in the license issued by the state board of pharmacy to such terminal distributor.

(F) Nothing in this section shall be construed to interfere with the performance of official duties by any law enforcement official authorized by municipal, county, state, or federal law to collect samples of any drug, regardless of its nature or in whose possession it may be.

(G) Notwithstanding anything to the contrary in this section, the board of education of a city, local, exempted village, or joint vocational school district may deliver epinephrine autoinjectors to a school under its control for the

purpose of possessing epinephrine autoinjectors under section 3313.7110 of the Revised Code."

In line 30460, after "2915.08," insert "2925.61,"

In line 30468, after "4729.12," insert "4729.51,"

Between lines 35011 and 35012, insert:

"Sections 2925.61 and 4729.51 of the Revised Code."

In line 13 of the title, after "2915.08," insert "2925.61,"

In line 25 of the title, after "4729.12," insert "4729.51,"

In line 130, delete "5101.345,"

Delete lines 20641 through 20712

Delete lines 30492 through 30494

In line 61 of the title, delete "5101.345,"

In line 82 of the title, delete "and"

Delete lines 83 and 84 of the title

In line 85 of the title, delete "effective date"

In line 87, after "103.63," insert "109.5721,"

Between lines 532 and 533, insert:

**"Sec. 109.5721.** (A) As used in this section:

(1) "Employment" includes volunteer service.

(2) "Licensure" means the authorization, evidenced by a license, certificate, registration, permit, or other authority that is issued or conferred by a public office, to engage in a profession, occupation, or occupational activity, to be a foster caregiver, or to have control of and operate certain specific equipment, machinery, or premises over which a public office has jurisdiction.

(3) "Participating public office" means a public office that requires a fingerprint background check as a condition of employment with, licensure by, or approval for adoption by the public office and that elects to receive notice under division (C) of this section in accordance with rules adopted by the attorney general.

(4) "Public office" has the same meaning as in section 117.01 of the Revised Code.

(5) "Participating private party" means any person or private entity that is allowed to request a criminal records check pursuant to divisions (A)(2) or (3) of section 109.572 of the Revised Code.

(B) Within six months after August 15, 2007, the superintendent of the

bureau of criminal identification and investigation shall establish and maintain a database of fingerprints of individuals on whom the bureau has conducted criminal records checks for the purpose of determining eligibility for employment with, licensure by, or approval for adoption by a public office or participating private party. The superintendent shall maintain the database separate and apart from other records maintained by the bureau. The database shall be known as the retained applicant fingerprint database.

(C) When the superintendent receives information that an individual whose name is in the retained applicant fingerprint database has been arrested for, convicted of, or pleaded guilty to any offense, the superintendent shall promptly notify any participating public office or participating private party that employs, licensed, or approved the individual of the arrest, conviction, or guilty plea. The public office or participating private party that receives the notification and its employees and officers shall use the information contained in the notification solely to determine the individual's eligibility for continued employment with the public office or participating private party, to retain licensure issued by the public office, or to be approved for adoption by the public office. The public office or participating private party and its employees and officers shall not disclose that information to any person for any other purpose.

(D) If an individual has submitted fingerprint impressions for employment with, licensure by, or approval for adoption by a participating public office or participating private party and seeks employment with, licensure by, or approval for adoption by another participating public office or participating private party, the other public office or participating private party shall reprint the individual. If an individual has been reprinted, the superintendent shall update that individual's information accordingly.

(E) The bureau of criminal identification and investigation and the participating public office or participating private party shall use information contained in the retained applicant fingerprint database and in the notice described in division (C) of this section for the purpose of employment with, licensure by, or approval for adoption by the participating public office or participating private party. This information is otherwise confidential and not a public record under section 149.43 of the Revised Code.

(F) The attorney general shall adopt rules in accordance with Chapter 119. of the Revised Code governing the operation and maintenance of the database. The rules shall provide for, but not be limited to, both of the following:

(1) The expungement or sealing of records of individuals who are deceased or who are no longer employed, granted licensure, or approved for adoption by the public office or participating private party that required submission of the individual's fingerprints;

(2) The terms under which a public office or participating private party may elect to receive notification under division (C) of this section, including

payment of any reasonable fee that may be charged for the purpose.

(G) No public office or employee of a public office shall be considered negligent in a civil action solely because the public office did not elect to be a participating public office.

(H)(1) No person shall knowingly use information contained in or received from the retained applicant fingerprint database for purposes not authorized by this section.

(2) No person shall knowingly use information contained in or received from the retained applicant fingerprint database with the intent to harass or intimidate another person.

(3) Whoever violates division (H)(1) or (H)(2) of this section is guilty of unlawful use of retained applicant fingerprint database records. A violation of division (H)(1) of this section is a misdemeanor of the fourth degree. A violation of division (H)(2) of this section is a misdemeanor of the first degree."

In line 30452, after "103.63," insert "109.5721,"

Between lines 30509 and 30510, insert:

**"Section 503.\_\_\_\_.** (A) As used in this section, "participating private party" means any person or private entity that is allowed to request a criminal records check pursuant to division (A)(2) or (3) of section 109.572 of the Revised Code.

(B) In addition to the authority granted by section 109.5721 of the Revised Code, the Superintendent of the Bureau of Criminal Identification and Investigation may operate the retained applicant fingerprint database established by that section and take any other actions the Superintendent determines is necessary in response to requests made by a participating private party pursuant to division (A)(2) or (3) of section 109.572 of the Revised Code.

(C) In connection with a request made pursuant to division (A)(2) or (3) of section 109.572 of the Revised Code, a participating private party may take any action permitted to be taken by a participating public office and shall take any action required to be taken by a participating public office pursuant to section 109.5721 of the Revised Code.

(D) The Director of Budget and Management may authorize expenditures from appropriation item 651680 Health Care Grants – Federal, to pay for costs associated with the administration of the Medicaid program, including the development of the retained applicant fingerprint database, in response to requests made in accordance with section 109.5721 and division (A)(2) or (3) of section 109.572 of the Revised Code."

In line 2 of the title, after "103.63," insert "109.5721,"

In line 110, delete "5119.40,"

In line 117, delete "5165.03, 5165.031,"

In line 130, delete "5119.401,"

Delete lines 21220 through 21382

Delete lines 26250 through 26328

In line 30476, delete "5119.40,"

In line 30482, delete "5165.03, 5165.031,"

In line 35 of the title, delete "5119.40,"

In line 44 of the title, delete "5165.03, 5165.031,"

In line 62 of the title, delete "5119.401,"

In line 28015, delete " Property" and insert " Real property"

In line 28018, after " used" insert " by that organization"

In line 33619, delete " of the" and insert " any"

In line 33620, delete " after the transfer of"

Delete lines 33621 through 33626

In line 33627, delete all before the period and insert " to the extent of the amount so determined, shall be allocated as follows after the transfer of cash to the Budget Stabilization Fund (Fund 7013) required under division (B)(1)(a) of section 131.44 of the Revised Code:

(A) First, the Director of Budget and Management shall transfer a cash amount of up to \$300,000,000 from the General Revenue Fund to the Medicaid Reserve Fund (Fund 5Y80).

(B) Second, to the extent surplus revenue remains after the allocation in division (A) of this section, the Director shall reserve in the General Revenue Fund any cash amount that the Director and the Tax Commissioner jointly determine is necessary to offset the cost of accelerating the income tax reduction for taxable year 2015, as specified in division (A)(8) of section 5747.02 of the Revised Code, as amended by Am. Sub. H.B. 483 of the 130th General Assembly, to taxable years beginning in 2014.

(C)(1) Third, to the extent surplus revenue remains after the allocation in division (B) of this section, the Director shall transfer to the Small Business Deduction Augmentation Fund (Fund 5PN0), which is hereby created, the amount of the remaining surplus revenue that the Director and the Tax Commissioner jointly determine is necessary to offset the cost of an additional deduction for Ohio small business investor income. The additional deduction shall not exceed twenty-five per cent of a taxpayer's Ohio small business investor income.

(2) The additional deduction shall apply only to taxable years beginning in 2014.



(3)(a) If the additional deduction equals twenty-five per cent of a taxpayer's Ohio small business investor income, the combined deduction allowed under this section and division (A)(31) of section 5747.01 of the Revised Code shall not exceed \$93,750 for each spouse if spouses file separate returns under section 5747.08 of the Revised Code or \$187,500 for all other taxpayers.

(b) If the additional deduction is less than twenty-five per cent of a taxpayer's Ohio small business investor income, the maximum combined deduction amounts prescribed in division (C)(3)(a) of this section shall be reduced in the same proportion that the percentage of the combined deduction is less than seventy-five per cent.

(4) No pass-through entity may claim a deduction under this section.

(5) For the purposes of sections 5747.21, 5747.22, and 5748.01 of the Revised Code, the deduction allowed under this section is a deduction under division (A)(31) of section 5747.01 of the Revised Code.

(6) On or after January 1, 2015, the Director may transfer money from the Small Business Deduction Augmentation Fund to the General Revenue Fund, the Local Government Fund, and the Public Library Fund as necessary to offset revenue reductions resulting from the additional deduction allowed under this division.

(7) For the purposes of this section, "Ohio small business investor income" has the same meaning as in division (A)(31) of section 5747.01 of the Revised Code.

(D) Fourth, the Director shall reserve in the General Revenue Fund any cash from the surplus revenue remaining after the allocation in division (C) of this section"

Delete lines 34984 through 34999

In line 124, delete "5.074,"

Delete lines 133 through 136

In line 4044, after the underlined period delete the balance of the line

Delete lines 4045 and 4046

In line 4047, delete "Ohio Veterans Memorial and Museum" and insert "veterans memorial and museum"

In line 4069, after "(2)" delete the balance of the line

Delete lines 4070 and 4071

In line 4072, delete "(4)"

In line 4073, delete "five" and insert "ten"

In line 4083, after "the" delete the balance of the line

In line 4084, delete " Museum" and insert " veterans memorial and museum"

In line 4088, delete " Ohio Veterans Memorial and Museum" and insert " veterans memorial and museum"

In line 53 of the title, delete "5.074,"

In line 92, after "757.08," insert "935.12,"

Between lines 4692 and 4693, insert:

"**Sec. 935.12.** (A) Except as provided in division (B) of this section, a person that has been issued a permit under this chapter for a dangerous wild animal or animals shall comply with the requirements regarding the care and housing of dangerous wild animals established in rules.

(B) A person that has been issued a wildlife shelter, wildlife propagation permit, or rescue facility permit under this chapter for a dangerous wild animal or animals specified in division (C)(20) of section 935.01 of the Revised Code shall comply with both of the following:

(1) The requirements regarding the care of those animals established in regulations adopted under the federal animal welfare act;

(2) The requirements regarding the housing of those animals established in rules.

(C) A person that has been issued a restricted snake possession or restricted snake propagation permit under this chapter shall comply with ~~the requirements regarding the care and housing of those snakes established in standards adopted by the zoological association of America and in effect on September 5, 2012~~ all of the following regarding the housing of those snakes:

(1) An enclosure shall be provided with an environment or devices that allow for temperature regulation necessary to ensure the well-being of the snakes. The environment or devices shall be noninjurious and may include hot rocks, artificial lights, natural sunlight, and heat strips.

(2) An enclosure shall be provided with noninjurious substrate such as newspaper, processed wood shavings, rocks, sand, indoor-outdoor carpet, or other equivalent material. The substrate shall be disposed of or sanitized at intervals sufficient to ensure the health of the snakes.

(3) An enclosure shall be constructed in a manner that offers enough space and complexity to allow free movement and access to varying thermal gradients as follows:

(a) If a snake is a restricted snake specified in division (L)(2), (3), or (4) of section 935.01 of the Revised Code and lives in a primarily terrestrial habitat, all of the following apply:

(i) The perimeter of the enclosure shall be not less than the length of the

snake.

(ii) The height of the enclosure shall be not less than five inches.

(iii) For each additional snake permanently housed in an enclosure, the perimeter of the enclosure shall be increased by ten per cent of the perimeter of an enclosure that permanently houses only one snake.

(b) If a snake is a restricted snake specified in division (L)(2), (3), or (4) of section 935.01 of the Revised Code and lives in a primarily arboreal habitat, all of the following apply:

(i) The perimeter of the enclosure shall not be less than the length of the snake.

(ii) The height of the enclosure shall be not less than twelve inches.

(iii) For each additional snake permanently housed in an enclosure, the perimeter of the enclosure shall be increased by ten per cent of the perimeter of an enclosure that permanently houses only one snake.

(c) If the snake is a restricted snake specified in division (L)(1) of section 935.01 of the Revised Code, all of the following apply:

(i) The length of the enclosure shall not be less than forty per cent of the length of the snake.

(ii) The width of the enclosure shall not be less than two feet.

(iii) The height of the enclosure shall be not less than twelve inches.

(iv) For each additional snake permanently housed in an enclosure, the length of the enclosure shall be increased by ten per cent of the length of an enclosure that permanently houses only one snake.

(4) An enclosure shall be constructed of material that securely and effectively contains the snakes. The material used to construct the enclosure may include plastic, tempered or laminated glass, wood, or other equivalent material. The enclosure shall have surfaces that are nonporous and that can be thoroughly and repeatedly cleaned and disinfected.

(5) The door or lid of an enclosure shall have a secure latch or lock attached to the exterior of the enclosure that when latched or locked prevents a snake from leaving the enclosure."

In line 30457, after "757.08," insert "935.12,"

In line 8 of the title, after "757.08," insert "935.12,"

In line 88, delete "135.143,"

In line 125, delete "193.02,"; delete "193.04,"

In line 126, delete "193.11, 193.13,"

Delete lines 1699 through 1913

In line 3056, delete " As used in this chapter:"

Delete lines 3057 through 3123

In line 3124, delete " **193.02.**"

In line 3125, after " installations" insert " and the associated private industry and higher education collaborations that occur"

In line 3126, delete " creates new jobs or"; after the second " jobs" insert " , creates new jobs"

In line 3127 delete " and" and insert an underlined comma

In line 3128, after " state" insert an underlined comma

In line 3130, delete " , through the"

Delete lines 3131 and 3132

In line 3133, delete all before " to"

In line 3134, delete " the establishment or development of eligible" and insert " public or private partnerships that would aid in the retention and growth in the active federal and military missions and agencies located in the state."

Delete lines 3135 through 3143

In line 3144, delete " **193.04.**" and insert " **193.03.**"

In line 3146, delete " jobs" and insert " agencies and missions"

In line 3147, delete " The commission shall establish"

Delete lines 3148 through 3151

In line 3152, after " members" insert " , none of whom may be an elected official of the state"

In line 3153, delete the underlined comma

In line 3154, delete all before the underlined semicolon

In line 3156, delete all after " representatives"

In line 3157, delete all before the underlined semicolon

In line 3160, delete " December 31" and insert " October 1"; delete " Of the initial appointees made"

Delete lines 3161 through 3164

In line 3165, delete " by the speaker and president" and insert " Members"; delete " four" and insert " one"; delete " or until"

In line 3166, delete all before the underlined period

In line 3167, delete everything after " (2)"

In line 3168, delete "confirmation of the senate."

Between lines 3172 and 3173, insert:

" (4) Qualifications for an individual's appointment to the commission may include, but are not limited to, any of the following service or employment experience:

(a) Former service as a military officer;

(b) Civilian service in an executive leadership position in a federal-military agency;

(c) Experience as an executive in a related business or industry;

(d) Employment in academia or higher education;

(e) Experience in commercialization and privatization of research and technology."

In line 3182, delete "treasurer of state" and insert "adjutant general"

In line 3186, delete ", and the treasurer of" and insert an underlined period

Delete lines 3187 through 3190

In line 3191, delete "(H)" and insert "(G)"

Delete lines 3194 through 3196

In line 3197, delete "(J)" and insert "(H)"

Between lines 3200 and 3201, insert:

" (I) The commission may employ professional, technical, and clerical employees as are necessary for the commission to be able to successfully and efficiently perform its duties. All such employees are in the unclassified service and serve at the commission's pleasure. The commission may contract for the services of persons who are qualified by education and experience to advise, consult with, or otherwise assist the commission in the performance of its duties."

In line 3203, delete "investment" and insert "any"

In line 3204, delete "may" and insert "shall"; delete "any of"

Delete lines 3206 through 3247

In line 3248, delete "(8) Adopt" and insert "(1) Develop and recommend strategies that support and foster collaboration among local and regional entities to identify appropriate opportunities for the protection of existing federal-military facilities and the placement of additional federal-military facilities in the state;

(2) For facilities located in the state, maintain a current listing of all

facilities of the federal government, including military, national security, and national aeronautics and space administration facilities, Ohio national guard facilities, and related state and federal facilities, including their master plans;

(3) Make recommendations, as appropriate, to prepare the state to effectively compete in future and ongoing federal budget reduction processes;

(4) For the purpose of formulating strategies to secure the long-term viability, retention, and growth of military missions and facilities in the state, direct and review studies by experts that have utilized past base realignment and closure criteria and scoring to conduct a thorough and detailed analysis of the military value of the state's military installations, ranges, and airspace;

(5) Review the scoring criteria from any previous federal defense base closure and realignment commission's processes to determine the following:

(a) The strengths and weaknesses of the state relative to competing installations and facilities, which shall include an analysis of military value 1-4 attributes, metrics and criteria such as airspace attributes, encroachment, air traffic control restrictions, area cost factors, and area weather;

(b) The opportunities for increasing the military value of federal-military operations in the state that still exist after a previous federal defense base closure and realignment commission process.

(6) Provide an ongoing examination of federal agency construction, including construction for the military, for homeland security, and for the national aeronautics and space administration, and related operations budget requests relative to the infrastructure plans of federal-military agencies and facilities;

(7) Access and review long-range military construction plans, associated costs, and timelines as made available by federal government agencies;

(8) Recommend a public-private partnership for services specified by the commission that include, but are not limited to, energy services, internet connectivity, snow removal, fire service, waste management, library services, day care center services, security services, and services opportunities to lower the cost of operations at federal-military installations in the state;

(9) Examine the roles and responsibilities of general aviation at airports located in the state and develop and recommend local and federal programs to assist the state's installations and facilities related to municipal airport agreements and the federal airport improvement program;

(10) Review and develop joint base and infrastructure plans for improving proximity to training areas, consolidating training centers, and determining alternatives that may exist in current federal military construction programs for shared services and shared savings opportunities;

(11) Evaluate plans for federal agencies and local communities that address excess capacity of buildings, developed land, and land available for

development:

(12) Evaluate enhanced use lease opportunities made available to federal-military entities in Ohio;

(13) Recommend to the general assembly future programs that may enhance the state's ability to compete for the retention and creation of job opportunities related to federal-military facilities and infrastructure in the state;

(14) In consultation with other state agencies, develop programs that utilize federal and higher education research initiatives to commercialize and privatize products to private sector companies in the state;

(15) Develop programs that create a statewide response to the federal initiatives that make contracts available to small businesses and veteran-owned Ohio businesses;

(16) Develop programs and initiatives to promote career awareness and readiness for, and job placement with, federal-military jobs and other private sector employer jobs in the state.

(B) The commission shall adopt"

Delete lines 3250 through 3257

In line 3259, delete " and obligations"

In line 3267, delete all after " (D)"

Delete lines 3268 through 3273

In line 3274, delete all before " Government"

In line 3278, delete " (A)(1)"

In line 3280, delete " , repayments of"

Delete lines 3281 through 3329

In line 3330, delete all before the underlined period

In line 3331, delete " 193.13." and insert " 193.09."; delete " thirty-first" and insert " first"; delete " January" and insert " April in 2015"

In line 3332, delete " of each year"

In line 3336, after " year" insert " , including findings and evaluations under divisions (A)(1) to (6) of section 193.05 of the Revised Code"; delete all after the underlined period

Delete lines 3337 through 3340

In line 30454, delete "135.143,"

In line 4 of the title, delete "135.143,"

In line 55 of the title, delete "193.02,"; delete "193.04,"

In line 56 of the title, delete "193.11, 193.13,"

In line 127, delete "1541.50,"

Delete lines 5781 through 5848

In line 57 of the title, delete "1541.50,"

In line 103, delete "4725.01, 4725.091,"

Delete lines 16831 through 16984

In line 30468, delete "4725.01, 4725.091,"

In line 24 of the title, delete "4725.01, 4725.091,"

In line 119, after "5709.121," insert "5709.17,"

Between lines 28135 and 28136, insert:

**"Sec. 5709.17.** The following property shall be exempted from taxation:

(A) Real estate held or occupied by an association or corporation, organized or incorporated under the laws of this state relative to soldiers' memorial associations, monumental building associations, or cemetery associations or corporations, which in the opinion of the trustees, directors, or managers thereof is necessary and proper to carry out the object intended for such association or corporation;

(B) Real estate and tangible personal property held or occupied by a veterans' organization that qualifies for exemption from taxation under section 501(c)(19) or 501(c)(23) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, and is incorporated under the laws of this state or the United States, except real estate held by such an organization for the production of rental income in excess of thirty-six thousand dollars in a tax year, before accounting for any cost or expense incurred in the production of such income. For the purposes of this division, rental income includes only income arising directly from renting the real estate to others for consideration.

(C) Tangible personal property held by a corporation chartered under 112 Stat. 1335, 36 U.S.C.A. 40701, described in section 501(c)(3) of the Internal Revenue Code, and exempt from taxation under section 501(a) of the Internal Revenue Code shall be exempt from taxation if it is property obtained as described in 112 Stat. 1335-1341, 36 U.S.C.A. Chapter 407.

(D) Real estate held or occupied by a fraternal organization and used primarily for meetings of and the administration of the fraternal organization, except real estate held by such an organization for the production of rental income in excess of thirty-six thousand dollars in a tax year, before accounting for any cost or expense incurred in the production of such income. As used in this division, "rental income" has the same meaning as in division (B) of this section, and "fraternal organization" means a domestic fraternal society, order, or association operating under the lodge, council, or grange system that qualifies



for exemption from taxation under section 501(c)(5), 501(c)(8), or 501(c)(10) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended; that provides financial support for charitable purposes, as defined in division (B)(12) of section 5739.02 of the Revised Code; and that has been operating in this state with a state governing body for at least ~~one hundred~~ eighty-five years."

In line 30484, after "5709.121," insert "5709.17,"

In line 34978, delete "section" and insert "sections"; after "5709.12" insert "and 5709.17"

In line 47 of the title, after "5709.121," insert "5709.17,"

In line 127, delete "2935.012,"

Delete lines 8639 through 8644

In line 57 of the title, delete "2935.012,"

In line 91, after "307.982," insert "340.01,"; after "340.021," insert "340.03, 340.08, 340.09, 340.15,"

In line 110, after "5104.38," insert "5119.21, 5119.22, 5119.25,"

In line 126, after "307.863," insert "340.033, 340.034, 340.20,"

In line 130, after "5103.051," insert "5119.362, 5119.363, 5119.364, 5119.365,"

Between lines 4140 and 4141, insert:

**"Sec. 340.01.** (A) As used in this chapter, ~~"addiction,"~~ :

(1) "Addiction." "addiction services," "alcohol and drug addiction services," "community addiction services provider," "community mental health services provider," "drug addiction," "gambling addiction services," "mental health services," and "mental illness" have the same meanings as in section 5119.01 of the Revised Code.

(2) "Medication-assisted treatment" means alcohol and drug addiction services that are accompanied by medication approved by the United States food and drug administration for the treatment of drug addiction, prevention of relapse of drug addiction, or both.

(3) "Recovery housing" means housing for individuals recovering from drug addiction that provides an alcohol and drug-free living environment, peer support, assistance with obtaining drug addiction services, and other drug addiction recovery assistance.

(B) An alcohol, drug addiction, and mental health service district shall be established in any county or combination of counties having a population of at least fifty thousand to provide addiction services and mental health services. With the approval of the director of mental health and addiction services, any county or combination of counties having a population of less than fifty

thousand may establish such a district. Districts comprising more than one county shall be known as joint-county districts.

The board of county commissioners of any county participating in a joint-county district may submit a resolution requesting withdrawal from the district together with a comprehensive plan or plans that are in compliance with rules adopted by the director of mental health and addiction services under section 5119.22 of the Revised Code, and that provide for the equitable adjustment and division of all services, assets, property, debts, and obligations, if any, of the joint-county district to the board of alcohol, drug addiction, and mental health services, to the boards of county commissioners of each county in the district, and to the ~~directors~~ director. No county participating in a joint-county service district may withdraw from the district without the consent of the director of mental health and addiction services nor earlier than one year after the submission of such resolution unless all of the participating counties agree to an earlier withdrawal. Any county withdrawing from a joint-county district shall continue to have levied against its tax list and duplicate any tax levied by the district during the period in which the county was a member of the district until such time as the levy expires or is renewed or replaced."

Between lines 4406 and 4407, insert:

"**Sec. 340.03.** (A) Subject to rules issued by the director of mental health and addiction services after consultation with relevant constituencies as required by division (A)(10) of section 5119.21 of the Revised Code, the board of alcohol, drug addiction, and mental health services shall:

(1) Serve as the community addiction and mental health services planning agency for the county or counties under its jurisdiction, and in so doing it shall:

(a) Evaluate the need for facilities and community addiction and mental health services;

(b) In cooperation with other local and regional planning and funding bodies and with relevant ethnic organizations, assess the community addiction and mental health needs, evaluate strengths and challenges, and set priorities for community addiction and mental health services, including treatment and prevention. When the board sets priorities for the operation of addiction services, the board shall consult with the county commissioners of the counties in the board's service district regarding the services described in section 340.15 of the Revised Code and shall give priority to those services, except that those services shall not have a priority over services provided to pregnant women under programs developed in relation to the mandate established in section 5119.17 of the Revised Code;

(c) In accordance with guidelines issued by the director of mental health and addiction services after consultation with board representatives, annually develop and submit to the department of mental health and addiction services a community addiction and mental health services plan listing community

addiction and mental health services needs, including the needs of all residents of the district currently receiving inpatient services in state-operated hospitals, the needs of other populations as required by state or federal law or programs, the needs of all children subject to a determination made pursuant to section 121.38 of the Revised Code, and priorities for facilities and community addiction and mental health services during the period for which the plan will be in effect.

In alcohol, drug addiction, and mental health service districts that have separate alcohol and drug addiction services and community mental health boards, the alcohol and drug addiction services board shall submit a community addiction services plan and the community mental health board shall submit a community mental health services plan. Each board shall consult with its counterpart in developing its plan and address the interaction between the local addiction services and mental health services systems and populations with regard to needs and priorities in developing its plan.

The department shall approve or disapprove the plan, in whole or in part, according to the criteria developed pursuant to section 5119.22 of the Revised Code. Eligibility for state and federal funding shall be contingent upon an approved plan or relevant part of a plan.

If a board determines that it is necessary to amend a plan that has been approved under this division, the board shall submit a proposed amendment to the director. The director may approve or disapprove all or part of the amendment. The director shall inform the board of the reasons for disapproval of all or part of an amendment and of the criteria that must be met before the amendment may be approved. The director shall provide the board an opportunity to present its case on behalf of the amendment. The director shall give the board a reasonable time in which to meet the criteria, and shall offer the board technical assistance to help it meet the criteria.

The board shall operate in accordance with the plan approved by the department.

(d) Promote, arrange, and implement working agreements with social agencies, both public and private, and with judicial agencies.

(2) Investigate, or request another agency to investigate, any complaint alleging abuse or neglect of any person receiving services from a community addiction or mental health services provider certified under section 5119.36 of the Revised Code or alleging abuse or neglect of a resident receiving addiction services or with mental illness or severe mental disability residing in a residential facility licensed under section 5119.34 of the Revised Code. If the investigation substantiates the charge of abuse or neglect, the board shall take whatever action it determines is necessary to correct the situation, including notification of the appropriate authorities. Upon request, the board shall provide information about such investigations to the department.

(3) For the purpose of section 5119.36 of the Revised Code, cooperate with the director of mental health and addiction services in visiting and

evaluating whether the services of a community addiction or mental health services provider satisfy the certification standards established by rules adopted under that section;

(4) In accordance with criteria established under division (E) of section 5119.22 of the Revised Code, conduct program audits that review and evaluate the quality, effectiveness, and efficiency of services provided through its community addiction and mental health contracted services and submit its findings and recommendations to the department of mental health and addiction services;

(5) In accordance with section 5119.34 of the Revised Code, review an application for a residential facility license and provide to the department of mental health and addiction services any information about the applicant or facility that the board would like the department to consider in reviewing the application;

(6) Audit, in accordance with rules adopted by the auditor of state pursuant to section 117.20 of the Revised Code, at least annually all programs and services provided under contract with the board. In so doing, the board may contract for or employ the services of private auditors. A copy of the fiscal audit report shall be provided to the director of mental health and addiction services, the auditor of state, and the county auditor of each county in the board's district.

(7) Recruit and promote local financial support for addiction and mental health services from private and public sources;

(8)(a) Enter into contracts with public and private facilities for the operation of facility services and enter into contracts with public and private community addiction and mental health service providers for the provision of community addiction and mental health services. The board may not contract with a residential facility subject to section 5119.34 of the Revised Code unless the facility is licensed by the director of mental health and addiction services and may not contract with a community addiction or mental health services provider to provide community addiction or mental health services unless the services are certified by the director of mental health and addiction services under section 5119.36 of the Revised Code. Section 307.86 of the Revised Code does not apply to contracts entered into under this division. In contracting with a community addiction or mental health services provider, a board shall consider the cost effectiveness of services provided by that provider and the quality and continuity of care, and may review cost elements, including salary costs, of the services to be provided. A utilization review process may be established as part of the contract for services entered into between a board and a community addiction or mental health services provider. The board may establish this process in a way that is most effective and efficient in meeting local needs.

If either the board or a facility or community addiction or mental health services provider with which the board contracts under this division proposes not to renew the contract or proposes substantial changes in contract terms, the other

party shall be given written notice at least one hundred twenty days before the expiration date of the contract. During the first sixty days of this one hundred twenty-day period, both parties shall attempt to resolve any dispute through good faith collaboration and negotiation in order to continue to provide services to persons in need. If the dispute has not been resolved sixty days before the expiration date of the contract, either party may notify the department of mental health and addiction services of the unresolved dispute. The director may require both parties to submit the dispute to a third party with the cost to be shared by the board and the facility or provider. The third party shall issue to the board, the facility or provider, and the department recommendations on how the dispute may be resolved twenty days prior to the expiration date of the contract, unless both parties agree to a time extension. The director shall adopt rules establishing the procedures of this dispute resolution process.

(b) With the prior approval of the director of mental health and addiction services, a board may operate a facility or provide a community addiction or mental health service as follows, if there is no other qualified private or public facility or community addiction or mental health services provider that is immediately available and willing to operate such a facility or provide the service:

(i) In an emergency situation, any board may operate a facility or provide a community addiction or mental health service in order to provide essential services for the duration of the emergency;

(ii) In a service district with a population of at least one hundred thousand but less than five hundred thousand, a board may operate a facility or provide a community addiction or mental health service for no longer than one year;

(iii) In a service district with a population of less than one hundred thousand, a board may operate a facility or provide a community addiction or mental health service for no longer than one year, except that such a board may operate a facility or provide a community addiction or mental health service for more than one year with the prior approval of the director and the prior approval of the board of county commissioners, or of a majority of the boards of county commissioners if the district is a joint-county district.

The director shall not give a board approval to operate a facility or provide a community addiction or mental health service under division (A)(8)(b)(ii) or (iii) of this section unless the director determines that it is not feasible to have the department operate the facility or provide the service.

The director shall not give a board approval to operate a facility or provide a community addiction or mental health service under division (A)(8)(b)(iii) of this section unless the director determines that the board will provide greater administrative efficiency and more or better services than would be available if the board contracted with a private or public facility or community addiction or mental health services provider.

The director shall not give a board approval to operate a facility previously operated by a person or other government entity unless the board has established to the director's satisfaction that the person or other government entity cannot effectively operate the facility or that the person or other government entity has requested the board to take over operation of the facility. The director shall not give a board approval to provide a community addiction or mental health service previously provided by a community addiction or mental health services provider unless the board has established to the director's satisfaction that the provider cannot effectively provide the service or that the provider has requested the board take over providing the service.

The director shall review and evaluate a board's operation of a facility and provision of community addiction or mental health service under division (A)(8)(b) of this section.

Nothing in division (A)(8)(b) of this section authorizes a board to administer or direct the daily operation of any facility or community addiction or mental health services provider, but a facility or provider may contract with a board to receive administrative services or staff direction from the board under the direction of the governing body of the facility or provider.

(9) Approve fee schedules and related charges or adopt a unit cost schedule or other methods of payment for contract services provided by community addiction or mental health services providers in accordance with guidelines issued by the department as necessary to comply with state and federal laws pertaining to financial assistance;

(10) Submit to the director and the county commissioners of the county or counties served by the board, and make available to the public, an annual report of the services under the jurisdiction of the board, including a fiscal accounting;

(11) Establish, to the extent resources are available, a continuum of care ; ~~which that~~ provides for prevention, treatment, support, and rehabilitation services and opportunities. The essential elements of the continuum of care shall include ,but are not limited to, the following components ~~in accordance with section 5119.21 of the Revised Code:~~

(a) To locate persons in need of addiction or mental health services to inform them of available services and benefits;

(b) Assistance for persons receiving services to obtain services necessary to meet basic human needs for food, clothing, shelter, medical care, personal safety, and income;

(c) Addiction and mental health services, including ~~,but not limited to,~~ outpatient, residential, partial all of the following:

(i) Outpatient:

(ii) Residential:

(iii) Partial hospitalization ~~and, where~~ ;

(iv) Where appropriate, inpatient care;

(v) Sub-acute detoxification;

(vi) Intensive and other supports;

(vii) Recovery support;

(viii) Prevention and wellness management;

(ix) In accordance with section 340.033 of the Revised Code, an array of treatment and support services for all levels of opioid and co-occurring drug addiction.

(d) Emergency services and crisis intervention;

(e) Assistance for persons receiving services to obtain vocational services and opportunities for jobs;

(f) The provision of services designed to develop social, community, and personal living skills;

(g) Access to a wide range of housing and the provision of residential treatment and support;

(h) Support, assistance, consultation, and education for families, friends, persons receiving addiction or mental health services, and others;

(i) Recognition and encouragement of families, friends, neighborhood networks, especially networks that include racial and ethnic minorities, churches, community organizations, and community employment as natural supports for persons receiving addiction or mental health services;

(j) Grievance procedures and protection of the rights of persons receiving addiction or mental health services;

(k) Community psychiatric supportive treatment services, which includes continual individualized assistance and advocacy to ensure that needed services are offered and procured ;

(l) Any additional component the department, pursuant to section 5119.21 of the Revised Code, determines is necessary to establish the continuum of care.

(12) Establish a method for evaluating referrals for involuntary commitment and affidavits filed pursuant to section 5122.11 of the Revised Code in order to assist the probate division of the court of common pleas in determining whether there is probable cause that a respondent is subject to involuntary hospitalization and what alternative treatment is available and appropriate, if any;

(13) Designate the treatment services, provider, facility, or other placement for each person involuntarily committed to the board pursuant to

Chapter 5122. of the Revised Code. The board shall provide the least restrictive and most appropriate alternative that is available for any person involuntarily committed to it and shall assure that the listed services submitted and approved in accordance with division (B) of section 340.08 of the Revised Code are available to severely mentally disabled persons residing within its service district. The board shall establish the procedure for authorizing payment for services, which may include prior authorization in appropriate circumstances. The board may provide for services directly to a severely mentally disabled person when life or safety is endangered and when no community mental health services provider is available to provide the service.

(14) Ensure that apartments or rooms built, subsidized, renovated, rented, owned, or leased by the board or a community addiction or mental health services provider have been approved as meeting minimum fire safety standards and that persons residing in the rooms or apartments are receiving appropriate and necessary services, including culturally relevant services, from a community addiction or mental health services provider. This division does not apply to residential facilities licensed pursuant to section 5119.34 of the Revised Code.

(15) Establish a mechanism for obtaining advice and involvement of persons receiving publicly funded addiction or mental health services on matters pertaining to addiction and mental health services in the alcohol, drug addiction, and mental health service district;

(16) Perform the duties required by rules adopted under section 5119.22 of the Revised Code regarding referrals by the board or mental health services providers under contract with the board of individuals with mental illness or severe mental disability to residential facilities as defined in division (A)(9)(b)(iii) of section 5119.34 of the Revised Code and effective arrangements for ongoing mental health services for the individuals. The board is accountable in the manner specified in the rules for ensuring that the ongoing mental health services are effectively arranged for the individuals.

(B) The board shall establish such rules, operating procedures, standards, and bylaws, and perform such other duties as may be necessary or proper to carry out the purposes of this chapter.

(C) A board of alcohol, drug addiction, and mental health services may receive by gift, grant, devise, or bequest any moneys, lands, or property for the benefit of the purposes for which the board is established, and may hold and apply it according to the terms of the gift, grant, or bequest. All money received, including accrued interest, by gift, grant, or bequest shall be deposited in the treasury of the county, the treasurer of which is custodian of the alcohol, drug addiction, and mental health services funds to the credit of the board and shall be available for use by the board for purposes stated by the donor or grantor.

(D) No board member or employee of a board of alcohol, drug addiction, and mental health services shall be liable for injury or damages caused by any action or inaction taken within the scope of the board member's official duties or



the employee's employment, whether or not such action or inaction is expressly authorized by this section or any other section of the Revised Code, unless such action or inaction constitutes willful or wanton misconduct. Chapter 2744. of the Revised Code applies to any action or inaction by a board member or employee of a board taken within the scope of the board member's official duties or employee's employment. For the purposes of this division, the conduct of a board member or employee shall not be considered willful or wanton misconduct if the board member or employee acted in good faith and in a manner that the board member or employee reasonably believed was in or was not opposed to the best interests of the board and, with respect to any criminal action or proceeding, had no reasonable cause to believe the conduct was unlawful.

(E) The meetings held by any committee established by a board of alcohol, drug addiction, and mental health services shall be considered to be meetings of a public body subject to section 121.22 of the Revised Code.

**Sec. 340.033.** The array of treatment and support services for all levels of opioid and co-occurring drug addiction required by division (A)(11)(c)(ix) of section 340.03 of the Revised Code to be included in a continuum of care established under that section shall include at least ambulatory and sub-acute detoxification, non-intensive and intensive outpatient services, medication-assisted treatment, peer mentoring, residential treatment services, recovery housing pursuant to section 340.034 of the Revised Code, and twelve-step approaches. The treatment and support services shall be made available in the service district of each board of alcohol, drug addiction, and mental health services, except that sub-acute detoxification and residential treatment services may be made available through a contract with one or more providers of sub-acute detoxification or residential treatment services located in other service districts. The treatment and support services shall be made available in a manner that ensures that service recipients are able to access the services they need for opioid and co-occurring drug addiction in an integrated manner and without delay when changing or obtaining additional treatment or support services for such addiction. An individual seeking a treatment or support service for opioid and co-occurring drug addiction included in a continuum of care shall not be denied the service on the basis that the service previously failed.

**Sec. 340.034.** All of the following apply to the recovery housing required by section 340.033 of the Revised Code to be included in the array of treatment and support services for all levels of opioid and co-occurring drug addiction that are part of the continuum of care established by each board of alcohol, drug addiction, and mental health services pursuant to division (A)(11) of section 340.03 of the Revised Code:

(A) The recovery housing shall not be owned or operated by a residential facility as defined in section 5119.34 of the Revised Code and instead shall be owned and operated by the following:

(1) Except as provided in division (A)(2) of this section, a community addiction services provider or other local nongovernmental organization

(including a peer-run recovery organization), as appropriate to the needs of the board's service district:

(2) The board, if either of the following applies:

(a) The board owns and operates the recovery housing on the effective date of this section.

(b) The board determines that there is an emergency need for the board to assume the ownership and operation of the recovery housing such as when an existing owner and operator of the recovery housing goes out of business, and the board considers the assumption of ownership and operation of the recovery housing to be its last resort.

(B) The recovery housing shall have protocols for all of the following:

(1) Administrative oversight;

(2) Quality standards;

(3) Policies and procedures, including house rules, for its residents to which the residents must agree to adhere.

(C) Family members of the recovery housing's residents may reside in the recovery housing to the extent the recovery housing's protocols permit.

(D) The recovery housing shall not limit a resident's duration of stay to an arbitrary or fixed amount of time. Instead, each resident's duration of stay shall be determined by the resident's needs, progress, and willingness to abide by the recovery housing's protocols, in collaboration with the recovery housing's owner, and, if appropriate, in consultation and integration with a community addiction services provider.

(E) The recovery housing may permit its residents to receive medication-assisted treatment at the recovery housing.

(F) The recovery housing may not provide community addiction services but may assist a resident in obtaining community addiction services that are certified by the department of mental health and addiction services under section 5119.36 of the Revised Code. The community addiction services may be provided at the recovery housing or elsewhere.

**Sec. 340.08.** In accordance with rules or guidelines issued by the director of mental health and addiction services, each board of alcohol, drug addiction, and mental health services shall do all of the following:

(A) Submit to the department of mental health and addiction services a report of receipts and expenditures for all federal, state, and local moneys the board expects to receive ÷

(1) The report shall identify funds the board has available for the array of treatment and support services for all levels of opioid and co-occurring drug addiction required by division (A)(11)(c)(ix) of section 340.03 of the Revised

Code to be included in the continuum of care established under that section.

(2) The report shall identify funds the board and public children services agencies in the board's service district have available to fund jointly the services described in section 340.15 of the Revised Code.

~~(2)~~ (3) The board's proposed budget for expenditures of state and federal funds distributed to the board by the department shall be deemed an application for funds, and the department shall approve or disapprove the budget for these expenditures. The department shall disapprove the board's proposed budget if the proposed budget would not make available in the board's service district the essential elements of the continuum of care required by division (A)(11) of section 340.03 of the Revised Code. The department shall inform the board of the reasons for disapproval of the budget for the expenditure of state and federal funds and of the criteria that must be met before the budget may be approved. The director shall provide the board an opportunity to present its case on behalf of the submitted budget. The director shall give the board a reasonable time in which to meet the criteria and shall offer the board technical assistance to help it meet the criteria.

If a board determines that it is necessary to amend a budget that has been approved under this section, the board shall submit a proposed amendment to the director. The director may approve or disapprove all or part of the amendment. The director shall inform the board of the reasons for disapproval of all or part of the amendment and of the criteria that must be met before the amendment may be approved. The director shall provide the board an opportunity to present its case on behalf of the amendment. The director shall give the board a reasonable time in which to meet the criteria and shall offer the board technical assistance to help it meet the criteria.

~~(3)~~ (4) The director of mental health and addiction services, ~~in whole or in part, may shall~~ withhold funds otherwise to be allocated to a board of alcohol, drug addiction, and mental health services under Chapter 5119. of the Revised Code if the board's use of state and federal funds fails to comply with the approved budget, as it may be amended with the approval of the department.

(B) Submit to the department a statement identifying the services ~~described in section 340.09 of the Revised Code~~ the board intends to make available. The board shall include ~~crisis intervention services for individuals in emergency situations~~ the services required by division (A)(11) of section 340.03 of the Revised Code to be included in the continuum of care and the services required pursuant to by section 340.15 of the Revised Code, ~~and the~~ . The board shall explain the manner in which the board intends to make such services available. The list of services shall be compatible with the budget submitted pursuant to division (A) of this section. The department shall approve or disapprove the proposed listing of services to be made available. The department shall inform the board of the reasons for disapproval of the listing of proposed services and of the criteria that must be met before listing of proposed services may be approved. The director shall provide the board an opportunity to present

its case on behalf of the submitted listing of proposed services. The director shall give the board a reasonable time in which to meet the criteria and shall offer the board technical assistance to help it meet the criteria.

(C) Enter into a continuity of care agreement with the state institution operated by the department of mental health and addiction services and designated as the institution serving the district encompassing the board's service district. The continuity of care agreement shall outline the department's and the board's responsibilities to plan for and coordinate with each other to address the needs of board residents who are patients in the institution, with an emphasis on managing appropriate hospital bed day use and discharge planning. The continuity of care agreement shall not require the board to provide services other than those on the list of services submitted by the board and approved by the department pursuant to division (B) of this section.

(D) In conjunction with the department of mental health and addiction services, operate a coordinated system for tracking and monitoring persons found not guilty by reason of insanity and committed pursuant to section 2945.40 of the Revised Code who have been granted a conditional release and persons found incompetent to stand trial and committed pursuant to section 2945.39 of the Revised Code who have been granted a conditional release. The system shall do all of the following:

- (1) Centralize responsibility for the tracking of those persons;
- (2) Provide for uniformity in monitoring those persons;
- (3) Provide a mechanism to allow prompt rehospitalization, reinstitutionalization, or detention when a violation of the conditional release or decompensation occurs.

(E) Submit to the department a report summarizing complaints and grievances received by the board concerning the rights of persons seeking or receiving services, investigations of complaints and grievances, and outcomes of the investigations.

(F) Provide to the department information to be submitted to the community addiction and mental health information system or systems established by the department under Chapter 5119. of the Revised Code.

(G) Annually, and upon any change in membership, submit to the department a list of all current members of the board of alcohol, drug addiction, and mental health services, including the appointing authority for each member, and the member's specific qualification for appointment pursuant to section 340.02 or 340.021 of the Revised Code, if applicable.

(H) Submit to the department other information as is reasonably required for purposes of the department's operations, service evaluation, reporting activities, research, system administration, and oversight.

**Sec. 340.09.** (A) The Using funds the general assembly appropriates for these purposes, the department of mental health and addiction services shall

provide assistance to ~~any~~ each county for ~~the~~ all of the following:

(1) ~~The operation of boards~~ the board of alcohol, drug addiction, and mental health services ; servng the county;

(2) ~~The provision of services approved by the department within the continuum of care ;~~ the established pursuant to division (A)(11) of section 340.03 of the Revised Code;

(3) ~~The provision of approved support functions ;~~ and the ;

(4) ~~The partnership in, or support for, approved continuum of care-related activities from funds appropriated for that purpose by the general assembly.~~

(B) ~~Categories in the continuum of care may include the following:~~

(1) ~~Inpatient;~~

(2) ~~Residential;~~

(3) ~~Outpatient treatment;~~

(4) ~~Intensive and other supports;~~

(5) ~~Recovery support;~~

(6) ~~Prevention and wellness management.~~

(C) ~~Support functions may include the following:~~

(1) ~~Consultation;~~

(2) ~~Research;~~

(3) ~~Administrative;~~

(4) ~~Referral and information;~~

(5) ~~Training;~~

(6) ~~Service and program evaluation.~~

**Sec. 340.15.** (A) A public children services agency that identifies a child by a risk assessment conducted pursuant to section 5153.16 of the Revised Code as being at imminent risk of being abused or neglected because of an addiction of a parent, guardian, or custodian of the child to a drug of abuse or alcohol shall refer the child's addicted parent, guardian, or custodian and, if the agency determines that the child needs alcohol or other drug addiction services, the child to a community addiction services provider certified by the department of mental health and addiction services under section 5119.36 of the Revised Code. A public children services agency that is sent a court order issued pursuant to division (B) of section 2151.3514 of the Revised Code shall refer the addicted parent or other caregiver of the child identified in the court order to a community addiction services provider certified by the department of mental health and addiction services under section 5119.36 of the Revised Code. On receipt of a referral under this division and to the extent funding identified under division

(A) ~~(1)~~ (2) of section 340.08 of the Revised Code is available, the provider shall provide the following services to the addicted parent, guardian, custodian, or caregiver and child in need of addiction services:

- (1) If it is determined pursuant to an initial screening to be needed, assessment and appropriate treatment;
- (2) Documentation of progress in accordance with a treatment plan developed for the addicted parent, guardian, custodian, caregiver, or child;
- (3) If the referral is based on a court order issued pursuant to division (B) of section 2151.3514 of the Revised Code and the order requires the specified parent or other caregiver of the child to submit to alcohol or other drug testing during, after, or both during and after, treatment, testing in accordance with the court order.

(B) The services described in division (A) of this section shall have a priority as provided in the addiction and mental health services plan and budget established pursuant to sections 340.03 and 340.08 of the Revised Code. Once a referral has been received pursuant to this section, the public children services agency and the addiction services provider shall, in accordance with 42 C.F.R. Part 2, share with each other any information concerning the persons and services described in that division that the agency and provider determine are necessary to share. If the referral is based on a court order issued pursuant to division (B) of section 2151.3514 of the Revised Code, the results and recommendations of the addiction services provider also shall be provided and used as described in division (D) of that section. Information obtained or maintained by the agency or provider pursuant to this section that could enable the identification of any person described in division (A) of this section is not a public record subject to inspection or copying under section 149.43 of the Revised Code.

**Sec. 340.20.** (A) In accordance with the rules adopted under section 5119.363 of the Revised Code, each board of alcohol, drug addiction, and mental health services monthly shall do all of the following:

(1) Compile on an aggregate basis the information the board receives that month from community addiction services providers under section 5119.362 of the Revised Code;

(2) Determine the number of applications for treatment and support services included, pursuant to section 340.033 of the Revised Code, in the array of treatment and support services for all levels of opioid and co-occurring drug addiction that the board received in the immediately preceding month and that the board denied that month, each type of service so denied, and the reasons for the denials;

(3) Subject to division (B) of this section, report all of the following to the department of mental health and addiction services:

(a) The information that the board compiles under division (A)(1) of this

section that month:

(b) The information that the board determines under division (A)(2) of this section that month;

(c) All other information required by the rules.

(B) Each board shall report the information required by division (A)(3) of this section as follows:

(1) In an electronic format;

(2) In a manner that maintains the confidentiality of all individuals for whom information is included in the report;

(3) In a manner that presents the information about the individuals whose information is included in the report by their counties of residence."

Between lines 21219 and 21220, insert:

"**Sec. 5119.21.** (A) The department of mental health and addiction services shall:

(1) To the extent the department has available resources and in consultation with boards of alcohol, drug addiction, and mental health services, support a ~~the continuum of care in accordance with Chapter 340. that the boards are required by division (A)(11) of section 340.03 of the Revised Code to establish. The department shall provide the support on a district or multi-district basis. The department shall define the essential elements of a continuum of care, shall~~ assist in identifying resources, and may prioritize support ~~for one or more of the elements of the continuum of care. For the purpose of division (A)(11)(1) of section 340.03 of the Revised Code and to the extent the department determines is necessary, the department shall define additional components to be included in the essential elements of the continuum of care.~~

(2) Provide training, consultation, and technical assistance regarding mental health and addiction services and appropriate prevention, recovery, and mental health promotion activities, including those that are culturally competent, to employees of the department, community mental health and addiction services providers, boards of alcohol, drug addiction, and mental health services, and other agencies providing mental health and addiction services;

(3) To the extent the department has available resources, promote and support a full range of mental health and addiction services that are available and accessible to all residents of this state, especially for severely mentally disabled children, adolescents, adults, pregnant women, parents, guardians or custodians of children at risk of abuse or neglect, and other special target populations, including racial and ethnic minorities, as determined by the department;

(4) Develop standards and measures for evaluating the effectiveness of mental health and addiction services, including services that use methadone treatment, of gambling addiction services, and for increasing the accountability

of mental health and alcohol and addiction services providers and of gambling addiction services providers;

(5) Design and set criteria for the determination of priority populations;

(6) Promote, direct, conduct, and coordinate scientific research, taking ethnic and racial differences into consideration, concerning the causes and prevention of mental illness and addiction, methods of providing effective services and treatment, and means of enhancing the mental health of and recovery from addiction of all residents of this state;

(7) Foster the establishment and availability of vocational rehabilitation services and the creation of employment opportunities for consumers of mental health and addiction services, including members of racial and ethnic minorities;

(8) Establish a program to protect and promote the rights of persons receiving mental health and addiction services, including the issuance of guidelines on informed consent and other rights;

(9) Promote the involvement of persons who are receiving or have received mental health or addiction services, including families and other persons having a close relationship to a person receiving those services, in the planning, evaluation, delivery, and operation of mental health and addiction services;

(10) Notify and consult with the relevant constituencies that may be affected by rules, standards, and guidelines issued by the department of mental health and addiction services. These constituencies shall include consumers of mental health and addiction services and their families, and may include public and private providers, employee organizations, and others when appropriate. Whenever the department proposes the adoption, amendment, or rescission of rules under Chapter 119. of the Revised Code, the notification and consultation required by this division shall occur prior to the commencement of proceedings under Chapter 119. The department shall adopt rules under Chapter 119. of the Revised Code that establish procedures for the notification and consultation required by this division.

(11) Provide consultation to the department of rehabilitation and correction concerning the delivery of mental health and addiction services in state correctional institutions.

(12) Promote and coordinate efforts in the provision of alcohol and drug addiction services and of gambling addiction services by other state agencies, as defined in section 1.60 of the Revised Code; courts; hospitals; clinics; physicians in private practice; public health authorities; boards of alcohol, drug addiction, and mental health services; alcohol and drug addiction services providers; law enforcement agencies; gambling addiction services providers; and related groups;

(13) Provide to each court of record, and biennially update, a list of the treatment and education programs within that court's jurisdiction that the court



may require an offender, sentenced pursuant to section 4511.19 of the Revised Code, to attend;

(14) Make the warning sign described in sections 3313.752, 3345.41, and 3707.50 of the Revised Code available on the department's internet web site;

(15) Provide a program of gambling addiction services on behalf of the state lottery commission, pursuant to an agreement entered into with the director of the commission under division (K) of section 3770.02 of the Revised Code, and provide a program of gambling addiction services on behalf of the Ohio casino control commission, under an agreement entered into with the executive director of the commission under section 3772.062 of the Revised Code. Under Section 6(C)(3) of Article XV, Ohio Constitution, the department may enter into agreements with boards of alcohol, drug addiction, and mental health services, including boards with districts in which a casino facility is not located, and nonprofit organizations to provide gambling addiction services and substance abuse services, and with state institutions of higher education or private nonprofit institutions that possess a certificate of authorization issued under Chapter 1713. of the Revised Code to perform related research.

(B) The department may accept and administer grants from public or private sources for carrying out any of the duties enumerated in this section.

(C) Pursuant to Chapter 119. of the Revised Code, the department shall adopt a rule defining the term "intervention" as it is used in this chapter in connection with alcohol and drug addiction services and in connection with gambling addiction services. The department may adopt other rules as necessary to implement the requirements of this chapter.

**Sec. 5119.22.** The director of mental health and addiction services with respect to all mental health and addiction facilities and services established and operated or provided under Chapter 340. of the Revised Code, shall do all of the following:

(A) Adopt rules pursuant to Chapter 119. of the Revised Code that may be necessary to carry out the purposes of this chapter and Chapters 340. and 5122. of the Revised Code.

(B) Review and evaluate the continuum of care required by division (A)(11) of section 340.03 of the Revised Code to be established in each service district, taking into account the findings and recommendations of the board of alcohol, drug addiction, and mental health services of the district submitted under division (A)(4) of section 340.03 of the Revised Code and the priorities and plans of the department of mental health and addiction services, including the needs of residents of the district currently receiving services in state-operated hospitals, and make recommendations for needed improvements to boards of alcohol, drug addiction, and mental health services;

(C) At the director's discretion, provide to boards of alcohol, drug addiction, and mental health services state or federal funds, in addition to those

allocated under section 5119.23 of the Revised Code, for special programs or projects the director considers necessary but for which local funds are not available;

(D) Establish, in consultation with board of alcohol, drug addiction, and mental health service representatives and after consideration of the recommendations of the medical director, guidelines for the development of community mental health and addiction services plans and the review and approval or disapproval of such plans submitted pursuant to section 340.03 of the Revised Code.

(E) Establish criteria by which a board of alcohol, drug addiction, and mental health services reviews and evaluates the quality, effectiveness, and efficiency of its contracted services. The criteria shall include requirements ensuring appropriate service utilization. The department shall assess a board's evaluation of services and the compliance of each board with this section, Chapter 340. of the Revised Code, and other state or federal law and regulations. The department, in cooperation with the board, periodically shall review and evaluate the quality, effectiveness, and efficiency of services provided through each board. The department shall collect information that is necessary to perform these functions.

(F) To the extent the director determines necessary and after consulting with boards of alcohol, drug addiction, and mental health services and community addiction and mental health services providers, develop and operate, or contract for the operation of, a community behavioral health information system or systems. The department shall specify the information that must be provided by boards of alcohol, drug addiction, and mental health services and by community addiction and mental health services providers for inclusion in the system or systems.

Boards of alcohol, drug addiction, and mental health services and community addiction and mental health services providers shall submit information requested by the department in the form and manner and in accordance with time frames prescribed by the department. Information collected by the department may include all of the following:

- (1) Information on services provided;
- (2) Financial information regarding expenditures of federal, state, or local funds;
- (3) Information about persons served.

The department shall not collect any personal information from the boards except as required or permitted by state or federal law for purposes related to payment, health care operations, program and service evaluation, reporting activities, research, system administration, and oversight.

(G)(1) Review each board's community mental health and addiction services plan, budget, and statement of services ~~to be made available~~ submitted

pursuant to sections 340.03 and 340.08 of the Revised Code and approve or disapprove the plan, the budget, and the statement of services in whole or in part.

The department ~~may~~ shall withhold all or part of the funds allocated to a board if it disapproves all or part of a plan, budget, or statement of services. Prior to a final decision to disapprove a plan, budget, or statement of services, or to withhold funds from a board, a representative of the director of mental health and addiction services shall meet with the board and discuss the reason for the action the department proposes to take and any corrective action that should be taken to make the plan, budget, or statement of services acceptable to the department. In addition, the department shall offer technical assistance to the board to assist it to make the plan, budget, or statement of services acceptable. The department shall give the board a reasonable time in which to revise the plan, budget, or statement of services. The board thereafter shall submit a revised plan, budget, or statement of services, or a new plan, budget, or statement of services.

(2) If a board determines that it is necessary to amend the plan, budget, or statement of services that has been approved under this section, the board shall submit the proposed amendment to the department. The department may approve or disapprove all or part of the amendment.

(3) If the director disapproves of all or part of any proposed amendment, the director shall provide the board an opportunity to present its position. The director shall inform the board of the reasons for the disapproval and of the criteria that must be met before the proposed amendment may be approved. The director shall give the board a reasonable time within which to meet the criteria and shall offer technical assistance to the board to help it meet the criteria.

(4) The department shall establish procedures for the review of plans, budgets, and statements of services, and a timetable for submission and review of plans, budgets, and statements of services and for corrective action and submission of new or revised plans, budgets, and statements of services.

**Sec. 5119.25.** (A) The director of mental health and addiction services, in whole or in part, may withhold funds otherwise to be allocated to a board of alcohol, drug addiction, and mental health services under section 5119.23 of the Revised Code if the board fails to comply with Chapter 340. or section 5119.22, 5119.24, 5119.36, or 5119.371 of the Revised Code or rules of the department of mental health and addiction services. However, the director shall withhold all such funds from the board when required to do so under division (A)(4) of section 340.08 of the Revised Code or division (G)(1) of section 5119.22 of the Revised Code.

(B) The director of mental health and addiction services may withhold funds otherwise to be allocated to a board of alcohol, drug addiction, and mental health services under section 5119.23 of the Revised Code if the board denies available service on the basis of race, color, religion, creed, sex, age, national origin, disability as defined in section 4112.01 of the Revised Code, or developmental disability.

(C) The director shall issue a notice identifying the areas of noncompliance and the action necessary to achieve compliance. The director may offer technical assistance to the board to achieve compliance. The board shall have ~~ten~~ thirty days from receipt of the notice of noncompliance to present its position that it is in compliance or to submit to the director evidence of corrective action the board took to achieve compliance. Before withholding funds, the director or the director's designee shall hold a hearing within ~~ten~~ thirty days of receipt of the board's position or evidence to determine if there are continuing violations and that either assistance is rejected or the board is unable or has failed, to achieve compliance. The director may appoint a representative from another board of alcohol, drug addiction, and mental health services to serve as a mentor for the board in developing and executing a plan of corrective action to achieve compliance. Any such representative shall be from a board that is in compliance with Chapter 340. of the Revised Code, sections 5119.22, 5119.24, 5119.36, and 5119.371 of the Revised Code, and the department's rules. Subsequent to the hearing process, if it is determined that compliance has not been achieved, the director may allocate all or part of the withheld funds to a ~~public or private agency~~ one or more community mental health services providers or community addiction services providers to provide the community mental health or community addiction service for which the board is not in compliance until the time that there is compliance. The director ~~may~~ shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

**Sec. 5119.362.** (A) In accordance with rules adopted under section 5119.363 of the Revised Code, each community addiction services provider shall do all of the following:

(1) Maintain, in an aggregate form, a waiting list of individuals to whom all of the following apply:

(a) The individual has been documented as having a clinical need for alcohol and drug addiction services due to an opioid or co-occurring drug addiction.

(b) The individual has applied to the provider for a clinically necessary treatment or support service required by division (A)(11)(c)(ix) of section 340.03 of the Revised Code to be included in the continuum of care established under that section.

(c) The individual has not begun to receive the clinically necessary treatment or support service within five days of the individual's application for the service because the provider lacks an available slot for the individual.

(2) Notify an individual included on the provider's waiting list when the provider has a slot available for the individual and, if the individual does not contact the provider about the slot within a period of time specified in the rules, contact the individual to determine why the individual did not contact the provider and to assess whether the individual still needs the treatment or support

service:

(3) Subject to divisions (B) and (C) of this section, report all of the following information each month to the board of alcohol, drug addiction, and mental health services that serves the county or counties in which the provider provides alcohol and drug addiction services:

(a) An unduplicated count of all individuals who reside in a county that the board serves and were included on the provider's waiting list as of the last day of the immediately preceding month and each type of treatment and support service for which they were waiting;

(b) The total number of days all such individuals had been on the provider's waiting list as of the last day of the immediately preceding month;

(c) The last known types of residential settings in which all such individuals resided as of the last day of the immediately preceding month;

(d) The number of all such individuals who did not contact the provider after receiving, during the immediately preceding month, the notices under division (A)(2) of this section about the provider having slots available for the individuals, and the reasons the contacts were not made;

(e) The number of all such individuals who withdrew, in the immediately preceding month, their applications for the treatment and support services, each type of service for which those individuals had applied, and the reasons the applications were withdrawn;

(f) All other information specified in the rules.

(B) If a community addiction services provider provides alcohol and drug addiction services in more than one county and those counties are served by different boards of alcohol, drug addiction, and mental health services, the provider shall provide separate reports under division (C)(3) of this section to each of the boards serving the counties in which the provider provides the services. The report provided to a board shall be specific to the county or counties the board serves and not include information for individuals residing in other counties.

(C) Each report that a community addiction services provider provides to a board of alcohol, drug addiction, and mental health services under this section shall do all of the following:

(1) Maintain the confidentiality of all individuals for whom information is included in the report;

(2) For the purpose of the information reported under division (A)(3)(c) of this section, identify the types of residential settings at least as either institutional or noninstitutional;

(3) If the report is provided to a board that serves more than one county, present the information included in the report in a manner that is broken down

for each of the counties the board serves.

**Sec. 5119.363.** The director of mental health and addiction services shall adopt rules governing the duties of boards of alcohol, drug addiction, and mental health services under section 340.20 of the Revised Code and the duties of community addiction services providers under section 5119.362 of the Revised Code. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

**Sec. 5119.364.** The department of mental health and addiction services shall make the reports it receives under section 340.20 of the Revised Code from boards of alcohol, drug addiction, and mental health services available on the department's internet web site. The information contained in the reports shall be presented on the web site on both a statewide basis and county-level basis. The information on the web site shall be updated monthly after the boards submit new reports to the department.

**Sec. 5119.365.** The director of mental health and addiction services shall adopt rules in accordance with Chapter 119. of the Revised Code to do both of the following:

(A) Streamline the intake procedures used by a community addiction services provider accepting and beginning to serve a new patient, including procedures regarding intake forms and questionnaires;

(B) Enable a community addiction services provider to retain a patient as an active patient even though the patient last received services from the provider more than thirty days before resumption of services so that the patient and provider do not have to repeat the intake procedures."

In line 30456, after "307.982," insert "340.01,"; after "340.021," insert "340.03, 340.08, 340.09, 340.15,"

In line 30475, after "5104.38," insert "5119.21, 5119.22, 5119.25,"

In line 33035, after the underlined period insert " Portions of this appropriation item shall be used as follows:"

In line 33036, before " Of" insert " (A)"

In line 33039, before " Of" insert " (B)"

In line 33043, before " Of" insert " (C)"

In line 33054, after " that" insert " are underserved or"

In line 33059, after the underlined period insert " The Department shall create a plan for a resource hub on recovery housing in Ohio. The Department shall submit the plan to the General Assembly in accordance with section 101.68 of the Revised Code not later than December 31, 2014."

Between lines 33059 and 33060, insert:

" (D) Of the foregoing appropriation item 335507, Community

Behavioral Health, up to \$4.4 million in fiscal year 2015 shall be used to defray a portion of the annual payroll costs associated with the employment of one full-time, or full-time equivalent, specialized docket staff member by a court of common pleas, a municipal court, or a county court, including a juvenile or family court that currently has, or anticipates having, a family dependency treatment court that meets all of the eligibility requirements described in division (D)(1) of this section. A specialized docket staff member employed under this section shall be considered an employee of the court.

(1) To be eligible, the court must have received Supreme Court of Ohio certification for a specialized docket that targets participants with a drug addiction or dependency. In addition, the specialized docket staff member must have received training for or education in alcohol and other drug addiction, abuse, and recovery and have demonstrated, prior to or within ninety days of hire, competencies in fundamental alcohol and other drug addiction, abuse, and recovery. Fundamental competencies shall include, at a minimum, an understanding of alcohol and other drug treatment and recovery, how to engage a person in treatment and recovery, and an understanding of other health care systems, social service systems, and the criminal justice system.

(2) For the purposes of this section, payroll costs include annual compensation and fringe benefits.

(3) The Department, solely for the purpose of determining the amount of the state share available to a court under division (D)(5) of this section for the employment of one full-time or full-time equivalent, specialized docket staff member, shall use the lesser of:

(a) The actual annual compensation and fringe benefits paid to that staff member proportionally reflecting the staff member's time allocated for specialized docket duties and responsibilities; or

(b) \$78,000.

(4) In accordance with any applicable rules, guidelines, or procedures adopted by the Department pursuant to this section, the county auditor shall certify, for any court located within the county that is applying for or receiving funding under this section, to the Department the information necessary to determine that court's eligibility for, and the amount of, funding under this section.

(5) For a specialized docket staff member employed by a court in this section, the amount of state funding available under this section shall be sixty-five per cent of the payroll costs specified in division (D)(3) of this section. This state funding shall not exceed \$50,700.

(6) The Department shall disburse this state funding in quarterly installments to the appropriate county or municipality in which the court is located.

(7) Of the foregoing appropriation item 335507, Community Behavioral

Health, the Department shall use up to one per cent of the amount set aside in division (D) of this section in fiscal year 2015 to pay the cost it incurs in administering the duties established in division (D) of this section.

(8) The Department may adopt rules, guidelines, and procedures as necessary to carry out the purposes of division (D) of this section."

In line 33060, before " The" insert " (E)"

In line 33061, delete " \$28.5" and insert " \$24.1"

In line 33063, after " These" insert " investments shall prioritize funding projects that fill gaps in the continuum of care established by boards of alcohol, drug addiction, and mental health services under division (A)(11) of section 340.03 of the Revised Code. Projects shall be identified in consultation with and may be implemented by the boards except for areas for which the Director of Mental Health and Addiction Services identifies unmet needs."

Delete lines 33064 through 33066

In line 33725, after "207.440," insert "221.10,"

Between lines 33781 and 33782, insert:

**"Sec. 221.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES**

**Mental Health Facilities Improvement Fund (Fund 7033)**

C58001	Community Assistance Projects	\$	15,000,000
C58007	Infrastructure Renovations	\$	2,000,000
C58021	Providence House	\$	191,640
C58022	Talbert House	\$	300,000
C58023	Cornerstone of Hope Butterfly Treehouse	\$	40,000
C58024	Bellefaire Jewish Children's Home	\$	1,500,000
C58025	Nancy's Place Replacement	\$	500,000
C58026	Cocoon Shelter	\$	47,500
TOTAL Mental Health Facilities Improvement Fund		\$	19,579,140
TOTAL ALL FUNDS		\$	19,579,140

**COMMUNITY ASSISTANCE PROJECTS**

The foregoing appropriation for the Department of Mental Health and Addiction Services, Community Assistance Projects, may be used for facilities constructed or to be constructed pursuant to Chapter 340., 3793., 5119., 5123., or 5126. of the Revised Code or the authority granted by section 154.20 of the Revised Code and the rules issued pursuant to those chapters and shall be distributed by the Department of Mental Health and Addiction Services subject to Controlling Board approval. Of the forgoing appropriation item C58001, Community Assistance Projects, \$5,000,000 shall be used to expand access to recovery housing in accordance with the guidelines contained in Section 327.83 of Am. Sub. H.B. 59 of the 130th General Assembly, as amended by Am. Sub. H.B. 483 of the 130th General Assembly."

In line 34194, after "207.440," insert "221.10,"



Between lines 35020 and 35021, insert:

**"Section 812.40.** (A) The following take effect two years after the effective date of this act:

(1) The amendments by this act to sections 340.01, 340.03, 340.08, 340.09, 340.15, 5119.21, and 5119.22 of the Revised Code;

(2) The enactment by this act of sections 340.033, 340.034, 340.20, 5119.362, 5119.363, and 5119.364 of the Revised Code.

(B) The amendments by this act to division (A) of section 5119.25 of the Revised Code take effect two years after the effective date of this section. The amendments by this act to division (C) of that section take effect at the earliest time permitted by law."

In line 7 of the title, after "307.982," insert "340.01,"; after "340.021," insert "340.03, 340.08, 340.09, 340.15,"

In line 34 of the title, after "5104.38," insert "5119.21, 5119.22, 5119.25,"

In line 57 of the title, after "307.863," insert "340.033, 340.034, 340.20,"

In line 62 of the title, after "5103.051," insert "5119.362, 5119.363, 5119.364, 5119.365,"

In line 75 of the title, after "207.440," insert "221.10,"

In line 93, delete "1322.11," and insert "1322.063,"

Delete lines 5615 through 5699, and insert:

**"Sec. 1322.063.** (A) In addition to the disclosures required under section 1322.062 of the Revised Code, a registrant or licensee shall, not ~~earlier~~ later than three business days ~~not later than twenty-four hours~~ before a loan is closed, deliver to the ~~buyer~~ borrower a written disclosure that includes the following:

(1) A statement indicating whether property taxes will be escrowed;

(2) A description of what is covered by the regular monthly payment, including principal, interest, taxes, and insurance, as applicable.

(B) A registrant or licensee shall disclose the information in division (A) of this section by delivering either the model form located on the web site of the division of financial institutions or the appropriate federal form that discloses substantially similar information as published in Appendix H of 12 C.F.R. Part 1026, as amended.

(C) No registrant or licensee shall fail to comply with this section."

In line 30458, delete "1322.11," and insert "1322.063,"

In line 30489, delete "1322.063,"

In line 11 of the title, delete "1322.11," and insert "1322.063,"

In line 64 of the title, delete "1322.063,"

In line 92, after "955.05," insert "955.06,"

Between lines 4773 and 4774, insert:

**"Sec. 955.06. (A)** The owner, keeper, or harbinger of a dog becoming three months of age after the first day of July in a calendar year and the owner, keeper, or harbinger of a dog purchased outside the state after the first day of July in a calendar year shall register the dog for one year. ~~The registration fee for any such dog shall be one-half of the original fee. Thereafter, the owner, keeper, or harbinger shall register the dog for a period of one year or three years or register the dog permanently as provided in section 955.01 of the Revised Code in accordance with division (B), (C), or (D) of this section within ninety days of the dog's becoming three months of age or within ninety days of the date of the purchase of the dog, as applicable.~~

(B) The owner, keeper, or harbinger of a dog to which division (A) of this section applies may register the dog for the remainder of the current year. The fee for such a registration shall be one-half of the original fee for a one-year registration. Thereafter, the owner, keeper, or harbinger shall register the dog for a period of one year, three years, or permanently as provided in section 955.01 of the Revised Code.

(C) The owner, keeper, or harbinger of a dog to which division (A) of this section applies may register the dog for a period consisting of the remainder of the current year and two additional years. The fee for such a registration shall be eighty-three per cent of the original fee for a three-year registration. Thereafter, the owner, keeper, or harbinger shall register the dog for a period of one year, three years, or permanently as provided in section 955.01 of the Revised Code.

(D) The owner, keeper, or harbinger of a dog to which division (A) of this section applies may register the dog permanently. The fee for such a registration shall be the same as the original fee for a permanent registration."

In line 30457, after "955.05," insert "955.06,"

Between lines 35020 and 35021, insert:

**"Section 812. \_\_\_\_.** Section 955.06 of the Revised Code, as amended by this act, takes effect December 1, 2014."

In line 9 of the title, after "955.05," insert "955.06,"

In line 96, after "3303.41," insert "3307.01,"

Between lines 8940 and 8941, insert:

**"Sec. 3307.01.** As used in this chapter:

(A) "Employer" means the board of education, school district, governing authority of any community school established under Chapter 3314. of the Revised Code, a science, technology, engineering, and mathematics school

established under Chapter 3326. of the Revised Code, college, university, institution, or other agency within the state by which a teacher is employed and paid.

(B) (1) "Teacher" means all of the following:

~~(4)~~ (a) Any person paid from public funds and employed in the public schools of the state under any type of contract described in section 3311.77 or 3319.08 of the Revised Code in a position for which the person is required to have a license issued pursuant to sections 3319.22 to 3319.31 of the Revised Code;

~~(2)~~ (b) Any person employed as a teacher by a community school or a science, technology, engineering, and mathematics school pursuant to Chapter 3314. or 3326. of the Revised Code;

~~(3)~~ (c) Any person having a license issued pursuant to sections 3319.22 to 3319.31 of the Revised Code and employed in a public school in this state in an educational position, as determined by the state board of education, under programs provided for by federal acts or regulations and financed in whole or in part from federal funds, but for which no licensure requirements for the position can be made under the provisions of such federal acts or regulations;

~~(4)~~ Any person having a license issued pursuant to sections 3319.22 to 3319.31 of the Revised Code and performing services that are funded under section 3317.06 of the Revised Code and provided to students attending nonpublic schools, without regard to whether the services are performed in a public school and whether the person is employed under a contract with a third party;

~~(5)~~ (d) Any other teacher or faculty member employed in any school, college, university, institution, or other agency wholly controlled and managed, and supported in whole or in part, by the state or any political subdivision thereof, including Central state university, Cleveland state university, and the university of Toledo;

~~(6)~~ (e) The educational employees of the department of education, as determined by the state superintendent of public instruction.

In all cases of doubt, the state teachers retirement board shall determine whether any person is a teacher, and its decision shall be final.

(2) "Teacher" does not include ~~any~~ either of the following:

(a) Any eligible employee of a public institution of higher education, as defined in section 3305.01 of the Revised Code, who elects to participate in an alternative retirement plan established under Chapter 3305. of the Revised Code  
:

(b) Any person having a license issued pursuant to sections 3319.22 to 3319.31 of the Revised Code and performing services that are funded under section 3317.06 of the Revised Code and provided to students attending

nonpublic schools, without regard to whether the services are performed in a public school and whether the person is employed under a contract with a third party.

(C) "Member" means any person included in the membership of the state teachers retirement system, which shall consist of all teachers and contributors as defined in divisions (B) and (D) of this section and all disability benefit recipients, as defined in section 3307.50 of the Revised Code. However, for purposes of this chapter, the following persons shall not be considered members:

(1) A student, intern, or resident who is not a member while employed part-time by a school, college, or university at which the student, intern, or resident is regularly attending classes;

(2) A person denied membership pursuant to section 3307.24 of the Revised Code;

(3) An other system retiree, as defined in section 3307.35 of the Revised Code, or a superannuate;

(4) An individual employed in a program established pursuant to the "Job Training Partnership Act," 96 Stat. 1322 (1982), 29 U.S.C.A. 1501;

(5) The surviving spouse of a member or retiree if the surviving spouse's only connection to the retirement system is an account in an STRS defined contribution plan.

(D) "Contributor" means any person who has an account in the teachers' savings fund or defined contribution fund, except that "contributor" does not mean a member or retiree's surviving spouse with an account in an STRS defined contribution plan.

(E) "Beneficiary" means any person eligible to receive, or in receipt of, a retirement allowance or other benefit provided by this chapter.

(F) "Year" means the year beginning the first day of July and ending with the thirtieth day of June next following, except that for the purpose of determining final average salary under the plan described in sections 3307.50 to 3307.79 of the Revised Code, "year" may mean the contract year.

(G) "Local district pension system" means any school teachers pension fund created in any school district of the state in accordance with the laws of the state prior to September 1, 1920.

(H) "Employer contribution" means the amount paid by an employer, as determined by the employer rate, including the normal and deficiency rates, contributions, and funds wherever used in this chapter.

(I) "Five years of service credit" means employment covered under this chapter and employment covered under a former retirement plan operated, recognized, or endorsed by a college, institute, university, or political subdivision of this state prior to coverage under this chapter.

(J) "Actuary" means an actuarial professional contracted with or employed by the state teachers retirement board, who shall be either of the following:

(1) A member of the American academy of actuaries;

(2) A firm, partnership, or corporation of which at least one person is a member of the American academy of actuaries.

(K) "Fiduciary" means a person who does any of the following:

(1) Exercises any discretionary authority or control with respect to the management of the system, or with respect to the management or disposition of its assets;

(2) Renders investment advice for a fee, direct or indirect, with respect to money or property of the system;

(3) Has any discretionary authority or responsibility in the administration of the system.

(L)(1) Except as provided in this division, "compensation" means all salary, wages, and other earnings paid to a teacher by reason of the teacher's employment, including compensation paid pursuant to a supplemental contract. The salary, wages, and other earnings shall be determined prior to determination of the amount required to be contributed to the teachers' savings fund or defined contribution fund under section 3307.26 of the Revised Code and without regard to whether any of the salary, wages, or other earnings are treated as deferred income for federal income tax purposes.

(2) Compensation does not include any of the following:

(a) Payments for accrued but unused sick leave or personal leave, including payments made under a plan established pursuant to section 124.39 of the Revised Code or any other plan established by the employer;

(b) Payments made for accrued but unused vacation leave, including payments made pursuant to section 124.13 of the Revised Code or a plan established by the employer;

(c) Payments made for vacation pay covering concurrent periods for which other salary, compensation, or benefits under this chapter or Chapter 145. or 3309. of the Revised Code are paid;

(d) Amounts paid by the employer to provide life insurance, sickness, accident, endowment, health, medical, hospital, dental, or surgical coverage, or other insurance for the teacher or the teacher's family, or amounts paid by the employer to the teacher in lieu of providing the insurance;

(e) Incidental benefits, including lodging, food, laundry, parking, or services furnished by the employer, use of the employer's property or equipment, and reimbursement for job-related expenses authorized by the employer, including moving and travel expenses and expenses related to professional

development;

(f) Payments made by the employer in exchange for a member's waiver of a right to receive any payment, amount, or benefit described in division (L)(2) of this section;

(g) Payments by the employer for services not actually rendered;

(h) Any amount paid by the employer as a retroactive increase in salary, wages, or other earnings, unless the increase is one of the following:

(i) A retroactive increase paid to a member employed by a school district board of education in a position that requires a license designated for teaching and not designated for being an administrator issued under section 3319.22 of the Revised Code that is paid in accordance with uniform criteria applicable to all members employed by the board in positions requiring the licenses;

(ii) A retroactive increase paid to a member employed by a school district board of education in a position that requires a license designated for being an administrator issued under section 3319.22 of the Revised Code that is paid in accordance with uniform criteria applicable to all members employed by the board in positions requiring the licenses;

(iii) A retroactive increase paid to a member employed by a school district board of education as a superintendent that is also paid as described in division (L)(2)(h)(i) of this section;

(iv) A retroactive increase paid to a member employed by an employer other than a school district board of education in accordance with uniform criteria applicable to all members employed by the employer.

(i) Payments made to or on behalf of a teacher that are in excess of the annual compensation that may be taken into account by the retirement system under division (a)(17) of section 401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 401(a)(17), as amended. For a teacher who first establishes membership before July 1, 1996, the annual compensation that may be taken into account by the retirement system shall be determined under division (d)(3) of section 13212 of the "Omnibus Budget Reconciliation Act of 1993," Pub. L. No. 103-66, 107 Stat. 472.

(j) Payments made under division (B), (C), or (E) of section 5923.05 of the Revised Code, Section 4 of Substitute Senate Bill No. 3 of the 119th general assembly, Section 3 of Amended Substitute Senate Bill No. 164 of the 124th general assembly, or Amended Substitute House Bill No. 405 of the 124th general assembly;

(k) Anything of value received by the teacher that is based on or attributable to retirement or an agreement to retire;

(l) Any amount paid by the employer as a retroactive payment of earnings, damages, or back pay pursuant to a court order, court-adopted settlement agreement, or other settlement agreement, unless the retirement

system receives both of the following:

(i) Teacher and employer contributions under sections 3307.26 and 3307.28 of the Revised Code, plus interest compounded annually at a rate determined by the board, for each year or portion of a year for which amounts are paid under the order or agreement;

(ii) Teacher and employer contributions under sections 3307.26 and 3307.28 of the Revised Code, plus interest compounded annually at a rate determined by the board, for each year or portion of a year not subject to division (L)(2)(I)(i) of this section for which the board determines the teacher was improperly paid, regardless of the teacher's ability to recover on such amounts improperly paid.

(3) The retirement board shall determine both of the following:

(a) Whether particular forms of earnings are included in any of the categories enumerated in this division;

(b) Whether any form of earnings not enumerated in this division is to be included in compensation.

Decisions of the board made under this division shall be final.

(M) "Superannuate" means both of the following:

(1) A former teacher receiving from the system a retirement allowance under section 3307.58 or 3307.59 of the Revised Code;

(2) A former teacher receiving a benefit from the system under a plan established under section 3307.81 of the Revised Code, except that "superannuate" does not include a former teacher who is receiving a benefit based on disability under a plan established under section 3307.81 of the Revised Code.

For purposes of sections 3307.35 and 3307.353 of the Revised Code, "superannuate" also means a former teacher receiving from the system a combined service retirement benefit paid in accordance with section 3307.57 of the Revised Code, regardless of which retirement system is paying the benefit.

(N) "STRS defined benefit plan" means the plan described in sections 3307.50 to 3307.79 of the Revised Code.

(O) "STRS defined contribution plan" means the plans established under section 3307.81 of the Revised Code and includes the STRS combined plan under that section."

In line 30461, after "3303.41," insert "3307.01,"

Between lines 34406 and 34407, insert:

**"Section 733.\_\_\_\_.** The Ohio Retirement Study Council, in cooperation with the State Teachers Retirement Board, shall develop a procedure to determine if an individual having a license issued pursuant to sections 3319.22 to

3319.31 of the Revised Code and performing services that are funded under section 3317.06 of the Revised Code and provided to students attending nonpublic schools, without regard to whether the services are performed in a public school and whether the person is employed under a contract with a third party, is a teacher under the State Teachers Retirement System. The Ohio Retirement Study Council shall make their recommendation to the Board no later than December 31, 2014."

In line 14 of the title, after "3303.41," insert "3307.01,"

In line 20716, after " services" insert " , in consultation with representatives designated by the county commissioners association of Ohio and the Ohio job and family services directors association,"

In line 20717, delete " both of the following" and insert " each county department of job and family services"

In line 20718, delete " their" and insert " its"

In line 20720, delete the underlined colon and insert " . A county department of job and family services may implement an evaluation system established by the Ohio department of job and family services to evaluate an individual caseworker's success in helping a public assistance recipient obtain employment that enables the recipient to cease relying on public assistance."

Delete lines 20721 through 20723

In line 34670, after "services" insert ";

(4) Two county commissioners not more than one of whom serves an urban county and not more than one of whom serves a rural county"

In line 34671, after "A" insert "county commissioner or"

In line 34672, delete "of the county department"

In line 34673, after the first "the" insert "commissioner's or"

In line 34674, delete "County department directors" and insert "Members"

In line 34686, after "proposals" insert "and the estimated cost to implement each proposal"

Between lines 35030 and 35031, insert:

"**Section 812.80.** Section 5101.90 of the Revised Code, as enacted by this act, shall take effect February 1, 2015."

In line 130, after "5101.90," insert "5101.91, 5101.92,"

Between lines 20730 and 20731, insert:

" **Sec. 5101.91.** (A) As used in sections 5101.91 and 5101.92 of the Revised Code:



(1) "Political subdivision" has the same meaning as in section 2744.01 of the Revised Code.

(2) "Publicly funded assistance program" means any physical health, behavioral health, social, employment, education, housing, or similar program funded or provided by the state or a political subdivision of the state.

(B) There is hereby created the Ohio healthier buckeye advisory council in the department of job and family services. The council shall meet at the discretion of the director of job and family services and shall consist of the following members:

(1) Five members representing affected local private employers or local faith-based, charitable, nonprofit, or public entities or individuals participating in the healthier buckeye grant program, appointed by the governor;

(2) Two members of the senate, one from the majority party and one from the minority party, appointed by the president of the senate;

(3) Two members of the house of representatives, one from the majority party and one from the minority party, appointed by the speaker of the house of representatives;

(4) One member representing the judicial branch of government, appointed by the chief justice of the supreme court;

(5) Additional members representing any other entities or organizations the director of job and family services determines are necessary, appointed by the governor.

(C) Initial appointments to the council shall be made not later than thirty days after the effective date of this section.

A member shall serve at the pleasure of the member's appointing authority. Members may be reappointed to the council. Vacancies on the council shall be filled in the same manner as the original appointments.

(D) The director of job and family services shall serve as chairperson of the council.

**Sec. 5101.92.** The Ohio healthier buckeye advisory council may do all of the following:

(A) Develop means by which county healthier buckeye councils established under section 355.02 of the Revised Code may reduce the reliance of individuals on publicly funded assistance programs as provided in section 355.03 of the Revised Code;

(B) Recommend to the director of job and family services eligibility criteria, application processes, and maximum grant amounts for the Ohio healthier buckeye grant program;

(C) Not later than December 1, 2014, submit to the director

recommendations for doing all of the following:

(1) Coordinating services across all public assistance programs to help individuals find employment, succeed at work, and stay out of poverty;

(2) Revising incentives for public assistance programs to foster person-centered case management;

(3) Standardizing and automating eligibility determination policies and processes for public assistance programs."

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

"**Section 551.** \_\_\_. (A) There is hereby created the Ohio healthier buckeye grant program to be administered by the director of job and family services. The program shall provide grants to county healthier buckeye councils established under section 355.02 of the Revised Code and county departments of job and family services.

(B) Grants may be awarded on an individual county council basis, multi-county council basis, individual county departments of job and family services basis, multiple county departments of job and family services basis, or a combination thereof. In awarding grants, the director shall give priority to county councils or county departments of job and family services with existing projects or initiatives that do the following:

- (1) Improve the health and well-being of low-income individuals;
- (2) Align and coordinate public and private resources to assist low-income individuals in achieving self-sufficiency;
- (3) Use local matching funds from private sector sources;
- (4) Implement or adapt evidence-based practices;
- (5) Use volunteers and peer supports;
- (6) Were created as a result of local assessment and planning processes;
- (7) Demonstrate collaboration between entities that participate in assessment and planning processes."

In line 61 of the title, after "5101.90," insert "5101.91, 5101.92,"

In line 88, delete "131.35,"

In line 124, delete "127.163, 127.164,"

Delete lines 1136 through 1245

In line 30453, delete "131.35,"

In line 4 of the title, delete "131.35,"

In line 54 of the title, delete "127.163, 127.164,"

In line 97, delete "3317.06,"

Delete lines 9875 through 10095

In line 30462, delete "3317.06,"

In line 15 of the title, delete "3317.06,"

Delete lines 32684 through 32703

Delete lines 34407 through 34486

In line 30615, after "333.10," insert "333.80,"

Between lines 33177a and 33179, insert:

**"Sec. 333.80. SOIL AND WATER DISTRICTS**

In addition to state payments to soil and water conservation districts authorized by section 1515.10 of the Revised Code, the Department of Natural Resources may use appropriation item 725683, Soil and Water Districts, to pay any soil and water conservation district an annual amount not to exceed \$40,000, upon receipt of a request and justification from the district and approval by the Ohio Soil and Water Conservation Commission. The county auditor shall credit the payments to the special fund established under section 1515.10 of the Revised Code for the local soil and water conservation district. Moneys received by each district shall be expended for the purposes of the district.

#### OIL AND GAS WELL PLUGGING

The foregoing appropriation item 725677, Oil and Gas Well Plugging, shall be used exclusively for the purposes of plugging wells and to properly restore the land surface of idle and orphan oil and gas wells pursuant to section 1509.071 of the Revised Code. No funds from the appropriation item shall be used for salaries, maintenance, equipment, or other administrative purposes, except for those costs directly attributed to the plugging of an idle or orphan well. This appropriation item shall not be used to transfer cash to any other fund or appropriation item.

#### TRANSFER OF FUNDS FOR OIL AND GAS DIVISION AND GEOLOGICAL MAPPING OPERATIONS

During fiscal years 2014 and 2015, the Director of Budget and Management may, in consultation with the Director of Natural Resources, transfer such cash as necessary from the General Revenue Fund to the Oil and Gas Well Fund (Fund 5180) and the Geological Mapping Fund (Fund 5110). The cash transfer to Fund 5180 shall be used for handling the increased regulatory work related to the expansion of the oil and gas program that will occur before receipts from this activity are deposited into Fund 5180. The cash transfer to Fund 5110 shall be used for handling the increased field and laboratory research efforts related to the expansion of the oil and gas program that will occur before receipts from this activity are deposited into Fund 5110. Once funds from severance taxes, application and permitting fees, and other sources have accrued to Fund 5180 and Fund 5110 in such amounts as are considered sufficient to

sustain expanded operations, the Director of Budget and Management, in consultation with the Director of Natural Resources, shall establish a schedule for repaying the transferred funds from Fund 5180 and Fund 5110 to the General Revenue Fund.

#### NATURAL RESOURCES SPECIAL PURPOSES

Of the foregoing appropriation item 725604, Natural Resources Special Purposes, up to \$2,100,000 in fiscal year 2014 shall be used for the construction or acquisition of a treatment train process at an Ohio inland lake, and up to \$1,800,000 in fiscal year 2014 shall be used for the purchase of two sweeper dredges for use at Ohio inland lakes, and \$263,812 in fiscal year 2014 and \$165,162 in fiscal year 2015 shall be used for the operation of the dredges purchased under this section."

In line 33721, after "333.10," insert "333.80,"

In line 71 of the title, after "333.10," insert "333.80,"

In line 90, delete "307.699,"

In line 99, delete "3735.67,"

In line 120, delete "5715.19, 5715.27, 5717.01,"

Delete lines 3886 through 4039

Delete lines 11735 through 11854

Delete lines 28802 through 29186

In line 30456, delete "307.699,"

In line 30465, delete "3735.67,"

In line 30485, delete "5715.19, 5715.27, 5717.01,"

In line 7 of the title, delete "307.699,"

In line 19 of the title, delete "3735.67,"

In line 48 of the title, delete "5715.19, 5715.27, 5717.01,"

In line 121, delete "5747.50,"

Delete lines 30308 through 30422

In line 30486, delete "5747.50,"

In line 49 of the title, delete "5747.50,"

In line 119, after "5531.10," insert "5533.051,"

Between lines 27551 and 27552, insert:

"**Sec. 5533.051.** In addition to the designations of the road known as United States route twenty-three in section 5533.05 of the Revised Code, the portion of that road running in a north and south direction, commencing at the

boundary of Franklin and Delaware counties and extending to the municipal corporation of Delaware, and also the portion of that road located in Scioto county, from mile marker number three to mile marker number ten, shall be known as the "Branch Rickey Memorial Highway."

The director of transportation may erect suitable markers along each designated portion of the highway indicating its name."

In line 30484, after "5531.10," insert "5533.051,"

In line 46 of the title, after "5531.10," insert "5533.051,"

In line 96, after "3313.372," insert "3313.617,"

Between lines 9087 and 9088, insert:

**"Sec. 3313.617.** (A) A person who meets all of the following criteria shall be permitted to take the tests of general educational development:

(1) The person is at least eighteen years of age.

(2) The person is officially withdrawn from school.

(3) The person has not received a high school diploma or honors diploma awarded under section 3313.61, 3313.611, 3313.612, or 3325.08 of the Revised Code.

(B) When a person who is at least sixteen years of age but less than ~~nineteen~~ eighteen years of age applies to the department of education to take the tests of general educational development, the person shall submit with the application written approval from the ~~superintendent of the school district in which the person was last enrolled, or the superintendent's designee, except that if the person was last enrolled in a community school established under Chapter 3314. of the Revised Code or a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, the approval shall be from the principal of the school, or the principal's designee.~~ The department may require the person also to submit written approval from the person's parent or guardian or a court official, ~~if the person is younger than eighteen years of age.~~

(~~B~~) (C) For the purpose of calculating graduation rates for the school district and building report cards under section 3302.03 of the Revised Code, the department shall count any person for whom approval is obtained from the ~~superintendent or principal, or a designee, person's parent or guardian or a court official~~ under division (~~A~~) (B) of this section as a dropout from the district or school in which the person was last enrolled prior to obtaining the approval."

In line 30461, after "3313.372," insert "3313.617,"

In line 14 of the title, after "3313.372," insert "3313.617,"

Delete lines 34226 through 34309

In line 119, delete "5709.121,"

In line 120, delete "5713.08,"

Delete lines 28022 through 28135

Delete lines 28692 through 28801

In line 30484, delete "5709.121,"

In line 30485, delete "5713.08,"

In line 47 of the title, delete "5709.121,"; delete "5713.08,"

In line 95, delete "2929.20,"

In line 127, after "1541.50," insert "2929.201,"

Delete lines 8363 through 8638

Between lines 8638 and 8639, insert:

" Sec. 2929.201. Notwithstanding the time limitation for filing a motion under former section 2947.061 of the Revised Code, an offender whose offense was committed before July 1, 1996, and who otherwise satisfies the eligibility criteria for shock probation under that section as it existed immediately prior to July 1, 1996, may apply to the offender's sentencing court for shock probation under that section on or after the effective date of this section. Not more than one motion may be filed by an offender under this section. Division (C) of former section 2947.061 of the Revised Code does not apply to a motion filed under this section."

In line 30461, delete "2929.20,"

In line 14 of the title, delete "2929.20,"

In line 57 of the title, after "1541.50," insert "2929.201,"

In line 20558, delete all after " (ii)" and insert " Any amendment made to an existing certificate"

Delete line 20559

In line 20560, delete " 4906.06 of the Revised Code before" and insert " after"

In line 20562, delete " , the measurement shall be to the exterior of the nearest,"

Delete lines 20563 and 20564

In line 20565, delete " property" and insert " 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 20586, delete all after " (2)" and insert " Any amendment made to an existing certificate"

Delete line 20587

In line 20588, delete " 4906.06 of the Revised Code before" and insert "after"

In line 20590, delete " the measurement shall be to the exterior of the nearest,"

Delete lines 20591 and 20592

In line 20593, delete " property" and insert " 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"

Managers on the Part of the  
House of Representatives

Managers on the Part of the  
Senate

/S/ RON AMSTUTZ  
RON AMSTUTZ

/S/ SCOTT OELSLAGER  
SCOTT OELSLAGER

/S/ LYNN WACHTMANN  
LYNN WACHTMANN

/S/ WILLIAM P. COLEY, II  
WILLIAM P. COLEY, II

/S/ DENISE DRIEHAUS  
DENISE DRIEHAUS

/S/ MICHAEL J. SKINDELL  
MICHAEL J. SKINDELL

The report of the Committee of Conference was laid over under the rule.

### RESOLUTIONS REPORTED BY COMMITTEE

**Am. H. C. R. No. 26**-Representative Hayes.

Cosponsors: Representatives Rogers, Letson, Mallory, Pillich, Beck, Derickson, Scherer, Stebelton, Reece, Brown, Adams, R., Lundy, Hackett, Gerberry, Anielski, Antonio, Baker, Barborak, Barnes, Blessing, Boyce, Brenner, Buchy, Budish, Burkley, Carney, Celebrezze, Dovilla, Grossman, Hagan, C., Hall, Hill, Huffman, Kunze, Landis, McClain, Milkovich, Pelanda, Ramos, Ruhl, Stautberg, Stinziano, Strahorn, Sykes, Winburn, Speaker Batchelder. Senator LaRose.

To designate the last week of September as "American Indian Week."

WHEREAS, American Indians have made and continue to make significant contributions towards shaping Ohio into the great state that it is today. The ancient cultures built monumental earthworks in Ohio encoded with astronomical alignments that have captured the world's attention, and many of Ohio's geographic features and cities have historic Native American Indian names; and

WHEREAS, American Indians who have contributed to the rich history and culture of our state include the members of the ancient cultures now known as the Adena, Hopewell, and Fort Ancient, and historic tribes that include the Shawnee, Miami, Delaware, Potawatomi, Seneca, Wyandot, Peoria, and Ottawa;

and

WHEREAS, American Indians have made an indelible mark on the landscape, history, and culture of Ohio. Today, many American Indians call Ohio "home," working and raising their families here; and

WHEREAS, American Indians living in Ohio can be justifiably proud of their rich heritage, spirituality, and traditions. It is important that they receive encouragement from the state's elected officials to continue teaching their culture to their children and sharing it with their fellow Ohioans; now therefore be it

RESOLVED, That we, the members of the 130th General Assembly of the State of Ohio, designate the fourth week of September as "American Indian Week," in conjunction with "American Indian Day" on the fourth Saturday of September, to honor the significant influence that American Indians have had on Ohio and to encourage the teaching and sharing of their culture; and be it further

RESOLVED, That the Clerk of the House of Representatives transmit duly authenticated copies of this resolution to the news media of Ohio.

The question being, "Shall the resolution, **Am. H. C. R. No. 26**, be adopted?"

So the resolution was adopted.

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

Senator Burke moved to amend the title as follows:

Add the names: "Balderson, Beagle, Brown, Burke, Coley, Eklund, Faber, Gardner, Gentile, Hite, Hughes, Jones, Kearney, Lehner, Obhof, Oelslager, Patton, Peterson, Sawyer, Schaffer, Schiavoni, Skindell, Smith, Tavares, Turner, Uecker, Widener."

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

The motion was agreed to and the title so amended.

### **BILLS FOR THIRD CONSIDERATION**

**Sub. H. B. No. 129**-Representative Stautberg.

Cosponsors: Representatives Adams, J., Becker, Fedor, Hackett, Hayes, McGregor, Letson, Pillich, Winburn, Amstutz, Anielski, Baker, Beck, Bishoff, Blair, Brown, Buchy, Burkley, Butler, Carney, Derickson, Green, Grossman, Hagan, C., Hall, Heard, Johnson, McClain, Milkovich, O'Brien, Patmon, Retherford, Rogers, Romanchuk, Rosenberger, Ruhl, Sears, Sheehy, Slaby, Smith, Sprague, Stinziano, Wachtmann, Young, Speaker Batchelder.

To amend sections 2903.21, 2903.211, and 2903.22 and to enact section 2903.215 of the Revised Code to specify that aggravated menacing, menacing by stalking, and menacing include words or conduct that are directed at or identify a corporation, association, or other organization that employs the victim or to which the victim belongs and to authorize the corporation,



association, or other organization that employs two or more victims or to which two or more victims belong to seek protection orders in certain cases, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 129**, pass?"

The yeas and nays were taken and resulted - yeas 32, nays 1, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Gardner	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Smith	Tavares
Turner	Uecker	Widener	Faber-32.

Senator Skindell voted in the negative-1.

So the bill passed.

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

Senator Eklund moved to amend the title as follows:

Add the names: "Coley, Eklund, Faber, Hite, Hughes, Jones, Lehner, Manning, Obhof, Oelslager, Patton, Sawyer, Schiavoni, Seitz, Uecker, Widener."

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

The motion was agreed to and the title so amended.

**Sub. H. B. No. 130**-Representative Fedor.

Cosponsors: Representatives Antonio, Ashford, Barborak, Barnes, Bishoff, Boose, Boyce, Boyd, Brown, Buchy, Budish, Carney, Celebrezze, Cera, Clyde, Curtin, Derickson, Dovilla, Driehaus, Foley, Gerberry, Green, Hagan, R., Hall, Heard, Henne, Letson, Lundy, Maag, Mallory, Milkovich, O'Brien, Patmon, Patterson, Pelanda, Phillips, Pillich, Ramos, Redfern, Reece, Rogers, Schuring, Slesnick, Stautberg, Stebelton, Stinziano, Strahorn, Sykes, Szollosi, Terhar, Williams, Winburn, Butler, Amstutz, Anielski, Baker, Beck, Blair, Blessing, Brenner, Burkley, Conditt, Damschroder, DeVitis, Duffey, Grossman, Hackett, Hagan, C., Hayes, Hill, Hottinger, Huffman, Johnson, Landis, Lynch, McClain, McGregor, Roegner, Romanchuk, Ruhl, Scherer, Sears, Sheehy, Slaby, Sprague, Thompson, Speaker Batchelder. Senators Kearney, LaRose, Lehner, Obhof.

To amend sections 109.54, 2151.414, 2151.419, 2901.13, 2905.32, 2907.22, 2907.24, 2929.01, 2937.11, 2950.01, 2951.041, and 3319.073 and to enact sections 149.435, 2907.19, and 2927.17 of the Revised Code to authorize a

judge or magistrate to order the testimony of a minor victim of trafficking in persons to be taken by closed circuit television equipment under certain circumstances; to generally prohibit the disclosure of names or other information in a routine police report that is highly likely to identify an alleged delinquent child arrestee who is abused and under 18; to specify that a public children services agency or private child placement agency is not required to make reasonable efforts to prevent the removal of a child from the child's home, eliminate the continued removal of a child from the child's home, or return a child to the child's home and that a court find that a child cannot be placed with either parent under specified circumstances; to enact the offense of commercial sexual exploitation of a minor; to remove the element of "compulsion" from the offense of trafficking in persons when a minor under 16 years of age or developmentally disabled person or in certain circumstances a minor who is 16 or 17 years of age is recruited or otherwise obtained or held to engage in certain specified sexual, nudity, or obscenity related activities and to modify the definition of human trafficking in a similar manner; to increase the penalty for soliciting when the person solicited is a minor or a developmentally disabled person in specified circumstances; to require offenders convicted of solicitation when the person solicited is a minor or a developmentally disabled person in specified circumstances to register as sex offenders; to allow a victim of trafficking in persons to be eligible for intervention in lieu of conviction; to confirm and continue the amendments to sections 2901.13, 2907.22, and 3319.073 of the Revised Code regarding the period of limitations for trafficking in persons prosecutions, elements of the offense of promoting prostitution, and inclusion of human trafficking content in school safety and violence prevention training that were made in Am. Sub. H.B. 59 of the 130th General Assembly; to prohibit certain advertising related to massage, massage techniques or methods, or related services with the suggestion or promise of sexual activity; and to declare an emergency, was considered the third time.

The question being, "Shall the section, Section 5, setting forth the emergency features of the bill, stand as a part of the bill?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Gardner	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Uecker	Widener
			Faber-33.

So the section, Section 5, setting forth the emergency features of the bill stood as a part of the bill.

The question being, "Shall the bill pass as an emergency measure?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Gardner	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Uecker	Widener
			Faber-33.

So the bill having received the required constitutional majority passed as an emergency measure.

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

Senator Seitz moved to amend the title as follows:

Add the names: "Bacon, Balderson, Beagle, Brown, Burke, Cafaro, Coley, Eklund, Faber, Gardner, Gentile, Hite, Hughes, Jones, Jordan, Manning, Oelslager, Patton, Peterson, Sawyer, Schaffer, Schiavoni, Seitz, Smith, Tavares, Turner, Widener."

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

The motion was agreed to and the title so amended.

**Sub. H. B. No. 171**-Representatives McClain, Patmon.

Cosponsors: Representatives Amstutz, Beck, Becker, Buchy, Burkley, Derickson, Hall, Hayes, Henne, Hill, Hood, Huffman, Retherford, Smith, Thompson, Wachtmann, Bishoff.

To enact section 3313.6022 of the Revised Code to permit public school students to attend and receive credit for released time courses in religious instruction conducted off school property during regular school hours, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 171**, pass?"

The yeas and nays were taken and resulted - yeas 24, nays 9, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Burke
Coley	Eklund	Gardner	Hite

Hughes	Jones	Jordan	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Schaffer	Seitz
Turner	Uecker	Widener	Faber-24.

Those who voted in the negative were: Senators

Brown	Cafaro	Gentile	Kearney
Sawyer	Schiavoni	Skindell	Smith
			Tavares-9.

So the bill passed.

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

Senator Hite moved to amend the title as follows:

Add the names: "Faber, Hite, Jordan, Obhof, Schaffer, Uecker, Widener."

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

The motion was agreed to and the title so amended.

**Am. Sub. H. B. No. 213**-Representatives Pelanda, Celebrezze.

Cosponsors: Representatives Blair, Thompson, Mallory, Strahorn, Grossman, Reece, Milkovich, Stebelton, Stinziano, Fedor, Butler, Pillich, Adams, R., Amstutz, Anielski, Antonio, Ashford, Baker, Barborak, Barnes, Beck, Bishoff, Blessing, Boyce, Brown, Buchy, Burkley, Carney, Cera, Conditt, Damschroder, Driehaus, Green, Hagan, C., Hall, Hayes, Heard, Huffman, Johnson, Letson, McClain, O'Brien, Patmon, Patterson, Perales, Ramos, Retherford, Rogers, Rosenberger, Sears, Sheehy, Slesnick, Smith, Sprague, Wachtmann, Speaker Batchelder. Senators Coley, Kearney, Brown.

To amend sections 2151.281, 2151.353, 2151.414, 2151.415, 2151.417, 2151.421, 5101.802, 5103.035, and 5103.162 and to enact section 2151.315 of the Revised Code to permit a court to grant a motion for permanent custody of a child to a movant if the child or another child in the custody of the parent has been adjudicated an abused, neglected, or dependent child on three separate occasions, to require the guardian ad litem for an alleged or adjudicated abused, neglected, or dependent child to file any motions and other court papers in accordance with rules adopted by the Supreme Court, to require court appointed special advocates and guardian ad litem to report suspected child abuse or neglect, to require foster caregivers to use a reasonable and prudent parent standard when authorizing a foster child to participate in activities, to require the department of job and family services to adopt rules that establish policies and procedures for determining when a foster child or an alleged or adjudicated abused, neglected, or dependent child subject to out-of-home care may participate in certain activities, to exempt a public children services agency, private child placing agency, or private noncustodial agency from civil liability that results from a foster caregiver's or agency's

decisions using a reasonable and prudent parent standard, to limit the circumstances under which a child is placed into a planned permanent living arrangement, to extend the period for incentive payments under the kinship permanency incentive program, and to provide factors for a person or facility to consider when determining if an alleged or adjudicated abused, neglected, or dependent child subject to out-of-home care is able to participate in certain activities, was considered the third time.

The question being, "Shall the bill, **Am. Sub. H. B. No. 213**, pass?"

Senator Coley moved to amend as follows:

In line 18 of the title, after the comma delete the balance of the line

Delete lines 19 through 23 of the title

In line 24 of the title, delete "certain activities,"

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

The motion was agreed to.

The question recurred, "Shall the bill, **Am. Sub. H. B. No. 213**, pass?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Gardner	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Uecker	Widener
			Faber-33.

So the bill passed.

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

Senator Lehner moved to amend the title as follows:

Add the names: "Beagle, Burke, Eklund, Hite, Hughes, Jones, LaRose, Manning, Oelslager, Patton, Schaffer, Seitz, Skindell, Smith, Tavares, Turner, Uecker, Widener."

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

The motion was agreed to and the title so amended.

**Sub. H. B. No. 264**-Representatives Wachtmann, Barnes.

Cosponsors: Representatives Antonio, Beck, Grossman, Milkovich, Brown, Bishoff, Johnson, Sears, Smith, Sprague, Amstutz, Anielski, Baker, Blair, Buchy, Carney, Fedor, Foley, Green, Hackett, Hagan, C., Hill, Huffman, Mallory, Rogers, Sheehy, Young, Speaker Batchelder. Senator Tavares.

To amend sections 3313.713, 3314.03, 3326.11, and 3328.24 and to enact section 3313.7110 of the Revised Code and to amend the version of section 3326.11 of the Revised Code that is scheduled to take effect on July 1, 2014, regarding care for students with diabetes in schools, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 264**, pass?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Gardner	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Uecker	Widener
			Faber-33.

So the bill passed.

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

Senator Jones moved to amend the title as follows:

Add the names: "Balderson, Brown, Burke, Coley, Eklund, Gardner, Gentile, Hite, Hughes, Jones, Jordan, Kearney, Manning, Oelslager, Patton, Peterson, Sawyer, Schiavoni, Seitz, Smith, Turner, Uecker, Widener."

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

The motion was agreed to and the title so amended.

**H. B. No. 286**-Representatives Sears, Letson.

Cosponsors: Representatives Grossman, Curtin, Brenner, Smith, Becker, Hackett, Gonzales, Driehaus, Blair, Reece, Barborak, Slesnick, Ruhl, Phillips, Sheehy, Brown, Carney, Antonio, Bishoff, Johnson, Ramos, Adams, R., Amstutz, Anielski, Ashford, Baker, Beck, Blessing, Boyce, Buchy, Burkley, Damschroder, Derickson, Dovilla, Fedor, Green, Hall, Hayes, Hill, Mallory, McClain, McGregor, Milkovich, Pillich, Rogers, Scherer, Sprague, Stebelton,

Stinziano, Terhar, Thompson, Winburn, Speaker Batchelder. Senators Uecker, LaRose.

To amend section 5123.35 of the Revised Code to authorize the Ohio Developmental Disabilities Council to meet via interactive video conference or teleconference, was considered the third time.

The question being, "Shall the bill, **H. B. No. 286**, pass?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Gardner	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Uecker	Widener
			Faber-33.

So the bill passed.

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

Senator Burke moved to amend the title as follows:

Add the names: "Coley, Gardner, Hite, Hughes, Lehner, Manning, Obhof, Oelslager, Patton, Schaffer, Seitz, Tavares, Turner."

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

The motion was agreed to and the title so amended.

**Sub. H. B. No. 292**-Representative Perales.

Cosponsors: Representatives Grossman, Rosenberger, Fedor, Landis, Baker, Rogers, Sheehy, Blair, Stebelton, Foley, Butler, Barnes, Burkley, Driehaus, Hagan, C., Henne, Williams, Adams, R., Amstutz, Anielski, Antonio, Beck, Bishoff, Blessing, Boose, Boyce, Brown, Buchy, Carney, Celebrezze, Clyde, Conditt, Derickson, DeVitis, Dovilla, Duffey, Gerberry, Gonzales, Green, Hackett, Hayes, Huffman, Kunze, Letson, Lundy, McClain, McGregor, Milkovich, O'Brien, Patterson, Pelanda, Pillich, Ramos, Retherford, Roegner, Romanchuk, Ruhl, Scherer, Schuring, Slesnick, Strahorn, Terhar, Thompson, Winburn, Young, Speaker Batchelder. Senators Bacon, LaRose, Uecker, Smith, Brown.

To enact sections 193.01, 193.02, 193.03, 193.04, 193.05, 193.07, 193.09, 193.11, 193.13, and 193.15 of the Revised Code to create the Federal-Military Jobs Commission to provide financial assistance to federal-military projects

and private sector job creation projects associated with federal-military purposes and to create the Ohio Aerospace and Aviation Technology Committee, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 292**, pass?"

Senator Widener moved to amend as follows:

In line 9, after "That" delete the remainder of the line

In line 10, delete everything before "of" and insert "section 122.98"

Delete lines 12 through 300 and insert:

" **Sec. 122.98.** (A) There is hereby created the Ohio aerospace and aviation technology committee, consisting of the following members:

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

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

(3) Fifteen members representing the aviation, aerospace, or technology industry, the military, or academia. One such member shall be appointed by the governor, and fourteen such members shall be appointed by majority vote of the six members representing the senate and house of representatives.

The legislative members of the committee shall be appointed not later than September 1, 2014, and the remaining members shall be appointed within ten days thereafter. The initial term of all members shall end on December 31, 2016. Thereafter, the term of all members shall end on the thirty-first day of December of the year following the year of appointment. Vacancies shall be filled in the manner of the original appointment.

The first legislator appointed to the committee by the speaker of the house of representatives after the effective date of H.B. 292 of the 130th general assembly shall serve as the first chairperson of the committee and shall serve until December 31, 2016. Every general assembly thereafter, the chairperson shall alternate between the first legislator appointed by the president of the senate and the first legislator appointed by the speaker of the house of representatives.

(B) The duties of the committee shall include, but are not limited to, all of the following:

(1) Studying and developing comprehensive strategies to promote the aviation, aerospace, and technology industry throughout the state, including through the commercialization of aviation, aerospace, and technology products



and ideas:

(2) Encouraging communication and resource-sharing among individuals and organizations involved in the aviation, aerospace, and technology industry, including business, the military, and academia;

(3) Promoting research and development in the aviation, aerospace, and technology industry, including research and development of unmanned aerial vehicles;

(4) Providing assistance related to military base realignment and closure.

(C) The committee shall compile an annual report of its activities, findings, and recommendations and shall furnish a copy of the report to the governor, president of the senate, and speaker of the house of representatives not later than July 1, 2015, and the first day of July of each year thereafter."

In line 1 of the title, after "enact" delete the remainder of the line

Delete line 2 of the title and insert "section 122.98"

In line 3 of the title, after "Code" delete the remainder of the line

Delete lines 4 through 6 of the title

In line 7 of the title, delete "purposes and"

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 292**, pass?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Gardner	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Uecker	Widener
			Faber-33.

So the bill passed.

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

Senator Widener moved to amend the title as follows:

Add the names: "Balderson, Beagle, Burke, Coley, Eklund, Faber, Gardner,

Hite, Hughes, Jones, Kearney, Manning, Obhof, Peterson, Schaffer, Tavares, Widener."

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

The motion was agreed to and the title so amended.

**Sub. H. B. No. 366**-Representative Sprague.

Cosponsors: Representatives Buchy, Hood, Phillips, Ruhl, Smith, Antonio, Barnes, Bishoff, Brown, Hagan, R., Schuring, Sears, Johnson, Adams, R., Amstutz, Anielski, Ashford, Baker, Beck, Blair, Blessing, Boose, Boyce, Budish, Burkley, Butler, Conditt, Damschroder, Derickson, DeVitis, Dovilla, Duffey, Fedor, Gerberry, Green, Hackett, Hagan, C., Hall, Hayes, Heard, Henne, Huffman, Landis, Letson, Lundy, Mallory, McClain, Milkovich, O'Brien, Perales, Pillich, Rogers, Rosenberger, Stebelton, Stinziano, Strahorn, Wachtmann, Williams, Winburn, Young, Speaker Batchelder. Senators Tavares, Brown.

To amend sections 3712.03, 3712.04, and 3712.99 and to enact section 3712.062 of the Revised Code to require hospice care programs to establish policies to prevent diversion of controlled substances that contain opioids, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 366**, pass?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Gardner	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Uecker	Widener
			Faber-33.

So the bill passed.

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

Senator Jones moved to amend the title as follows:

Add the names: "Balderson, Beagle, Burke, Eklund, Gardner, Jones, Lehner, Manning, Oelslager, Peterson, Uecker, Widener."

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

The motion was agreed to and the title so amended.

**Sub. H. B. No. 393**-Representatives Baker, Landis.

Cosponsors: Representatives Blessing, Milkovich, Romanchuk, Reece, Hagan, C., Anielski, Amstutz, Beck, Brown, Buchy, Burkley, Derickson, Green, Hayes, Hottinger, Huffman, McClain, Perales, Retherford, Sears, Stebelton, Wachtmann, Speaker Batchelder.

To amend sections 3314.03, 3326.11, and 3328.24 and to enact sections 3301.45, 3313.89, and 6301.15 of the Revised Code to require public high schools to publish annually education and career exploration information, including access to the OhioMeansJobs web site, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 393**, pass?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Gardner	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Uecker	Widener
			Faber-33.

So the bill passed.

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

Senator Lehner moved to amend the title as follows:

Add the names: "Eklund, Lehner, Obhof, Widener."

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

The motion was agreed to and the title so amended.

**Sub. S. B. No. 177**-Senator Skindell.

Cosponsors: Senators Brown, Cafaro, Gentile, Kearney, Schiavoni, Sawyer, Smith, Tavares, Turner.

To amend sections 2151.34, 2903.213, 2903.214, 2919.26, and 3113.31 of the Revised Code to expressly authorize the protection of companion animals in temporary protection orders, domestic violence protection orders, anti-stalking protection orders, and related protection orders, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 177**, pass?"

Senator Skindell moved to add Senator Hughes as a Joint Sponsor of **Sub. S. B. No. 177**.

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. S. B. No. 177**, pass?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Gardner	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Uecker	Widener
			Faber-33.

So the bill passed.

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

Senator Skindell moved to amend the title as follows:

Add the names: "Beagle, Burke, Coley, Eklund, Gardner, Hite, Jones, LaRose, Manning, Obhof, Patton, Seitz."

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

The motion was agreed to and the title so amended.

**Sub. S. B. No. 276**-Senators Jones, Tavares.

Cosponsor: Senator Brown.

To amend sections 3701.63 and 3701.64 and to enact sections 3701.66 and 3701.67 of the Revised Code to require the Department of Health to establish the Safe Sleep Education Program, hospitals and freestanding birthing centers to implement an infant safe sleep screening procedure, and certain persons and entities to adopt an internal infant safe sleep policy, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 276**, pass?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
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Burke	Cafaro	Coley	Eklund
Gardner	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Uecker	Widener
			Faber-33.

So the bill passed.

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

Senator Jones moved to amend the title as follows:

Add the names: "Bacon, Beagle, Burke, Coley, Eklund, Faber, Gentile, Hite, Hughes, Lehner, Manning, Obhof, Oelslager, Patton, Peterson, Sawyer, Schiavoni, Skindell, Smith, Turner, Uecker, Widener."

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

The motion was agreed to and the title so amended.

**S. B. No. 281**-Senators Cafaro, Schiavoni.

Cosponsors: Senators Manning, Tavares.

To enact section 5.2288 of the Revised Code to designate the month of May as "Bartter Syndrome Awareness Month", was considered the third time.

The question being, "Shall the bill, **S. B. No. 281**, pass?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Gardner	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Uecker	Widener
			Faber-33.

So the bill passed.

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

Senator Cafaro moved to amend the title as follows:

Add the names: "Beagle, Brown, Burke, Coley, Eklund, Faber, Gardner, Gentile, Hite, Hughes, Kearney, LaRose, Lehner, Obhof, Oelslager, Patton, Sawyer, Schaffer, Skindell, Smith, Turner, Uecker, Widener."

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

The motion was agreed to and the title so amended.

### Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the passage of the following bill:

**Am. S. B. No. 230** -Senators Manning, Oelslager  
Cosponsors: Senators Jones, Lehner, Patton, Cafaro, Brown, Tavares, Eklund, LaRose, Schiavoni, Seitz, Skindell, Turner Representatives Antonio, Barnes, Bishoff, Brown, Schuring, Sprague, Burkley, Grossman, Hackett, Lundy, Maag, Sears, Smith, Young, Speaker Batchelder

To amend section 4729.03 and to enact section 4729.43 of the Revised Code to change the requirements to serve as the Executive Director of the State Board of Pharmacy and to establish standards for the delivery of non-self-injectable cancer drugs.

With the following additional amendments, in which the concurrence of the Senate is requested.

In line 4, after "section" insert "4729.03 be amended and section"

Between lines 5 and 6, insert:

"**Sec. 4729.03.** The state board of pharmacy shall organize by electing a president and a vice-president who are members of the board. The president shall preside over the meetings of the board, but shall not vote upon matters determined by the board, except in the event of a tie vote, in which case the president shall vote. The board shall also employ an executive director ~~who is a licensed pharmacist in good standing in the practice of pharmacy in this state.~~ The person employed shall not be a member of the board. Each of the officers elected shall serve for a term of one year. The members of the board shall receive an amount fixed pursuant to division (J) of section 124.15 of the Revised Code for each day employed in the discharge of their official duties and their necessary expenses while engaged therein."

After line 47, insert:

"**Section 2.** That existing section 4729.03 of the Revised Code is hereby repealed."

In line 1 of the title, after the first "to" insert "amend section 4729.03 and

to"; after the second "to" insert "change the requirements to serve as the Executive Director of the State Board of Pharmacy and to"

Attest:

Bradley J. Young,  
Clerk.

Said amendments were laid over under the rule.

### Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the passage of the following bill:

#### **Am. Sub. S. B. No. 3** -Senator LaRose

Cosponsors: Senators Faber, Eklund, Gardner, Obhof, Widener, Uecker, Hite, Balderson, Beagle, Coley, Patton, Jones, Manning, Lehner, Seitz, Bacon, Burke, Oelslager, Peterson Representatives Grossman, Hackett, Brown, Burkley, Amstutz, Blair, Boose, Conditt, Duffey, Green, Hayes, McClain, McGregor, Roegner, Sears, Thompson, Speaker Batchelder

To amend sections 101.35, 103.0511, 107.52, 107.53, 107.54, 107.55, 107.62, 107.63, 111.15, 119.01, 119.03, 119.04, 121.39, 121.73, 121.74, 121.81, 121.82, 121.83, 121.91, 127.18, 1531.08, 3319.22, 3319.221, 3333.021, 3333.048, 3701.34, 3737.88, 3746.04, 4117.02, 4141.14, 5103.0325, 5117.02, 5703.14, 6111.31, and 6111.51; to enact sections 101.351, 106.01, 106.02, 106.021, 106.022, 106.023, 106.03, 106.031, 106.04, 106.041, 106.042, 106.05, 121.811, and 3345.033; and to repeal sections 119.031 and 119.032 of the Revised Code to revise rule-making and rule review procedures and to make administrative reforms.

As a substitute bill with the following additional amendments, in which the concurrence of the Senate is requested.

In line 180, after " December" insert " or in the following January before the first day of the legislative session"

In line 188, after " December" insert " or in the following January before the first day of the legislative session"

Attest:

Bradley J. Young,  
Clerk.

Said amendments were laid over under the rule.

**Message from the House of Representatives**

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the passage of the following bill:

**Am. Sub. S. B. No. 43**-Senators Burke, Tavares

Cosponsors: Senators Balderson, Kearney, Seitz, Sawyer, Coley, Bacon, Beagle, Brown, Gardner, Hite, Jones, Lehner, Manning, Oelslager, Peterson, Schaffer, Smith Representatives Stautberg, Amstutz, Antonio, Beck, Boose, Brown, Burkley, Butler, Carney, Driehaus, Grossman, Hackett, Hayes, McClain, Milkovich, Ruhl, Strahorn, Terhar, Winburn, Speaker Batchelder

To amend sections 2101.16, 2151.011, 2151.23, 2923.125, 2923.1213, 2923.13, 2945.37, 2945.38, 2945.39, 2945.40, 2945.401, 2967.22, 5119.311, 5120.17, 5122.01, 5122.03, 5122.05, 5122.10, 5122.11, 5122.13, 5122.141, 5122.15, 5122.19, 5122.21, 5122.27, 5122.30, 5122.31, 5122.311, 5122.34, 5122.43, 5139.54, 5305.22, 5907.06, and 5907.09 and to enact section 5122.111 of the Revised Code to make changes to the laws governing the civil commitment of and treatment provided to mentally ill persons.

With the following additional amendment, in which the concurrence of the Senate is requested.

In line 3051, strike through "in a hospital"

Attest:

Bradley J. Young,  
Clerk.

Said amendments were laid over under the rule.

**Message from the House of Representatives**

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the passage of the following bill:

**Am. Sub. S. B. No. 263** -Senators Peterson, Beagle

Cosponsors: Senators Jones, Obhof, Bacon, Patton, Schaffer, Hughes, Gardner, Burke, Coley, Balderson, Eklund, Faber, Jordan, LaRose, Manning, Oelslager, Schiavoni, Tavares, Uecker, Widener Representatives Amstutz, Beck, Adams, R., Antonio, Baker, Bishoff, Blessing, Boose, Brown, Buchy, Burkley, Butler, Conditt, Curtin, Damschroder, DeVitis, Duffey, Green, Grossman, Hackett, Hall, Hayes, Henne, Hottinger, Huffman, Johnson, Kunze, Landis, Lynch, Mallory, McClain, McGregor, Milkovich, O'Brien, Patmon,



Patterson, Perales, Phillips, Pillich, Reece, Retherford, Rogers, Romanchuk, Ruhl, Scherer, Sears, Sheehy, Slaby, Sprague, Stinziano, Terhar, Thompson, Winburn, Young, Speaker Batchelder

To amend section 5703.05 and to enact section 5703.77 of the Revised Code to require the Tax Commissioner to notify taxpayers of tax or fee overpayments, to authorize the Commissioner to either apply an overpayment to future tax liabilities or issue a refund, and to make an appropriation.

With the following additional amendments, in which the concurrence of the Senate is requested.

In line 8, delete the first "section" and insert "sections"; after "5703.05" insert "and 5739.121"

Between lines 171 and 172, insert:

"**Sec. 5739.121.** (A) As used in this section, ~~"bad~~ :

(1) "Bad debt" means any debt that has become worthless or uncollectible in the time period between a vendor's preceding return and the present return, has been uncollected for at least six months, and that may be claimed as a deduction pursuant to the "Internal Revenue Code of 1954," 68A Stat. 50, 26 U.S.C. 166, as amended, and regulations adopted pursuant thereto, or that could be claimed as such a deduction if the vendor kept accounts on an accrual basis. "Bad debt" does not include any interest or sales tax on the purchase price, uncollectible amounts on property that remains in the possession of the vendor until the full purchase price is paid, expenses incurred in attempting to collect any account receivable or for any portion of the debt recovered, and repossessed property.

(2) "Lender" means a person or an affiliate, assignee, or transferee of a person that owns a private label credit card account, or an interest in a private label credit card receivable, provided that interest was any of the following:

(a) Transferred from a third party;

(b) Purchased directly from a vendor that remitted tax imposed under this chapter or from an affiliate of the vendor;

(c) Originated according to a written agreement between the person and a vendor that remitted tax imposed under this chapter or an affiliate of the vendor.

(3) "Private label credit card" means a charge card or credit card on which the name or logo of a vendor appears.

(4) "Accounts or receivables bad debt" means the unpaid balance on private label credit card accounts or receivables that are bad debt and are charged off as uncollectible on the books of a lender on or after July 1, 2014, and against which a deduction or refund has not previously been taken or allowed, respectively, under this section. For the purposes of division (A)(4) of this

section only, "bad debt" shall be determined without regard to when the debt has become worthless or uncollectible relative to the period between a vendor's returns, and the deductibility of the debt for federal income tax purposes shall be determined with respect to the lender instead of the vendor.

(5) "Affiliate" means any person that is a member of an affiliated group or that would be a member of an affiliated group if the person was a corporation.

(6) "Affiliated group" has the same meaning as in section 1504 of the Internal Revenue Code.

(B) In computing taxable receipts for purposes of this chapter, a vendor may deduct the amount of bad debts. ~~The~~ Except as provided in division (F) of this section, the amount deducted must be charged off as uncollectible on the books of the vendor. A deduction may be claimed only with respect to bad debts on which the taxes pursuant to sections 5739.10 and 5739.12 of the Revised Code were paid in a preceding tax period. If the vendor's business consists of taxable and nontaxable transactions, the deduction shall equal the full amount of the debt if the debt is documented as a taxable transaction in the vendor's records. If no such documentation is available, the maximum deduction on any bad debt shall equal the amount of the bad debt multiplied by the quotient obtained by dividing the sales taxed pursuant to this chapter during the preceding calendar year by all sales during the preceding calendar year, whether taxed or not. If a consumer or other person pays all or part of a bad debt with respect to which a vendor claimed a deduction under this section, the vendor shall be liable for the amount of taxes deducted in connection with that portion of the debt for which payment is received and shall remit such taxes in the vendor's next payment to the tax commissioner.

(C) Any claim for a bad debt deduction under this section shall be supported by such evidence as the tax commissioner by rule requires. The commissioner shall review any change in the rate of taxation applicable to any taxable sales by a vendor claiming a deduction pursuant to this section and adopt rules for altering the deduction in the event of such a change in order to ensure that the deduction on any bad debt does not result in the vendor claiming the deduction recovering any more or less than the taxes imposed on the sale that constitutes the bad debt.

(D) In any reporting period in which the amount of bad debt exceeds the amount of taxable sales for the period, the vendor may file a refund claim for any tax collected on the bad debt in excess of the tax reported on the return. The refund claim shall be filed in the manner provided in section 5739.07 of the Revised Code, except that the claim may be filed within four years of the due date of the return on which the bad debt first could have been claimed.

(E) When the filing responsibilities of a vendor have been assumed by a certified service provider, the certified service provider shall claim the bad debt allowance provided by this section on behalf of the vendor. The certified service provider shall credit or refund to the vendor the full amount of any bad debt

allowance or refund.

~~(F) No person other than the vendor in the transaction that generated the bad debt or, as provided in division (E) of this section, a certified service provider, may claim the bad debt allowance provided by this section (1) A vendor may deduct on a return or obtain a refund of tax remitted by the vendor on accounts or receivables bad debt.~~

A vendor taking a deduction or claiming a refund under division (F)(1) of this section shall include all credit sale transactions outstanding in the account or receivable at the time the account or receivable is charged off as uncollectible on the books of a lender in calculating the deduction or refund, regardless of the date on which the credit sale transaction occurs.

(2) The deduction or refund authorized under division (F)(1) of this section may be taken or obtained by the vendor only on the basis of accounts or receivables bad debt from purchases from the vendor whose name or logo appears on the private label credit card or from purchases from any of the vendor's affiliates or franchisees.

(3) A vendor taking a deduction or receiving a refund under division (F)(1) of this section shall maintain books, records, or other documents verifying the accounts or receivables bad debt, which shall be open to inspection by the commissioner upon request.

(4) If the vendor collects in whole or part any accounts or receivables bad debt on the basis of which the vendor took a deduction or received a refund under division (F) of this section, the vendor shall include the amount collected in the vendor's first return filed after the collection and pay tax on the portion of that amount with respect to which the vendor took the deduction or received a refund.

For the purpose of calculating the amount of tax to remit under division (F)(4) of this section, the vendor shall allocate payments made by the holder of a private label credit card on the holder's accounts based on the agreement between the account holder and the vendor or lender.

(G) The tax commissioner may adopt rules necessary to administer this section."

In line 172, delete "section" and insert "sections"; after "5703.05" insert "and 5739.121"

In line 173, delete "is" and insert "are"

In line 1 of the title, delete the first "section" and insert "sections"; after "5703.05" insert "and 5739.121"

In line 6 of the title, after the comma insert "to provide for a sales tax deduction or refund for bad debts,"

In line 9, delete "sections" and insert "section"; delete "and 5739.121"

Delete lines 173 through 295

In line 296, delete "sections" and insert "section"; delete "and 5739.121"

In line 297, delete "are" and insert "is"

In line 1 of the title, delete "sections" and insert "section"; delete "and 5739.121"

In line 6 of the title, delete ", to provide for a"

In line 7 of the title, delete everything before the comma

Attest:

Bradley J. Young,  
Clerk.

Said amendments were laid over under the rule.

### **Message from the House of Representatives**

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the passage of the following bills:

#### **Am. S. B. No. 99** -Senators Oelslager, Tavares

Cosponsors: Senators Brown, Cafaro, Gardner, Hite, Kearney, Lehner, Schiavoni, Smith, Turner, LaRose, Manning, Skindell, Gentile, Burke, Eklund, Hughes, Jones, Obhof, Sawyer, Uecker Representatives Wachtmann, Antonio, Barnes, Bishoff, Brown, Carney, Hagan, R., Hottinger, Johnson, Schuring, Celebrezze, Dovilla, Driehaus, Fedor, Foley, Grossman, Hackett, Hagan, C., Heard, Mallory, McClain, Milkovich, O'Brien, Pillich, Rogers, Ruhl, Strahorn, Speaker Batchelder

To amend sections 1739.05 and 5162.20 and to enact sections 1751.69, 3923.85, and 5164.09 of the Revised Code regarding insurance and Medicaid coverage for orally administered cancer medications.

#### **Am. S. B. No. 294** -Senator Hughes

Cosponsors: Senators Bacon, Beagle, Manning, Brown, Cafaro, Tavares, Skindell, LaRose, Patton, Schaffer, Jordan, Uecker, Balderson, Burke, Coley, Eklund, Faber, Gardner, Gentile, Hite, Jones, Kearney, Lehner, Obhof, Oelslager, Peterson, Sawyer, Schiavoni, Smith, Turner, Widener Representatives Clyde, Hill, Grossman, Rogers, Lundy, Hackett, Gerberry, Brown, Adams, R., Amstutz, Baker, Barborak, Beck, Blair, Boose, Boyce, Buchy, Budish, Burkley, Carney, Celebrezze, Damschroder, Derickson, DeVitis, Driehaus, Duffey, Green, Hall, Heard, Hottinger, Johnson, Letson, Mallory, McClain, Milkovich, O'Brien, Patterson, Perales, Phillips, Pillich,

Romanchuk, Rosenberger, Ruhl, Sheehy, Slaby, Smith, Sprague, Stebelton, Stinziano, Strahorn, Winburn, Speaker Batchelder

To enact section 5.2297 of the Revised Code to designate September as "Safe Driving Awareness Month."

Attest:

Bradley J. Young,  
Clerk.

### **Message from the House of Representatives**

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the adoption of the following concurrent resolution:

#### **S. C. R. No. 33** -Senator Hite

Cosponsors: Senators Peterson, Bacon, Balderson, Beagle, Brown, Burke, Cafaro, Coley, Faber, Gardner, Gentile, Hughes, Jones, Kearney, LaRose, Lehner, Manning, Obhof, Oelslager, Patton, Sawyer, Schaffer, Seitz, Skindell, Smith, Turner, Uecker, Widener Representatives Hall, Cera, Barborak, Boose, Burkley, Curtin, Damschroder, Hagan, C., Hill, Landis, O'Brien, Patterson, Pelanda, Redfern, Retherford, Ruhl, Scherer, Sheehy, Strahorn, Adams, R., Amstutz, Beck, Blair, Blessing, Boyce, Brown, Buchy, Budish, Celebrezze, Foley, Green, Grossman, Hackett, Hayes, Heard, Hottinger, Letson, Lundy, Mallory, McClain, McGregor, Milkovich, Phillips, Pillich, Rogers, Slaby, Sprague, Stebelton, Stinziano, Terhar, Young, Speaker Batchelder

Honoring the Smith-Lever Act of 1914 on its Centennial.

Attest:

Bradley J. Young,  
Clerk.

### **Message from the House of Representatives**

Mr. President:

I am directed to inform you that the House of Representatives accedes to the request of the Senate for a Committee of Conference on matters of difference between the two Houses on:

**Sub. H. B. No. 9**-Representative Stautberg - et al.

The Speaker of the House has appointed as managers on the part of the House on such matters of difference:

Representatives Stautberg, Butler, and Stinziano.

Attest:

Bradley J. Young,  
Clerk.

**Message from the House of Representatives**

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the Senate amendments to:

**Am. Sub. H. B. No. 85** -Representatives Terhar, Gonzales - et al.

**Sub. H. B. No. 117**-Representatives Hackett, Stinziano - et al.

**Sub. H. B. No. 314** -Representatives Baker, Kunze - et al.

**Am. Sub. H. B. No. 341** -Representative Smith - et al.

**Sub. H. B. No. 362** -Representatives Scherer, Derickson - et al.

**Am. Sub. H. B. No. 492** -Representative Scherer - et al.

**Sub. H. B. No. 493**-Representatives Sears, Henne - et al.

Attest:

Bradley J. Young,  
Clerk.

**Message from the House of Representatives**

Mr. President:

I am directed to inform you that the Speaker of the House of Representatives has signed the following bills:

**Sub. H. B. No. 289**-Representative Schuring - et al.

**H. B. No. 399** -Representatives Sheehy, Sprague - et al.

**Sub. S. B. No. 140** -Senator Bacon - et al.

**Sub. S. B. No. 172** -Senator Patton - et al.

**Am. Sub. S. B. No. 192**-Senator Manning - et al.

**Sub. S. B. No. 287** -Senator Hughes - et al.

Attest:

Bradley J. Young,  
Clerk.

The President signed said bills.

Senator Obhof moved that the vote, whereby **Sub. H. B. No. 130**-Representative Fedor-et al. was passed, be now reconsidered.

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

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Gardner	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Uecker	Widener
			Faber-33.

The motion was agreed to.

The question being, "Shall the section, Section 5, setting forth the emergency features of the bill, stand as a part of the bill?"

Senator Seitz moved to amend as follows:

In line 781, after " value" insert " paid to any of the following:  
(a) The person engaging in such sexual activity, performance, or

modeling or participation:

(b) Any person who recruits, lures, entices, isolates, harbors, transports, provides, obtains, or maintains, or attempts to recruit, lure, entice, isolate, harbor, transport, provide, obtain, or maintain the person described in division (F)(2)(a) of this section;

(c) Any person associated with a person described in division (F)(2)(a) or (b) of this section"

In line 904, after " value" insert " paid to the person engaging in such sexual activity, to any person trafficking that person, or to any person associated with either such person"

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

The motion was agreed to.

The question recurred, "Shall the section, Section 5, setting forth the emergency features of the bill, stand as a part of the bill?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Gardner	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Uecker	Widener
			Faber-33.

So the section, Section 5, setting forth the emergency features of the bill stood as a part of the bill.

The question being, "Shall the bill pass as an emergency measure?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Gardner	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Uecker	Widener
			Faber-33.



So the bill having received the required constitutional majority passed as an emergency measure.

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

Senator Seitz moved to amend the title as follows:

Add the names: "Bacon, Balderson, Beagle, Brown, Burke, Cafaro, Coley, Eklund, Faber, Gardner, Gentile, Hite, Hughes, Jones, Jordan, Manning, Oelslager, Patton, Peterson, Sawyer, Schaffer, Schiavoni, Seitz, Smith, Tavares, Turner, Widener."

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

The motion was agreed to and the title so amended.

### **OFFERING OF RESOLUTIONS**

Pursuant to Senate Rule No. 54, the following resolutions were offered:

**S. R. No. 346**-Senator Gardner.

Honoring Port Clinton Council 1750 of the Knights of Columbus on its One Hundredth Anniversary.

**S. R. No. 347**-Senator Peterson.

Honoring Shelby Dodds and Tommy Free as 2014 State FFA Champions.

**S. R. No. 348**-Senator Beagle.

Honoring the Dayton Demonz on winning the 2013-2014 Federal Hockey League Championship.

**S. R. No. 349**-Senator LaRose.

Honoring the Village of Canal Fulton on its Bicentennial.

**S. R. No. 350**-Senator Gentile.

Honoring Emi Olin on winning the 2014 Ohio Doodle 4 Google competition.

**S. R. No. 351**-Senator Patton.

Honoring Nathan Griffin on winning the 2014 Division I State Championship in boys singles tennis.

**S. R. No. 352**-Senator Schiavoni.

Honoring the Youngstown State University baseball team as the 2014 Horizon League Tournament Champion.

**S. R. No. 353**-Senator Hughes.

Designating National Hamburger Month in Ohio, May 2014.

The question being, "Shall the resolutions listed under the President's prerogative be adopted?"

So the resolutions were adopted.

On the motion of Senator Widener, the Senate adjourned until Wednesday, June 4, 2014 at 1:30 p.m.

Attest:

VINCENT L. KEERAN,  
Clerk.