SC4559 OMNIBUS

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

Engross the bill as directed by the commands in the amendments attached hereto, ignoring matter extraneous to those commands

INDEX

The following amendments are attached hereto:

Amendment No.	Subject
SC3824-2	Oil and Gas Land Management Commission changes
SC3825	Drug overdose fatality review committees; Suicide fatality review committees
SC3828	Transfer of residential facility license
SC3833-6	Supplemental Nutrition Assistance Program eligibility; ODJFS data matching agreements; Public assistance private sector tools; Medicaid eligibility; Post-COVID Medicaid redetermination; New hire data check; Third-party commercial consumer reporting agency; Department of Job and Family Services; Public Assistance Benefits Accountability Task Force

Amendment No.	Subject
SC3837	Opportunities for Ohioans with Disabilities
SC3840-1	EEG combined transcranial magnetic stimulation
SC3841	Protection and advocacy system and client assistance program transparency
SC3843-1	ACE Educational Savings Accounts; Department of Education
SC3846	Agreements between counties and animal shelters
SC3849	Meat processing plant grants; Department of Development
SC3854	DD-administered Medicaid waivers
SC3861	ADAMHS board composition and membership
SC3871	Oil and gas well leak responsibility; plugging orders
SC3873	Income tax: 529 plan deduction expansion
SC3875	Department of Rehabilitation and Correction
SC3876	Department of Higher Education

Amendment No.	Subject
SC3877-1	Department of Mental Health and Addiction Services
SC3879-1	Doris Duke Woods
SC3884	Ohio Revised Limited Liability Company Act effective date
SC3886-3	Attorney General
SC3894	Department of Medicaid
SC3895-1	LSC Corrective amendment; Department of Education; Department of Development; Department of Higher Education
SC3896	LSC Technical amendment
SC3899	Department of Higher Education
SC3900-1	Department of Higher Education
SC3904	Veterans hunting and fishing benefits – remove provisions
SC3907	Expedited licensing inspections; Home health licensure
SC3908-1	Ohio History Connection
SC3909	Medical practitioner conscience clause

Amendment No.	Subject
SC3911	Secretary of State
SC3912-1	Attorney General
SC3913-3	School financing – conforming changes
SC3917	Dispensing controlled substances in lockable containers
SC3920	Force accounts for local governments
SC3932-1	Department of Youth Services
SC3933	Existing qualified nonprofit corporation's implementation of a shoreline improvement project
SC3937	Department of Higher Education
SC3939-3	Pediatric behavioral health workforce support; Department of Mental Health and Addiction Services
SC3942	Department of Job and Family Services
SC3945	Department of Job and Family Services
SC3951	Department of Public Safety

Amendment No.	Subject
SC3952-1	Municipal income tax temporary COVID-19 withholding rule
SC3958	Online learning; Blended learning - school year hour requirement; Definitions - blended and online learning; Information on academic standards and model curricula
SC3961	Auxiliary Services Reimbursement Fund
SC3965	Vax-A-Million database not a public record
SC3968-1	Community School Credit Enhancement Program
SC3969	Reinstate CAT exclusion for beauty product supply chain receipts
SC3973	Postpartum cardiomyopathy awareness
SC3975	Ohio opportunity zone investment tax credit
SC3977	Film and theater tax credit: production contractors
SC3982	City health districts - accreditation
SC3985	Transformational mixed use development (TMUD) tax credit

Amendment No.	Subject
SC3986	Department of Development
SC3987	Property tax abatement for charitable use property
SC3991	Department of Job and Family Services
SC3995	Department of Medicaid
SC3997	Municipal fiscal officer continuing education
SC3999	Department of Transportation
SC4002	Township fiscal officer assistant compensation
SC4005-2	Department of Development
SC4006	Broadband Expansion Program Authority stipends
SC4012	Department of Development
SC4013	Streamlining County Level-Information Access Task Force membership
SC4020	Department of Higher Education
SC4024	Exempt property: notice of taxable use

Amendment No.	Subject
SC4030	Department of Job and Family Services
SC4037	Department of Education
SC4041	Venereal disease instruction
SC4042-4	Additional eligibility for EdChoice scholarships for the 2021-2022 school year
SC4044	Rural business growth program
SC4046	Sale of school district property – effective date
SC4049-1	Department of Higher Education
SC4051	Sealed records; certificate of qualification for employment
SC4059	Elimination of drainage improvement virtual meetings
SC4087	Department of Education
SC4094	Department of Higher Education
SC4099-1	Academic distress commissions
SC4108	Citizenship diploma seal and course grades

Amendment No.	Subject
SC4111	Science diploma seal and course grades
SC4216	Prison term as sanction for community control violation
SC4226	Office of Budget and Management
SC4229	Disposition of financial gifts to support public health
SC4274	Raffles
SC4281	Secretary of State funding; Abolishment of the Citizens Education Fund and return of cash
SC4290	Department of Higher Education
SC4313	Ohio Code-Scholar Pilot Program; Department of Education
SC4354	Department of Medicaid; Adult day care service provider payment rates – PASSPORT and Assisted Living
SC4394-2	Tax reimbursements for DNR land
SC4399	Perpetual easement at 60 E. Broad St.
SC4402-1	Remove certain computer science education provisions; Computer science education - state plan

Amendment No.	Subject
SC4403-1	Department of Commerce
SC4407-1	Department of Mental Health and Addiction Services
SC4417	Department of Job and Family Services
SC4424	Attorney General
SC4427	Attorney General
SC4429	High performing sponsors opening e-schools
SC4431	Department of Mental Health and Addiction Services
SC4435	Land conveyance
SC4438-1	Attorney General
SC4439-1	Public Defender Commission
SC4441	Tax year 2020 special assessments refund
SC4445-1	Elimination of public record exemption
SC4450	Attorney General

Amendment No.	Subject
SC4452	Department of Education
SC4455	Attorney's fees and costs in inverse condemnation proceedings
SC4462-1	Tax credit for donations to scholarship organizations
SC4463	Department of Education
SC4466	Challenged school districts
SC4472	ESC governing board subdistricts
SC4474	Malabar Farm: Agreements between ODNR and Foundation
SC4475-1	Illegal shipment of beer or wine
SC4477	Clinically appropriate alternatives and technical changes
SC4478	Department of Higher Education
SC4489	OCC call center
SC4492	Value-based purchasing supplemental rebate
SC4493-1	Department of Job and Family Services

Amendment No.	Subject
SC4494-2	Ed Choice and Cleveland scholarship application procedures
SC4496	Department of Job and Family Services
SC4499-2	Transportation for community and chartered nonpublic school students – transportation plans; Payment in lieu of transportation
SC4501-1	Nursing bachelor's degree programs
SC4502-2	Variances from written transfer agreements
SC4503	Court settlements that nullify, suspend, or conflict with the Revised Code; General Assembly intervention in lawsuits
SC4505	Public Defender Commission
SC4506	Rural Industrial Park Loan program eligibility
SC4507-1	Court orders awarding money to the state
SC4509	Department of Job and Family Services
SC4511	Medicaid rates for ICFs/IID

Amendment No.	Subject
SC4513	Payment in lieu of transportation; Department of Education
SC4515	Payment for school district with nuclear plant in its territory
SC4516	Teacher licensure disciplinary actions — human trafficking
SC4517	Designation of organization to receive Auxiliary Services funds
SC4519	Department of Rehabilitation and Correction
SC4520	Department of Natural Resources
SC4526	Legislative Service Commission
SC4536	Department of Job and Family Services
SC4546-1	Government-owned broadband networks
SC4548	Nursing facility quality improvement payments; Nursing facility rebasing; Nursing facility payment commission
SC4549	Cap relief payment; Department of Education
SC4550-1	Ed Choice eligibility

SC4559 Omnibus

Amendment No.	Subject
SC4551	Department of Aging
SC4552-1	Department of Higher Education
SC4553	In-state tuition for graduate students
SC4554	Department of Higher Education
SC4555	Medicaid managed care organization procurement
SC4557	Department of Job and Family Services
SC4558-1	Department of Medicaid
SC4560	Capitol Square Review and Advisory Board
SC4562	Minimum state share opportunity grant supplement

The motion was _____ agreed to.

Sub. H.B. 110
L-134-0001-5
Compare Doc No. DNRCD36

_____ moved to amend as follows:

In line 14 of the title, after "131.025," insert "131.50,"

In line 154 of the title, delete "131.50,"

In line 223, after "131.025," insert "131.50,"

After line 8108, insert:

"**Sec. 131.50.** (A) There is hereby created in the state treasury the state land royalty fund consisting of money credited to it under section ~~1509.73~~ 155.33 of the Revised Code. Any investment proceeds earned on money in the fund shall be credited to the fund ~~and used as required in division (B) or (C) of this section~~.

(B) ~~Except as provided in division (C) of this section, money in the state land royalty fund shall be used by state agencies to acquire land and to pay capital costs of state agencies, including equipment and renovations and repairs of facilities, that have contributed to the fund under section 1509.73 of the Revised Code. Such a~~ (1) A state agency is entitled to receive from the fund the amount that the state agency contributed and a share of the investment earnings of the fund in an amount that is equivalent to the proportionate share of contributions made by the state agency

to the fund. Regarding the department of natural resources, each division within the department is entitled to receive from the department's proportionate share all amounts received by the department that are attributable to the state-owned land controlled by that division.

(2) The treasurer of state, in consultation with the director of budget and management, shall disburse money from the state land royalty fund to the appropriate fund designated by the state agency not later than thirty days after the deposit of any money into the state land royalty fund. If the state agency is the department of natural resources, the treasurer of state, in consultation with the director of budget and management and the director of natural resources, shall disburse the money to the appropriate fund designated by the applicable division within the department.

(3) A state agency or, as applicable, a division of the department of natural resources, may use the money for any costs and expenses the agency determines are necessary.

(C) ~~Money in the fund that is allocated to a state college or university may be used to pay for operating expenses associated with any property that is owned by the college or university and that is at least partially used for the exploration, development, and production of oil or gas if both of the following apply:~~

~~(1) The state college or university is engaged in research at the property or in education or outreach regarding the property.~~

~~(2) The research, education, or outreach is associated with furthering the public understanding of how oil and gas exploration, development, or production potentially benefits the public and impacts the use of the state's natural resources.~~

~~(D)~~ As used in this section, "state agency" has the same

meaning as in section ~~1509.70~~ 155.30 of the Revised Code."

In line 10107, reinsert the stricken colon

In line 10108, reinsert "(A)"

In line 10131, reinsert everything after "~~(E)~~"

Reinsert lines 10132 to 10136

In line 10140, reinsert "to the"

Reinsert line 10141

After line 10141, insert:

"(B) "Gross landowner royalty" means a royalty based on the proceeds received on the sale of production of oil or gas without deduction for post-production costs, but less a proportionate share of any and all taxes and government fees levied on or as a result of the production.

(C) "Post-production costs" means all costs and expenses incurred between the wellhead and the point of sale, including, without limitation, the costs of any treating, separating, dehydrating, processing, storing, gathering, transporting, compressing, and marketing."

In line 10142, delete the underlined comma; insert "(D)"; reinsert "State"; delete "state"

In line 10143, reinsert "(1)"; delete "(A)"

In line 10145, reinsert "(2)"; delete "(B)"

In line 10226, after the first "the" insert "formation within a"

In line 10228, reinsert "The"

In line 10229, reinsert "commission"

In line 10230, insert "also shall notify the state agency

that owns or controls the parcel of land for which a nomination was received identifying the parcel of land that is the subject of the nomination and including a statement that the state agency may submit comments to the commission concerning the nomination"

In line 10234, reinsert "may lease a"

In line 10235, reinsert "formation within" and delete the balance of the line

Delete line 10236

In line 10237, delete "industry,"

In line 10239, reinsert "The"

In line 10241, after "~~royalty~~" insert "lease shall be on terms that are just and reasonable, as determined by custom and practice in the oil and gas industry, and shall include at least the terms required under division (A)(1)(a) to (e) of section 155.34 of the Revised Code"; reinsert the stricken period

In line 10242, reinsert "a"

In line 10243, reinsert "formation within"

In line 10251, reinsert "formation within a"

In line 10254, strike through "identifies"

In line 10255, strike through "the parcel of land"; delete "for lease"; strike through the balance of the line

Strike through line 10256

In line 10257, strike through "adopted under section"; delete "155.34"; strike through "of the Revised Code and"

In line 10258, strike through "with the nomination"

In line 10259, strike through "The information required by"; delete "that section" and insert "The name of the person making

the nomination and the person's address, telephone number, and email address"

In line 10260, strike through "The nomination fee established"; delete "under that"

In line 10261, delete "section;" and insert "An identification of the formation and parcel of land proposed to be leased that specifies all of the following:

(i) The percentage of the interest owned or controlled by the state agency, and whether that interest is divided, undivided, or partial;

(ii) The source deed by book and page numbers, including the description and acreage of the parcel and an identification of the county, section, township, and range in which the parcel is located;

(iii) A plat map depicting the area in which the parcel is located."

In line 10262, delete everything after "(c)"

Delete lines 10263 and 10264

In line 10265, delete everything before the period and insert "If the person making the nomination is not a state agency, a nomination fee of one hundred fifty dollars;

(d) The proposed lease bonus that applies to the nomination;

(e) If the person making the nomination is not a state agency, proof of both of the following:

(i) That the person has obtained the insurance and financial assurance required under section 1509.07 of the Revised Code;

(ii) That the person has registered with and obtained an identification number from the division of oil and gas resources

management under section 1509.31 of the Revised Code"

After line 10265, insert:

"(3) In order to encourage the submission of nominations and the responsible and reasonable development of the state's natural resources, only the information submitted under division (A)(2)(b) of this section may be disclosed to the public until a person is selected under division (F) of this section. Until a person is selected under division (F) of this section, all other information submitted under division (A)(2) of this section is confidential, shall not be disclosed by the commission, and is not a public record subject to inspection or copying under section 149.43 of the Revised Code.

(4) When a nomination is not submitted by a state agency, the nomination is the opening bid for purposes of division (D) of this section. However, the person submitting the nomination may supplement or amend that bid by providing additional information in accordance with that division."

In line 10266, reinsert "one"

In line 10267, reinsert "hundred twenty"; delete "ninety"

In line 10268, strike through "of a parcel of land"

In line 10270, reinsert "formation within the"

In line 10290, strike through "of the parcel of land"

In line 10294, reinsert "of a formation"

In line 10300, reinsert "of a formation"

In line 10303, reinsert "of a formation"

In line 10309, reinsert "formation within a"

In line 10313, after the third "the" insert "parcel of"

In line 10329, strike everything after "~~(3)~~"

Strike through lines 10330 to 10332

In line 10333, delete "(3)"

In line 10335, strike through "Notice of the decision of the"

In line 10336, before "commission" insert "The"; strike through "be sent"; insert "post notice of the commission's decision on the commission's web site and send notice of the decision by email and"

In line 10337, after "nomination" insert "and to the state agency that owns or controls the formation within the parcel of land that is the subject of the nomination"

In line 10358, reinsert "a formation within"

In line 10370, strike through everything after "(1)"

In line 10371, strike through "lease for"; delete "the"; strike through "parcel of land" and insert "An identification of each formation and parcel of land proposed to be leased that includes all of the information specified in division (A)(2)(b) of this section"

In line 10372, after "(2)" insert "The deadline for the submission of bids;

(3) A statement that each bid must contain all of the items required under division (D) of this section;

(4)"

In line 10373, after "industries" insert "and adopted by rule by the commission"

In line 10374, reinsert "a formation within"

Strike through line 10375

In line 10376, strike through "the lease of"; strike through "the parcel of land;"

In line 10377, strike through "(4)" and insert "(5)"

In line 10380, strike through "(5)" and insert "(6)"

In line 10382, strike through "(6)" and insert "(7)"

In line 10384, strike through everything after "person"

Strike through line 10385

In line 10386, strike through "under section"; delete "155.34"; strike through "of the Revised Code" and insert "interested in leasing a formation within a parcel of land owned or controlled by a state agency for the exploration for and development and production of oil or natural gas may submit a bid to the commission on a parcel by parcel basis that contains all of the following:

(1) A bid fee of twenty-five dollars;

(2) The name of the person making the bid and the person's address, telephone number, and email address;

(3) An identification of the formation and parcel of land for which the bid is being submitted, including all of the information specified in division (A)(2)(b) of this section;

(4) The proposed lease bonus that applies to the bid;

(5) Proof of both of the following:

(a) That the person has obtained the insurance and financial assurance required under section 1509.07 of the Revised Code;

(b) That the person has registered with and obtained an identification number from the division of oil and gas resources management under section 1509.31 of the Revised Code.

(6) Any other information that the person believes is relevant to the bid"

In line 10390, strike through "shall be"; insert "is"; after "confidential" insert ", shall not be disclosed by the commission,"; strike through "shall"

In line 10391, strike through "not be disclosed before" and insert "is not a public record subject to inspection and copying under section 149.43 of the Revised Code until"

In line 10392, strike through "unless the commission determines otherwise"

In line 10393, strike through everything after "(F)"

Strike through line 10394

In line 10395, strike through "land and shall"

In line 10396, strike through everything after "~~shall~~"

In line 10397, strike through "each lease on the"; delete "commission's" and strike the balance of the line

Strike through lines 10398 and 10399

In line 10400, strike through "section"; delete "155.34"; strike through "of the Revised Code."

In line 10410, reinsert "(1)"

In line 10412, reinsert "signing fees, rentals, and royalty"

In line 10414, reinsert "state land"

Reinsert line 10415

In line 10416, reinsert "(2)"

In line 10431, reinsert everything after "~~(H)~~"

In line 10432, reinsert everything before "oil"

In line 10441, strike through "two"; insert "one"; strike through "seventy"; insert "twenty"

In line 10444, strike through "all" and insert "both"

In line 10446, strike everything after "(1)"

In line 10447, strike through "nominations that are submitted under section"; delete "155.33"; strike through "of the"

Strike through line 10448

In line 10449, delete "(2)" and strike through the balance of the line

Strike through lines 10450 to 10458

In line 10462, delete "(3)" and strike through the balance of the line

In line 10463, strike through "for a lease under section"; delete "155.33"; strike through the balance of the line

In line 10464, delete "(4)" and strike through the balance of the line

In line 10465 strike through everything before "~~1509.73~~"

In line 10466, delete "155.33" and strike through the balance of the line

In line 10467, delete "(5)"

In line 10472, delete "without the execution"

In line 10473, delete "by"; insert "unless"; delete "of a standard" and insert ", in its sole discretion, chooses to negotiate and execute a written"

In line 10475, delete "At"; strike through "least a"; insert "A"; after "one-eighth" insert "gross"

In line 10478, delete everything after "(c)"

In line 10479, delete "lessee" and insert "A primary term of three years;

(d) An option for the lessee to extend the primary term of the lease for an additional three years by tendering to the state agency the same bonus paid when first entering into the lease"

In line 10480, delete everything after "~~(C)~~"

Delete lines 10481 to 10482

In line 10483, delete "(7)" and insert "(2)"; strike through "and requirements that the commission"

In line 10484, strike through "determines"

In line 10486, after "(B)" insert "Not later than one hundred and twenty days after the effective date of this amendment, the commission shall establish a standard surface use agreement that a state agency shall use to authorize the use of the surface of a leased parcel of land.

(C)"

In line 10491, reinsert "the proceeds of nomination fees"

In line 10492, reinsert "and bid fees"; delete "all money"

In line 10494, strike through "and the department of"

In line 10495, strike through "natural resources"

In line 10496, strike through "and the department"

In line 70837, after "131.025," insert "131.50,"

In line 70917, delete "131.50,"

The motion was _____ agreed to.

SYNOPSIS

Oil and Gas Land Management Commission changes

R.C. 1509.70 (155.30), 1509.71 (155.31), 1509.72 (155.32), 1509.73 (155.33), 1509.74 (155.34), 1509.75 (155.35), and 131.50

Prior to the adoption of rules by the Oil and Land Management Commission, authorizes (rather than requires, as in the bill) a state agency to enter into oil and gas leases.

Requires the Commission to adopt rules governing a standard lease form and to establish a standard surface use agreement, within 120 days of the bill's effective date.

Revises requirements governing the standard lease form that state agencies must use by allowing a state agency to execute a written surface use agreement, replacing a required 1/8th landowner royalty with a required gross 1/8th landowner royalty, and requiring a primary lease term of three years with a possible three-year extension.

Specifies that a gross land owner royalty is the proceeds of oil and gas sales (without any post-production cost reduction) minus taxes and government fees.

Restores references to a lease of a formation within a parcel of land (rather than a parcel of land, as in the bill) and defines the parameters of what constitutes a formation.

Revises procedures by which a formation within a parcel of state agency land may be nominated.

Requires the nomination to include the identity of the nominating person and the nominated formation and parcel, a nomination fee of $150, the proposed lease bonus, and (if the nominating entity is not a state agency) information concerning

state registration and insurance and bonding requirements.

Exempts all nomination information from public record requirements, except the identity of the formation, until a bid for the nomination is accepted by the Commission.

Requires the Commission to notify a state agency of a nomination of a formation under that agency's control and allows the agency to submit comments regarding the nomination.

Requires the Commission to post notice of its decision on its web site and send it by email (along with certified mail as in current law) to the nominating person and the state agency.

Alters the requirements governing the advertisement of bids for a nominated formation by requiring the Commission to include an identification of the formation, a bid deadline, and a statement that each bid must contain certain standard lease agreement provisions.

Authorizes any person to bid on the nomination by submitting a $25 bid fee; information identifying the bidder, formation and parcel, and proposed lease bonus; and proof of registration and insurance and bonding.

States that the bid is not a public record until acceptance by the Commission.

Restores the current State Land Royalty Fund consisting of money received by all state agencies from signing fees, rentals, and royalties for leases, while retaining a current requirement that at least 30% of lease proceeds from a formation under a state park be credited to the fund that supports the state park.

Specifies that state agencies may use Fund money for any purpose (rather than for capital expenditures as in current law).

Establishes procedures for distribution of Fund money to state agencies and special procedures for distribution to individual divisions within ODNR.

Accordingly, retains the bill's elimination of ODNR-specific funds.

Specifies that all nomination and bid fees must be deposited into the Oil and Gas Land Management Commission Administration Fund, to be used for the administrative purposes of the Commission.

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 35 of the title, after "2151.416," insert "2151.421,"

In line 38 of the title, after "4713.02," insert "4729.80, 4729.86,"; after "4730.43," insert "4731.22,"

In line 133 of the title, after "173.012," insert "307.631, 307.632, 307.633, 307.634, 307.635, 307.636, 307.637, 307.638, 307.639, 307.641, 307.642, 307.643, 307.644, 307.645, 307.646, 307.647, 307.648, 307.649, 307.6410,"

In line 146 of the title, after "3375.011," insert "3701.0410, 3701.0411,"

In line 238, after "2151.416," insert "2151.421,"

In line 277, after "4713.02," insert "4729.80, 4729.86,"; after "4730.43," insert "4731.22,"

In line 310, after "173.012," insert "307.631, 307.632, 307.633, 307.634, 307.635, 307.636, 307.637, 307.638, 307.639, 307.641, 307.642, 307.643, 307.644, 307.645, 307.646, 307.647, 307.648, 307.649, 307.6410,"

In line 320, after "3375.011," insert "3701.0410, 3701.0411,"

In line 3359, after "Code" insert ";

(18) Meetings of a drug overdose fatality review committee described in section 307.631 of the Revised Code;

(19) Meetings of a suicide fatality review committee described in section 307.641 of the Revised Code"

After line 11681, insert:

"**Sec. 307.631.** (A) A board of county commissioners may appoint a health commissioner of the board of health of a city or general health district that is entirely or partially located in the county in which the board of county commissioners is located to establish a drug overdose fatality review committee to review drug overdose deaths and opioid-involved deaths occurring in the county.

(B) The boards of county commissioners of two or more counties may, by adopting a joint resolution passed by a majority of the members of each participating board of county commissioners, create a regional drug overdose fatality review committee to review drug overdose deaths and opioid-involved deaths occurring in participating counties. The joint resolution shall appoint, for each county participating as part of the regional review committee, one health commissioner from a board of health of a city or general health district located at least in part in each county. The health commissioners appointed shall select one of their number as the health commissioner to establish the regional review committee.

(C) In any county that, on the effective date of this section, has a body that is acting as a drug overdose fatality review committee and is comprised of the members described in divisions (A)(1) and (B)(1) of section 307.632 of the Revised Code, including a public health official or designee, that body shall continue to function as the drug overdose fatality review committee for the county. The body shall have the same duties,

obligations, and protections as a drug overdose fatality review committee appointed by a health commissioner.

Sec. 307.632. (A)(1) If a health commissioner establishes a drug overdose fatality review committee as described in division (A) of section 307.631 of the Revised Code, the commissioner shall select four members to serve on the review committee along with the commissioner. The review committee shall consist of the following:

(a) The chief of police of a police department in the county or the county sheriff or a designee of the chief or sheriff;

(b) A public health official or the official's designee;

(c) The executive director of the board of alcohol, drug addiction, and mental health services for the county or the executive director's designee;

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

(2) If a health commissioner establishes a drug overdose fatality review committee as described in division (B) of section 307.631 of the Revised Code, the commissioner shall select four members to serve on the review committee along with the commissioner. The review committee shall consist of the following:

(a) The chief of police of a police department or a sheriff or a designee of the chief or sheriff;

(b) A public health official or the official's designee;

(c) The executive director of a board of alcohol, drug addiction, and mental health services or the executive director's designee;

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

The members described in divisions (A)(2)(a) to (c) of this section shall be representatives from the most populous county served by the committee.

(B)(1) The review committee shall invite the county coroner or, in the case of a regional review committee, the county coroner from the most populous county, to serve on the committee. The review committee shall extend the invitation each time a county coroner assumes the office. The coroner shall not be required to accept the invitation. If the coroner accepts the invitation, the coroner shall have the same authority, duties, and responsibilities as members described in division (A) of this section.

(2) The majority of the members of a review committee may invite additional members to serve on the committee. The additional members shall serve for a period of time determined by a majority of the members described in division (A) of this section. Each additional member shall have the same authority, duties, and responsibilities as members described in division (A) of this section.

(C) A vacancy in a drug overdose review committee shall be filled in the same manner as the original appointment. If the health commissioner who made the original appointment as described in division (A) of this section is no longer serving in that capacity, a successor of the commissioner shall fill the vacancy.

(D) A drug overdose fatality review committee member shall not receive any compensation for, and shall not be paid for any expenses incurred pursuant to, fulfilling the member's duties on

the committee unless compensation for, or payment for expenses incurred pursuant to, those duties is received pursuant to a member's regular employment.

Sec. 307.633. If a drug overdose fatality review committee is established under division (A) or (B) of section 307.631 of the Revised Code, the board of county commissioners, or if a regional drug overdose fatality review committee is established, the group of health commissioners appointed to select the health commissioner to establish the regional review committee, shall designate either the health commissioner that establishes the review committee or a representative of the health commissioner to convene meetings and be the chairperson of the review committee.

Sec. 307.634. The purpose of a drug overdose fatality review committee is to decrease the incidence of preventable overdose deaths by doing all of the following:

(A) Promoting cooperation, collaboration, and communication between all groups, professions, agencies, or entities engaged in drug abuse prevention, education, or treatment efforts;

(B) Maintaining a comprehensive database of all overdose deaths that occur in the county or region served by the review committee in order to develop an understanding of the causes and incidence of those deaths;

(C) Recommending and developing plans for implementing local service and program changes and changes to the groups, professions, agencies, or entities that serve local residents that might prevent overdose deaths;

(D) Providing the department of health with aggregate data, trends, and patterns concerning overdose deaths.

Sec. 307.635. A drug overdose fatality review committee may not conduct a review of a death while an investigation of the death or prosecution of a person for causing the death is pending unless the prosecuting attorney agrees to allow the review. The law enforcement agency conducting the criminal investigation, on the conclusion of the investigation, and the prosecuting attorney prosecuting the case, on the conclusion of the prosecution, shall notify the chairperson of the review committee of the conclusion.

Sec. 307.636. (A) A drug overdose fatality review committee shall establish a system for collecting and maintaining information necessary for the review of drug overdose or opioid-involved deaths in the county or region. In an effort to ensure confidentiality, each committee shall do all of the following:

(1) Maintain all records in a secure location;

(2) Develop security measures to prevent unauthorized access to records containing information that could reasonably identify any person;

(3) Develop a system for storing, processing, indexing, retrieving, and destroying information obtained in the course of reviewing a drug overdose or opioid-involved death.

(B) For each drug overdose or opioid-involved death reviewed by a committee, the committee shall collect all of the following:

(1) Demographic information of the deceased, including age, sex, race, and ethnicity;

(2) The year in which the death occurred;

(3) The geographic location of the death;

(4) The cause of death;

(5) Any factors contributing to the death;

(6) Any other information the committee considers relevant.

(C) By the first day of April of each year, the person convening a drug overdose fatality review committee shall prepare and submit to the Ohio department of health in the manner and format prescribed by the department a report that includes all of the following information for the previous calendar year:

(1) The total number of drug overdose or opioid-involved deaths in the county or region;

(2) The total number of drug overdose or opioid-involved deaths reviewed by the committee;

(3) A summary of demographic information for the deaths reviewed, including age, sex, race, and ethnicity;

(4) A summary of any trends or patterns identified by the committee.

The report shall specify the number of drug overdose or opioid-involved deaths that were not reviewed during the previous calendar year.

The report shall include recommendations for actions that might prevent other deaths, as well as any other information the review board determines should be included.

(D) Reports prepared under division (C) of this section shall be considered public records under section 149.43 of the Revised Code.

Sec. 307.637. (A)(1) Notwithstanding section 3701.17 and any other section of the Revised Code pertaining to confidentiality,

any individual, law enforcement agency, or other public or private entity that provided services to a person whose death is being reviewed by a drug overdose fatality review committee, on the request of the review committee, shall submit to the review committee a summary sheet of information.

(a) With respect to a request made to a health care entity, the summary sheet shall contain only information available and reasonably drawn from the person's medical record created by the health care entity.

(b) With respect to a request made to any other individual or entity, the summary sheet shall contain only information available and reasonably drawn from any record involving the person to which the individual or entity has access.

(c) On the request of the review committee, an individual or entity may, at the individual or entity's discretion, make any additional information, documents, or reports available to the review committee.

(2) On the request of the review committee, a county coroner shall make available to the review committee the coroner's full and complete record as described in section 313.10 of the Revised Code that relates to the person whose death is being reviewed by the committee.

(B) Notwithstanding division (A) of this section, no person, entity, law enforcement agency, or prosecuting attorney shall provide any information regarding the death of a person to a drug overdose fatality review committee while an investigation of the death or prosecution of a person for causing the death is pending unless the prosecuting attorney has agreed pursuant to section 307.635 of the Revised Code to allow review of the death.

Sec. 307.638. (A) An individual or public or private entity providing information, documents, or reports to a drug overdose fatality review committee is immune from any civil liability for injury, death, or loss to person or property that otherwise might be incurred or imposed as a result of providing the information, documents, or reports to the review committee.

(B) Each member of a review committee is immune from any civil liability for injury, death, or loss to person or property that might otherwise be incurred or imposed as a result of the member's participation on the review committee.

Sec. 307.639. Any information, document, or report presented to a drug overdose fatality review committee, all statements made by review committee members during meetings of the review committee, all work products of the review committee, and data submitted by the review committee to the department of health, other than the report prepared pursuant to section 307.636 of the Revised Code, are confidential and shall be used by the review committee, its members, and the department of health only in the exercise of the proper functions of the review committee and the department.

Sec. 307.641. (A) A board of county commissioners may appoint a health commissioner of the board of health of a city or general health district that is entirely or partially located in the county in which the board of county commissioners is located to establish a suicide fatality review committee to review deaths by suicide occurring in the county.

(B) The boards of county commissioners of two or more counties may, by adopting a joint resolution passed by a majority

of the members of each participating board of county commissioners, create a regional suicide fatality review committee to serve all participating counties. The joint resolution shall appoint, for each county participating as part of the regional review committee, one health commissioner from a board of health of a city or general health district located at least in part in each county. The health commissioners appointed shall select one of their number as the health commissioner to establish the regional review committee.

(C) In any county that, on the effective date of this section, has a body that is acting as a suicide fatality review committee and is comprised of the members described in divisions (A)(1) and (B)(1) of section 307.642 of the Revised Code, including a public health official or designee, that body shall continue to function as the suicide fatality review committee for the county. The body shall have the same duties, obligations, and protections as a suicide fatality review committee appointed by a health commissioner.

Sec. 307.642. (A)(1) If a health commissioner is appointed under division (A) of section 307.641 of the Revised Code to establish a suicide fatality review committee, the commissioner shall select four members to serve on the review committee along with the commissioner. The review committee shall consist of the following:

(a) The chief of police of a police department in the county or region or the county sheriff or a designee of the chief or sheriff;

(b) A public health official or the official's designee;

(c) The executive director of a board of alcohol, drug

addiction, and mental health services or the executive director's designee;

(d) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(2) If a health commissioner is appointed under division (B) of section 307.641 of the Revised Code to establish a suicide fatality review committee, the commissioner shall select four members to serve on the review committee along with the commissioner. The review committee shall consist of the following:

(a) The chief of police of a police department or sheriff or a designee of the chief or sheriff;

(b) A public health official or the official's designee;

(c) The executive director of a board of alcohol, drug addiction, and mental health services or the executive director's designee;

(d) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

The members described in divisions (A)(2)(a) to (c) of this section shall be representatives from the most populous county served by the committee.

(B)(1) The review committee shall invite the county coroner or, in the case of a regional review committee, the county coroner from the most populous county, to serve on the committee. The review committee shall extend the invitation each time a county coroner assumes the office. The coroner shall not be required to accept the invitation. If the coroner accepts the invitation, the coroner shall have the same authority, duties, and

responsibilities as members described in division (A) of this section.

(2) The majority of the members of a review committee may invite additional members to serve on the committee. The additional members shall serve for a period of time determined by a majority of the members described in division (A) of this section. An additional member has the same authority, duties, and responsibilities as members described in division (A) of this section.

(C) A vacancy in a suicide fatality review committee shall be filled in the same manner as the original appointment.

(D) A suicide fatality review committee member shall not receive any compensation for, and shall not be paid for any expenses incurred pursuant to, fulfilling the member's duties on the committee unless compensation for, or payment for expenses incurred pursuant to, those duties is received pursuant to a member's regular employment.

Sec. 307.643. The purpose of a suicide fatality review committee is to decrease the incidence of preventable suicide deaths by doing all of the following:

(A) Promoting cooperation, collaboration, and communication between all groups, professions, agencies, or entities engaged in suicide prevention, education, or mental health treatment efforts;

(B) Maintaining a comprehensive database of all suicide deaths that occur in the county or region served by the review committee in order to develop an understanding of the causes and incidence of those deaths;

(C) Recommending and developing plans for implementing local

service and program changes and changes to the groups, professions, agencies, or entities that serve local residents that might prevent suicide deaths;

(D) Advising the department of health of aggregate data, trends, and patterns concerning suicide deaths.

Sec. 307.644. If a suicide fatality review committee is established under division (A) or (B) of section 307.641 of the Revised Code, the board of county commissioners, or if a regional suicide fatality review committee is established, the group of health commissioners appointed to select the health commissioner to establish the regional review committee, shall designate either the health commissioner that establishes the review committee or a representative of the health commissioner to convene meetings and be the chairperson of the review committee. If a regional review committee includes a county with more than one health district, the regional review committee meeting shall be convened in that county. If more than one of the counties participating on the regional review committee has more than one health district, the person convening the meeting shall select one of the counties with more than one health district as the county in which to convene the meeting.

Sec. 307.645. A suicide fatality review committee may not conduct a review of a death while an investigation of the death or prosecution of a person for causing the death is pending unless the prosecuting attorney agrees to allow the review. The law enforcement agency conducting the criminal investigation, on the conclusion of the investigation, and the prosecuting attorney prosecuting the case, on the conclusion of the prosecution, shall notify the chairperson of the review committee of the conclusion.

Sec. 307.646. (A) A suicide fatality review committee shall establish a system for collecting and maintaining information necessary for the review of suicide deaths in the county or region. In an effort to ensure confidentiality, each committee shall do all of the following:

(1) Maintain all records in a secure location;

(2) Develop security measures to prevent unauthorized access to records containing information that could reasonably identify any person;

(3) Develop a system for storing, processing, indexing, retrieving, and destroying information obtained in the course of reviewing a death resulting from suicide.

(B) For each death resulting from suicide reviewed by a committee, the committee shall collect all of the following:

(1) Demographic information of the deceased, including age, sex, race, and ethnicity;

(2) The year in which the death occurred;

(3) The geographic location of the death;

(4) The cause of death;

(5) Any factors contributing to the death;

(6) Any other information the committee considers relevant.

(C) By the first day of April of each year, the person convening a suicide fatality review committee shall prepare and submit to the Ohio department of health a report that summarizes the following information about suicide deaths reviewed by the committee in the previous calendar year:

(1) The cause of death;

(2) Factors contributing to death;

(3) Age;

(4) Sex;

(5) Race;

(6) The geographic location of death;

(7) The year of death.

The report shall specify the number of suicide deaths that were not reviewed during the previous calendar year.

The report may include recommendations for actions that might prevent other suicide deaths, as well as any other information the review committee determines should be included.

(D) Reports prepared under division (C) of this section are public records under section 149.43 of the Revised Code.

Sec. 307.647. (A)(1) Notwithstanding section 3701.17 and any other section of the Revised Code pertaining to confidentiality, any individual, law enforcement agency, or other public or private entity that provided services to a person whose death is being reviewed by a suicide fatality review committee, on the request of the review committee, shall submit to the review committee a summary sheet of information.

(a) With respect to a request made to a health care entity, the summary sheet shall contain only information available and reasonably drawn from the person's medical record created by the health care entity.

(b) With respect to a request made to any other individual or entity, the summary sheet shall contain only information available and reasonably drawn from any record involving the person that the

individual or entity develops in the normal course of business.

(c) On the request of the review committee, an individual or entity may, at the individual or entity's discretion, make any additional information, documents, or reports available to the review committee.

(2) For purposes of the review, the committee shall have access to confidential information provided to the committee under this section or division (I)(4) of section 2151.421 of the Revised Code, and each member of the committee shall preserve the confidentiality of that information.

(3) On the request of the review committee, a county coroner shall make available to the review committee the coroner's full and complete record as described in section 313.10 of the Revised Code that relates to the person whose death is being reviewed by the committee.

(B) Notwithstanding division (A) of this section, no person, entity, law enforcement agency, or prosecuting attorney shall provide any information regarding the death of a person to a suicide fatality review committee while an investigation of the death or prosecution of a person for causing the death is pending unless the prosecuting attorney has agreed pursuant to section 307.645 of the Revised Code to allow review of the death.

Sec. 307.648. (A) An individual or public or private entity providing information, documents, or reports to a suicide fatality review committee is immune from any civil liability for injury, death, or loss to person or property that otherwise might be incurred or imposed as a result of providing the information, documents, or reports to the review committee.

(B) Each member of a review committee is immune from any

civil liability for injury, death, or loss to person or property that might otherwise be incurred or imposed as a result of the member's participation on the review committee.

Sec. 307.649. Any information, document, or report presented to a suicide fatality review committee, all statements made by review committee members during meetings of the review committee, all work products of the review committee, and data submitted by the review committee to the department of health, other than the report prepared pursuant to section 307.646 of the Revised Code, are confidential and shall be used by the review committee, its members, and the department of health only in the exercise of the proper functions of the review committee and the department.

Sec. 307.6410. A board of county commissioners may appoint a health commissioner of the board of health of a city or general health district that is entirely or partially located in the county in which the board of county commissioners is located to establish a hybrid drug overdose fatality and suicide fatality review committee to review drug overdose deaths, opioid-involved deaths, and deaths by suicide occurring in the county. In such case, the board and hybrid committee shall follow the procedures described in sections 307.631 to 307.639 and 307.641 to 307.649 of the Revised Code. Any reference to a drug overdose fatality review committee or suicide fatality review committee shall be construed to include a hybrid committee described in this section."

After line 19231, insert:

"**Sec. 2151.421.** (A)(1)(a) No person described in division (A)(1)(b) of this section who is acting in an official or professional capacity and knows, or has reasonable cause to

suspect based on facts that would cause a reasonable person in a similar position to suspect, that a child under eighteen years of age, or a person under twenty-one years of age with a developmental disability or physical impairment, has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child shall fail to immediately report that knowledge or reasonable cause to suspect to the entity or persons specified in this division. Except as otherwise provided in this division or section 5120.173 of the Revised Code, the person making the report shall make it to the public children services agency or a peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred. If the person making the report is a peace officer, the officer shall make it to the public children services agency in the county in which the child resides or in which the abuse or neglect is occurring or has occurred. In the circumstances described in section 5120.173 of the Revised Code, the person making the report shall make it to the entity specified in that section.

(b) Division (A)(1)(a) of this section applies to any person who is an attorney; health care professional; practitioner of a limited branch of medicine as specified in section 4731.15 of the Revised Code; licensed school psychologist; independent marriage and family therapist or marriage and family therapist; coroner; administrator or employee of a child day-care center; administrator or employee of a residential camp, child day camp, or private, nonprofit therapeutic wilderness camp; administrator or employee of a certified child care agency or other public or private children services agency; school teacher; school employee; school authority; peace officer; humane society agent; dog warden,

deputy dog warden, or other person appointed to act as an animal control officer for a municipal corporation or township in accordance with state law, an ordinance, or a resolution; person, other than a cleric, rendering spiritual treatment through prayer in accordance with the tenets of a well-recognized religion; employee of a county department of job and family services who is a professional and who works with children and families; superintendent or regional administrator employed by the department of youth services; superintendent, board member, or employee of a county board of developmental disabilities; investigative agent contracted with by a county board of developmental disabilities; employee of the department of developmental disabilities; employee of a facility or home that provides respite care in accordance with section 5123.171 of the Revised Code; employee of an entity that provides homemaker services; employee of a qualified organization as defined in section 2151.90 of the Revised Code; a host family as defined in section 2151.90 of the Revised Code; foster caregiver; a person performing the duties of an assessor pursuant to Chapter 3107. or 5103. of the Revised Code; third party employed by a public children services agency to assist in providing child or family related services; court appointed special advocate; or guardian ad litem.

(c) If two or more health care professionals, after providing health care services to a child, determine or suspect that the child has been or is being abused or neglected, the health care professionals may designate one of the health care professionals to report the abuse or neglect. A single report made under this division shall meet the reporting requirements of division (A)(1) of this section.

(2) Except as provided in division (A)(3) of this section, an

attorney or a physician is not required to make a report pursuant to division (A)(1) of this section concerning any communication the attorney or physician receives from a client or patient in an attorney-client or physician-patient relationship, if, in accordance with division (A) or (B) of section 2317.02 of the Revised Code, the attorney or physician could not testify with respect to that communication in a civil or criminal proceeding.

(3) The client or patient in an attorney-client or physician-patient relationship described in division (A)(2) of this section is deemed to have waived any testimonial privilege under division (A) or (B) of section 2317.02 of the Revised Code with respect to any communication the attorney or physician receives from the client or patient in that attorney-client or physician-patient relationship, and the attorney or physician shall make a report pursuant to division (A)(1) of this section with respect to that communication, if all of the following apply:

(a) The client or patient, at the time of the communication, is a child under eighteen years of age or is a person under twenty-one years of age with a developmental disability or physical impairment.

(b) The attorney or physician knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in similar position to suspect that the client or patient has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the client or patient.

(c) The abuse or neglect does not arise out of the client's or patient's attempt to have an abortion without the notification of her parents, guardian, or custodian in accordance with section 2151.85 of the Revised Code.

(4)(a) No cleric and no person, other than a volunteer, designated by any church, religious society, or faith acting as a leader, official, or delegate on behalf of the church, religious society, or faith who is acting in an official or professional capacity, who knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, that a child under eighteen years of age, or a person under twenty-one years of age with a developmental disability or physical impairment, has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child, and who knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, that another cleric or another person, other than a volunteer, designated by a church, religious society, or faith acting as a leader, official, or delegate on behalf of the church, religious society, or faith caused, or poses the threat of causing, the wound, injury, disability, or condition that reasonably indicates abuse or neglect shall fail to immediately report that knowledge or reasonable cause to believe to the entity or persons specified in this division. Except as provided in section 5120.173 of the Revised Code, the person making the report shall make it to the public children services agency or a peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred. In the circumstances described in section 5120.173 of the Revised Code, the person making the report shall make it to the entity specified in that section.

(b) Except as provided in division (A)(4)(c) of this section, a cleric is not required to make a report pursuant to division (A)(4)(a) of this section concerning any communication the cleric

receives from a penitent in a cleric-penitent relationship, if, in accordance with division (C) of section 2317.02 of the Revised Code, the cleric could not testify with respect to that communication in a civil or criminal proceeding.

(c) The penitent in a cleric-penitent relationship described in division (A)(4)(b) of this section is deemed to have waived any testimonial privilege under division (C) of section 2317.02 of the Revised Code with respect to any communication the cleric receives from the penitent in that cleric-penitent relationship, and the cleric shall make a report pursuant to division (A)(4)(a) of this section with respect to that communication, if all of the following apply:

(i) The penitent, at the time of the communication, is a child under eighteen years of age or is a person under twenty-one years of age with a developmental disability or physical impairment.

(ii) The cleric knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, as a result of the communication or any observations made during that communication, the penitent has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the penitent.

(iii) The abuse or neglect does not arise out of the penitent's attempt to have an abortion performed upon a child under eighteen years of age or upon a person under twenty-one years of age with a developmental disability or physical impairment without the notification of her parents, guardian, or custodian in accordance with section 2151.85 of the Revised Code.

(d) Divisions (A)(4)(a) and (c) of this section do not apply

in a cleric-penitent relationship when the disclosure of any communication the cleric receives from the penitent is in violation of the sacred trust.

(e) As used in divisions (A)(1) and (4) of this section, "cleric" and "sacred trust" have the same meanings as in section 2317.02 of the Revised Code.

(B) Anyone who knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in similar circumstances to suspect, that a child under eighteen years of age, or a person under twenty-one years of age with a developmental disability or physical impairment, has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or other condition of a nature that reasonably indicates abuse or neglect of the child may report or cause reports to be made of that knowledge or reasonable cause to suspect to the entity or persons specified in this division. Except as provided in section 5120.173 of the Revised Code, a person making a report or causing a report to be made under this division shall make it or cause it to be made to the public children services agency or to a peace officer. In the circumstances described in section 5120.173 of the Revised Code, a person making a report or causing a report to be made under this division shall make it or cause it to be made to the entity specified in that section.

(C) Any report made pursuant to division (A) or (B) of this section shall be made forthwith either by telephone or in person and shall be followed by a written report, if requested by the receiving agency or officer. The written report shall contain:

(1) The names and addresses of the child and the child's parents or the person or persons having custody of the child, if

known;

(2) The child's age and the nature and extent of the child's injuries, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to have occurred or of the threat of injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to exist, including any evidence of previous injuries, abuse, or neglect;

(3) Any other information, including, but not limited to, results and reports of any medical examinations, tests, or procedures performed under division (D) of this section, that might be helpful in establishing the cause of the injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to have occurred or of the threat of injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to exist.

(D)(1) Any person, who is required by division (A) of this section to report child abuse or child neglect that is known or reasonably suspected or believed to have occurred, may take or cause to be taken color photographs of areas of trauma visible on a child and, if medically necessary for the purpose of diagnosing or treating injuries that are suspected to have occurred as a result of child abuse or child neglect, perform or cause to be performed radiological examinations and any other medical examinations of, and tests or procedures on, the child.

(2) The results and any available reports of examinations, tests, or procedures made under division (D)(1) of this section shall be included in a report made pursuant to division (A) of this section. Any additional reports of examinations, tests, or procedures that become available shall be provided to the public children services agency, upon request.

(3) If a health care professional provides health care services in a hospital, children's advocacy center, or emergency medical facility to a child about whom a report has been made under division (A) of this section, the health care professional may take any steps that are reasonably necessary for the release or discharge of the child to an appropriate environment. Before the child's release or discharge, the health care professional may obtain information, or consider information obtained, from other entities or individuals that have knowledge about the child. Nothing in division (D)(3) of this section shall be construed to alter the responsibilities of any person under sections 2151.27 and 2151.31 of the Revised Code.

(4) A health care professional may conduct medical examinations, tests, or procedures on the siblings of a child about whom a report has been made under division (A) of this section and on other children who reside in the same home as the child, if the professional determines that the examinations, tests, or procedures are medically necessary to diagnose or treat the siblings or other children in order to determine whether reports under division (A) of this section are warranted with respect to such siblings or other children. The results of the examinations, tests, or procedures on the siblings and other children may be included in a report made pursuant to division (A) of this section.

(5) Medical examinations, tests, or procedures conducted under divisions (D)(1) and (4) of this section and decisions regarding the release or discharge of a child under division (D)(3) of this section do not constitute a law enforcement investigation or activity.

(E)(1) When a peace officer receives a report made pursuant

to division (A) or (B) of this section, upon receipt of the report, the peace officer who receives the report shall refer the report to the appropriate public children services agency, unless an arrest is made at the time of the report that results in the appropriate public children services agency being contacted concerning the possible abuse or neglect of a child or the possible threat of abuse or neglect of a child.

(2) When a public children services agency receives a report pursuant to this division or division (A) or (B) of this section, upon receipt of the report, the public children services agency shall do both of the following:

(a) Comply with section 2151.422 of the Revised Code;

(b) If the county served by the agency is also served by a children's advocacy center and the report alleges sexual abuse of a child or another type of abuse of a child that is specified in the memorandum of understanding that creates the center as being within the center's jurisdiction, comply regarding the report with the protocol and procedures for referrals and investigations, with the coordinating activities, and with the authority or responsibility for performing or providing functions, activities, and services stipulated in the interagency agreement entered into under section 2151.428 of the Revised Code relative to that center.

(F) No peace officer shall remove a child about whom a report is made pursuant to this section from the child's parents, stepparents, or guardian or any other persons having custody of the child without consultation with the public children services agency, unless, in the judgment of the officer, and, if the report was made by physician, the physician, immediate removal is considered essential to protect the child from further abuse or

neglect. The agency that must be consulted shall be the agency conducting the investigation of the report as determined pursuant to section 2151.422 of the Revised Code.

(G)(1) Except as provided in section 2151.422 of the Revised Code or in an interagency agreement entered into under section 2151.428 of the Revised Code that applies to the particular report, the public children services agency shall investigate, within twenty-four hours, each report of child abuse or child neglect that is known or reasonably suspected or believed to have occurred and of a threat of child abuse or child neglect that is known or reasonably suspected or believed to exist that is referred to it under this section to determine the circumstances surrounding the injuries, abuse, or neglect or the threat of injury, abuse, or neglect, the cause of the injuries, abuse, neglect, or threat, and the person or persons responsible. The investigation shall be made in cooperation with the law enforcement agency and in accordance with the memorandum of understanding prepared under division (K) of this section. A representative of the public children services agency shall, at the time of initial contact with the person subject to the investigation, inform the person of the specific complaints or allegations made against the person. The information shall be given in a manner that is consistent with division (I)(1) of this section and protects the rights of the person making the report under this section.

A failure to make the investigation in accordance with the memorandum is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from the report or the suppression of any evidence obtained as a result of the report and does not give, and shall not be construed as giving, any rights or any grounds for appeal or post-conviction relief to any

person. The public children services agency shall report each case to the uniform statewide automated child welfare information system that the department of job and family services shall maintain in accordance with section 5101.13 of the Revised Code. The public children services agency shall submit a report of its investigation, in writing, to the law enforcement agency.

(2) The public children services agency shall make any recommendations to the county prosecuting attorney or city director of law that it considers necessary to protect any children that are brought to its attention.

(H)(1)(a) Except as provided in divisions (H)(1)(b) and (I)(3) of this section, any person, health care professional, hospital, institution, school, health department, or agency shall be immune from any civil or criminal liability for injury, death, or loss to person or property that otherwise might be incurred or imposed as a result of any of the following:

(i) Participating in the making of reports pursuant to division (A) of this section or in the making of reports in good faith, pursuant to division (B) of this section;

(ii) Participating in medical examinations, tests, or procedures under division (D) of this section;

(iii) Providing information used in a report made pursuant to division (A) of this section or providing information in good faith used in a report made pursuant to division (B) of this section;

(iv) Participating in a judicial proceeding resulting from a report made pursuant to division (A) of this section or participating in good faith in a proceeding resulting from a report made pursuant to division (B) of this section.

(b) Immunity under division (H)(1)(a)(ii) of this section shall not apply when a health care provider has deviated from the standard of care applicable to the provider's profession.

(c) Notwithstanding section 4731.22 of the Revised Code, the physician-patient privilege shall not be a ground for excluding evidence regarding a child's injuries, abuse, or neglect, or the cause of the injuries, abuse, or neglect in any judicial proceeding resulting from a report submitted pursuant to this section.

(2) In any civil or criminal action or proceeding in which it is alleged and proved that participation in the making of a report under this section was not in good faith or participation in a judicial proceeding resulting from a report made under this section was not in good faith, the court shall award the prevailing party reasonable attorney's fees and costs and, if a civil action or proceeding is voluntarily dismissed, may award reasonable attorney's fees and costs to the party against whom the civil action or proceeding is brought.

(I)(1) Except as provided in divisions (I)(4) and (O) of this section, a report made under this section is confidential. The information provided in a report made pursuant to this section and the name of the person who made the report shall not be released for use, and shall not be used, as evidence in any civil action or proceeding brought against the person who made the report. Nothing in this division shall preclude the use of reports of other incidents of known or suspected abuse or neglect in a civil action or proceeding brought pursuant to division (N) of this section against a person who is alleged to have violated division (A)(1) of this section, provided that any information in a report that would identify the child who is the subject of the report or the

maker of the report, if the maker of the report is not the defendant or an agent or employee of the defendant, has been redacted. In a criminal proceeding, the report is admissible in evidence in accordance with the Rules of Evidence and is subject to discovery in accordance with the Rules of Criminal Procedure.

(2)(a) Except as provided in division (I)(2)(b) of this section, no person shall permit or encourage the unauthorized dissemination of the contents of any report made under this section.

(b) A health care professional that obtains the same information contained in a report made under this section from a source other than the report may disseminate the information, if its dissemination is otherwise permitted by law.

(3) A person who knowingly makes or causes another person to make a false report under division (B) of this section that alleges that any person has committed an act or omission that resulted in a child being an abused child or a neglected child is guilty of a violation of section 2921.14 of the Revised Code.

(4) If a report is made pursuant to division (A) or (B) of this section and the child who is the subject of the report dies for any reason at any time after the report is made, but before the child attains eighteen years of age, the public children services agency or peace officer to which the report was made or referred, on the request of the child fatality review board, the suicide fatality review committee, or the director of health pursuant to guidelines established under section 3701.70 of the Revised Code, shall submit a summary sheet of information providing a summary of the report to the review board or review committee of the county in which the deceased child resided at the time of death or to the director. On the request of the review

board, review committee, or director, the agency or peace officer may, at its discretion, make the report available to the review board, review committee, or director. If the county served by the public children services agency is also served by a children's advocacy center and the report of alleged sexual abuse of a child or another type of abuse of a child is specified in the memorandum of understanding that creates the center as being within the center's jurisdiction, the agency or center shall perform the duties and functions specified in this division in accordance with the interagency agreement entered into under section 2151.428 of the Revised Code relative to that advocacy center.

(5) A public children services agency shall advise a person alleged to have inflicted abuse or neglect on a child who is the subject of a report made pursuant to this section, including a report alleging sexual abuse of a child or another type of abuse of a child referred to a children's advocacy center pursuant to an interagency agreement entered into under section 2151.428 of the Revised Code, in writing of the disposition of the investigation. The agency shall not provide to the person any information that identifies the person who made the report, statements of witnesses, or police or other investigative reports.

(J) Any report that is required by this section, other than a report that is made to the state highway patrol as described in section 5120.173 of the Revised Code, shall result in protective services and emergency supportive services being made available by the public children services agency on behalf of the children about whom the report is made, in an effort to prevent further neglect or abuse, to enhance their welfare, and, whenever possible, to preserve the family unit intact. The agency required to provide the services shall be the agency conducting the investigation of the report pursuant to section 2151.422 of the

Revised Code.

(K)(1) Each public children services agency shall prepare a memorandum of understanding that is signed by all of the following:

(a) If there is only one juvenile judge in the county, the juvenile judge of the county or the juvenile judge's representative;

(b) If there is more than one juvenile judge in the county, a juvenile judge or the juvenile judges' representative selected by the juvenile judges or, if they are unable to do so for any reason, the juvenile judge who is senior in point of service or the senior juvenile judge's representative;

(c) The county peace officer;

(d) All chief municipal peace officers within the county;

(e) Other law enforcement officers handling child abuse and neglect cases in the county;

(f) The prosecuting attorney of the county;

(g) If the public children services agency is not the county department of job and family services, the county department of job and family services;

(h) The county humane society;

(i) If the public children services agency participated in the execution of a memorandum of understanding under section 2151.426 of the Revised Code establishing a children's advocacy center, each participating member of the children's advocacy center established by the memorandum.

(2) A memorandum of understanding shall set forth the normal operating procedure to be employed by all concerned officials in

the execution of their respective responsibilities under this section and division (C) of section 2919.21, division (B)(1) of section 2919.22, division (B) of section 2919.23, and section 2919.24 of the Revised Code and shall have as two of its primary goals the elimination of all unnecessary interviews of children who are the subject of reports made pursuant to division (A) or (B) of this section and, when feasible, providing for only one interview of a child who is the subject of any report made pursuant to division (A) or (B) of this section. A failure to follow the procedure set forth in the memorandum by the concerned officials is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from any reported case of abuse or neglect or the suppression of any evidence obtained as a result of any reported child abuse or child neglect and does not give, and shall not be construed as giving, any rights or any grounds for appeal or post-conviction relief to any person.

(3) A memorandum of understanding shall include all of the following:

(a) The roles and responsibilities for handling emergency and nonemergency cases of abuse and neglect;

(b) Standards and procedures to be used in handling and coordinating investigations of reported cases of child abuse and reported cases of child neglect, methods to be used in interviewing the child who is the subject of the report and who allegedly was abused or neglected, and standards and procedures addressing the categories of persons who may interview the child who is the subject of the report and who allegedly was abused or neglected.

(4) If a public children services agency participated in the

execution of a memorandum of understanding under section 2151.426 of the Revised Code establishing a children's advocacy center, the agency shall incorporate the contents of that memorandum in the memorandum prepared pursuant to this section.

(5) The clerk of the court of common pleas in the county may sign the memorandum of understanding prepared under division (K)(1) of this section. If the clerk signs the memorandum of understanding, the clerk shall execute all relevant responsibilities as required of officials specified in the memorandum.

(L)(1) Except as provided in division (L)(4) or (5) of this section, a person who is required to make a report pursuant to division (A) of this section may make a reasonable number of requests of the public children services agency that receives or is referred the report, or of the children's advocacy center that is referred the report if the report is referred to a children's advocacy center pursuant to an interagency agreement entered into under section 2151.428 of the Revised Code, to be provided with the following information:

(a) Whether the agency or center has initiated an investigation of the report;

(b) Whether the agency or center is continuing to investigate the report;

(c) Whether the agency or center is otherwise involved with the child who is the subject of the report;

(d) The general status of the health and safety of the child who is the subject of the report;

(e) Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another

court.

(2) A person may request the information specified in division (L)(1) of this section only if, at the time the report is made, the person's name, address, and telephone number are provided to the person who receives the report.

When a peace officer or employee of a public children services agency receives a report pursuant to division (A) or (B) of this section the recipient of the report shall inform the person of the right to request the information described in division (L)(1) of this section. The recipient of the report shall include in the initial child abuse or child neglect report that the person making the report was so informed and, if provided at the time of the making of the report, shall include the person's name, address, and telephone number in the report.

Each request is subject to verification of the identity of the person making the report. If that person's identity is verified, the agency shall provide the person with the information described in division (L)(1) of this section a reasonable number of times, except that the agency shall not disclose any confidential information regarding the child who is the subject of the report other than the information described in those divisions.

(3) A request made pursuant to division (L)(1) of this section is not a substitute for any report required to be made pursuant to division (A) of this section.

(4) If an agency other than the agency that received or was referred the report is conducting the investigation of the report pursuant to section 2151.422 of the Revised Code, the agency conducting the investigation shall comply with the requirements of division (L) of this section.

(5) A health care professional who made a report under division (A) of this section, or on whose behalf such a report was made as provided in division (A)(1)(c) of this section, may authorize a person to obtain the information described in division (L)(1) of this section if the person requesting the information is associated with or acting on behalf of the health care professional who provided health care services to the child about whom the report was made.

(M) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The department of job and family services may enter into a plan of cooperation with any other governmental entity to aid in ensuring that children are protected from abuse and neglect. The department shall make recommendations to the attorney general that the department determines are necessary to protect children from child abuse and child neglect.

(N) Whoever violates division (A) of this section is liable for compensatory and exemplary damages to the child who would have been the subject of the report that was not made. A person who brings a civil action or proceeding pursuant to this division against a person who is alleged to have violated division (A)(1) of this section may use in the action or proceeding reports of other incidents of known or suspected abuse or neglect, provided that any information in a report that would identify the child who is the subject of the report or the maker of the report, if the maker is not the defendant or an agent or employee of the defendant, has been redacted.

(O)(1) As used in this division:

(a) "Out-of-home care" includes a nonchartered nonpublic school if the alleged child abuse or child neglect, or alleged

threat of child abuse or child neglect, described in a report received by a public children services agency allegedly occurred in or involved the nonchartered nonpublic school and the alleged perpetrator named in the report holds a certificate, permit, or license issued by the state board of education under section 3301.071 or Chapter 3319. of the Revised Code.

(b) "Administrator, director, or other chief administrative officer" means the superintendent of the school district if the out-of-home care entity subject to a report made pursuant to this section is a school operated by the district.

(2) No later than the end of the day following the day on which a public children services agency receives a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved an out-of-home care entity, the agency shall provide written notice of the allegations contained in and the person named as the alleged perpetrator in the report to the administrator, director, or other chief administrative officer of the out-of-home care entity that is the subject of the report unless the administrator, director, or other chief administrative officer is named as an alleged perpetrator in the report. If the administrator, director, or other chief administrative officer of an out-of-home care entity is named as an alleged perpetrator in a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved the out-of-home care entity, the agency shall provide the written notice to the owner or governing board of the out-of-home care entity that is the subject of the report. The agency shall not provide witness statements or police or other investigative reports.

(3) No later than three days after the day on which a public children services agency that conducted the investigation as determined pursuant to section 2151.422 of the Revised Code makes a disposition of an investigation involving a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved an out-of-home care entity, the agency shall send written notice of the disposition of the investigation to the administrator, director, or other chief administrative officer and the owner or governing board of the out-of-home care entity. The agency shall not provide witness statements or police or other investigative reports.

(P) As used in this section:

(1) "Children's advocacy center" and "sexual abuse of a child" have the same meanings as in section 2151.425 of the Revised Code.

(2) "Health care professional" means an individual who provides health-related services including a physician, hospital intern or resident, dentist, podiatrist, registered nurse, licensed practical nurse, visiting nurse, licensed psychologist, speech pathologist, audiologist, person engaged in social work or the practice of professional counseling, and employee of a home health agency. "Health care professional" does not include a practitioner of a limited branch of medicine as specified in section 4731.15 of the Revised Code, licensed school psychologist, independent marriage and family therapist or marriage and family therapist, or coroner.

(3) "Investigation" means the public children services agency's response to an accepted report of child abuse or neglect through either an alternative response or a traditional response.

(4) "Peace officer" means a sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, municipal police officer, or a state highway patrol trooper."

After line 39279, insert:

"**Sec. 3701.0410.** The department of health shall adopt rules in accordance with Chapter 119. of the Revised Code that establish a procedure for county or regional drug overdose fatality review committees to follow in conducting a review of an overdose death. The rules shall do all of the following:

(A) Establish the format for the annual reports required by section 307.636 of the Revised Code;

(B) Establish guidelines for a county or regional review committee to follow in compiling statistics for annual reports so that the reports do not contain any information that would permit any person's identity to be ascertained from a report;

(C) Establish guidelines for a county or regional review committee to follow in creating and maintaining the comprehensive database of overdose deaths required by section 307.634 of the Revised Code, including provisions establishing uniform record-keeping procedures;

(D) Establish guidelines for reporting drug overdose fatality review data to the department of health, which must maintain the confidentiality of information that would permit a person's identity to be ascertained;

(E) Establish guidelines, materials, and training to help educate members of county or regional review committees about the purpose of the review process and the confidentiality of the

information described in section 307.639 of the Revised Code;

(F) Establish guidelines, materials, and training, in consultation with the state board of pharmacy, about the appropriate use of the drug database maintained in accordance with section 4729.75 of the Revised Code.

Sec. 3701.0411. The department of health shall adopt rules in accordance with Chapter 119. of the Revised Code that establish a procedure for county or regional suicide fatality review committees to follow in conducting a review of a suicide death. The rules shall do all of the following:

(A) Establish the format for the annual reports required by section 307.646 of the Revised Code;

(B) Establish guidelines for a county or regional review committee to follow in compiling statistics for annual reports so that the reports do not contain any information that would permit any person's identity to be ascertained from a report;

(C) Establish guidelines for a county or regional review committee to follow in creating and maintaining the comprehensive database of deaths by suicide required by section 307.643 of the Revised Code, including provisions establishing uniform record-keeping procedures;

(D) Establish guidelines for reporting suicide fatality review data to the department of health, which must maintain the confidentiality of information that would permit a person's identity to be ascertained;

(E) Establish guidelines, materials, and training to help educate members of county or regional review committees about the purpose of the review process and the confidentiality of the

information described in section 307.649 of the Revised Code;

(F) Establish guidelines, materials, and training, in consultation with the state board of pharmacy, about the appropriate use of the drug database maintained in accordance with section 4729.75 of the Revised Code."

After line 50987, insert:

"**Sec. 4729.80.** (A) If the state board of pharmacy establishes and maintains a drug database pursuant to section 4729.75 of the Revised Code, the board is authorized or required to provide information from the database only as follows:

(1) On receipt of a request from a designated representative of a government entity responsible for the licensure, regulation, or discipline of health care professionals with authority to prescribe, administer, or dispense drugs, the board may provide to the representative information from the database relating to the professional who is the subject of an active investigation being conducted by the government entity or relating to a professional who is acting as an expert witness for the government entity in such an investigation.

(2) On receipt of a request from a federal officer, or a state or local officer of this or any other state, whose duties include enforcing laws relating to drugs, the board shall provide to the officer information from the database relating to the person who is the subject of an active investigation of a drug abuse offense, as defined in section 2925.01 of the Revised Code, being conducted by the officer's employing government entity.

(3) Pursuant to a subpoena issued by a grand jury, the board shall provide to the grand jury information from the database relating to the person who is the subject of an investigation

being conducted by the grand jury.

(4) Pursuant to a subpoena, search warrant, or court order in connection with the investigation or prosecution of a possible or alleged criminal offense, the board shall provide information from the database as necessary to comply with the subpoena, search warrant, or court order.

(5) On receipt of a request from a prescriber or the prescriber's delegate approved by the board, the board shall provide to the prescriber a report of information from the database relating to a patient who is either a current patient of the prescriber or a potential patient of the prescriber based on a referral of the patient to the prescriber, if all of the following conditions are met:

(a) The prescriber certifies in a form specified by the board that it is for the purpose of providing medical treatment to the patient who is the subject of the request;

(b) The prescriber has not been denied access to the database by the board.

(6) On receipt of a request from a pharmacist or the pharmacist's delegate approved by the board, the board shall provide to the pharmacist information from the database relating to a current patient of the pharmacist, if the pharmacist certifies in a form specified by the board that it is for the purpose of the pharmacist's practice of pharmacy involving the patient who is the subject of the request and the pharmacist has not been denied access to the database by the board.

(7) On receipt of a request from an individual seeking the individual's own database information in accordance with the procedure established in rules adopted under section 4729.84 of

the Revised Code, the board may provide to the individual the individual's own prescription history.

(8) On receipt of a request from a medical director or a pharmacy director of a managed care organization that has entered into a contract with the department of medicaid under section 5167.10 of the Revised Code and a data security agreement with the board required by section 5167.14 of the Revised Code, the board shall provide to the medical director or the pharmacy director information from the database relating to a medicaid recipient enrolled in the managed care organization, including information in the database related to prescriptions for the recipient that were not covered or reimbursed under a program administered by the department of medicaid.

(9) On receipt of a request from the medicaid director, the board shall provide to the director information from the database relating to a recipient of a program administered by the department of medicaid, including information in the database related to prescriptions for the recipient that were not covered or paid by a program administered by the department.

(10) On receipt of a request from a medical director of a managed care organization that has entered into a contract with the administrator of workers' compensation under division (B)(4) of section 4121.44 of the Revised Code and a data security agreement with the board required by section 4121.447 of the Revised Code, the board shall provide to the medical director information from the database relating to a claimant under Chapter 4121., 4123., 4127., or 4131. of the Revised Code assigned to the managed care organization, including information in the database related to prescriptions for the claimant that were not covered or reimbursed under Chapter 4121., 4123., 4127., or 4131. of the

Revised Code, if the administrator of workers' compensation confirms, upon request from the board, that the claimant is assigned to the managed care organization.

(11) On receipt of a request from the administrator of workers' compensation, the board shall provide to the administrator information from the database relating to a claimant under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, including information in the database related to prescriptions for the claimant that were not covered or reimbursed under Chapter 4121., 4123., 4127., or 4131. of the Revised Code.

(12) On receipt of a request from a prescriber or the prescriber's delegate approved by the board, the board shall provide to the prescriber information from the database relating to a patient's mother, if the prescriber certifies in a form specified by the board that it is for the purpose of providing medical treatment to a newborn or infant patient diagnosed as opioid dependent and the prescriber has not been denied access to the database by the board.

(13) On receipt of a request from the director of health, the board shall provide to the director information from the database relating to the duties of the director or the department of health in implementing the Ohio violent death reporting system established under section 3701.93 of the Revised Code.

(14) On receipt of a request from a requestor described in division (A)(1), (2), (5), or (6) of this section who is from or participating with another state's prescription monitoring program, the board may provide to the requestor information from the database, but only if there is a written agreement under which the information is to be used and disseminated according to the laws of this state.

(15) On receipt of a request from a delegate of a retail dispensary licensed under Chapter 3796. of the Revised Code who is approved by the board to serve as the dispensary's delegate, the board shall provide to the delegate a report of information from the database pertaining only to a patient's use of medical marijuana, if both of the following conditions are met:

(a) The delegate certifies in a form specified by the board that it is for the purpose of dispensing medical marijuana for use in accordance with Chapter 3796. of the Revised Code.

(b) The retail dispensary or delegate has not been denied access to the database by the board.

(16) On receipt of a request from a judge of a program certified by the Ohio supreme court as a specialized docket program for drugs, the board shall provide to the judge, or an employee of the program who is designated by the judge to receive the information, information from the database that relates specifically to a current or prospective program participant.

(17) On receipt of a request from a coroner, deputy coroner, or coroner's delegate approved by the board, the board shall provide to the requestor information from the database relating to a deceased person about whom the coroner is conducting or has conducted an autopsy or investigation.

(18) On receipt of a request from a prescriber, the board may provide to the prescriber a summary of the prescriber's prescribing record if such a record is created by the board. Information in the summary is subject to the confidentiality requirements of this chapter.

(19)(a) On receipt of a request from a pharmacy's responsible person, the board may provide to the responsible person a summary

of the pharmacy's dispensing record if such a record is created by the board. Information in the summary is subject to the confidentiality requirements of this chapter.

(b) As used in division (A)(19)(a) of this section, "responsible person" has the same meaning as in rules adopted by the board under section 4729.26 of the Revised Code.

(20) The board may provide information from the database without request to a prescriber or pharmacist who is authorized to use the database pursuant to this chapter.

(21)(a) On receipt of a request from a prescriber or pharmacist, or the prescriber's or pharmacist's delegate, who is a designated representative of a peer review committee, the board shall provide to the committee information from the database relating to a prescriber who is subject to the committee's evaluation, supervision, or discipline if the information is to be used for one of those purposes. The board shall provide only information that it determines, in accordance with rules adopted under section 4729.84 of the Revised Code, is appropriate to be provided to the committee.

(b) As used in division (A)(21)(a) of this section, "peer review committee" has the same meaning as in section 2305.25 of the Revised Code, except that it includes only a peer review committee of a hospital or a peer review committee of a nonprofit health care corporation that is a member of the hospital or of which the hospital is a member.

(22) On receipt of a request from a requestor described in division (A)(5) or (6) of this section who is from or participating with a prescription monitoring program that is operated by a federal agency and approved by the board, the board may provide to the requestor information from the database, but

only if there is a written agreement under which the information is to be used and disseminated according to the laws of this state.

(23) Any personal health information submitted to the board pursuant to section 4729.772 of the Revised Code may be provided by the board only as authorized by the submitter of the information and in accordance with rules adopted under section 4729.84 of the Revised Code.

(24) On receipt of a request from a person described in division (A)(5), (6), or (17) of this section who is participating in a drug overdose fatality review committee described in section 307.631 of the Revised Code, the board may provide to the requestor information from the database, but only if there is a written agreement under which the information is to be used and disseminated according to the laws of this state.

(25) On receipt of a request from a person described in division (A)(5), (6), or (17) of this section who is participating in a suicide fatality review committee described in section 307.641 of the Revised Code, the board may provide to the requestor information from the database, but only if there is a written agreement under which the information is to be used and disseminated according to the laws of this state.

(B) The state board of pharmacy shall maintain a record of each individual or entity that requests information from the database pursuant to this section. In accordance with rules adopted under section 4729.84 of the Revised Code, the board may use the records to document and report statistics and law enforcement outcomes.

The board may provide records of an individual's requests for database information only to the following:

(1) A designated representative of a government entity that is responsible for the licensure, regulation, or discipline of health care professionals with authority to prescribe, administer, or dispense drugs who is involved in an active criminal or disciplinary investigation being conducted by the government entity of the individual who submitted the requests for database information;

(2) A federal officer, or a state or local officer of this or any other state, whose duties include enforcing laws relating to drugs and who is involved in an active investigation being conducted by the officer's employing government entity of the individual who submitted the requests for database information;

(3) A designated representative of the department of medicaid regarding a prescriber who is treating or has treated a recipient of a program administered by the department and who submitted the requests for database information.

(C) Information contained in the database and any information obtained from it is confidential and is not a public record. Information contained in the records of requests for information from the database is confidential and is not a public record. Information contained in the database that does not identify a person, including any licensee or registrant of the board or other entity, may be released in summary, statistical, or aggregate form.

(D) A pharmacist or prescriber shall not be held liable in damages to any person in any civil action for injury, death, or loss to person or property on the basis that the pharmacist or prescriber did or did not seek or obtain information from the database.

Sec. 4729.86. If the state board of pharmacy establishes and maintains a drug database pursuant to section 4729.75 of the Revised Code, all of the following apply:

(A)(1) No person identified in divisions (A)(1) to (13), (15) to ~~(23)~~(25), or (B) of section 4729.80 of the Revised Code shall disseminate any written or electronic information the person receives from the drug database or otherwise provide another person access to the information that the person receives from the database, except as follows:

(a) When necessary in the investigation or prosecution of a possible or alleged criminal offense;

(b) When a person provides the information to the prescriber, pharmacist, or retail dispensary licensed under Chapter 3796. of the Revised Code for whom the person is approved by the board to serve as a delegate of the prescriber, pharmacist, or retail dispensary for purposes of requesting and receiving information from the drug database under division (A)(5), (6), or (15) of section 4729.80 of the Revised Code;

(c) When a prescriber, pharmacist, or retail dispensary licensed under Chapter 3796. of the Revised Code provides the information to a person who is approved by the board to serve as such a delegate of the prescriber, pharmacist, or retail dispensary;

(d) When a prescriber or pharmacist includes the information in a medical record, as defined in section 3701.74 of the Revised Code.

(2) No person shall provide false information to the state board of pharmacy with the intent to obtain or alter information contained in the drug database.

(3) No person shall obtain drug database information by any means except as provided under section 4729.80 or 4729.81 of the Revised Code.

(B) A person shall not use information obtained pursuant to division (A) of section 4729.80 of the Revised Code as evidence in any civil or administrative proceeding.

(C)(1) Except as provided in division (C)(2) of this section, after providing notice and affording an opportunity for a hearing in accordance with Chapter 119. of the Revised Code, the board may restrict a person from obtaining further information from the drug database if any of the following is the case:

(a) The person violates division (A)(1), (2), or (3) of this section;

(b) The person is a requestor identified in division (A)(14) or (22) of section 4729.80 of the Revised Code and the board determines that the person's actions in another state would have constituted a violation of division (A)(1), (2), or (3) of this section;

(c) The person fails to comply with division (B) of this section, regardless of the jurisdiction in which the failure to comply occurred;

(d) The person creates, by clear and convincing evidence, a threat to the security of information contained in the database.

(2) If the board determines that allegations regarding a person's actions warrant restricting the person from obtaining further information from the drug database without a prior hearing, the board may summarily impose the restriction. A telephone conference call may be used for reviewing the allegations and taking a vote on the summary restriction. The

summary restriction shall remain in effect, unless removed by the board, until the board's final adjudication order becomes effective.

(3) The board shall determine the extent to which the person is restricted from obtaining further information from the database."

After line 51028, insert:

"**Sec. 4731.22.** (A) The state medical board, by an affirmative vote of not fewer than six of its members, may limit, revoke, or suspend a license or certificate to practice or certificate to recommend, refuse to grant a license or certificate, refuse to renew a license or certificate, refuse to reinstate a license or certificate, or reprimand or place on probation the holder of a license or certificate if the individual applying for or holding the license or certificate is found by the board to have committed fraud during the administration of the examination for a license or certificate to practice or to have committed fraud, misrepresentation, or deception in applying for, renewing, or securing any license or certificate to practice or certificate to recommend issued by the board.

(B) The board, by an affirmative vote of not fewer than six members, shall, to the extent permitted by law, limit, revoke, or suspend a license or certificate to practice or certificate to recommend, refuse to issue a license or certificate, refuse to renew a license or certificate, refuse to reinstate a license or certificate, or reprimand or place on probation the holder of a license or certificate for one or more of the following reasons:

(1) Permitting one's name or one's license or certificate to practice to be used by a person, group, or corporation when the

individual concerned is not actually directing the treatment given;

(2) Failure to maintain minimal standards applicable to the selection or administration of drugs, or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease;

(3) Except as provided in section 4731.97 of the Revised Code, selling, giving away, personally furnishing, prescribing, or administering drugs for other than legal and legitimate therapeutic purposes or a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction of, a violation of any federal or state law regulating the possession, distribution, or use of any drug;

(4) Willfully betraying a professional confidence.

For purposes of this division, "willfully betraying a professional confidence" does not include providing any information, documents, or reports under sections 307.621 to 307.629 of the Revised Code to a child fatality review board; does not include providing any information, documents, or reports under sections 307.631 to 307.6410 of the Revised Code to a drug overdose fatality review committee, a suicide fatality review committee, or hybrid drug overdose fatality and suicide fatality review committee; does not include providing any information, documents, or reports to the director of health pursuant to guidelines established under section 3701.70 of the Revised Code; does not include written notice to a mental health professional under section 4731.62 of the Revised Code; and does not include the making of a report of an employee's use of a drug of abuse, or a report of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as

described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by section 2305.33 or 4731.62 of the Revised Code upon a physician who makes a report in accordance with section 2305.33 or notifies a mental health professional in accordance with section 4731.62 of the Revised Code. As used in this division, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.

(5) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any license or certificate to practice issued by the board.

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(6) A departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established;

(7) Representing, with the purpose of obtaining compensation or other advantage as personal gain or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;

(8) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;

(9) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;

(10) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;

(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;

(12) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;

(14) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(15) Violation of the conditions of limitation placed by the board upon a license or certificate to practice;

(16) Failure to pay license renewal fees specified in this chapter;

(17) Except as authorized in section 4731.31 of the Revised Code, engaging in the division of fees for referral of patients, or the receiving of a thing of value in return for a specific

referral of a patient to utilize a particular service or business;

(18) Subject to section 4731.226 of the Revised Code, violation of any provision of a code of ethics of the American medical association, the American osteopathic association, the American podiatric medical association, or any other national professional organizations that the board specifies by rule. The state medical board shall obtain and keep on file current copies of the codes of ethics of the various national professional organizations. The individual whose license or certificate is being suspended or revoked shall not be found to have violated any provision of a code of ethics of an organization not appropriate to the individual's profession.

For purposes of this division, a "provision of a code of ethics of a national professional organization" does not include any provision that would preclude the making of a report by a physician of an employee's use of a drug of abuse, or of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by that section upon a physician who makes either type of report in accordance with division (B) of that section. As used in this division, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.

(19) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills.

In enforcing this division, the board, upon a showing of a

possible violation, may compel any individual authorized to practice by this chapter or who has submitted an application pursuant to this chapter to submit to a mental examination, physical examination, including an HIV test, or both a mental and a physical examination. The expense of the examination is the responsibility of the individual compelled to be examined. Failure to submit to a mental or physical examination or consent to an HIV test ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board finds an individual unable to practice because of the reasons set forth in this division, the board shall require the individual to submit to care, counseling, or treatment by physicians approved or designated by the board, as a condition for initial, continued, reinstated, or renewed authority to practice. An individual affected under this division shall be afforded an opportunity to demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards under the provisions of the individual's license or certificate. For the purpose of this division, any individual who applies for or receives a license or certificate to practice under this chapter accepts the privilege of practicing in this state and, by so doing, shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board, and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

(20) Except as provided in division (F)(1)(b) of section 4731.282 of the Revised Code or when civil penalties are imposed under section 4731.225 of the Revised Code, and subject to section

4731.226 of the Revised Code, violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board.

This division does not apply to a violation or attempted violation of, assisting in or abetting the violation of, or a conspiracy to violate, any provision of this chapter or any rule adopted by the board that would preclude the making of a report by a physician of an employee's use of a drug of abuse, or of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by that section upon a physician who makes either type of report in accordance with division (B) of that section. As used in this division, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.

(21) The violation of section 3701.79 of the Revised Code or of any abortion rule adopted by the director of health pursuant to section 3701.341 of the Revised Code;

(22) Any of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;

(23) The violation of section 2919.12 of the Revised Code or

the performance or inducement of an abortion upon a pregnant woman with actual knowledge that the conditions specified in division (B) of section 2317.56 of the Revised Code have not been satisfied or with a heedless indifference as to whether those conditions have been satisfied, unless an affirmative defense as specified in division (H)(2) of that section would apply in a civil action authorized by division (H)(1) of that section;

(24) The revocation, suspension, restriction, reduction, or termination of clinical privileges by the United States department of defense or department of veterans affairs or the termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement administration of the United States department of justice;

(25) Termination or suspension from participation in the medicare or medicaid programs by the department of health and human services or other responsible agency;

(26) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice.

For the purposes of this division, any individual authorized to practice by this chapter accepts the privilege of practicing in this state subject to supervision by the board. By filing an application for or holding a license or certificate to practice under this chapter, an individual shall be deemed to have given consent to submit to a mental or physical examination when ordered to do so by the board in writing, and to have waived all objections to the admissibility of testimony or examination reports that constitute privileged communications.

If it has reason to believe that any individual authorized to

practice by this chapter or any applicant for licensure or certification to practice suffers such impairment, the board may compel the individual to submit to a mental or physical examination, or both. The expense of the examination is the responsibility of the individual compelled to be examined. Any mental or physical examination required under this division shall be undertaken by a treatment provider or physician who is qualified to conduct the examination and who is chosen by the board.

Failure to submit to a mental or physical examination ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's license or certificate or deny the individual's application and shall require the individual, as a condition for initial, continued, reinstated, or renewed licensure or certification to practice, to submit to treatment.

Before being eligible to apply for reinstatement of a license or certificate suspended under this division, the impaired practitioner shall demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards of care under the provisions of the practitioner's license or certificate. The demonstration shall include, but shall not be limited to, the following:

(a) Certification from a treatment provider approved under section 4731.25 of the Revised Code that the individual has successfully completed any required inpatient treatment;

(b) Evidence of continuing full compliance with an aftercare contract or consent agreement;

(c) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making the assessments and shall describe the basis for their determination.

The board may reinstate a license or certificate suspended under this division after that demonstration and after the individual has entered into a written consent agreement.

When the impaired practitioner resumes practice, the board shall require continued monitoring of the individual. The monitoring shall include, but not be limited to, compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, upon termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of perjury stating whether the individual has maintained sobriety.

(27) A second or subsequent violation of section 4731.66 or 4731.69 of the Revised Code;

(28) Except as provided in division (N) of this section:

(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that individual;

(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay.

(29) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;

(30) Failure to provide notice to, and receive acknowledgment of the notice from, a patient when required by section 4731.143 of the Revised Code prior to providing nonemergency professional services, or failure to maintain that notice in the patient's medical record;

(31) Failure of a physician supervising a physician assistant to maintain supervision in accordance with the requirements of Chapter 4730. of the Revised Code and the rules adopted under that chapter;

(32) Failure of a physician or podiatrist to enter into a standard care arrangement with a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner with whom the physician or podiatrist is in collaboration pursuant to section 4731.27 of the Revised Code or failure to fulfill the responsibilities of collaboration after entering into a standard care arrangement;

(33) Failure to comply with the terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code;

(34) Failure to cooperate in an investigation conducted by the board under division (F) of this section, including failure to

comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, an investigative office conference, at a deposition, or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;

(35) Failure to supervise an acupuncturist in accordance with Chapter 4762. of the Revised Code and the board's rules for providing that supervision;

(36) Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant;

(37) Assisting suicide, as defined in section 3795.01 of the Revised Code;

(38) Failure to comply with the requirements of section 2317.561 of the Revised Code;

(39) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants;

(40) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;

(41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic;

(42) Failure to comply with the standards and procedures

established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;

(43) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;

(44) Failure to comply with the requirements of section 2919.171, 2919.202, or 2919.203 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 or 2919.202 of the Revised Code;

(45) Practicing at a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the person operating the facility has obtained and maintains the license with the classification;

(46) Owning a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the facility is licensed with the classification;

(47) Failure to comply with any of the requirements regarding making or maintaining medical records or documents described in division (A) of section 2919.192, division (C) of section 2919.193, division (B) of section 2919.195, or division (A) of section 2919.196 of the Revised Code;

(48) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section

3719.01 of the Revised Code;

(49) Failure to comply with the requirements of section 4731.30 of the Revised Code or rules adopted under section 4731.301 of the Revised Code when recommending treatment with medical marijuana;

(50) Practicing at a facility, clinic, or other location that is subject to licensure as a category III terminal distributor of dangerous drugs with an office-based opioid treatment classification unless the person operating that place has obtained and maintains the license with the classification;

(51) Owning a facility, clinic, or other location that is subject to licensure as a category III terminal distributor of dangerous drugs with an office-based opioid treatment classification unless that place is licensed with the classification;

(52) A pattern of continuous or repeated violations of division (E)(2) or (3) of section 3963.02 of the Revised Code.

(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with an individual to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect.

A telephone conference call may be utilized for ratification of a consent agreement that revokes or suspends an individual's license or certificate to practice or certificate to recommend. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code.

If the board takes disciplinary action against an individual under division (B) of this section for a second or subsequent plea of guilty to, or judicial finding of guilt of, a violation of section 2919.123 or 2919.124 of the Revised Code, the disciplinary action shall consist of a suspension of the individual's license or certificate to practice for a period of at least one year or, if determined appropriate by the board, a more serious sanction involving the individual's license or certificate to practice. Any consent agreement entered into under this division with an individual that pertains to a second or subsequent plea of guilty to, or judicial finding of guilt of, a violation of that section shall provide for a suspension of the individual's license or certificate to practice for a period of at least one year or, if determined appropriate by the board, a more serious sanction involving the individual's license or certificate to practice.

(D) For purposes of divisions (B)(10), (12), and (14) of this section, the commission of the act may be established by a finding by the board, pursuant to an adjudication under Chapter 119. of the Revised Code, that the individual committed the act. The board does not have jurisdiction under those divisions if the trial court renders a final judgment in the individual's favor and that judgment is based upon an adjudication on the merits. The board has jurisdiction under those divisions if the trial court issues an order of dismissal upon technical or procedural grounds.

(E) The sealing of conviction records by any court shall have

no effect upon a prior board order entered under this section or upon the board's jurisdiction to take action under this section if, based upon a plea of guilty, a judicial finding of guilt, or a judicial finding of eligibility for intervention in lieu of conviction, the board issued a notice of opportunity for a hearing prior to the court's order to seal the records. The board shall not be required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing of conviction records.

(F)(1) The board shall investigate evidence that appears to show that a person has violated any provision of this chapter or any rule adopted under it. Any person may report to the board in a signed writing any information that the person may have that appears to show a violation of any provision of this chapter or any rule adopted under it. In the absence of bad faith, any person who reports information of that nature or who testifies before the board in any adjudication conducted under Chapter 119. of the Revised Code shall not be liable in damages in a civil action as a result of the report or testimony. Each complaint or allegation of a violation received by the board shall be assigned a case number and shall be recorded by the board.

(2) Investigations of alleged violations of this chapter or any rule adopted under it shall be supervised by the supervising member elected by the board in accordance with section 4731.02 of the Revised Code and by the secretary as provided in section 4731.39 of the Revised Code. The president may designate another member of the board to supervise the investigation in place of the supervising member. No member of the board who supervises the investigation of a case shall participate in further adjudication of the case.

(3) In investigating a possible violation of this chapter or

any rule adopted under this chapter, or in conducting an inspection under division (E) of section 4731.054 of the Revised Code, the board may question witnesses, conduct interviews, administer oaths, order the taking of depositions, inspect and copy any books, accounts, papers, records, or documents, issue subpoenas, and compel the attendance of witnesses and production of books, accounts, papers, records, documents, and testimony, except that a subpoena for patient record information shall not be issued without consultation with the attorney general's office and approval of the secretary and supervising member of the board.

(a) Before issuance of a subpoena for patient record information, the secretary and supervising member shall determine whether there is probable cause to believe that the complaint filed alleges a violation of this chapter or any rule adopted under it and that the records sought are relevant to the alleged violation and material to the investigation. The subpoena may apply only to records that cover a reasonable period of time surrounding the alleged violation.

(b) On failure to comply with any subpoena issued by the board and after reasonable notice to the person being subpoenaed, the board may move for an order compelling the production of persons or records pursuant to the Rules of Civil Procedure.

(c) A subpoena issued by the board may be served by a sheriff, the sheriff's deputy, or a board employee or agent designated by the board. Service of a subpoena issued by the board may be made by delivering a copy of the subpoena to the person named therein, reading it to the person, or leaving it at the person's usual place of residence, usual place of business, or address on file with the board. When serving a subpoena to an applicant for or the holder of a license or certificate issued

under this chapter, service of the subpoena may be made by certified mail, return receipt requested, and the subpoena shall be deemed served on the date delivery is made or the date the person refuses to accept delivery. If the person being served refuses to accept the subpoena or is not located, service may be made to an attorney who notifies the board that the attorney is representing the person.

(d) A sheriff's deputy who serves a subpoena shall receive the same fees as a sheriff. Each witness who appears before the board in obedience to a subpoena shall receive the fees and mileage provided for under section 119.094 of the Revised Code.

(4) All hearings, investigations, and inspections of the board shall be considered civil actions for the purposes of section 2305.252 of the Revised Code.

(5) A report required to be submitted to the board under this chapter, a complaint, or information received by the board pursuant to an investigation or pursuant to an inspection under division (E) of section 4731.054 of the Revised Code is confidential and not subject to discovery in any civil action.

The board shall conduct all investigations or inspections and proceedings in a manner that protects the confidentiality of patients and persons who file complaints with the board. The board shall not make public the names or any other identifying information about patients or complainants unless proper consent is given or, in the case of a patient, a waiver of the patient privilege exists under division (B) of section 2317.02 of the Revised Code, except that consent or a waiver of that nature is not required if the board possesses reliable and substantial evidence that no bona fide physician-patient relationship exists.

The board may share any information it receives pursuant to

an investigation or inspection, including patient records and patient record information, with law enforcement agencies, other licensing boards, and other governmental agencies that are prosecuting, adjudicating, or investigating alleged violations of statutes or administrative rules. An agency or board that receives the information shall comply with the same requirements regarding confidentiality as those with which the state medical board must comply, notwithstanding any conflicting provision of the Revised Code or procedure of the agency or board that applies when it is dealing with other information in its possession. In a judicial proceeding, the information may be admitted into evidence only in accordance with the Rules of Evidence, but the court shall require that appropriate measures are taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients or complainants whose confidentiality was protected by the state medical board when the information was in the board's possession. Measures to ensure confidentiality that may be taken by the court include sealing its records or deleting specific information from its records.

(6) On a quarterly basis, the board shall prepare a report that documents the disposition of all cases during the preceding three months. The report shall contain the following information for each case with which the board has completed its activities:

(a) The case number assigned to the complaint or alleged violation;

(b) The type of license or certificate to practice, if any, held by the individual against whom the complaint is directed;

(c) A description of the allegations contained in the complaint;

(d) The disposition of the case.

The report shall state how many cases are still pending and shall be prepared in a manner that protects the identity of each person involved in each case. The report shall be a public record under section 149.43 of the Revised Code.

(G) If the secretary and supervising member determine both of the following, they may recommend that the board suspend an individual's license or certificate to practice or certificate to recommend without a prior hearing:

(1) That there is clear and convincing evidence that an individual has violated division (B) of this section;

(2) That the individual's continued practice presents a danger of immediate and serious harm to the public.

Written allegations shall be prepared for consideration by the board. The board, upon review of those allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a license or certificate without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

The board shall issue a written order of suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code. If the individual subject to the summary suspension requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the individual requests the hearing, unless otherwise agreed to by both the board and the individual.

Any summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within seventy-five days after completion of its hearing. A failure to issue the order within seventy-five days shall result in dissolution of the summary suspension order but shall not invalidate any subsequent, final adjudicative order.

(H) If the board takes action under division (B)(9), (11), or (13) of this section and the judicial finding of guilt, guilty plea, or judicial finding of eligibility for intervention in lieu of conviction is overturned on appeal, upon exhaustion of the criminal appeal, a petition for reconsideration of the order may be filed with the board along with appropriate court documents. Upon receipt of a petition of that nature and supporting court documents, the board shall reinstate the individual's license or certificate to practice. The board may then hold an adjudication under Chapter 119. of the Revised Code to determine whether the individual committed the act in question. Notice of an opportunity for a hearing shall be given in accordance with Chapter 119. of the Revised Code. If the board finds, pursuant to an adjudication held under this division, that the individual committed the act or if no hearing is requested, the board may order any of the sanctions identified under division (B) of this section.

(I) The license or certificate to practice issued to an individual under this chapter and the individual's practice in this state are automatically suspended as of the date of the individual's second or subsequent plea of guilty to, or judicial finding of guilt of, a violation of section 2919.123 or 2919.124 of the Revised Code. In addition, the license or certificate to

practice or certificate to recommend issued to an individual under this chapter and the individual's practice in this state are automatically suspended as of the date the individual pleads guilty to, is found by a judge or jury to be guilty of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state or treatment or intervention in lieu of conviction in another jurisdiction for any of the following criminal offenses in this state or a substantially equivalent criminal offense in another jurisdiction: aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary. Continued practice after suspension shall be considered practicing without a license or certificate.

The board shall notify the individual subject to the suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. If an individual whose license or certificate is automatically suspended under this division fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall do whichever of the following is applicable:

(1) If the automatic suspension under this division is for a second or subsequent plea of guilty to, or judicial finding of guilt of, a violation of section 2919.123 or 2919.124 of the Revised Code, the board shall enter an order suspending the individual's license or certificate to practice for a period of at least one year or, if determined appropriate by the board, imposing a more serious sanction involving the individual's license or certificate to practice.

(2) In all circumstances in which division (I)(1) of this

section does not apply, enter a final order permanently revoking the individual's license or certificate to practice.

(J) If the board is required by Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and if the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In that final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(K) Any action taken by the board under division (B) of this section resulting in a suspension from practice shall be accompanied by a written statement of the conditions under which the individual's license or certificate to practice may be reinstated. The board shall adopt rules governing conditions to be imposed for reinstatement. Reinstatement of a license or certificate suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(L) When the board refuses to grant or issue a license or certificate to practice to an applicant, revokes an individual's license or certificate to practice, refuses to renew an individual's license or certificate to practice, or refuses to reinstate an individual's license or certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a license or certificate to practice and the board shall not accept an application for reinstatement of the license or certificate or for issuance of a new license or

certificate.

(M) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a license or certificate issued under this chapter shall not be effective unless or until accepted by the board. A telephone conference call may be utilized for acceptance of the surrender of an individual's license or certificate to practice. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code. Reinstatement of a license or certificate surrendered to the board requires an affirmative vote of not fewer than six members of the board.

(2) An application for a license or certificate made under the provisions of this chapter may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a license or certificate to practice in accordance with this chapter or a certificate to recommend in accordance with rules adopted under section 4731.301 of the Revised Code shall not remove or limit the board's jurisdiction to take any disciplinary action under this section against the individual.

(4) At the request of the board, a license or certificate holder shall immediately surrender to the board a license or certificate that the board has suspended, revoked, or permanently revoked.

(N) Sanctions shall not be imposed under division (B)(28) of this section against any person who waives deductibles and copayments as follows:

(1) In compliance with the health benefit plan that expressly

allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the board upon request.

(2) For professional services rendered to any other person authorized to practice pursuant to this chapter, to the extent allowed by this chapter and rules adopted by the board.

(O) Under the board's investigative duties described in this section and subject to division (F) of this section, the board shall develop and implement a quality intervention program designed to improve through remedial education the clinical and communication skills of individuals authorized under this chapter to practice medicine and surgery, osteopathic medicine and surgery, and podiatric medicine and surgery. In developing and implementing the quality intervention program, the board may do all of the following:

(1) Offer in appropriate cases as determined by the board an educational and assessment program pursuant to an investigation the board conducts under this section;

(2) Select providers of educational and assessment services, including a quality intervention program panel of case reviewers;

(3) Make referrals to educational and assessment service providers and approve individual educational programs recommended by those providers. The board shall monitor the progress of each individual undertaking a recommended individual educational program.

(4) Determine what constitutes successful completion of an individual educational program and require further monitoring of the individual who completed the program or other action that the

board determines to be appropriate;

(5) Adopt rules in accordance with Chapter 119. of the Revised Code to further implement the quality intervention program.

An individual who participates in an individual educational program pursuant to this division shall pay the financial obligations arising from that educational program.

(P) The board shall not refuse to issue a license to an applicant because of a conviction, plea of guilty, judicial finding of guilt, judicial finding of eligibility for intervention in lieu of conviction, or the commission of an act that constitutes a criminal offense, unless the refusal is in accordance with section 9.79 of the Revised Code."

In line 70852, after "2151.416," insert "2151.421,"

In line 70891, after "4713.02," insert "4729.80, 4729.86,"; after "4730.43," insert "4731.22,"

After line 89456, insert:

"Section 2151.421 of the Revised Code as amended by H.B. 24, H.B. 33, and H.B. 166, all of the 133rd General Assembly."

After line 89476, insert:

"Section 4731.22 of the Revised Code as amended by H.B. 263, H.B. 442, and S.B. 260, all of the 133rd General Assembly."

The motion was _____ agreed to.

SYNOPSIS

Drug overdose fatality review committees; Suicide fatality

review committees

R.C. 121.22, 307.631, 307.632, 307.633, 307.634, 307.635, 307.636, 307.637, 307.638, 307.639, 307.641, 307.642, 307.643, 307.644, 307.645, 307.646, 307.647, 307.648, 307.649, 307.6410, 2151.421, 3701.0410, 3701.0411, 4729.80, 4729.86, and 4731.22

Authorizes the establishment of both of the following to review drug overdose and opioid-involved deaths or suicide deaths occurring in the county or region: (1) county or regional drug overdose fatality review committees and (2) county or regional suicide fatality review committees.

Also authorizes the establishment of a hybrid committee rather than two separate committees in order to review the deaths.

Requires each review committee that is established to collect certain information concerning the deaths, review the information, and submit annual reports to the Ohio Department of Health.

Requires specified individuals or entities that provided services to a person whose death is reviewed by a committee to submit summary sheets of information to the committee.

Provides that records presented to a review committee, statements made by committee members, committee work products, and data submitted to the Department, other than annual reports, are confidential and to be used by the review committee, its members, and the Department only in the exercise of the committee's or Department's proper functions.

Grants immunity from civil liability to committee members and any individual or entity providing information to a committee.

Requires the Department to adopt rules establishing procedures for a committee to follow in conducting reviews of deaths.

SC3828

Sub. H.B. 110
L-134-0001-5
DDDCD24

_____ moved to amend as follows:

In line 56153, after "(C)" insert "(1)"

After line 56164, insert:

"(2) Notwithstanding sections 5123.043, 5123.196, and 5123.197 of the Revised Code and rules adopted under section 5123.04 of the Revised Code, the director shall issue a new license for a residential facility if the facility meets the following conditions:

(a) The residential facility will be certified as an ICF/IID;

(b) The building in which the residential facility will be operated was operated as a residential facility under a lease for not fewer than twenty years before the date of application for a new license;

(c) The former operator of the residential facility relocated the beds previously in the facility to another site that will be licensed as a residential facility;

(d) The residential facility will be located in Preble, Clermont, or Warren county;

(e) The residential facility will contain eight beds;

(f) The licensee will make a good faith effort to serve multi-system youth or adults with severe behavioral challenges at the residential facility or at one or more other residential facilities for which licenses are issued under division (C) of this section.

(3) The director shall issue not more than five licenses under division (C)(2) of this section."

Delete lines 56377 through 56397

The motion was _____ agreed to.

SYNOPSIS

Transfer of residential facility license

R.C. 5123.19

Removes House-added provisions that applied to residential facilities that (1) were leased by the operator between July 1, 1995, and July 1, 1996, and (2) have been operating without a lease agreement for at least four years and would have:

--Provided that a lease that specifies the location of such a residential facility is not transferrable to a different location if the licensee is not the owner of the building where the residential facility is located;

--Specified that if the licensee no longer operates the residential facility at the location specified in the license, the building owner is permitted to request ODODD to transfer the license to a different license or contractor that is willing to operate the facility at that location.

Instead, provides that the ODODD Director must grant a new license for a residential facility that:

--Is certified as an ICF/IID;

--The building was operated as a residential facility for at least 20 years before the date of application for the new license;

--The former operator relocated the beds previously in the facility to another licensed residential facility;

--The residential facility is located in Preble, Claremont, or Warren County;

--The residential facility will contain eight beds;

--The licensee will make a good faith effort to serve multi-system youth or adults with severe challenges.

Limits the ODODD Director to issuing no more than 5 such licenses.

Sub. H.B. 110

L-134-0001-5

_____ moved to amend as follows:

In line 96 of the title, after "5101.341," insert "5101.54,"

In line 133 of the title, after "124.1312," insert "125.70,"

In line 147 of the title, after "3902.72," insert "4141.286,"

In line 148 of the title, after "4779.281," insert "5101.04, 5101.041,"

In line 149 of the title, after "5101.545," insert "5101.546, 5101.547, 5101.548,"

In line 150 of the title, after "5119.191," insert "5120.212,"

In line 151 of the title, after "5162.82," insert "5163.52,"

In line 282, after "5101.341," insert "5101.54,"

In line 310, after "124.1312," insert "125.70,"

In line 321, after "3902.72," insert "4141.286,"

In line 322, after "4779.281," insert "5101.04, 5101.041,"; after "5101.545," insert "5101.546, 5101.547, 5101.548,"

In line 323, after "5119.191," insert "5120.212,"

In line 324, after "5162.82," insert "5163.52,"

After line 7644, insert:

"**Sec. 125.70.** The department of administrative services shall work with the departments of job and family services and medicaid to deploy private sector tools for digital identity management, authentication, and verification for individuals receiving medicaid benefits, supplemental nutrition assistance program benefits, or benefits funded by the temporary assistance for needy families block grant. These private sector tools shall include joining available multistate cooperatives to identify individuals enrolled in public assistance programs, including the national accuracy clearinghouse for the supplemental nutrition assistance program, as well as other multi-state collaborative efforts to share enrollment information across state lines and avoid public assistance benefit duplication."

After line 46454, insert:

"**Sec. 4141.286.** When determining whether an application for determination of benefit rights is valid or determining whether a first claim or additional claim for benefits allows a claimant to qualify for benefits, in addition to other information available, the director of job and family services shall do all of the following:

(A) Check the new hires directory maintained by the department of job and family services under section 3121.894 of the Revised Code for a new hire report applicable to the claimant;

(B) Check the information in the national directory of new hires that is made available to the director under section 453 of the "Social Security Act," 42 U.S.C. 653, for the purpose of administering this chapter;

(C) Check the integrity data hub maintained by the national

association of state workforce agencies or a similar database maintained by a successor organization."

After line 52972, insert:

"**Sec. 5101.04.** Notwithstanding any provision of law or regulation to the contrary, in order to improve the timeliness of public assistance benefit deliveries, to maximize operational efficiencies, increase cost savings, and minimize fraud, the department of job and family services may contract with a third-party commercial consumer reporting agency, in accordance with the "Fair Credit Reporting Act," 15 U.S.C. 1681 et seq., for the purpose of assisting the department with eligibility determinations for supplemental nutrition assistance supplemental program benefits, benefits funded by the temporary assistance for needy families block grant, and unemployment compensation benefits. The department shall undertake efforts to incorporate real-time employment and income information into existing verification and eligibility determination procedures.

Sec. 5101.041. (A) The director of job and family services shall enter into the following data matching agreements:

(1) An agreement with the department of rehabilitation and correction, under which the director of rehabilitation and correction is required to provide the director of job and family services with a searchable list, updated weekly, identifying all persons committed to the several institutions governed by the department of rehabilitation and correction.

(2) Agreements with the director of the state lottery commission and executive director of the Ohio casino control commission, under which the director and executive director

provide the director of job and family services with a searchable list identifying all individuals with substantial lottery or gambling winnings. The director of job and family services shall check the list at least monthly to determine if the information affects any public assistance recipient's eligibility.

(3) An agreement with the director of health, under which the director of health is required to provide the director of job and family services with a searchable list identifying new and updated vital statistics records, including death records. The director of job and family services shall check the list at least monthly for vital statistics records involving public assistance recipients that may affect a recipient's eligibility.

(B) The agreements required by division (A) of this section shall describe the manner in which each agency is to report the information to the department of job and family services."

After line 53450, insert:

"**Sec. 5101.54.** (A) The director of job and family services shall administer the supplemental nutrition assistance program in accordance with the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.). The department of job and family services may:

(1) Prepare and submit to the secretary of the United States department of agriculture a plan for the administration of the supplemental nutrition assistance program;

(2) Prescribe forms for applications, certificates, reports, records, and accounts of county departments of job and family services, and other matters;

(3) Require such reports and information from each county department of job and family services as may be necessary and

advisable;

(4) Administer and expend any sums appropriated by the general assembly for the purposes of the supplemental nutrition assistance program and all sums paid to the state by the United States as authorized by the Food and Nutrition Act of 2008;

(5) Conduct such investigations as are necessary;

(6) Enter into interagency agreements and cooperate with investigations conducted by the department of public safety, including providing information for investigative purposes, exchanging property and records, passing through federal financial participation, modifying any agreements with the United States department of agriculture, providing for the supply, security, and accounting of supplemental nutrition assistance program benefits for investigative purposes, and meeting any other requirements necessary for the detection and deterrence of illegal activities in the supplemental nutrition assistance program;

(7) Adopt rules in accordance with Chapter 119. of the Revised Code governing employment and training requirements of recipients of supplemental nutrition assistance program benefits, including rules specifying which recipients are subject to the requirements and establishing sanctions for failure to satisfy the requirements. The rules shall require cooperation with the child support enforcement program, to be verified as part of the requirement to fulfill individual employment and training programs. The rules shall be consistent with sections 5101.546 to 5101.548 of the Revised Code. The rules shall be consistent with 7 U.S.C. 2015, including its work and employment and training requirements, and, to the extent practicable, shall provide for the recipients to participate in work activities, developmental activities, and alternative work activities described in sections

5107.40 to 5107.69 of the Revised Code that are comparable to programs authorized by 7 U.S.C. 2015(d)(4). The rules may reference rules adopted under section 5107.05 of the Revised Code governing work activities, developmental activities, and alternative work activities described in sections 5107.40 to 5107.69 of the Revised Code.

(8) ~~Adopt~~ Subject to sections 5101.546 to 5101.548 of the Revised Code, rules in accordance with section 111.15 of the Revised Code that are consistent with the Food and Nutrition Act of 2008, the regulations adopted thereunder, and this section governing the following:

(a) Eligibility requirements for the supplemental nutrition assistance program;

(b) Sanctions for failure to comply with eligibility requirements;

(c) Allotment of supplemental nutrition assistance program benefits;

(d) To the extent permitted under federal statutes and regulations, a system under which some or all recipients of supplemental nutrition assistance program benefits subject to employment and training requirements established by rules adopted under division (A)(7) of this section receive the benefits after satisfying the requirements;

(e) Administration of the program by county departments of job and family services;

(f) Other requirements necessary for the efficient administration of the program.

(9) Submit a plan to the United States secretary of agriculture for the department of job and family services to

operate a simplified supplemental nutrition assistance program pursuant to 7 U.S.C. 2035 under which requirements governing the Ohio works first program established under Chapter 5107. of the Revised Code also govern the supplemental nutrition assistance program in the case of households receiving supplemental nutrition assistance program benefits and participating in Ohio works first.

(10) Collect information on suspicious electronic benefit transfer card transactions and provide the information to each impacted county department for analysis and investigation. Such information shall include transactions of even dollar amounts, full monthly benefit amounts, multiple same-day transactions, out-of-state transactions, and any other suspicious trends.

(B) A household that is entitled to receive supplemental nutrition assistance program benefits and that is determined to be in immediate need of nutrition assistance shall receive certification of eligibility for program benefits, pending verification, within twenty-four hours, or, if mitigating circumstances occur, within seventy-two hours, after application, if:

(1) The results of the application interview indicate that the household will be eligible upon full verification;

(2) Information sufficient to confirm the statements in the application has been obtained from at least one additional source, not a member of the applicant's household. Such information shall be recorded in the case file and shall include:

(a) The name of the person who provided the name of the information source;

(b) The name and address of the information source;

(c) A summary of the information obtained.

The period of temporary eligibility shall not exceed one month from the date of certification of temporary eligibility. If eligibility is established by full verification, benefits shall continue without interruption as long as eligibility continues.

There is no limit on the number of times a household may receive expedited certification of eligibility under this division as long as before each expedited certification all of the information identified in division (F)(1) of this section was verified for the household at the last expedited certification or the household's eligibility was certified under normal processing standards since the last expedited certification.

At the time of application, the county department of job and family services shall provide to a household described in this division a list of community assistance programs that provide emergency food.

(C) Before certifying supplemental nutrition assistance program benefits, the department shall verify the eligibility of each household in accordance with division (F) of this section. All applications shall be approved or denied through full verification within thirty days from receipt of the application by the county department of job and family services.

(D) Nothing in this section shall be construed to prohibit the certification of households that qualify under federal regulations to receive supplemental nutrition assistance program benefits without charge under the Food and Nutrition Act of 2008.

(E) Any person who applies for the supplemental nutrition assistance program shall receive a voter registration application under section 3503.10 of the Revised Code.

(F)(1) In order to verify household eligibility as required

by federal regulations and this section, the department shall, except as provided in division (F)(2) of this section, verify at least the following information before certifying supplemental nutrition assistance program benefits:

(a) Household composition;

(b) Identity;

(c) Citizenship and alien eligibility status;

(d) Social security numbers;

(e) State residency status;

(f) Disability status;

(g) Gross nonexempt income;

(h) Utility expenses;

(i) Medical expenses;

(j) Enrollment status in other state-administered public assistance programs within and outside this state;

(k) Any available information related to potential identity fraud or identity theft.

(2) A household's eligibility for supplemental nutrition assistance program benefits may be certified before all of the information identified in division (F)(1) of this section is verified if the household's certification is being expedited under division (B) of this section.

(3) On at least a quarterly basis and consistent with federal regulations, as information is received by a county department of job and family services, the county department shall review and act on information identified in division (F)(1) of this section that indicates a change in circumstances that may affect

eligibility, to the extent such information is available to the department.

(4) Consistent with federal regulations, as part of the application for public assistance and before certifying benefits under the supplemental nutrition assistance program, the department shall require an applicant, or a person acting on the applicant's behalf, to verify the identity of the members of the applicant household.

(5)(a) The department shall sign a memorandum of understanding with any department, agency, or division as needed to obtain the information identified in division (F)(1) of this section.

(b) The department may contract with one or more independent vendors to provide the information identified in division (F)(1) of this section.

(c) Nothing in this section prevents the department or a county department of job and family services from receiving or reviewing additional information related to eligibility not identified in this section or from contracting with one or more independent vendors to provide additional information not identified in this section.

(6) The department shall explore joining a multistate cooperative, such as the national accuracy clearinghouse, to identify individuals enrolled in public assistance programs outside of this state.

(G) If the department receives information concerning a household certified to receive supplemental nutrition assistance program benefits that indicates a change in circumstances that may affect eligibility, the department shall take action in accordance

with federal regulations, including verifying unclear information, providing prior written notice of a change or adverse action, and notifying the household of the right to a fair hearing.

(H) In the case of suspected fraud, the department shall refer the case for an administrative disqualification hearing or to the county prosecutor of the county in which the applicant or recipient resides for investigation, or both.

(I) The department shall adopt rules in accordance with Chapter 119. of the Revised Code to implement divisions (F) to (H) of this section.

(J) Except as prohibited by federal law, the department may assign any of the duties described in this section to any county department of job and family services."

After line 53455, insert:

"**Sec. 5101.546.** To the maximum extent permitted by federal law, the department of job and family services shall require a household receiving supplemental nutrition assistance program benefits to report, not later than thirty days after the change becomes known to the household, a change in income of more than five hundred dollars or any of the changes in circumstances enumerated for certified change reporting households under 7 C.F.R. 273.12(a)(1).

Sec. 5101.547. (A) For the purpose of determining eligibility for supplemental nutrition assistance program benefits, the department of job and family services shall conduct an asset test for all members of a household. At a minimum, the department shall access information for every member of the household from a nationwide, public records data source of physical asset

ownership. The information accessed shall include ownership of real property, automobiles, watercraft, aircraft, luxury vehicles, or any other vehicle owned by a member of the household. The search shall include a review of national and state financial institutions to determine whether any member of the household has undisclosed depository accounts and to verify account balances disclosed by the household. The department shall enter into a memorandum of understanding with any department, division, bureau, section, unit, or any other subunit of a department to obtain the information specified in this section.

(B) The allowable financial resources included and excluded when determining a household's eligibility for supplemental nutrition assistance program benefits shall not exceed the standards specified in section (5)(g) of the "Food and Nutrition Act of 2008," 7 U.S.C. 2014(g), and the department shall not exempt any noncash, in-kind, or other similar benefit from this determination.

(C) Unless required by federal law, the department shall not grant exemptions from the gross income limits for an eligible household under the supplemental nutrition assistance program specified in section (5)(c) of the "Food and Nutrition Act of 2008," 7 U.S.C. 2014(c).

Sec. 5101.548. (A) The department of job and family services shall compile a written report addressing the implementation and enforcement of the supplemental nutrition assistance program, including all of the following information about the program:

(1) The number of households investigated for fraud or intentional program violations;

(2) The total number of those cases referred to the attorney

general for prosecution;

(3) Any improper program payments or expenditures and total monies recovered from those payments or expenditures;

(4) Aggregate data concerning improper program payments and ineligible recipients, reported as a percentage of those cases investigated and reviewed;

(5) The aggregate amount of funds expended by Ohio recipients through electronic benefit card transactions in each state other than Ohio.

(B) Not later than one hundred twenty days after the effective date of this section, the department shall submit a baseline report to the speaker of the house of representatives, the senate president, and the members of the standing legislative committees having jurisdiction over the supplemental nutrition assistance program. Thereafter, beginning one year after the effective date of this section, the department shall submit an updated report on a quarterly basis. The department shall submit these reports in accordance with section 101.68 of the Revised Code."

After line 56021, insert:

"**Sec. 5120.212.** Notwithstanding division (A) of section 5120.21 of the Revised Code, the department of rehabilitation and correction shall share the records described in that division with the director of job and family services to the extent necessary to effectuate the data matching agreement required under section 5101.041 of the Revised Code."

After line 59656, insert:

"**Sec. 5163.52.** If the department of medicaid receives federal funding for the medicaid program that is contingent on a temporary maintenance of effort restriction or that otherwise limits the department's ability to disenroll ineligible medicaid recipients, such as the requirements under Section 6008 of the "Families First Coronavirus Response Act," Pub. L. No. 116-127, the department shall do both of the following:

(A) Continue to conduct eligibility redeterminations under the medicaid program and act on those redeterminations to the fullest extent permitted under federal law and regulations.

(B) Within sixty days of the expiration of the restriction or limitation, complete an audit in which the department does all of the following:

(1) Completes and acts on eligibility redeterminations for all medicaid recipients for whom a redetermination has not been conducted in the past twelve months;

(2) Requests approval from the United States centers for medicare and medicaid services to conduct and act on eligibility redeterminations on all medicaid recipients who were enrolled for three or more months during the period of restriction or limitation; the department shall, within sixty days of any such approval, conduct and act on the redeterminations;

(3) Submits a report summarizing the results of the audit to the speaker of the house of representatives and senate president in accordance with section 101.68 of the Revised Code."

In line 70896, after "5101.341," insert "5101.54,"

In line 80907, delete "$45,748,768 $44,748,768" and insert "$48,248,768 $47,248,768"

In line 80914, delete the first "$150,000" and insert

"$1,150,000"

After line 80916a, insert:

"GRF 6005XX Employment Incentive Program $2,500,000 $2,500,000"

In line 80920, add $6,000,000 to fiscal year 2022 and $5,000,000 to fiscal year 2023

In line 80971, add $6,000,000 to fiscal year 2022 and $5,000,000 to fiscal year 2023

In line 80977, after the period insert "Of the foregoing appropriation item 600523, Family Assistance – Local, $2,500,000 in each fiscal year shall be provided to assist county departments that submit an approved plan on increasing fraud prevention, early detection of fraud, and investigations on potential fraud that may be occurring in public assistance programs."

After line 81467, insert:

"**Section 307.___.** EMPLOYMENT INCENTIVE PROGRAM

The foregoing appropriation item 6005XX, Employment Incentive Program, shall be provided to eligible county departments of job and family services to develop employment incentive programs. In order to receive funds, a county department of job and family services shall submit a plan regarding the use of these funds for approval by the Director of Job and Family Services. The plan shall be submitted as part of the county's prevention, retention, and contingency plan. Funds shall be used in accordance with section 307.983 of the Revised Code to do both of the following:

(A) Incentivize individuals, who are either currently enrolled or recently stopped participating in the Supplemental Nutrition Assistance Program, Medicaid, or a Temporary Assistance

for Needy Families program, to enhance, achieve, or maintain self-sufficiency through employment;

(B) Provide the nonfederal share for outreach, referral, application assistance, and other services to assist individuals in receiving incentives through the employment incentive program and any related supportive services to stabilize their employment and long-term self-sufficiency."

After line 81666, insert:

"**Section 307.___.** (A) Notwithstanding any provision of law or regulation to the contrary, in order to improve the timeliness of public assistance benefit deliveries, maximize operational efficiencies, increase cost savings, and minimize fraud, each county department of job and family services shall participate in a no cost, ninety-day pilot, under which each county department shall obtain real-time employment and income information from a third-party commercial consumer reporting agency, in accordance with the "Fair Credit Reporting Act," 15 U.S.C. 1681 et seq., for the purpose of assisting with eligibility determinations for Supplemental Nutrition Assistance Program benefits, benefits funded by the Temporary Assistance for Needy Families block grant, and unemployment compensation benefits. Each county department shall conduct an analysis on the pilot and undertake efforts to incorporate real-time employment and income information into existing verification and eligibility determination procedures.

(B) Following the conclusion of the ninety-day pilot, the department of job and family services may contract with a vendor capable of providing the same or similar services to those described in this section. Of the foregoing appropriation item 600551, Job and Family Services Support, up to $1,000,000 in

fiscal year 2022 may be used to contract with a vendor.

Section 307.___. PUBLIC ASSISTANCE BENEFITS ACCOUNTABILITY TASK FORCE

(A) There is hereby created the Public Assistance Benefits Accountability Task Force consisting of the following thirteen members:

(1) The Medicaid Director, or the Director's designee, who shall serve as an ex-officio, nonvoting member;

(2) The Director of the Department of Job and Family Services, or the Director's designee, who shall serve as an ex-officio, nonvoting member;

(3) The Director of the Office of InnovateOhio, or the Director's designee, who shall serve as an ex-officio, nonvoting member;

(4) The following members appointed by the President of the Senate;

(a) A director of a county department of job and family services;

(b) A business owner who employs fewer than one hundred people;

(c) Three members of the Senate, two from the majority party and one from the minority party.

(5) The following members appointed by the Speaker of the House of Representatives:

(a) A business owner who employs fewer than five hundred people;

(b) A representative of the Ohio Job and Family Services

Directors' Association;

(c) Three members of the House of Representatives, two from the majority party and one from the minority party.

(B) Not later than ninety days from the effective date of this section, the President of the Senate and the Speaker of the House of Representatives shall each appoint a co-chairperson from among the members they appoint to the task force. Thereafter, the task force shall meet at the call of the co-chairpersons.

(C) The task force shall have the power to do the following:

(1) Review the November 9, 2020, report of the State Auditor entitled "Ohio's Medicaid Eligibility Determination Process" and determine to what extent the recommendations included in the report have been adopted. Within ninety days of conducting this review, the task force shall report to the President of the Senate and the Speaker of the House of Representatives regarding the status of implementation of these recommendations.

(2) Review past and present welfare to work county programs and their effectiveness on assisting individuals in achieving employment.

(3) Review existing fraud prevention efforts at the state and county levels and determine best practices for fraud prevention in the Supplemental Nutrition Assistance Program, Medicaid Program, Ohio Works First, and publicly funded child care program.

(4) Review and establish best practices regarding overpayment of benefits in the Supplemental Nutrition Assistance Program, Medicaid program, and publicly funded child care program and determine how these overpayments can be prevented at the state and county levels.

(5) Review and recommend best practices for processing public

assistance cases to create efficiencies and reduce errors through the use of technology.

(6) Review and evaluate the length of time that individuals receive public assistance in this state and recommend ways to return individuals to the workforce.

(7) Review existing efforts to ensure compliance with child support enforcement across public assistance benefit programs and recommend additional ways compliance could be improved.

(8) Review the costs and benefits associated with implementing a requirement that each Supplemental Nutrition Assistance Program debit card include a color photograph of at least one adult member of the household.

(D) Members of the task force shall serve without compensation.

(E) Not later than eighteen months after convening, the task force shall prepare and submit a report to the General Assembly, in accordance with section 101.68 of the Revised Code, regarding any recommendations concerning the topics described in division (C) of this section. Upon the submission of its report, the task force shall cease to exist."

After line 82821, insert:

"**Section 333.___.** POST-COVID MEDICAID REDETERMINATION

(A) As provided in this section, the Department of Medicaid shall use third-party data sources and systems to conduct eligibility redeterminations of all Medicaid recipients in this state not later than 60 days after the conclusion of the emergency period due to COVID-19, as defined in 42 U.S.C. 1320b-5(g)(1)(B).

(B) To the extent permitted by state and federal law, the

Department shall verify each Medicaid recipient's enrollment records against third-party data sources and systems, including all of the following:

(1) Information accessed through databases available to the Department under 42 C.F.R. 435.948, 435.949, and 435.956, as permitted under 42 C.F.R. 435.916(a)(2);

(2) Identity records;

(3) Death records;

(4) Employment and wage records;

(5) Lottery winnings records;

(6) Residency checks;

(7) Household composition and asset records;

(8) Any other records the Department considers appropriate in order to strengthen program integrity, reduce costs, and reduce fraud, waste, and abuse in the Medicaid program.

(C) Within 60 days after the conclusion of the emergency period due to COVID-19, as defined in 42 U.S.C. 1320b-5(g)(1)(B), the Department shall conduct an expedited eligibility review of those Medicaid recipients identified as likely ineligible for the Medicaid program based on the verification conducted under division (B) of this section to determine whether or not a recipient continues to be eligible for the Medicaid program. To the extent permitted by federal law, the department shall disenroll those recipients who are deemed no longer eligible for the Medicaid program under the expedited eligibility review.

(D) Not later than six months after the conclusion of the emergency period due to COVID-19, as defined in 42 U.S.C. 1320b-5(g)(1)(B), the Department shall conduct an expedited

eligibility review of those Medicaid recipients program who were newly enrolled in the Medicaid program for three or more months during the emergency period, but who were not newly enrolled during the last six months of the emergency period, to determine whether or not a recipient continues to be eligible for the Medicaid program. To the extent permitted by federal law, the department shall disenroll those recipients who are deemed no longer eligible for the Medicaid program under the expedited eligibility review.

(E) The Department shall complete a report containing its findings from the verification conducted under division (B) of this section, including any findings of fraud, waste, or abuse in the Medicaid program. Not later than 120 days after the conclusion of the emergency period due to COVID-19, as defined in 42 U.S.C. 1320b-5(g)(1)(B), the Department shall submit the report to all of the following:

(1) The Governor;

(2) The Lieutenant Governor;

(3) The members of the Joint Medicaid Oversight Committee;

(4) The Senate President;

(5) The Speaker of the House of Representatives;

(6) The Chairperson of the Senate Finance Committee;

(7) The Chairperson of the House of Representatives Finance Committee;

(8) The chairperson of any other standing committees of the Senate and the House of Representatives having jurisdiction over the Department.

(F) Any third-party vendor expenses incurred from the

verification required by division (B) of this section shall be entirely contingent on validated cost savings that have been realized by the Department. In no case shall vendor expenses exceed twenty per cent of those savings."

After line 89426, insert:

"The enactment of section 5163.52 of the Revised Code by this act takes effect January 1, 2022."

The motion was _____ agreed to.

SYNOPSIS

Supplemental Nutrition Assistance Program eligibility

R.C. 5101.54, 5101.546, 5101.547, and 5101.548

Adds provisions that do the following:

-- Prohibit SNAP income and asset limits from exceeding the types and allowable amounts permitted by the Secretary of the U.S. Department of Agriculture;

-- Require ODJFS to conduct an asset test for each SNAP recipient.

-- Require ODJFS to prepare and submit baseline and subsequent quarterly reports detailing certain information regarding SNAP.

-- Require ODJFS to collect information on suspicious electronic benefit transfer card transactions and provide the information to each impacted county department for analysis and investigation.

ODJFS data matching agreements

R.C. 5101.041 and 5120.212

Adds a provision that requires the ODJFS Director to enter into several data matching agreements for the purpose of determining eligibility of certain public assistance recipients.

Public assistance private sector tools

R.C. 125.70

Requires the Department of Administrative Services to work with ODJFS and the Department of Medicaid to deploy private sector tools for digital identity management, authentication, and verification for individuals receiving public assistance.

Medicaid eligibility

R.C. 5163.52; Section 812.10

-- Requires ODM to take certain actions in the event that the Department receives federal funding for the Medicaid Program that is contingent upon a temporary maintenance of effort restriction or other restriction that limits ODM's ability to disenroll ineligible Medicaid recipients;

Delays the effective date of that provision until January 1, 2022.

Post-COVID Medicaid redetermination

Section 333.___

Requires the Department of Medicaid to use third-party data to conduct an eligibility redetermination of all Ohio Medicaid recipients within 60 days after the conclusion of the COVID-19 emergency period.

Requires the Department to conduct an expedited eligibility review of those recipients identified as likely ineligible for the

program based on that verification, and to the extent permitted under federal law, to disenroll those recipients who are no longer eligible.

Requires the Department to conduct an expedited eligibility review of those recipients who were newly enrolled in the Medicaid program for three or more months during the emergency period, but who were not newly enrolled during the last six months of the emergency period, and to the extent permitted under federal law, to disenroll those recipients who are no longer eligible.

Requires the Department to complete a report containing its findings from the verification and submit it to various state entities.

Provides that any third-party vendor expenses incurred by the verification is entirely contingent on the Department realizing cost savings, and limits vendor expenses to 20% of those savings.

New hire data check

R.C. 4141.286

Requires the ODJFS Director to check the Ohio New Hire Reporting Center, the National Directory of New Hires, and the Integrity Data Hub when determining whether an initial application is valid or whether a first claim or additional claim qualifies an individual for benefits;

Third-party commercial consumer reporting agency

R.C. 5101.04 and Section 307.___

Permits ODJFS to contract with a third-party commercial consumer reporting agency to assist with improving the timeliness of benefit deliveries, maximizing operational efficiencies, increasing cost savings, and minimizing fraud within SNAP,

Medicaid, and the Temporary Assistance for Needy Families (TANF) programs.

Requires county departments of job and family services to participate in a no-cost, 90-day pilot program under which the county department must contract with a third-party commercial consumer reporting agency for the purposes described above.

Following the conclusion of the 90-day pilot program, permits ODJFS to contract with a vendor capable of providing the services described above.

Requires both ODJFS and county departments to undertake efforts to incorporate real-time employment and income information into existing verification and eligibility determination procedures.

Department of Job and Family Services

Sections 307.10, 307.20, 307.151, and 307.___

Increases GRF appropriation item 600521, Family Assistance – Local, by $2,500,000 in each fiscal year and earmarks the funds for CDJFSs with an approved plan to address fraud in public assistance programs.

Increases GRF appropriation item 600551, Job and Family Services Program Support, by $1.0 million in FY 2022 and permits up to this amount to be used by ODJFS to contract with a third-party commercial consumer reporting agency.

Appropriates $2,500,000 in each fiscal year to new GRF appropriation item 6005XX, Employment Incentive Program and earmarks the funds for CDJFSs to develop employment incentive programs. Requires a CDJFS to submit a plan regarding its use of funds to the ODJFS Director, which must be submitted as part of the county's prevention, retention, and contingency (PRC) plan.

Allows funds to be used to incentivize individuals who are either currently enrolled or recently stopped participating in SNAP, Medicaid, or a TANF employment and to provide outreach, referral, application assistance, and other services to assist individuals to receive incentives through this program and any related supportive services to stabilize their employment.

Public Assistance Benefits Accountability Task Force

Section 307.___

Establishes the Public Assistance Benefits Accountability Task Force consisting of 13 members.

Requires the task force to review all of the following:

-- The State Auditor's report of Ohio's Medicaid Eligibility Determination Process to determine to what extent the recommendations have been adopted;

-- Past and present welfare to work county programs and their effectiveness on assisting individuals in achieving employment;

-- Existing fraud prevention efforts at the state and county levels to determine best practices for fraud prevention in the SNAP, Medicaid, Ohio Works First, and publicly funded child care programs;

-- Best practices on how overpayments in the SNAP, Medicaid, and publicly funded child care programs can be prevented at the state and county level;

-- Best practices in public assistance case processing that create efficiencies and reduce errors through the use of technology;

-- The length of time that individuals receive public assistance benefits in the state and ways to return individuals to

the workforce.

-- Existing efforts to ensure compliance with child support enforcement across public assistance benefit programs and recommend additional ways compliance could be improved.

-- The costs and benefits associated with implementing a requirement that each SNAP debit card include a color photograph of at least one adult member of the household.

Requires the task force to prepare and submit a report to the General Assembly.

SC3837

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

After line 83818a, insert:

"3L40 41561X Business Enterprise $1,031,161 $0"

Federal Relief

In line 83819, add $1,031,161 to fiscal year 2022

In line 83820, add $1,031,161 to fiscal year 2022

The motion was _____ agreed to.

SYNOPSIS

Opportunities for Ohioans with Disabilities

Section 353.10

Appropriates $1,031,161 in FY 2022 to new FED Fund 3L40 appropriation item 41561X, Business Enterprise Federal Relief.

SC3840X1

Sub. H.B. 110
L-134-0001-5
MHACD32

_____ moved to amend as follows:

Delete lines 69871 through 69874

In line 69882, delete "quality of life"

In line 69883, delete the underlined comma; strike through "and shall operate the program for three years" and insert "identified by the individual's qualified medical practitioner as issues that would warrant treatment under the program"

In line 69910, strike through ", including"; after "~~a~~" insert ".

(F) The supplier, in conducting the clinical trial and in operating the clinical practice, shall adhere to"

In line 69911, delete "A rule requiring adherence to" and insert "The"

In line 69914, delete "rule requiring that a"; after "network" insert "shall"

In line 69915, delete "established and"

In line 69916, delete ";" and insert "."

In line 69917, delete "A rule establishing the" and insert "The"; delete "to" and insert "shall"

In line 69918, delete "a daily"

In line 69920, delete ";" and insert "."

In line 69921, delete "A rule requiring that each" and insert "Each"

In line 69922, delete "must" and insert "shall"

In line 69926, delete "must" and insert "shall"

In line 69927, delete ";" and insert "."

In line 69928, delete "A"; strike through "rule requiring that clinical" and insert "Clinical"

In line 69933, delete ";" and insert "."

In line 69934, delete "A rule requiring that any" and insert "Any"

In line 69935, after "practice" insert "shall"

In line 69937, delete ";" and insert "."

In line 69938, delete "A rule requiring that the" and insert "The"

In line 69939, after "section" insert "shall"

In line 69942, strike through "(F)" and insert "(G)"

The motion was _____ agreed to.

SYNOPSIS

EEG combined transcranial magnetic stimulation

R.C. 5902.09

Makes additional changes to the pilot program, which is being modified by provisions in the substitute bill, including all of the following:

1. Establishes certain criteria for the program in statute. The substitute bill requires the same criteria be adopted in

rules adopted by the Directors of Veterans Services and Mental Health and Addiction Services.

2. Maintains the requirement that the program protocol be based on EEG and motor threshold testing, but eliminates the requirement that this testing be conducted daily.

3. Removes "quality of life issues" from the list of disorders that qualify a person for treatment under the program. Instead specifies that issues identified by the individual's qualified medical practitioner as issues that would warrant treatment under the program, may be qualifying factors.

SC3841

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 151 of the title, after "5123.034," insert "5123.603,"

In line 324, after "5123.034," insert "5123.603,"

After line 56643, insert:

"**Sec. 5123.603.** (A) Every two years, the president of the senate and speaker of the house of representative shall establish a joint committee to examine the activities of the state's protection and advocacy system and client assistance program.

(B)(1) The joint committee shall consist of three members of the senate appointed by the senate president, two from the majority party and one from the minority party, and three members of the house of representatives, two from the majority party and one from the minority party, appointed by the speaker of the house of representatives. The senate president and speaker of the house of representatives also shall determine the dates on which members' terms on the joint committee are to begin and end. Vacancies shall be filled in the manner of the original appointments. In odd-numbered years, the senate

president shall designate a member of the senate as the chairperson of the committee and in even-numbered years, the speaker of the house of representatives shall designate a member of the house of representatives as the chairperson of the joint committee.

(2) In its sole discretion, the current entity serving as the state's protection and advocacy system and client assistance program may appear before, and offer testimony to, the joint committee.

(C) Every two years, the senate president and speaker of the house of representatives shall specify a deadline for the joint committee to complete a new report containing the joint committee's recommendations, if any. The joint committee shall submit the report to the senate president, speaker of the house of representatives, governor, and joint medicaid oversight committee by the deadline."

After line 77016, insert:

"Section 261._____. PROTECTION AND ADVOCACY TRANSPARENCY AMENDMENT

The enactment of section 5123.603 of the Revised Code by this act shall be known as the "Protection and Advocacy Transparency Amendment.""

The motion was _____ agreed to.

SYNOPSIS

Protection and advocacy system and client assistance program transparency

R.C. 5123.603 and Section 261._____

Requires the Senate President and Speaker of the House of Representatives to establish every two years a joint committee to examine the activities of the state's advocacy and protection system and client assistance program.

Permits the current entity serving as the state's protection and advocacy system and client assistance program to appear before, and offer testimony to, the joint committee.

Requires the joint committee to submit to the Senate President, Speaker, Governor, and JMOC a report containing its recommendations, if any, every two years.

Designates the amendment as the "Protection and Advocacy Transparency Amendment."

Sub. H.B. 110
L-134-0005-1

_____ moved to amend as follows:

In line 140 of the title, after "3310.411," insert "3310.70,"

In line 315, after "3310.411," insert "3310.70,"

After line 25491, insert:

"**Sec. 3310.70.** (A) A student is an "eligible student" for purposes of this section if the student is at least six but no more than eighteen years old and the student's family income is at or below three hundred per cent of the federal poverty guidelines, as defined in section 5101.46 of the Revised Code.

(B)(1) There is hereby established the afterschool child enrichment (ACE) educational savings account program. Not later than thirty days after the effective date of this section, the department of education shall adopt emergency rules under Chapter 119. of the Revised Code that prescribe procedures for the establishment of these accounts for fiscal years 2022 and 2023 upon the request of the parent or guardian of an eligible student enrolled in a public or nonpublic school or an eligible student who has been excused from the compulsory attendance law for the purpose of home instruction under section 3321.04 of the Revised Code. Accounts shall be established on a first-come, first-served basis according to the availability of funds appropriated for

purposes of this section.

(2) Not later than one hundred twenty days after the effective date of this section, the department shall create an online form for parents and guardians to request the establishment of an account under this section.

(C)(1) The department shall contract with a vendor for purposes of administering the provisions of this section and may contract with the treasurer of state for technical assistance. In selecting a vendor, the department shall give preference to those vendors who use a smart phone application that is free for parents or guardians to use, is capable of scanning receipts, allows users to provide program feedback, and includes customer service contact information for parents and guardians who experience technical issues with the application. For fiscal year 2022 or fiscal year 2023, the department shall pay the vendor not more than three per cent of the amount appropriated for that fiscal year for purposes of this section.

(2) The vendor selected by the department under division (C)(2) of this section shall do both of the following:

(a) Monitor how accounts are used by parents or guardians and recoup moneys that are used for purposes that are not authorized by this section as determined by the vendor;

(b) Provide the department with a comprehensive list of purchases made with accounts.

(3) At no time shall the vendor authorize parents or guardians to use moneys for purposes that are not authorized by this section as determined by the vendor. If the vendor authorizes parents or guardians to use moneys for a specified purpose and later determines that purpose is not authorized by this section,

the vendor may recoup that money.

(D)(1) If a parent or guardian makes a request under division (B) of this section during fiscal year 2022, five hundred dollars shall be credited to the account established pursuant to the parent's or guardian's request within fourteen days of the parent's or guardian's request, and that amount shall be disbursed upon request to the parent or guardian not later than June 30, 2022, for use in accordance with division (E) of this section.

(2) If a parent or guardian makes a request under division (B) of this section during fiscal year 2023, five hundred dollars shall be credited to the account established pursuant to the parent's or guardian's request within fourteen days of the parent's or guardian's request, and that amount shall be disbursed upon request to the parent or guardian not later than June 30, 2023, for use in accordance with division (E) of this section.

(E) Subject to division (F) of this section, moneys credited to an education savings account established under division (B) of this section shall be used by an eligible student's parent or guardian for any of the following purposes, whether secular or nonsecular:

(1) Before- or after-school educational programs;

(2) Day camps, including camps for academics, music, and arts;

(3) Tuition at learning extension centers;

(4) Tuition for learning pods;

(5) If the student has been excused from the compulsory attendance law for the purpose of home instruction under section 3321.04 of the Revised Code, purchase of curriculum and materials;

(6) Educational, learning, or study skills services;

(7) Field trips to historical landmarks, museums, science centers, and theaters, including admission, exhibit, and program fees;

(8) Language classes;

(9) Instrument lessons;

(10) Tutoring.

(F) At no time shall moneys credited to an account established under division (B) of this section be used for the purchase of electronic devices.

(G) The department shall make available to parents and guardians a list of the purposes for which moneys credited to an account established under division (B) of this section may be spent in accordance with division (E) of this section.

(H) Not later than December 31, 2023, the department shall prepare a report regarding the administration of this section, including feedback from a random sampling of parents and guardians who participate in the program for fiscal year 2022, fiscal year 2023, or both and submit the report to the general assembly in accordance with section 101.68 of the Revised Code."

After line 77084b, insert:

"3HS0 200640 Federal Coronavirus School Relief $ 50,000,000 $ 75,000,000"

In line 77098, add $50,000,000 to fiscal year 2022 and $75,000,000 to fiscal year 2023

In line 77099, add $50,000,000 to fiscal year 2022 and $75,000,000 to fiscal year 2023

After line 79724, insert:

"**Section 265.355.** FEDERAL CORONAVIRUS SCHOOL RELIEF

The foregoing appropriation item 200640, Federal Coronavirus School Relief, shall be used by the Department of Education to support ACE education savings accounts pursuant to section 3310.70 of the Revised Code using the funds for emergency needs authorized under Title III, Sec. 313(e) of the federal "Consolidated Appropriations Act, 2021," Pub. L. No. 116-260.

An amount equal to the unexpended, unencumbered balance of the foregoing appropriation item 200640, Federal Coronavirus School Relief, at the end of fiscal year 2022 is hereby reappropriated to the Department for the same purpose in fiscal year 2023."

After line 88954, insert:

"**Section 733.___.** Not later than December 1, 2021, the Department shall deposit funds into ACE education savings accounts established under section 3310.70 of the Revised Code for fiscal year 2022."

The motion was _____ agreed to.

SYNOPSIS

ACE Educational Savings Accounts

R.C. 3310.70; Section 733.___

Requires the Department of Education, not later than thirty days after the provision's effective date, to adopt emergency rules under Chapter 119. of the Revised Code that prescribe procedures for the establishment of Afterschool Child Enrichment

(ACE) Educational Savings Accounts for FY 2022 and FY 2023 upon the request of the parent or guardian of an "eligible student" enrolled in a public or nonpublic school or an "eligible student" receiving home instruction.

Specifies that a student is an "eligible student" if the student is at least six years old but not more than eighteen years old and the student's family income is at or below 300% of the Federal Poverty Guidelines.

Requires these accounts to be established on a first-come, first-served basis according to the availability of funds appropriated for this provision.

Requires the Department to create, not later than 120 days after the provision's effective date, an online form for parents and guardians to request the establishment of an account.

Requires the Department to deposit funds into an account established for FY 2022 by December 1, 2021.

Requires the Department to contract with a vendor for purposes of administering this provision, and permits the Department to contract with the Treasurer of State for technical assistance.

Requires the Department, in selecting a vendor, to give preference to those vendors who use a smart phone application that is free for parents and guardians to use, is capable of scanning receipts, allows users to provide program feedback, and includes customer service contact information for parents and guardians who experience technical issues with the application.

For FY 2022 or FY 2023, requires the Department to pay the vendor not more than three per cent of the amount appropriated for that fiscal year for purposes of this provision.

Requires the vendor selected by the Department to do both of the following:

(1) Monitor how accounts are used by parents or guardians and recoup moneys that are used for purposes that are not authorized by this provision (see below) as determined by the vendor;

(2) Provide the Department with a comprehensive list of purchases made with accounts.

Prohibits the vendor from authorizing parents or guardians to use moneys for purposes that are not authorized by this provision (see below) as determined by the vendor.

Permits the vendor, if it authorizes parents or guardians to use moneys for a specified purpose and later determines that purpose is not authorized by this provision (see below), to recoup that money.

Specifies that, if a parent or guardian makes a request for an account to be established in FY 2022, $500 must be credited to the account within fourteen days of the parent's or guardian's request, and that amount must be disbursed upon request to the parent or guardian by June 30, 2022.

Specifies that, if a parent or guardian makes a request for an account to be established in FY 2023, $500 must be credited to the account within fourteen days of the parent's or guardian's request, and that amount must be disbursed upon request to the parent or guardian by June 30, 2023.

Requires moneys credited to an account under this provision to be used by a student's parent or guardian for any of the following purposes, whether secular or nonsecular:

(1) Before- or after-school educational programs;

(2) Day camps, including camps for academics, athletics, and arts;

(3) Tuition at learning extension centers;

(4) Tuition for learning pods;

(5) If a student is receiving home instruction, purchase of curriculum and materials;

(6) Educational, learning, or study skills services;

(7) Field trips to historical landmarks, museums, science centers, and theaters, including admission, exhibit, and program fees;

(8) Language classes;

(9) Instrument lessons; or

(10) Tutoring.

Prohibits moneys credited to an account from being used for the purchase of electronic devices.

Requires the Department to make available to parents and guardians a list of the purposes for which moneys credited to an account may be spent.

Requires the Department to prepare a report regarding the administration of this provision, including feedback from a random sampling of parents and guardians who request accounts for FY 2022, FY 2023, or both and submit the report to the General Assembly by December 31, 2023.

Department of Education

Sections 265.10 and 265.355

Establishes FED Fund 3HS0 appropriation item 200640, Federal Coronavirus School Relief, with appropriations of $50,000,000 in

FY 2022 and $75,000,000 in FY 2023 and specifies that this item be used to support the ACE education savings accounts described above using the funds for emergency needs authorized under the federal Consolidated Appropriations Act, 2021 (that act authorizes a state to reserve up to 10% of its Elementary and Secondary School Emergency Relief Fund allocation, including up to 0.5% of its allocation for administrative costs and the remainder for emergency needs, as determined by the state educational agency (the latter is commonly referred to as "state activity funds")).

Reappropriates the unexpended and unencumbered balance of this line item at the end of FY 2022 to FY 2023 for the same purpose.

Sub. H.B. 110
L-134-0001-5
LOCCD15

_____ moved to amend as follows:

Delete lines 13888 through 13922 and insert:

"**Sec. 955.15.** (A) The board of county commissioners shall provide nets and other suitable devices for the taking of dogs in a humane manner, provide a suitable place for impounding dogs, make proper provision for feeding and caring for the same, and provide humane ~~devices and~~ methods for destroying dogs. ~~In any county in which there is a society for the prevention of cruelty to children and animals, having one or more agents and maintaining an animal shelter suitable for a dog pound and devices for humanely destroying dogs, the board need not furnish a dog pound, but the county dog warden shall deliver all dogs seized by the warden and the warden's deputies to such society at its animal shelter, there to be dealt with in accordance with law~~

(B) Subject to division (C) of this section, the dog warden shall deliver any dog that the warden or the warden's deputies have seized to one of the following:

(1) A dog pound operated by the county;

(2) Another animal shelter for dogs, as defined in section 956.01 of the Revised Code, that operates in a manner suitable for

a dog pound and that is able to adopt out, transfer out, or humanely destroy dogs in accordance with state law. ~~The~~

(C) A dog warden shall not deliver dogs to an animal shelter for dogs under division (B)(2) of this section unless the board of county commissioners has entered into a written agreement with the animal shelter for dogs to operate as a dog pound on behalf of the county.

(D) A pound or animal shelter for dogs to which a dog has been delivered under division (B) of this section shall deal with the dog in accordance with state law, including the maintenance of any public records pertaining to the intake and disposition of the dog.

(E) The board shall provide for the payment of reasonable compensation to ~~such society~~ an animal shelter for dogs described in division (B)(2) of this section for its services so performed out of the dog and kennel fund or the county's general revenue fund. ~~The~~

(F) The board may designate and appoint any officers regularly employed by any society organized under sections 1717.02 to 1717.05 of the Revised Code, to act as county dog warden or deputies for the purpose of carrying out sections 955.01 to 955.27 of the Revised Code, if such society whose agents are so employed owns or controls a suitable place for keeping and destroying dogs."

The motion was _____ agreed to.

SYNOPSIS

Agreements between counties and animal shelters

R.C. 955.15

Regarding provisions of the bill that govern the disposition of dogs seized by a county dog warden, does the following:

1. Regarding the provision that allows the dog warden to deliver a dog to an animal shelter, clarifies that the written agreement with the animal shelter must be with an "animal shelter for dogs," which is defined generally as a facility that keeps, houses, and maintains dogs.

2. Specifies that the animal shelter for dogs must be able to adopt out, transfer out, or humanely destroy a dog;

3. Removes references to county humane societies because a county humane society is included within the term "animal shelter for dogs."

4. Removes references to euthanasia devices and maintaining those devices;

5. Requires a dog pound or animal shelter for dogs to maintain public records pertaining to the intake and disposition of any dog that is delivered by a dog warden; and

6. Allows the county to pay for expenses relating to delivering a dog to an animal shelter for dogs from the county's general revenue fund (or the county's dog and kennel fund as allowed under current law).

SC3849

Sub. H.B. 110
L-134-0001-5
DEVCD46

_____ moved to amend as follows:

In line 76462, delete "for facility improvements and capacity"

Delete lines 76463 and 76464 and insert "in accordance with Section 701.__ of this act."

After line 88886, insert:

"**Section 701.___**. (A) As used in this section, "meat processing plant" means a facility that:

(1) Is located in this state;

(2) Is in operation as of July 1, 2021; and

(3) Provides processing services for livestock and poultry producers.

(B) The Director of Development shall establish a grant program for meat processing plants. The Director shall prescribe the grant application form.

(C) The owner or operator of a meat processing plant may apply to the Director for a grant under this section. Upon the receipt of a grant application, the Director shall review the application and score it based on the following criteria:

(1) Whether the grant will improve the applicant's processing efficiencies for livestock and poultry by allowing for the following:

(a) New equipment, including upgrades to existing equipment;

(b) New technology, including upgrades to existing technology; and

(c) Training of personnel.

(2) Whether the grant will be used for the expansion or new construction of facilities for the processing of livestock and poultry, including:

(a) Areas to confine livestock and poultry;

(b) Areas for the processing of livestock and poultry; and

(c) Refrigeration or freezers.

(3) Whether the grant will be used for food safety certification or to assist in obtaining cooperative interstate shipment status;

(4) Whether the grant will improve harvest services for livestock and poultry producers;

(5) Project readiness.

(D) For purposes of divisions (C)(1) through (5) of this section, the Director shall not consider the following as eligible for grant funding:

(1) Improvements to personal residences, nonfarm commercial property, and any other nonfarm structures;

(2) Agricultural tractors, motorized vehicles, and other mobile equipment with an internal combustion engine;

(3) Land purchases.

(E) Meat processing plants awarded a grant under this section shall maintain the equipment, technology, plant expansion, or new construction in working and serviceable order for a period of five years after the awarding of the grant.

(F) The Director shall not award a grant to an applicant under this section for more than two hundred fifty thousand dollars."

The motion was _____ agreed to.

SYNOPSIS

Meat processing plant grants

Section 701.__

Requires the Director of Development to establish a grant program for meat processing plants, including prescribing the grant application form.

Specifies that a meat processing plant is a facility that is located in Ohio, is in operation as of July 1, 2021, and provides processing services for livestock and poultry producers.

Authorizes the owner or operator of a meat processing plant to apply to the Director for a grant and, on the receipt of a

grant application from a plant, requires the Director to review the application and score it based on the specified criteria, including:

(1) Whether the grant will improve the applicant's processing efficiencies for livestock and poultry;

(2) Whether the grant will be used for expansion or new construction for the processing of livestock and poultry; and

(3) Project readiness.

Prohibits the Director from considering certain expenditures by a plant for a grant, including improvements to personal residences, nonfarm commercial property, and any other nonfarm structures.

Prohibits the Director from awarding a grant of more than $250,000.

Department of Development

Section 259.30

Specifies that Fund 5XX0 appropriation item 195408, Meat Processing Investment Program, be used to make grants to meat processing plants in accordance to Section 701.__ of the bill.

SC3854

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

After line 77016, insert:

"Section 261.____. DD-ADMINISTERED WAIVER SLOTS

(A) As used in this section, "DD-administered waiver" means a Medicaid waiver component, as defined in section 5166.01 of the Revised Code, that is administered by the Department of Developmental Disabilities.

(B) During fiscal year 2022 and fiscal year 2023, the Department of Developmental Disabilities shall not use the funds appropriated in appropriation items 653407, Medicaid Services, 653654, Medicaid Services, 653606, ICF/IID and Waiver Match, or 653624, County Board Waiver Match, to reserve a portion of the total number of DD-administered waivers in a fiscal year to give preference to people living in intermediate care facilities for individuals with intellectual disabilities and shall instead permit the funds to be used for any DD-administered waiver."

The motion was _____ agreed to.

SYNOPSIS

DD-administered Medicaid waivers

Section 261.____

During fiscal year 2022 and fiscal year 2023, prohibits the Department of Developmental Disabilities from using funds appropriated in GRF appropriation item 653407, Medicaid Services, DPF Fund 5GE0 appropriation item 653606, ICF/IID and Waiver Match, DPF Fund 5Z10 appropriation item 653624, County Board Waiver Match, or FED appropriation item 653654, Medicaid Services, to reserve a portion of the total number of DD-administered waivers to give preference to people living in intermediate care facilities for individuals with intellectual disabilities and authorizes the funds to be used for any DD-administered waiver.

SC3861

Sub. H.B. 110
L-134-0001-5
MHACD26

_____ moved to amend as follows:

After line 12524, insert:

"(D)(1) Notwithstanding the membership requirements of section 340.02 of the Revised Code, if a county with a population of at least thirty-five thousand but not more than forty-five thousand, according to data from the 2010 federal census, joins an existing alcohol, drug addiction, and mental health service district during the period beginning on June 30, 2021, and ending June 30, 2023, the existing board of alcohol, drug addiction, and mental health services serving that district may elect to expand its membership to eighteen members if the existing board has fourteen members.

(2) The option to expand the board, as provided in division (D)(1) of this section, is available only during the twelve-month period beginning on the date the county with a population of at least thirty-five thousand but not more than forty-five thousand joins the alcohol, drug addiction, and mental health service district served by the board. The additional members

shall be appointed in the manner specified in section 340.02 of the Revised Code."

The motion was _____ agreed to.

SYNOPSIS

ADAMHS board composition and membership

R.C. 340.022

Adds the following to the substitute bill provisions relating to the composition and membership of alcohol, drug addiction, and mental health services (ADAMHS) boards:

-Provides that if a county with a population between 35,000 and 45,000 joins an existing alcohol, drug addiction, and mental health service district during the two-year period beginning June 30, 2021, the ADAMHS board may elect to expand its membership from 14 members to 18 members.

-Permits the ADAMHS board to make this election for one year from the date the county joins the joint-county district.

SC3871

Sub. H.B. 110
L-134-0001-5
DNRCD16

_____ moved to amend as follows:

In line 15021, delete "defective casing in"

In line 15024, delete "person that"

In line 15025, delete "constructed the well or"; strike through "owner of" and insert "person that owns"; after "well" insert "or that is responsible for the well"

In line 15031, strike through "notify the"; delete "person that constructed the well or"; strike through "owner"

In line 15032, delete "of the well"; strike through "to that effect by order in writing"; insert "issue an order to the person that owns the well or that is responsible for the well to plug the well"

The motion was _____ agreed to.

SYNOPSIS

Oil and gas well leak responsibility; plugging orders

(R.C. 1509.12)

Regarding the existing prohibition against allowing defective casing in a well to leak fluid or gases, eliminates the requirement that the leak be caused by defective casing,

thus broadening the prohibition so that it applies to any situation in which an owner of a well allows a well to leak fluids or gases.

Revises the Chief of the Division of Oil and Gas Resources Management's authority to issue a plugging order so that the Chief may issue the order to any person that owns a well or that is responsible for a well (rather than to only the owner or the person that constructed it, as in the bill).

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 118 of the title, after "5747.10," insert "5747.70,"

In line 299, after "5747.10," insert "5747.70,"

In line 67141, after "contributions" insert "made"; strike through "variable college"

In line 67142, strike through "savings program accounts made"; strike through "pursuant"

In line 67143, strike through "to Chapter 3334. of the Revised" and insert "under a qualified tuition program established pursuant to section 529 of the Internal Revenue"

After line 68859, insert:

"**Sec. 5747.70.** (A) In computing Ohio adjusted gross income, a deduction from federal adjusted gross income is allowed to a ~~contributor for the amount contributed during the taxable year~~ taxpayer who contributes to ~~a variable college savings program account and to a purchaser of~~ or purchases tuition units under ~~the Ohio college savings program created by Chapter 3334. of the Revised Code~~ a qualified tuition program established in accordance with section 529 of the Internal Revenue Code. The amount of the deduction shall equal the amount contributed or purchased during the taxable year to the extent that the amounts of such

contributions and purchases were not deducted in determining the contributor's or purchaser's federal adjusted gross income for the taxable year. The combined amount of contributions and purchases deducted in any taxable year by a taxpayer or the taxpayer and the taxpayer's spouse, regardless of whether the taxpayer and the taxpayer's spouse file separate returns or a joint return, is limited to four thousand dollars for each beneficiary for whom contributions or purchases are made. If the combined annual contributions and purchases for a beneficiary exceed four thousand dollars, the excess may be carried forward and deducted in future taxable years until the contributions and purchases have been fully deducted.

(B) In computing Ohio adjusted gross income, a deduction from federal adjusted gross income is allowed for:

(1) Income related to tuition units and contributions that as of the end of the taxable year have not been refunded pursuant to the termination of a qualified tuition program payment contract or ~~variable college savings program~~ account ~~under section 3334.10 of the Revised Code,~~ to the extent that such income is included in federal adjusted gross income.

(2) The excess of the total purchase price of tuition units refunded during the taxable year pursuant to the termination of a qualified tuition program payment contract ~~under section 3334.10 of the Revised Code~~ over the amount of the refund, to the extent the amount of the excess was not deducted in determining federal adjusted gross income. Division (B)(2) of this section applies only to units for which no deduction was allowable under division (A) of this section.

(C) In computing Ohio adjusted gross income, there shall be added to federal adjusted gross income the amount of loss related

to tuition units and contributions that as of the end of the taxable year have not been refunded pursuant to the termination of a qualified tuition program payment contract or ~~variable college savings program~~ account ~~under section 3334.10 of the Revised Code,~~ to the extent that such loss was deducted in determining federal adjusted gross income.

(D) For taxable years in which distributions or refunds are made under a qualified tuition ~~payment or variable college savings program contract~~ program for any reason other than payment of higher education expenses, or the beneficiary's death, disability, or receipt of a scholarship as described in section 3334.10 of the Revised Code:

(1) If the distribution or refund is paid to the purchaser or contributor or beneficiary, any portion of the distribution or refund not included in the recipient's federal adjusted gross income shall be added to the recipient's federal adjusted gross income in determining the recipient's Ohio adjusted gross income, except that the amount added shall not exceed amounts previously deducted under division (A) of this section less any amounts added under division (D)(1) of this section in a prior taxable year.

(2) If amounts paid by a purchaser or contributor on or after January 1, 2000, are distributed or refunded to someone other than the purchaser or contributor or beneficiary, the amount of the payment not included in the recipient's federal adjusted gross income, less any amounts added under division (D) of this section in a prior taxable year, shall be added to the recipient's federal adjusted gross income in determining the recipient's Ohio adjusted gross income."

In line 70913, after "5747.10," insert "5747.70,"

After line 89401, insert:

"**Section 803.___.** The amendment by this act of division (A)(9) of section 5747.01 and section 5747.70 of the Revised Code applies to taxable years beginning on or after January 1, 2021. The amendment by this act of those sections does not limit the ability of a taxpayer whose combined contributions to an Ohio variable college savings program account and purchases of tuition units under the Ohio college savings program for a beneficiary exceeded four thousand dollars in a taxable year beginning before January 1, 2021, to carry forward and deduct the excess in taxable years beginning on or after January 1, 2021."

The motion was _____ agreed to.

SYNOPSIS

Income tax: 529 plan deduction expansion

R.C. 5747.01(A)(9) and 5747.70; Section 803.__

Expands the income tax deduction allowed for contributions to Ohio's 529 education savings program to include contributions to 529 programs established by other states. Current law allows a state income tax deduction for contributions to only Ohio's 529 plan.

SC3875

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 85937, delete "$34,887,328" and insert "$35,541,578"

In line 85938, add $654,250 to fiscal year 2022

In line 85962, add $654,250 to fiscal year 2022

After line 86022, insert:

"INSTITUTION EDUCATION SERVICES

Of the foregoing appropriation item 506321, Institution Education Services, $654,250 in fiscal year 2022 shall be used for the Ashland University Correctional Education Expansion Program."

The motion was _____ agreed to.

SYNOPSIS

Department of Rehabilitation and Correction

Section 383.10

Increases GRF appropriation item 506321, Institution Education Services, by $654,250 in fiscal year 2022, from $34,887,328 to $35,541,578, and earmarks the increase for the Ashland University Correctional Education Expansion Program.

SC3876

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 84497, delete "$700,000" and insert "$1,187,925"

In line 84519, add $487,925 to fiscal year 2022

In line 84546, add $487,925 to fiscal year 2022

After line 85465, insert:

"Of the foregoing appropriation item 235533, Program and Project Support, $487,925 in fiscal year 2022 shall be allocated to support the Ashland University Military and Veterans Resource Center Project."

The motion was _____ agreed to.

SYNOPSIS

Department of Higher Education

Sections 381.10 and 381.287

Increases GRF appropriation item 235533, Program and Project Support, by $487,925 in fiscal year 2022 and earmarks the same amount to be allocated to support the Ashland University Military and Veterans Resource Center Project.

SC3877X1

Sub. H.B. 110
L-134-0001-5
MHACD6

_____ moved to amend as follows:

In line 82836, delete the first "$86,964,846" and insert "$87,556,596"

In line 82847, add $591,750 to fiscal year 2022

In line 82878, add $591,750 to fiscal year 2022

After line 83044, insert:

"(Q) Of the foregoing appropriation item 336421, Continuum of Care Services, $591,750 in fiscal year 2022 shall be distributed to the Ashland Center for Addictions Project."

The motion was _____ agreed to.

SYNOPSIS

Department of Mental Health and Addiction Services

Section 337.40

Increases GRF appropriation item 336421, Continuum of Care Services, by $591,750 in FY 2022. Earmarks these funds for the Ashland Center for Addictions Project.

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 134 of the title, after "1503.271," insert "1546.31,"

In line 311, after "1503.271," insert "1546.31,"

After line 16530, insert:

"**Sec. 1546.31.** (A) The "Doris Duke Woods" is hereby designated within the Malabar state park in Richland county to honor Doris Duke's pioneering contributions to conservation at Malabar state park and across the nation.

(B) The "Doris Duke Woods" consists of one hundred twenty contiguous acres of Malabar state park's most mature hardwood forest located between Bromfield road and state route number ninety-five.

(C) The department of natural resources shall not remove or allow any person or governmental entity to remove timber from the "Doris Duke Woods," except for normal maintenance purposes.

(D) On or before October 31, 2021, the director of natural resources shall dedicate the "Doris Duke Woods" as a state nature preserve in accordance with section 1517.05 of the Revised Code.

(E) After the designation of the "Doris Duke Woods" under division (A) of this section and dedication under division (D) of this section, the department shall maintain and keep open to the

public any public hiking and horse trails that existed in that area prior to its designation and dedication. The department also shall allow the use of the "Doris Duke Woods" for maple syrup harvesting purposes."

The motion was _____ agreed to.

SYNOPSIS

Doris Duke Woods

R.C. 1546.31

Designates 120 contiguous acres of Malabar State Park's most mature hardwood forest located between Bromfield Road and State Route 95 as the "Doris Duke Woods" at Malabar State Park.

Requires the Director of Natural Resources, by October 31, 2021, to designate the Woods as a state nature preserve.

Specifies that the Department of Natural Resources may not remove or allow any person or governmental entity to remove timber from the Woods, except for normal maintenance purposes.

Specifies that the Department must maintain and keep open to the public any public hiking and horse trails that existed in the Woods prior to its designation.

Specifies that the Department must allow the use of the "Doris Duke Woods" for maple syrup harvesting purposes.

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 32 of the title, after "1703.27," insert "1706.83,"

In line 172 of the title, after the comma insert "Sections 4 and 5 of S.B. 276 of the 133rd General Assembly,"

In line 236, after "1703.27," insert "1706.83,"

After line 17020, insert:

"**Sec. 1706.83.** On and after ~~January 1~~February 11, 2022, this chapter shall govern all limited liability companies, including every foreign limited liability company that files an application for registration as a foreign limited liability company on or after ~~January 1~~February 11, 2022, every foreign limited liability company that registers a name in this state on or after ~~January 1~~February 11, 2022, every foreign limited liability company that has registered a name in this state prior to ~~January 1~~February 11, 2022, and every foreign limited liability company that has filed an application for registration as a foreign limited liability company prior to ~~January 1~~February 11, 2022, pursuant to Chapter 1705. of the Revised Code."

In line 70850, after "1703.27," insert "1706.83,"

After line 87801, insert:

"**Section 610.___.** That Sections 4 and 5 of S.B. 276 of the 133rd General Assembly be amended to read as follows:

Sec. 4. Section 3 of S.B. 276 of the 133rd General Assembly shall take effect on ~~January 1~~February 11, 2022.

Sec. 5. The repeal of a statute by S.B. 276 of the 133rd General Assembly shall not affect an action commenced, proceeding brought, or right accrued prior to ~~January 1~~February 11, 2022.

Section 610.___. That existing Sections 4 and 5 of S.B. 276 of the 133rd General Assembly are hereby repealed."

The motion was _____ agreed to.

SYNOPSIS

Ohio Revised Limited Liability Company Act effective date

R.C. 1706.83 and Section 610.___.

Makes certain provisions of the Ohio Revised Limited Liability Company Act, S.B. 276 of the 133rd General Assembly, effective February 11, 2022, as opposed to January 1, 2022.

SC3886X3

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

After line 75160c, insert:

"GRF 055XXX Victims of Crime $2,500,000 $0"

In line 75161, add $2,500,000 to fiscal year 2022

In line 75199, add $2,500,000 to fiscal year 2022

After line 75370, insert:

"VICTIMS OF CRIME

The foregoing appropriation item 055XXX, Victims of Crime, shall be allocated to the Crime Victim Compensation Program. Prior to using the funds from this appropriation item, the Attorney General shall, to the extent possible, first use funds related to the federal Victims of Crime Act."

The motion was _____ agreed to.

SYNOPSIS

Attorney General

Sections 221.10 and 221.30

Creates GRF appropriation item 055XXX, Victims of Crime, with an appropriation of $2,500,000 in fiscal year 2022, and requires that amount to be allocated for the Crime Victim Compensation Program. Requires the Attorney General to use federal funding related to the Victim of Crimes Act first, to the extent possible.

SC3894

Sub. H.B. 110
L-134-0001-5
MCDCD34

_____ moved to amend as follows:

Delete lines 82707 through 82709

In line 82710, delete "(G)" and insert "(F)"

The motion was _____ agreed to.

SYNOPSIS

Department of Medicaid

Section 333.217

Removes a House-added provision that requires the members of the Joint Medicaid Oversight Committee to appoint a subcommittee to make determinations about the progress of the Medicaid Cost Assurance Pilot Program.

SC3895X1

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 60 of the title, delete "3319.313, 3319.316, 3319.39,"

In line 257, delete "3319.313, 3319.316, 3319.39,"

Delete lines 35345 through 35435

Delete lines 35497 through 35684

In line 70871, delete "3319.313, 3319.316, 3319.39,"

In line 70991, delete "3319.39,"

Delete lines 76053 and 76053a

In line 76058, subtract $170,000,000 from fiscal year 2022 and $20,000,000 from fiscal year 2023

In line 76094, subtract $170,000,000 from fiscal year 2022 and $20,000,000 from fiscal year 2023

Delete lines 76450 through 76458

In line 77957, delete "200540,"

In line 77958, delete "Special Education Enhancements,"

In line 77962, delete "and"

In line 77963, after "districts" insert ", and state scholarship programs"

In line 87171, delete "state institution of higher education" and insert "state-supported community college, state community college, or a technical college"

The motion was _____ agreed to.

SYNOPSIS

LSC Corrective amendment

R.C. 3319.313, 3319.316, and 3319.39

Removes R.C. 3319.313 and 3319.316 (reports of licensed school employee misconduct) and R.C. 3319.39 (school pre-employment criminal records checks) from the substitute bill which should have been removed in SC2506 but was left off due to a drafting oversight.

Section 265.210

Department of Education

Removes an outdated reference to appropriation item 200540, Special Education Enhancements, as being a GRF item used to pay state formula aid obligations. Also, specifies that the remaining GRF appropriation items are used to pay state formula aid obligations for state scholarship programs, to conform with the bills direct funding of such programs.

Department of Development

Sections 259.10 and 259.30

Eliminates appropriations under Fund 5XU0 item 195567, Residential Broadband Expansion Grants.

Eliminates the requirement that item 195567 be used for grants under the Ohio Residential Broadband Expansion Grant Program established in R.C. 122.401.

Section 512.120

Department of Higher Education

Clarifies that the bill's transfer of $10,000,000 from the GRF to the OhioMeansJobs Workforce Development Revolving Loan Fund (Fund 5NH0) supports the appropriations made for need-based financial aid to students enrolled in a short-term certificate program at a community or technical college instead of at "a state institution of higher education" to conform to the bill's eligibility criteria for the awards.

SC3896

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 43 of the title, after "3310.035," insert "3310.07,"

In line 54 of the title, delete "3314.3553," and insert "3314.353,"

In line 1478, after "and" insert "department of"

In line 1479, strike through "services agency"

In line 11601, after "the" insert "department of"; strike through "services agency"

In line 13596, strike through "services"

In line 19230, delete "placement" and insert "placing"

Delete lines 28046 through 28136

In line 53811, delete "placement" and insert "placing"

In line 62551, strike through "services"

In line 63037, strike through "services"

In line 63040, strike through "of development services"

In line 63222, strike through "services"

In line 63554, strike through "services"

In line 63647, strike through "services"

In line 63684, strike through "services"

In line 63718, strike through "services"

In line 63724, strike through "services"

In line 63733, strike through "services"

In line 63788, strike through "services"

In line 63842, strike through "services"

In line 63894, strike through "services"

In line 69938, after "the" insert a space

In line 70926, delete "**Sec. 5703.95. ,**"

In line 70993, delete "4759.10,"

In line 73666, delete "and"

In line 73667, after "3727.99" insert ", and 5703.95"

In line 77909, after "DISTRICTS" insert a quotation mark

In line 77910, delete the second quotation mark

In line 83249, delete the comma

In line 87222, after "REVENUE" insert "FUND"

In line 89339, delete "5747.025,"

In line 89396, delete "(B)(2)(jj)" and insert "(F)(2)(jj)"

The motion was _____ agreed to.

SYNOPSIS

LSC Technical amendment

Title; R.C. 3313.974, 3313.975, and 5902.09; Sections 105.01, 130.12, 265.210, 337.60, and 803.170

Corrects various engrossing, typographical, punctuation, and cross-reference errors. Removes the repeat occurrence of

sections 3313.974 and 3313.975, which appear twice in the body of the bill.

R.C. 107.03, 187.03, 715.72, 5709.40, 5709.41, and 5727.75

Corrects references to the Department of Development and the Director of Development.

R.C. 2151.4122 and 5103.57

Corrects "private child placement agency" to "private child placing agency."

Section 512.190

Corrects "General Revenue" to "General Revenue Fund."

Sections 110.22 and 803.97

Removes an erroneous reference to R.C. 5747.025, which is not amended in this bill, and an erroneous reference to R.C. 4759.10 as having been amended by H.B. 263 of the 133rd General Assembly.

SC3899

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 84497, delete "$700,000 $500,000" and insert "$825,000 $625,000"

In line 84519, add $125,000 to each fiscal year

In line 84546, add $125,000 to each fiscal year

After line 85469, insert:

"Of the foregoing appropriation item 235533, Program and Project Support, $125,000 in each fiscal year shall be used by the Chancellor of Higher Education to support the expansion of an unmanned aviation STEM pilot program at Emmanuel Christian Academy for public and nonpublic high school students in Clark County."

The motion was _____ agreed to.

SYNOPSIS

Department of Higher Education

Sections 381.10 and 381.287

Increases GRF appropriation item 235533, Program and Project Support, by $125,000 in each fiscal year and earmarks the same amount to be used for the expansion of an unmanned aviation STEM pilot program at Emmanuel Christian Academy for public or nonpublic high school students in Clark County.

SC3900X1

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 84491, delete "$11,843,339 $11,977,652" and insert "$11,551,202 $11,685,515"

In line 84505, delete "$4,482,130 $4,482,130" and insert "$4,883,340 $4,883,340"

In line 84506, delete "$4,544,568 $4,544,568" and insert "$5,084,568 $5,084,568"

In line 84519, add $649,073 to each fiscal year

In line 84546, add $649,073 to each fiscal year

The motion was _____ agreed to.

SYNOPSIS

Department of Higher Education

Section 381.10

Decreases GRF appropriation item 235514, Central State Supplement, by $292,137 in each fiscal year, effectively restoring item 235514 to the House-passed version of the bill.

Increases GRF appropriation item 235546, Central State Agricultural Research and Development, by $401,210 in each fiscal year.

Increases GRF appropriation item 235548, Central State Cooperative Extension Services, by $540,000 in each fiscal year.

SC3904

Sub. H.B. 110
L-134-0001-5
DNRCD12

_____ moved to amend as follows:

In line 31 of the title, delete "1533.12,"

In line 235, delete "1533.12,"

Delete lines 16320 through 16429

In line 70849, delete "1533.12,"

The motion was _____ agreed to.

SYNOPSIS

Veterans hunting and fishing benefits – remove provisions

R.C. 1533.12

Removes provisions of the bill that do the following:

1. Eliminate the Ohio residency requirement for a veteran who wishes to obtain a free hunting or fishing license, deer, wild turkey, or fur taker permit, or wetlands habitat stamp;

2. Replace the requirement that a veteran receive a pension or compensation from the U.S. Department of Veterans Affairs (formerly the Veterans Administration) in order to receive a free license, permit, or stamp with the requirement that the veteran receive either:

-- A nonservice connected pension; or

-- Service connected disability compensation with entitlement to dependents' education assistance benefits administered by the U.S. Department of Veterans Affairs.

Sub. H.B. 110
L-134-0001-5
DOHCD38
DOHCD39

_____ moved to amend as follows:

In line 3 of the title, after "109.08," insert "109.57,"

In line 17 of the title, after "169.07," insert "173.38, 173.381,"

In line 25 of the title, after "1333.15," insert "1337.11,"

In line 34 of the title, after "1907.15," insert "2133.01,"

In line 36 of the title, after "2303.05," insert "2317.54,"

In line 71 of the title, after "3701.132," insert "3701.362,"; after "3701.831" insert "3701.881, 3701.916,"

In line 88 of the title, after "4713.02," insert "4715.36, 4719.01, 4723.431, 4729.43,"

In line 96 of the title, after "5101.341," insert "5101.63,"

In line 107 of the title, after "5163.061," insert "5164.34, 5164.342"

In line 128 of the title, after "(155.37)," insert "3701.881 (3740.11),"

In line 146 of the title, after "3736.021," insert "3740.01, 3740.02, 3740.03, 3740.04, 3740.05, 3740.07, 3740.10, 3740.99,"

In line 214, after "109.08," insert "109.57,"

In line 255, after "169.07," insert "173.38, 173.381,"

In line 231, after "1333.15," insert "1337.11,"

In line 237, after "1907.15," insert "2133.01,"

In line 238, after "2303.05," insert "2317.54,"

In line 264, after "3701.132," insert "3701.362,"

In line 265, after "3701.831" insert "3701.881, 3701.916,"

In line 277, after "4713.02" insert "4715.36, 4719.01, 4723.431, 4729.43,"

In line 282, after "5101.341," insert "5101.63,"

In line 291, after "5163.061," insert "5164.34, 5164.342"

In line 305, after "(155.37)," insert "3701.881 (3740.11),"

In line 320, after "3736.021," insert "3740.01, 3740.02, 3740.03, 3740.04, 3740.05, 3740.07, 3740.10, 3740.99,"

After line 1591, insert:

"**Sec. 109.57.** (A)(1) The superintendent of the bureau of criminal identification and investigation shall procure from wherever procurable and file for record photographs, pictures, descriptions, fingerprints, measurements, and other information that may be pertinent of all persons who have been convicted of committing within this state a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or any misdemeanor described in division (A)(1)(a), (A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, of all children under eighteen years of age who have been adjudicated delinquent children for committing within this state an act that would be a felony or an offense of violence if committed by an

adult or who have been convicted of or pleaded guilty to committing within this state a felony or an offense of violence, and of all well-known and habitual criminals. The person in charge of any county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution and the person in charge of any state institution having custody of a person suspected of having committed a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or any misdemeanor described in division (A)(1)(a), (A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code or having custody of a child under eighteen years of age with respect to whom there is probable cause to believe that the child may have committed an act that would be a felony or an offense of violence if committed by an adult shall furnish such material to the superintendent of the bureau. Fingerprints, photographs, or other descriptive information of a child who is under eighteen years of age, has not been arrested or otherwise taken into custody for committing an act that would be a felony or an offense of violence who is not in any other category of child specified in this division, if committed by an adult, has not been adjudicated a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult, has not been convicted of or pleaded guilty to committing a felony or an offense of violence, and is not a child with respect to whom there is probable cause to believe that the child may have committed an act that would be a felony or an offense of violence if committed by an adult shall not be procured by the superintendent or furnished by any person in charge of any county, multicounty, municipal, municipal-county, or multicounty-municipal jail or

workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution, except as authorized in section 2151.313 of the Revised Code.

(2) Every clerk of a court of record in this state, other than the supreme court or a court of appeals, shall send to the superintendent of the bureau a weekly report containing a summary of each case involving a felony, involving any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, involving a misdemeanor described in division (A)(1)(a), (A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, or involving an adjudication in a case in which a child under eighteen years of age was alleged to be a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult. The clerk of the court of common pleas shall include in the report and summary the clerk sends under this division all information described in divisions (A)(2)(a) to (f) of this section regarding a case before the court of appeals that is served by that clerk. The summary shall be written on the standard forms furnished by the superintendent pursuant to division (B) of this section and shall include the following information:

(a) The incident tracking number contained on the standard forms furnished by the superintendent pursuant to division (B) of this section;

(b) The style and number of the case;

(c) The date of arrest, offense, summons, or arraignment;

(d) The date that the person was convicted of or pleaded guilty to the offense, adjudicated a delinquent child for

committing the act that would be a felony or an offense of violence if committed by an adult, found not guilty of the offense, or found not to be a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult, the date of an entry dismissing the charge, an entry declaring a mistrial of the offense in which the person is discharged, an entry finding that the person or child is not competent to stand trial, or an entry of a nolle prosequi, or the date of any other determination that constitutes final resolution of the case;

(e) A statement of the original charge with the section of the Revised Code that was alleged to be violated;

(f) If the person or child was convicted, pleaded guilty, or was adjudicated a delinquent child, the sentence or terms of probation imposed or any other disposition of the offender or the delinquent child.

If the offense involved the disarming of a law enforcement officer or an attempt to disarm a law enforcement officer, the clerk shall clearly state that fact in the summary, and the superintendent shall ensure that a clear statement of that fact is placed in the bureau's records.

(3) The superintendent shall cooperate with and assist sheriffs, chiefs of police, and other law enforcement officers in the establishment of a complete system of criminal identification and in obtaining fingerprints and other means of identification of all persons arrested on a charge of a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or a misdemeanor described in division (A)(1)(a), (A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code and of all children under eighteen years of age

arrested or otherwise taken into custody for committing an act that would be a felony or an offense of violence if committed by an adult. The superintendent also shall file for record the fingerprint impressions of all persons confined in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution for the violation of state laws and of all children under eighteen years of age who are confined in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution or in any facility for delinquent children for committing an act that would be a felony or an offense of violence if committed by an adult, and any other information that the superintendent may receive from law enforcement officials of the state and its political subdivisions.

(4) The superintendent shall carry out Chapter 2950. of the Revised Code with respect to the registration of persons who are convicted of or plead guilty to a sexually oriented offense or a child-victim oriented offense and with respect to all other duties imposed on the bureau under that chapter.

(5) The bureau shall perform centralized recordkeeping functions for criminal history records and services in this state for purposes of the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code and is the criminal history record repository as defined in that section for purposes of that compact. The superintendent or the superintendent's designee is the compact officer for purposes of that compact and shall carry out the responsibilities of the compact officer specified in that compact.

(6) The superintendent shall, upon request, assist a county coroner in the identification of a deceased person through the use of fingerprint impressions obtained pursuant to division (A)(1) of this section or collected pursuant to section 109.572 or 311.41 of the Revised Code.

(B) The superintendent shall prepare and furnish to every county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution and to every clerk of a court in this state specified in division (A)(2) of this section standard forms for reporting the information required under division (A) of this section. The standard forms that the superintendent prepares pursuant to this division may be in a tangible format, in an electronic format, or in both tangible formats and electronic formats.

(C)(1) The superintendent may operate a center for electronic, automated, or other data processing for the storage and retrieval of information, data, and statistics pertaining to criminals and to children under eighteen years of age who are adjudicated delinquent children for committing an act that would be a felony or an offense of violence if committed by an adult, criminal activity, crime prevention, law enforcement, and criminal justice, and may establish and operate a statewide communications network to be known as the Ohio law enforcement gateway to gather and disseminate information, data, and statistics for the use of law enforcement agencies and for other uses specified in this division. The superintendent may gather, store, retrieve, and disseminate information, data, and statistics that pertain to children who are under eighteen years of age and that are gathered pursuant to sections 109.57 to 109.61 of the Revised Code together

with information, data, and statistics that pertain to adults and that are gathered pursuant to those sections.

(2) The superintendent or the superintendent's designee shall gather information of the nature described in division (C)(1) of this section that pertains to the offense and delinquency history of a person who has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense for inclusion in the state registry of sex offenders and child-victim offenders maintained pursuant to division (A)(1) of section 2950.13 of the Revised Code and in the internet database operated pursuant to division (A)(13) of that section and for possible inclusion in the internet database operated pursuant to division (A)(11) of that section.

(3) In addition to any other authorized use of information, data, and statistics of the nature described in division (C)(1) of this section, the superintendent or the superintendent's designee may provide and exchange the information, data, and statistics pursuant to the national crime prevention and privacy compact as described in division (A)(5) of this section.

(4) The Ohio law enforcement gateway shall contain the name, confidential address, and telephone number of program participants in the address confidentiality program established under sections 111.41 to 111.47 of the Revised Code.

(5) The attorney general may adopt rules under Chapter 119. of the Revised Code establishing guidelines for the operation of and participation in the Ohio law enforcement gateway. The rules may include criteria for granting and restricting access to information gathered and disseminated through the Ohio law enforcement gateway. The attorney general shall adopt rules under

Chapter 119. of the Revised Code that grant access to information in the gateway regarding an address confidentiality program participant under sections 111.41 to 111.47 of the Revised Code to only chiefs of police, village marshals, county sheriffs, county prosecuting attorneys, and a designee of each of these individuals. The attorney general shall permit the state medical board and board of nursing to access and view, but not alter, information gathered and disseminated through the Ohio law enforcement gateway.

The attorney general may appoint a steering committee to advise the attorney general in the operation of the Ohio law enforcement gateway that is comprised of persons who are representatives of the criminal justice agencies in this state that use the Ohio law enforcement gateway and is chaired by the superintendent or the superintendent's designee.

(D)(1) The following are not public records under section 149.43 of the Revised Code:

(a) Information and materials furnished to the superintendent pursuant to division (A) of this section;

(b) Information, data, and statistics gathered or disseminated through the Ohio law enforcement gateway pursuant to division (C)(1) of this section;

(c) Information and materials furnished to any board or person under division (F) or (G) of this section.

(2) The superintendent or the superintendent's designee shall gather and retain information so furnished under division (A) of this section that pertains to the offense and delinquency history of a person who has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing a sexually oriented

offense or a child-victim oriented offense for the purposes described in division (C)(2) of this section.

(E)(1) The attorney general shall adopt rules, in accordance with Chapter 119. of the Revised Code and subject to division (E)(2) of this section, setting forth the procedure by which a person may receive or release information gathered by the superintendent pursuant to division (A) of this section. A reasonable fee may be charged for this service. If a temporary employment service submits a request for a determination of whether a person the service plans to refer to an employment position has been convicted of or pleaded guilty to an offense listed or described in division (A)(1), (2), or (3) of section 109.572 of the Revised Code, the request shall be treated as a single request and only one fee shall be charged.

(2) Except as otherwise provided in this division or division (E)(3) or (4) of this section, a rule adopted under division (E)(1) of this section may provide only for the release of information gathered pursuant to division (A) of this section that relates to the conviction of a person, or a person's plea of guilty to, a criminal offense or to the arrest of a person as provided in division (E)(3) of this section. The superintendent shall not release, and the attorney general shall not adopt any rule under division (E)(1) of this section that permits the release of, any information gathered pursuant to division (A) of this section 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, unless 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, 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, that classification has not been removed, and the records of the adjudication or conviction have not been sealed or expunged pursuant to sections 2151.355 to 2151.358 or sealed pursuant to section 2952.32 of the Revised Code.

(3) A rule adopted under division (E)(1) of this section may provide for the release of information gathered pursuant to division (A) of this section that relates to the arrest of a person who is eighteen years of age or older when the person has not been convicted as a result of that arrest if any of the following applies:

(a) The arrest was made outside of this state.

(b) A criminal action resulting from the arrest is pending, and the superintendent confirms that the criminal action has not been resolved at the time the criminal records check is performed.

(c) The bureau cannot reasonably determine whether a criminal action resulting from the arrest is pending, and not more than one year has elapsed since the date of the arrest.

(4) A rule adopted under division (E)(1) of this section may provide for the release of information gathered pursuant to division (A) of this section that relates to an adjudication of a child as a delinquent child if not more than five years have elapsed since the date of the adjudication, the adjudication was

for an act that would have been a felony if committed by an adult, the records of the adjudication have not been sealed or expunged pursuant to sections 2151.355 to 2151.358 of the Revised Code, and the request for information is made under division (F) of this section or under section 109.572 of the Revised Code. In the case of an adjudication for a violation of the terms of community control or supervised release, the five-year period shall be calculated from the date of the adjudication to which the community control or supervised release pertains.

(F)(1) As used in division (F)(2) of this section, "head start agency" means an entity in this state that has been approved to be an agency for purposes of subchapter II of the "Community Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, as amended.

(2)(a) In addition to or in conjunction with any request that is required to be made under section 109.572, 2151.86, 3301.32, 3301.541, division (C) of section 3310.58, or section 3319.39, 3319.391, 3327.10, ~~3701.881~~ 3740.11, 5104.013, 5123.081, or 5153.111 of the Revised Code or that is made under section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the board of education of any school district; the director of developmental disabilities; any county board of developmental disabilities; any provider or subcontractor as defined in section 5123.081 of the Revised Code; the chief administrator of any chartered nonpublic school; the chief administrator of a registered private provider that is not also a chartered nonpublic school; the chief administrator of any home health agency; the chief administrator of or person operating any child day-care center, type A family day-care home, or type B family day-care home licensed under Chapter 5104. of the Revised Code; the chief administrator of any head start agency; the executive director of

a public children services agency; a private company described in section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code; or an employer described in division (J)(2) of section 3327.10 of the Revised Code may request that the superintendent of the bureau investigate and determine, with respect to any individual who has applied for employment in any position after October 2, 1989, or any individual wishing to apply for employment with a board of education may request, with regard to the individual, whether the bureau has any information gathered under division (A) of this section that pertains to that individual. On receipt of the request, subject to division (E)(2) of this section, the superintendent shall determine whether that information exists and, upon request of the person, board, or entity requesting information, also shall request from the federal bureau of investigation any criminal records it has pertaining to that individual. The superintendent or the superintendent's designee also 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. Within thirty days of the date that the superintendent receives a request, subject to division (E)(2) of this section, the superintendent shall send to the board, entity, or person a report of any information that the superintendent determines exists, including information contained in records that have been sealed under section 2953.32 of the Revised Code, and, within thirty days of its receipt, subject to division (E)(2) of this section, shall send the board, entity, or person a report of any information received from the federal bureau of investigation, other than information the dissemination of which is prohibited by federal law.

(b) When a board of education or a registered private

provider is required to receive information under this section as a prerequisite to employment of an individual pursuant to division (C) of section 3310.58 or section 3319.39 of the Revised Code, it may accept a certified copy of records that were issued by the bureau of criminal identification and investigation and that are presented by an individual applying for employment with the district in lieu of requesting that information itself. In such a case, the board shall accept the certified copy issued by the bureau in order to make a photocopy of it for that individual's employment application documents and shall return the certified copy to the individual. In a case of that nature, a district or provider only shall accept a certified copy of records of that nature within one year after the date of their issuance by the bureau.

(c) Notwithstanding division (F)(2)(a) of this section, in the case of a request under section 3319.39, 3319.391, or 3327.10 of the Revised Code only for criminal records maintained by the federal bureau of investigation, the superintendent shall not determine whether any information gathered under division (A) of this section exists on the person for whom the request is made.

(3) The state board of education may request, with respect to any individual who has applied for employment after October 2, 1989, in any position with the state board or the department of education, any information that a school district board of education is authorized to request under division (F)(2) of this section, and the superintendent of the bureau shall proceed as if the request has been received from a school district board of education under division (F)(2) of this section.

(4) When the superintendent of the bureau receives a request for information under section 3319.291 of the Revised Code, the

superintendent shall proceed as if the request has been received from a school district board of education and shall comply with divisions (F)(2)(a) and (c) of this section.

(G) In addition to or in conjunction with any request that is required to be made under section ~~3701.881,~~ 3712.09, ~~or~~ 3721.121, or 3740.11 of the Revised Code with respect to an individual who has applied for employment in a position that involves providing direct care to an older adult or adult resident, the chief administrator of a home health agency, hospice care program, home licensed under Chapter 3721. of the Revised Code, or adult day-care program operated pursuant to rules adopted under section 3721.04 of the Revised Code may request that the superintendent of the bureau investigate and determine, with respect to any individual who has applied after January 27, 1997, for employment in a position that does not involve providing direct care to an older adult or adult resident, whether the bureau has any information gathered under division (A) of this section that pertains to that individual.

In addition to or in conjunction with any request that is required to be made under section 173.27 of the Revised Code with respect to an individual who has applied for employment in a position that involves providing ombudsman services to residents of long-term care facilities or recipients of community-based long-term care services, the state long-term care ombudsman, the director of aging, a regional long-term care ombudsman program, or the designee of the ombudsman, director, or program may request that the superintendent investigate and determine, with respect to any individual who has applied for employment in a position that does not involve providing such ombudsman services, whether the bureau has any information gathered under division (A) of this section that pertains to that applicant.

In addition to or in conjunction with any request that is required to be made under section 173.38 of the Revised Code with respect to an individual who has applied for employment in a direct-care position, the chief administrator of a provider, as defined in section 173.39 of the Revised Code, may request that the superintendent investigate and determine, with respect to any individual who has applied for employment in a position that is not a direct-care position, whether the bureau has any information gathered under division (A) of this section that pertains to that applicant.

In addition to or in conjunction with any request that is required to be made under section 3712.09 of the Revised Code with respect to an individual who has applied for employment in a position that involves providing direct care to a pediatric respite care patient, the chief administrator of a pediatric respite care program may request that the superintendent of the bureau investigate and determine, with respect to any individual who has applied for employment in a position that does not involve providing direct care to a pediatric respite care patient, whether the bureau has any information gathered under division (A) of this section that pertains to that individual.

On receipt of a request under this division, the superintendent shall determine whether that information exists and, on request of the individual requesting information, shall also request from the federal bureau of investigation any criminal records it has pertaining to the applicant. The superintendent or the superintendent's designee also 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. Within thirty days of the date a request is received, subject to division (E)(2) of this

section, the superintendent shall send to the requester a report of any information determined to exist, including information contained in records that have been sealed under section 2953.32 of the Revised Code, and, within thirty days of its receipt, shall send the requester a report of any information received from the federal bureau of investigation, other than information the dissemination of which is prohibited by federal law.

(H) Information obtained by a government entity or person under this section is confidential and shall not be released or disseminated.

(I) The superintendent may charge a reasonable fee for providing information or criminal records under division (F)(2) or (G) of this section.

(J) As used in this section:

(1) "Pediatric respite care program" and "pediatric care patient" have the same meanings as in section 3712.01 of the Revised Code.

(2) "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code.

(3) "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."

In line 1655, strike through "3701.881" and insert "3740.11"

In line 2010, strike through "3701.881" and insert "3740.11"

After line 11001, 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.

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

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

(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.

(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.

(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.

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

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

(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.

(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.

(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.

(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~~ 3740.11 of the Revised Code or to any individual who is subject to a criminal records check under section 3721.121 of the Revised Code.

(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 abused, neglected, or exploited 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 developmental disabilities 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 before conditionally employing the applicant.

(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 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~~ 3740.11 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 September 15, 2014.

(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 abused, neglected, or exploited 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 developmental disabilities 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."

After line 14680, insert:

"**Sec. 1337.11.** As used in sections 1337.11 to 1337.17 of the Revised Code:

(A) "Adult" means a person who is eighteen years of age or older.

(B) "Attending physician" means the physician to whom a principal or the family of a principal has assigned primary responsibility for the treatment or care of the principal or, if the responsibility has not been assigned, the physician who has accepted that responsibility.

(C) "Comfort care" means any of the following:

(1) Nutrition when administered to diminish the pain or discomfort of a principal, but not to postpone death;

(2) Hydration when administered to diminish the pain or discomfort of a principal, but not to postpone death;

(3) Any other medical or nursing procedure, treatment, intervention, or other measure that is taken to diminish the pain or discomfort of a principal, but not to postpone death.

(D) "Consulting physician" means a physician who, in

conjunction with the attending physician of a principal, makes one or more determinations that are required to be made by the attending physician, or to be made by the attending physician and one other physician, by an applicable provision of sections 1337.11 to 1337.17 of the Revised Code, to a reasonable degree of medical certainty and in accordance with reasonable medical standards.

(E) "Declaration for mental health treatment" has the same meaning as in section 2135.01 of the Revised Code.

(F) "Guardian" means a person appointed by a probate court pursuant to Chapter 2111. of the Revised Code to have the care and management of the person of an incompetent.

(G) "Health care" means any care, treatment, service, or procedure to maintain, diagnose, or treat an individual's physical or mental condition or physical or mental health.

(H) "Health care decision" means informed consent, refusal to give informed consent, or withdrawal of informed consent to health care.

(I) "Health care facility" means any of the following:

(1) A hospital;

(2) A hospice care program, pediatric respite care program, or other institution that specializes in comfort care of patients in a terminal condition or in a permanently unconscious state;

(3) A nursing home;

(4) A home health agency;

(5) An intermediate care facility for individuals with intellectual disabilities;

(6) A regulated community mental health organization.

(J) "Health care personnel" means physicians, nurses, physician assistants, emergency medical technicians-basic, emergency medical technicians-intermediate, emergency medical technicians-paramedic, medical technicians, dietitians, other authorized persons acting under the direction of an attending physician, and administrators of health care facilities.

(K) "Home health agency" has the same meaning as in section ~~3701.881~~ 3740.01 of the Revised Code.

(L) "Hospice care program" and "pediatric respite care program" have the same meanings as in section 3712.01 of the Revised Code.

(M) "Hospital" has the same meanings as in sections 3701.01, 3727.01, and 5122.01 of the Revised Code.

(N) "Hydration" means fluids that are artificially or technologically administered.

(O) "Incompetent" has the same meaning as in section 2111.01 of the Revised Code.

(P) "Intermediate care facility for individuals with intellectual disabilities" has the same meaning as in section 5124.01 of the Revised Code.

(Q) "Life-sustaining treatment" means any medical procedure, treatment, intervention, or other measure that, when administered to a principal, will serve principally to prolong the process of dying.

(R) "Medical claim" has the same meaning as in section 2305.113 of the Revised Code.

(S) "Mental health treatment" has the same meaning as in section 2135.01 of the Revised Code.

(T) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code.

(U) "Nutrition" means sustenance that is artificially or technologically administered.

(V) "Permanently unconscious state" means a state of permanent unconsciousness in a principal that, to a reasonable degree of medical certainty as determined in accordance with reasonable medical standards by the principal's attending physician and one other physician who has examined the principal, is characterized by both of the following:

(1) Irreversible unawareness of one's being and environment.

(2) Total loss of cerebral cortical functioning, resulting in the principal having no capacity to experience pain or suffering.

(W) "Person" has the same meaning as in section 1.59 of the Revised Code and additionally includes political subdivisions and governmental agencies, boards, commissions, departments, institutions, offices, and other instrumentalities.

(X) "Physician" means a person who is authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(Y) "Political subdivision" and "state" have the same meanings as in section 2744.01 of the Revised Code.

(Z) "Professional disciplinary action" means action taken by the board or other entity that regulates the professional conduct of health care personnel, including the state medical board and the board of nursing.

(AA) "Regulated community mental health organization" means a residential facility as defined and licensed under section 5119.34

of the Revised Code or a community mental health services provider as defined in section 5122.01 of the Revised Code.

(BB) "Terminal condition" means an irreversible, incurable, and untreatable condition caused by disease, illness, or injury from which, to a reasonable degree of medical certainty as determined in accordance with reasonable medical standards by a principal's attending physician and one other physician who has examined the principal, both of the following apply:

(1) There can be no recovery.

(2) Death is likely to occur within a relatively short time if life-sustaining treatment is not administered.

(CC) "Tort action" means a civil action for damages for injury, death, or loss to person or property, other than a civil action for damages for a breach of contract or another agreement between persons."

After line 18035, insert:

"**Sec. 2133.01.** Unless the context otherwise requires, as used in sections 2133.01 to 2133.15 of the Revised Code:

(A) "Adult" means an individual who is eighteen years of age or older.

(B) "Attending physician" means the physician to whom a declarant or other patient, or the family of a declarant or other patient, has assigned primary responsibility for the treatment or care of the declarant or other patient, or, if the responsibility has not been assigned, the physician who has accepted that responsibility.

(C) "Comfort care" means any of the following:

(1) Nutrition when administered to diminish the pain or discomfort of a declarant or other patient, but not to postpone the declarant's or other patient's death;

(2) Hydration when administered to diminish the pain or discomfort of a declarant or other patient, but not to postpone the declarant's or other patient's death;

(3) Any other medical or nursing procedure, treatment, intervention, or other measure that is taken to diminish the pain or discomfort of a declarant or other patient, but not to postpone the declarant's or other patient's death.

(D) "Consulting physician" means a physician who, in conjunction with the attending physician of a declarant or other patient, makes one or more determinations that are required to be made by the attending physician, or to be made by the attending physician and one other physician, by an applicable provision of this chapter, to a reasonable degree of medical certainty and in accordance with reasonable medical standards.

(E) "Declarant" means any adult who has executed a declaration in accordance with section 2133.02 of the Revised Code.

(F) "Declaration" means a written document executed in accordance with section 2133.02 of the Revised Code.

(G) "Durable power of attorney for health care" means a document created pursuant to sections 1337.11 to 1337.17 of the Revised Code.

(H) "Guardian" means a person appointed by a probate court pursuant to Chapter 2111. of the Revised Code to have the care and management of the person of an incompetent.

(I) "Health care facility" means any of the following:

(1) A hospital;

(2) A hospice care program, pediatric respite care program, or other institution that specializes in comfort care of patients in a terminal condition or in a permanently unconscious state;

(3) A nursing home or residential care facility, as defined in section 3721.01 of the Revised Code;

(4) A home health agency and any residential facility where a person is receiving care under the direction of a home health agency;

(5) An intermediate care facility for individuals with intellectual disabilities.

(J) "Health care personnel" means physicians, nurses, physician assistants, emergency medical technicians-basic, emergency medical technicians-intermediate, emergency medical technicians-paramedic, medical technicians, dietitians, other authorized persons acting under the direction of an attending physician, and administrators of health care facilities.

(K) "Home health agency" has the same meaning as in section ~~3701.881~~ 3740.01 of the Revised Code.

(L) "Hospice care program" and "pediatric respite care program" have the same meanings as in section 3712.01 of the Revised Code.

(M) "Hospital" has the same meanings as in sections 3701.01, 3727.01, and 5122.01 of the Revised Code.

(N) "Hydration" means fluids that are artificially or technologically administered.

(O) "Incompetent" has the same meaning as in section 2111.01 of the Revised Code.

(P) "Intermediate care facility for the individuals with intellectual disabilities" has the same meaning as in section 5124.01 of the Revised Code.

(Q) "Life-sustaining treatment" means any medical procedure, treatment, intervention, or other measure that, when administered to a qualified patient or other patient, will serve principally to prolong the process of dying.

(R) "Nurse" means a person who is licensed to practice nursing as a registered nurse or to practice practical nursing as a licensed practical nurse pursuant to Chapter 4723. of the Revised Code.

(S) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code.

(T) "Nutrition" means sustenance that is artificially or technologically administered.

(U) "Permanently unconscious state" means a state of permanent unconsciousness in a declarant or other patient that, to a reasonable degree of medical certainty as determined in accordance with reasonable medical standards by the declarant's or other patient's attending physician and one other physician who has examined the declarant or other patient, is characterized by both of the following:

(1) Irreversible unawareness of one's being and environment.

(2) Total loss of cerebral cortical functioning, resulting in the declarant or other patient having no capacity to experience pain or suffering.

(V) "Person" has the same meaning as in section 1.59 of the Revised Code and additionally includes political subdivisions and governmental agencies, boards, commissions, departments,

institutions, offices, and other instrumentalities.

(W) "Physician" means a person who is authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(X) "Political subdivision" and "state" have the same meanings as in section 2744.01 of the Revised Code.

(Y) "Professional disciplinary action" means action taken by the board or other entity that regulates the professional conduct of health care personnel, including the state medical board and the board of nursing.

(Z) "Qualified patient" means an adult who has executed a declaration and has been determined to be in a terminal condition or in a permanently unconscious state.

(AA) "Terminal condition" means an irreversible, incurable, and untreatable condition caused by disease, illness, or injury from which, to a reasonable degree of medical certainty as determined in accordance with reasonable medical standards by a declarant's or other patient's attending physician and one other physician who has examined the declarant or other patient, both of the following apply:

(1) There can be no recovery.

(2) Death is likely to occur within a relatively short time if life-sustaining treatment is not administered.

(BB) "Tort action" means a civil action for damages for injury, death, or loss to person or property, other than a civil action for damages for breach of a contract or another agreement between persons."

After line 19442, insert:

"**Sec. 2317.54.** No hospital, home health agency, ambulatory surgical facility, or provider of a hospice care program or pediatric respite care program shall be held liable for a physician's failure to obtain an informed consent from the physician's patient prior to a surgical or medical procedure or course of procedures, unless the physician is an employee of the hospital, home health agency, ambulatory surgical facility, or provider of a hospice care program or pediatric respite care program.

Written consent to a surgical or medical procedure or course of procedures shall, to the extent that it fulfills all the requirements in divisions (A), (B), and (C) of this section, be presumed to be valid and effective, in the absence of proof by a preponderance of the evidence that the person who sought such consent was not acting in good faith, or that the execution of the consent was induced by fraudulent misrepresentation of material facts, or that the person executing the consent was not able to communicate effectively in spoken and written English or any other language in which the consent is written. Except as herein provided, no evidence shall be admissible to impeach, modify, or limit the authorization for performance of the procedure or procedures set forth in such written consent.

(A) The consent sets forth in general terms the nature and purpose of the procedure or procedures, and what the procedures are expected to accomplish, together with the reasonably known risks, and, except in emergency situations, sets forth the names of the physicians who shall perform the intended surgical procedures.

(B) The person making the consent acknowledges that such disclosure of information has been made and that all questions

asked about the procedure or procedures have been answered in a satisfactory manner.

(C) The consent is signed by the patient for whom the procedure is to be performed, or, if the patient for any reason including, but not limited to, competence, minority, or the fact that, at the latest time that the consent is needed, the patient is under the influence of alcohol, hallucinogens, or drugs, lacks legal capacity to consent, by a person who has legal authority to consent on behalf of such patient in such circumstances, including either of the following:

(1) The parent, whether the parent is an adult or a minor, of the parent's minor child;

(2) An adult whom the parent of the minor child has given written authorization to consent to a surgical or medical procedure or course of procedures for the parent's minor child.

Any use of a consent form that fulfills the requirements stated in divisions (A), (B), and (C) of this section has no effect on the common law rights and liabilities, including the right of a physician to obtain the oral or implied consent of a patient to a medical procedure, that may exist as between physicians and patients on July 28, 1975.

As used in this section the term "hospital" has the same meaning as in section 2305.113 of the Revised Code; ~~"home health agency" has the same meaning as in section 3701.881 of the Revised Code;~~ "ambulatory surgical facility" has the same meaning as in section 3702.30 of the Revised Code; ~~and~~ "hospice care program" and "pediatric respite care program" have the same meanings as in section 3712.01 of the Revised Code<u>, and "home health agency" has the same meaning as in section 3740.01 of the Revised Code</u>. The provisions of this division apply to hospitals, doctors of

medicine, doctors of osteopathic medicine, and doctors of podiatric medicine."

After line 39307, insert:

"**Sec. 3701.362.** (A) Each of the health care facilities and providers identified in division (B) of this section shall do both of the following:

(1) Establish a system for identifying patients or residents who could benefit from palliative care;

(2) Provide information on palliative care to patients and residents who could benefit from palliative care.

(B) Division (A) of this section applies to all of the following:

(1) A hospital registered under section 3701.07 of the Revised Code;

(2) An ambulatory surgical facility, as defined in section 3702.30 of the Revised Code;

(3) A nursing home, residential care facility, county home, or district home, as defined in section 3721.01 of the Revised Code;

(4) A veterans' home operated under Chapter 5907. of the Revised Code;

(5) A hospice care program or pediatric respite care program, as defined in section 3712.01 of the Revised Code;

(6) A home health agency, as defined in section ~~3701.881~~ 3740.01 of the Revised Code."

After line 39596, insert:

"**Sec. 3701.916.** (A) As used in this section, "direct care" and "home health agency" have the same meanings as in section ~~3701.881~~ 3740.01 of the Revised Code.

(B) For the purpose of identifying jobs that are in demand in this state under section 6301.11 of the Revised Code, direct care provided by a home health agency shall be considered a targeted industry sector as identified by the governor's office of workforce transformation.

(C) The director of job and family services shall review the criteria for any program that provides occupational training, adult education, or career pathway assistance through a grant or other source of funding to determine whether an employee of a home health agency may participate in the program, and, to the extent possible, make any necessary changes to the criteria to allow a home health agency employee to participate in the program."

In line 40234, delete "that is licensed as a residential care facility"

In line 40236, delete "facility's" and insert "home's"

After line 41753, insert:

"**Sec. 3740.01.** As used in this chapter:

(A) "Community-based long-term care provider" means a provider, as defined in section 173.39 of the Revised Code.

(B) "Community-based long-term care subcontractor" means a subcontractor, as defined in section 173.38 of the Revised Code.

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

(D) "Direct care" means any of the following:

(1) Any service identified in divisions (G)(1) to (6) of this section that is provided in a patient's place of residence used as the patient's home;

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

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

(E) "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.

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

(G) "Home health agency" means a person or government entity, other than a nursing home, residential care facility, hospice care program, pediatric respite care program, informal respite care provider, provider certified by the department of developmental disabilities under Chapter 5123. of the Revised Code, residential facility, shared living provider, or immediate family member, that has the primary function of providing any of the following services to a patient at a place of residence used as the patient's home:

(1) Skilled nursing care;

(2) Physical therapy;

(3) Occupational therapy;

(4) Speech-language pathology;

(5) Medical social services;

(6) Home health aide services.

(H) "Home health aide services" means any of the following services provided by an employee of a home health agency:

(1) Hands-on bathing or assistance with a tub bath or shower;

(2) Assistance with dressing, ambulation, and toileting;

(3) Catheter care but not insertion;

(4) Meal preparation and feeding.

(I) "Hospice care program" and "pediatric respite care program" have the same meanings as in section 3712.01 of the Revised Code.

(J) "Immediate family member" means a parent, stepparent, grandparent, legal guardian, grandchild, brother, sister, stepsibling, spouse, son, daughter, stepchild, aunt, uncle, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, and daughter-in-law.

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

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

(M) "Nonagency provider" means a person who provides direct care to an individual on a self-employed basis and does not employ, directly or through contract, another person to provide the services. "Nonagency provider" does not include any of the

following:

(1) A caregiver who is an immediate family member of the individual receiving direct care;

(2) A person who provides direct care to not more than two individuals who are not immediate family members of the care provider;

(3) A volunteer;

(4) A person who is certified under section 5104.12 of the Revised Code to provide publicly funded child care as an in-home aide;

(5) A person who provides privately funded child care;

(6) A caregiver who is certified by the department of developmental disabilities under Chapter 5123. of the Revised Code.

(N) "Nonmedical home health services" means any of the following:

(1) Any service identified in divisions (H)(1) to (4) of this section;

(2) Personal care services;

(3) Any other service the director of health designates as a nonmedical home health service in rules adopted under section 3740.10 of the Revised Code.

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

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

(Q) "Personal care services" means any of the following provided to an individual in the individual's home or community:

(1) Hands-on assistance with activities of daily living and instrumental activities of daily living, when incidental to assistance with activities of daily living;

(2) Assistance managing the individual's home and handling personal affairs;

(3) Assistance with self-administration of medications;

(4) Homemaker services when incidental to any of the services identified in divisions (Q)(1) to (3) of this section or when essential to the health and welfare of the individual specifically, not the individual's family;

(5) Respite services for the individual's caregiver;

(6) Errands completed outside of the presence of the individual if needed to maintain the individual's health and safety, including picking up prescriptions and groceries.

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

(S) "Residential facility" has the same meaning as in section 5123.19 of the Revised Code.

(T) "Skilled home health services" means any of the following:

(1) Any service identified in divisions (G)(1) to (5) of this section;

(2) Any other service the director of health designates as a skilled home health service in rules adopted under section 3740.10 of the Revised Code.

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

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

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

Sec. 3740.02. Beginning one year after the effective date of this section:

(A)(1) No home health agency shall do either of the following unless the agency holds a current, valid license to provide skilled home health services issued under this chapter:

(a) Provide skilled home health services through one or more employees;

(b) Hold the agency, or any employee of the agency, out as a provider of skilled home health services.

(2) No home health agency shall do either of the following unless the agency holds either a current, valid license to provide nonmedical home health services, or a current, valid license to provide skilled home health services, issued under this chapter:

(a) Provide nonmedical home health services through one or more employees;

(b) Hold the agency, or any employee of the agency, out as a provider of nonmedical home health services.

(B)(1) No nonagency provider shall do either of the following unless the provider holds a current, valid license to provide skilled home health services issued under this chapter:

(a) Provide skilled home health services;

(b) Hold oneself out as a provider of skilled home health services.

(2) No nonagency provider shall do either of the following unless the provider holds either a current, valid license to provide nonmedical home health services, or a current, valid license to provide skilled home health services, issued under this chapter:

(a) Provide nonmedical home health services;

(b) Hold oneself out as a provider of nonmedical home health services.

Sec. 3740.03. (A)(1) A home health agency or nonagency provider seeking to provide skilled home health services shall apply to the department of health for a skilled home health services license. The application shall include all of the following:

(a) Evidence that the agency or provider meets one of the following:

(i) Is certified for participation in the medicare program;

(ii) Is accredited by the accreditation commission for health care, the community health accreditation partner, the joint commission, or another national accreditation organization approved by the United States centers for medicare and medicaid services and recognized by the department pursuant to rules adopted under section 3740.10 of the Revised Code;

(iii) Is certified by the department of aging under section 173.391 of the Revised Code to provide community-based long-term care services;

(iv) Otherwise meets medicare conditions of participation, even though not certified for participation in the medicare program.

(b) Evidence that the applicant was providing direct care on or immediately prior to the effective date of this section, or if the applicant was not providing direct care immediately prior to the effective date of this section, a surety bond issued by a company licensed to do business in this state in the amount of fifty thousand dollars.

(c) An application fee in the amount of two hundred fifty dollars.

(2) An applicant applying on the basis of division (A)(1)(a)(iv) of this section shall provide documentation and comply with conditions as prescribed by rules adopted under section 3740.10 of the Revised Code.

(B)(1) Except as provided in division (B)(2) of this section, a home health agency or nonagency provider seeking to provide nonmedical home health services shall apply to the department of health for a nonmedical home health services license. Except as provided in division (B)(3) of this section, the application shall include all of the following:

(a) Fingerprint impressions of the primary owner of the home health agency or of the nonagency provider;

(b) Copies of any documents filed and recorded with the secretary of state;

(c) A notarized affidavit verifying the identity of the applicant;

(d) If the applicant is a home health agency, a copy of the agency's criminal records check policy;

(e) A statement identifying the days and hours of operation for the applicant;

(f) A description of the nonmedical home health services to be provided, and any policies and procedures related to those services, if applicable;

(g) Identification of the applicant's primary place of business and a description of the geographic area to be served;

(h) Evidence that the applicant was providing direct care on or immediately prior to the effective date of this section, or if the applicant was not providing direct care immediately prior to the effective date of this section, a surety bond issued by a company licensed to do business in this state in the amount of twenty thousand dollars;

(i) An application fee in the amount of two hundred fifty dollars.

(2) A home health agency or nonagency provider that holds a skilled home health services license issued under division (A) of this section may provide nonmedical home health services without obtaining a nonmedical home health services license.

(3) The director of health shall waive receipt of the items identified in divisions (B)(1)(a) to (g) of this section if the agency or provider submits evidence that the agency or provider is certified by the department of aging under section 173.391 of the Revised Code to provide community-based long-term care services.

(C) An applicant under this section shall use the application form prescribed by rules adopted under section 3740.10 of the Revised Code and comply with license procedures established by those rules.

Sec. 3740.04. The department of health shall review each license application received under section 3740.03 of the Revised Code. The department's review of the application shall include a site visit for each applicant seeking a license on the basis of division (A)(1)(a)(i) of section 3740.03 of the Revised Code to verify that medicare conditions of participation are met, unless the applicant has already had such a site visit within the five-year period immediately preceding the date of the application.

Except as provided in section 3740.07 of the Revised Code, the department shall issue the appropriate license to an applicant if the applicant has paid the application fee and demonstrated to the department's satisfaction that the requirements established under section 3740.03 of the Revised Code are met.

Sec. 3740.05. (A) Except as provided in section 3740.07 of the Revised Code and in division (B) of this section, a license issued under section 3740.04 of the Revised Code is valid for three years. A person seeking to renew the license shall apply to the department of health using a license renewal form prescribed by rules adopted under section 3740.10 of the Revised Code and comply with any renewal application procedures established by those rules. The department shall review each application for license renewal and shall renew the license for three years if the applicant has paid the renewal fee of two hundred fifty dollars and demonstrated to the department's satisfaction that the applicant continues to meet the requirements established in section 3740.03 of the Revised Code.

(B) The department may adjust an initial license renewal date to align renewal of a license issued under this chapter with the

renewal of a certification or accreditation identified in divisions (A)(1)(a)(i) to (iii) of section 3740.03 of the Revised Code.

Sec. 3740.07. (A) For any of the reasons established in rules adopted under section 3740.10 of the Revised Code, the department of health may take one or more of the following actions, as applicable, with respect to an applicant for or the holder of a license under this chapter:

(1) Refuse to issue a license;

(2) Refuse to renew or reinstate the holder's license;

(3) Impose limitations on the holder's license;

(4) Revoke or suspend the holder's license;

(5) Place the license holder on probation with regard to the holder's license or otherwise reprimand the license holder.

(B) All actions taken under this section shall be taken in accordance with Chapter 119. of the Revised Code.

Sec. 3740.10. (A) The director of health shall adopt rules as the director considers necessary to implement this chapter, including rules that do all of the following:

(1) Prescribe license application forms and procedures;

(2) Specify the documentation that must be provided and conditions that must be met by an applicant seeking a license on the basis of division (A)(1)(a)(iv) of section 3740.03 of the Revised Code;

(3) Prescribe license renewal application forms and procedures;

(4) Establish the reasons for which the department of health may take action under section 3740.07 of the Revised Code;

(5) Processes for dispute resolution and appeals related to licensing disputes.

(B) All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code. In addition, the rules shall be adopted in consultation with the director of aging and medicaid director.

Sec. ~~3701.881~~ 3740.11. (A) As used in this section~~:~~

~~(1) "Applicant"~~, "applicant" means a person who is under final consideration for employment with a home health agency in a full-time, part-time, or temporary position that involves providing direct care to an individual or is referred to a home health agency by an employment service for such a position.

~~(2) "Community-based long-term care provider" means a provider as defined in section 173.39 of the Revised Code.~~

~~(3) "Community-based long-term care subcontractor" means a subcontractor as defined in section 173.38 of the Revised Code.~~

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

~~(5) "Direct care" means any of the following:~~

~~(a) Any service identified in divisions (A)(8)(a) to (f) of this section that is provided in a patient's place of residence used as the patient's home;~~

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

~~regarding a patient;~~

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

~~(6) "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.~~

~~(7) "Employee" means a person employed by a home health agency in a full-time, part-time, or temporary position that involves providing direct care to an individual and a person who works in such a position due to being referred to a home health agency by an employment service.~~

~~(8) "Home health agency" means a person or government entity, other than a nursing home, residential care facility, hospice care program, or pediatric respite care program, that has the primary function of providing any of the following services to a patient at a place of residence used as the patient's home:~~

~~(a) Skilled nursing care;~~

~~(b) Physical therapy;~~

~~(c) Speech-language pathology;~~

~~(d) Occupational therapy;~~

~~(e) Medical social services;~~

~~(f) Home health aide services.~~

~~(9) "Home health aide services" means any of the following services provided by an employee of a home health agency:~~

~~(a) Hands-on bathing or assistance with a tub bath or shower;~~

~~(b) Assistance with dressing, ambulation, and toileting;~~

~~(c) Catheter care but not insertion;~~

~~(d) Meal preparation and feeding.~~

~~(10) "Hospice care program" and "pediatric respite care program" have the same meanings as in section 3712.01 of the Revised Code.~~

~~(11) "Medical social services" means services provided by a social worker under the direction of a patient's attending physician.~~

~~(12) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.~~

~~(13) "Nursing home," "residential care facility," and "skilled nursing care" have the same meanings as in section 3721.01 of the Revised Code.~~

~~(14) "Occupational therapy" has the same meaning as in section 4755.04 of the Revised Code.~~

~~(15) "Physical therapy" has the same meaning as in section 4755.40 of the Revised Code.~~

~~(16) "Social worker" means a person licensed under Chapter 4757. of the Revised Code to practice as a social worker or independent social worker.~~

~~(17) "Speech-language pathology" has the same meaning as in section 4753.01 of the Revised Code.~~

~~(18) "Waiver agency" has the same meaning as in section 5164.342 of the Revised Code.~~

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

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

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

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

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

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

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

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

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

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

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

(1) The excluded parties list system 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 developmental disabilities employees established under section 5123.52 of the Revised Code;

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

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

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

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

(E)(1) As a condition of employing any applicant in a position that involves providing direct care to an individual, the chief administrator of a home health agency shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check of the applicant. If rules adopted under this section so require, the chief administrator of a home health agency shall request the superintendent to conduct a criminal records check of an employee at times specified in the rules as a condition of continuing to employ the employee in a position that involves providing direct care to an individual. However, the chief administrator is not required to request the criminal records check of the applicant or

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

(2) 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 each applicant and employee;

(c) Forward the completed form and standard impression sheet to the superintendent at the time the chief administrator requests

the criminal records check.

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

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

(b) The medicaid program does not reimburse the home health agency for the fee it pays to the bureau under this section.

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

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

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

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

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

(G)(1) A home health agency may employ conditionally an applicant for whom a criminal records check request is required by this section before obtaining the results of the criminal records check if the agency is not prohibited by division (B) of this section from employing the applicant in a position that involves providing direct care to an individual and either of the following applies:

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

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

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

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

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

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

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

(3) A home health agency that employs an applicant conditionally pursuant to division (G)(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 home health agency shall terminate the applicant's employment unless circumstances specified in rules adopted under this section that permit the agency to employ the applicant exist and the agency chooses to employ the 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 home health

agency about the applicant's criminal record.

(H) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under 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 home health agency requesting the criminal records check or its representative;

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

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

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

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

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

(b) In the case of a criminal records check requested by an

employment service, the employment service makes the request for an applicant or employee the employment service refers to a home health agency that also is a community-based long-term care provider or community-based long-term care subcontractor.

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

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

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

(8) Any court, hearing officer, or other necessary individual involved in a case dealing with 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.

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

(1) If the home health agency employed the applicant or employee in good faith and reasonable reliance on the report of a

criminal records check requested under this section, the agency shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate.

(2) If the home health agency employed the applicant in good faith on a conditional basis pursuant to division (G) of this section, the agency 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 home health agency in good faith employed the applicant or employee according to the personal character standards established in rules adopted under this section, the agency shall not be found negligent solely because the applicant or employee had been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

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

(1) The rules may do the following:

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

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

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

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

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

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

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

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

Sec. 3740.99. Whoever violates section 3740.02 of the Revised Code is guilty of a misdemeanor of the second degree on a first offense; for each subsequent offense, the person is guilty of a misdemeanor of the first degree."

After line 50889, insert:

"**Sec. 4715.36.** As used in this section and sections 4715.361 to 4715.374 of the Revised Code:

(A) "Accredited dental hygiene school" means a dental hygiene school accredited by the American dental association commission on dental accreditation or a dental hygiene school whose educational standards are recognized by the American dental association

commission on dental accreditation and approved by the state dental board.

(B) "Authorizing dentist" means a dentist who authorizes a dental hygienist to perform dental hygiene services under section 4715.365 of the Revised Code.

(C) "Clinical evaluation" means a diagnosis and treatment plan formulated for an individual patient by a dentist.

(D) "Dentist" means an individual licensed under this chapter to practice dentistry.

(E) "Dental hygienist" means an individual licensed under this chapter to practice as a dental hygienist.

(F) "Dental hygiene services" means the prophylactic, preventive, and other procedures that dentists are authorized by this chapter and rules of the state dental board to assign to dental hygienists, except for procedures while a patient is anesthetized, definitive root planing, definitive subgingival curettage, the administration of local anesthesia, and the procedures specified in rules adopted by the board as described in division (C)(3) of section 4715.22 of the Revised Code.

(G) "Facility" means any of the following:

(1) A health care facility, as defined in section 4715.22 of the Revised Code;

(2) A state correctional institution, as defined in section 2967.01 of the Revised Code;

(3) A comprehensive child development program that receives funds distributed under the "Head Start Act," 95 Stat. 499 (1981), 42 U.S.C. 9831, as amended, and is licensed as a child day-care center;

(4) A residential facility licensed under section 5123.19 of the Revised Code;

(5) A public school, as defined in section 3701.93 of the Revised Code, located in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code;

(6) A nonpublic school, as defined in section 3701.93 of the Revised Code, located in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code;

(7) A federally qualified health center or federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;

(8) A shelter for victims of domestic violence, as defined in section 3113.33 of the Revised Code;

(9) A facility operated by the department of youth services under Chapter 5139. of the Revised Code;

(10) A foster home, as defined in section 5103.02 of the Revised Code;

(11) A nonprofit clinic, as defined in section 3715.87 of the Revised Code;

(12) The residence of one or more individuals receiving services provided by a home health agency, as defined in section ~~3701.881~~ 3740.11 of the Revised Code;

(13) A dispensary;

(14) A health care facility, such as a clinic or hospital, of the United States department of veterans affairs;

(15) The residence of one or more individuals enrolled in a

home and community-based services medicaid waiver component, as defined in section 5166.01 of the Revised Code;

(16) A facility operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;

(17) A women, infants, and children clinic;

(18) A mobile dental facility, as defined in section 4715.70 of the Revised Code, located at any location listed in divisions (G)(1) to (17) of this section;

(19) Any other location, as specified by the state dental board in rules adopted under section 4715.372 of the Revised Code, that is in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code and provides health care services to individuals who are medicaid recipients and to indigent and uninsured persons, as defined in section 2305.234 of the Revised Code.

Sec. 4719.01. (A) As used in sections 4719.01 to 4719.18 of the Revised Code:

(1) "Affiliate" means a business entity that is owned by, operated by, controlled by, or under common control with another business entity.

(2) "Communication" means a written or oral notification or advertisement that meets both of the following criteria, as applicable:

(a) The notification or advertisement is transmitted by or on behalf of the seller of goods or services and by or through any printed, audio, video, cinematic, telephonic, or electronic means.

(b) In the case of a notification or advertisement other than

by telephone, either of the following conditions is met:

(i) The notification or advertisement is followed by a telephone call from a telephone solicitor or salesperson.

(ii) The notification or advertisement invites a response by telephone, and, during the course of that response, a telephone solicitor or salesperson attempts to make or makes a sale of goods or services. As used in division (A)(2)(b)(ii) of this section, "invites a response by telephone" excludes the mere listing or inclusion of a telephone number in a notification or advertisement.

(3) "Gift, award, or prize" means anything of value that is offered or purportedly offered, or given or purportedly given by chance, at no cost to the receiver and with no obligation to purchase goods or services. As used in this division, "chance" includes a situation in which a person is guaranteed to receive an item and, at the time of the offer or purported offer, the telephone solicitor does not identify the specific item that the person will receive.

(4) "Goods or services" means any real property or any tangible or intangible personal property, or services of any kind provided or offered to a person. "Goods or services" includes, but is not limited to, advertising; labor performed for the benefit of a person; personal property intended to be attached to or installed in any real property, regardless of whether it is so attached or installed; timeshare estates or licenses; and extended service contracts.

(5) "Purchaser" means a person that is solicited to become or does become financially obligated as a result of a telephone solicitation.

(6) "Salesperson" means an individual who is employed, appointed, or authorized by a telephone solicitor to make telephone solicitations but does not mean any of the following:

(a) An individual who comes within one of the exemptions in division (B) of this section;

(b) An individual employed, appointed, or authorized by a person who comes within one of the exemptions in division (B) of this section;

(c) An individual under a written contract with a person who comes within one of the exemptions in division (B) of this section, if liability for all transactions with purchasers is assumed by the person so exempted.

(7) "Telephone solicitation" means a communication to a person that meets both of the following criteria:

(a) The communication is initiated by or on behalf of a telephone solicitor or by a salesperson.

(b) The communication either represents a price or the quality or availability of goods or services or is used to induce the person to purchase goods or services, including, but not limited to, inducement through the offering of a gift, award, or prize.

(8) "Telephone solicitor" means a person that engages in telephone solicitation directly or through one or more salespersons either from a location in this state, or from a location outside this state to persons in this state. "Telephone solicitor" includes, but is not limited to, any such person that is an owner, operator, officer, or director of, partner in, or other individual engaged in the management activities of, a business.

(B) A telephone solicitor is exempt from the provisions of sections 4719.02 to 4719.18 and section 4719.99 of the Revised Code if the telephone solicitor is any one of the following:

(1) A person engaging in a telephone solicitation that is a one-time or infrequent transaction not done in the course of a pattern of repeated transactions of a like nature;

(2) A person engaged in telephone solicitation solely for religious or political purposes; a charitable organization, fund-raising counsel, or professional solicitor in compliance with the registration and reporting requirements of Chapter 1716. of the Revised Code; or any person or other entity exempt under section 1716.03 of the Revised Code from filing a registration statement under section 1716.02 of the Revised Code;

(3) A person, making a telephone solicitation involving a home solicitation sale as defined in section 1345.21 of the Revised Code, that makes the sales presentation and completes the sale at a later, face-to-face meeting between the seller and the purchaser rather than during the telephone solicitation. However, if the person, following the telephone solicitation, causes another person to collect the payment of any money, this exemption does not apply.

(4) A licensed securities, commodities, or investment broker, dealer, investment advisor, or associated person when making a telephone solicitation within the scope of the person's license. As used in division (B)(4) of this section, "licensed securities, commodities, or investment broker, dealer, investment advisor, or associated person" means a person subject to licensure or registration as such by the securities and exchange commission; the National Association of Securities Dealers or other self-regulatory organization, as defined by 15 U.S.C.A. 78c; by

the division of securities under Chapter 1707. of the Revised Code; or by an official or agency of any other state of the United States.

(5)(a) A person primarily engaged in soliciting the sale of a newspaper of general circulation;

(b) As used in division (B)(5)(a) of this section, "newspaper of general circulation" includes, but is not limited to, both of the following:

(i) A newspaper that is a daily law journal designated as an official publisher of court calendars pursuant to section 2701.09 of the Revised Code;

(ii) A newspaper or publication that has at least twenty-five per cent editorial, non-advertising content, exclusive of inserts, measured relative to total publication space, and an audited circulation to at least fifty per cent of the households in the newspaper's retail trade zone as defined by the audit.

(6)(a) An issuer, or its subsidiary, that has a class of securities to which all of the following apply:

(i) The class of securities is subject to section 12 of the "Securities Exchange Act of 1934," 15 U.S.C.A. 78l, and is registered or is exempt from registration under 15 U.S.C.A. 78l(g)(2)(A), (B), (C), (E), (F), (G), or (H);

(ii) The class of securities is listed on the New York stock exchange, the American stock exchange, or the NASDAQ national market system;

(iii) The class of securities is a reported security as defined in 17 C.F.R. 240.11Aa3-1(a)(4).

(b) An issuer, or its subsidiary, that formerly had a class

of securities that met the criteria set forth in division (B)(6)(a) of this section if the issuer, or its subsidiary, has a net worth in excess of one hundred million dollars, files or its parent files with the securities and exchange commission an S.E.C. form 10-K, and has continued in substantially the same business since it had a class of securities that met the criteria in division (B)(6)(a) of this section. As used in division (B)(6)(b) of this section, "issuer" and "subsidiary" include the successor to an issuer or subsidiary.

(7) A person soliciting a transaction regulated by the commodity futures trading commission, if the person is registered or temporarily registered for that activity with the commission under 7 U.S.C.A. 1 et seq. and the registration or temporary registration has not expired or been suspended or revoked;

(8) A person soliciting the sale of any book, record, audio tape, compact disc, or video, if the person allows the purchaser to review the merchandise for at least seven days and provides a full refund within thirty days to a purchaser who returns the merchandise or if the person solicits the sale on behalf of a membership club operating in compliance with regulations adopted by the federal trade commission in 16 C.F.R. 425;

(9) A supervised financial institution or its subsidiary. As used in division (B)(9) of this section, "supervised financial institution" means a bank, trust company, savings and loan association, savings bank, credit union, industrial loan company, consumer finance lender, commercial finance lender, or institution described in section 2(c)(2)(F) of the "Bank Holding Company Act of 1956," 12 U.S.C.A. 1841(c)(2)(F), as amended, supervised by an official or agency of the United States, this state, or any other state of the United States; or a licensee or registrant under

sections 1321.01 to 1321.19, 1321.51 to 1321.60, or 1321.71 to 1321.83, or Chapter 1322. of the Revised Code.

(10)(a) An insurance company, association, or other organization that is licensed or authorized to conduct business in this state by the superintendent of insurance pursuant to Title XXXIX of the Revised Code or Chapter 1751. of the Revised Code, when soliciting within the scope of its license or authorization.

(b) A licensed insurance broker, agent, or solicitor when soliciting within the scope of the person's license. As used in division (B)(10)(b) of this section, "licensed insurance broker, agent, or solicitor" means any person licensed as an insurance broker, agent, or solicitor by the superintendent of insurance pursuant to Title XXXIX of the Revised Code.

(11) A person soliciting the sale of services provided by a cable television system operating under authority of a governmental franchise or permit;

(12) A person soliciting a business-to-business sale under which any of the following conditions are met:

(a) The telephone solicitor has been operating continuously for at least three years under the same business name under which it solicits purchasers, and at least fifty-one per cent of its gross dollar volume of sales consists of repeat sales to existing customers to whom it has made sales under the same business name.

(b) The purchaser business intends to resell the goods purchased.

(c) The purchaser business intends to use the goods or services purchased in a recycling, reuse, manufacturing, or remanufacturing process.

(d) The telephone solicitor is a publisher of a periodical or

of magazines distributed as controlled circulation publications as defined in division (CC) of section 5739.01 of the Revised Code and is soliciting sales of advertising, subscriptions, reprints, lists, information databases, conference participation or sponsorships, trade shows or media products related to the periodical or magazine, or other publishing services provided by the controlled circulation publication.

(13) A person that, not less often than once each year, publishes and delivers to potential purchasers a catalog that complies with both of the following:

(a) It includes all of the following:

(i) The business address of the seller;

(ii) A written description or illustration of each good or service offered for sale;

(iii) A clear and conspicuous disclosure of the sale price of each good or service; shipping, handling, and other charges; and return policy.

(b) One of the following applies:

(i) The catalog includes at least twenty-four pages of written material and illustrations, is distributed in more than one state, and has an annual postage-paid mail circulation of not less than two hundred fifty thousand households;

(ii) The catalog includes at least ten pages of written material or an equivalent amount of material in electronic form on the internet or an on-line computer service, the person does not solicit customers by telephone but solely receives telephone calls made in response to the catalog, and during the calls the person takes orders but does not engage in further solicitation of the purchaser. As used in division (B)(13)(b)(ii) of this section,

"further solicitation" does not include providing the purchaser with information about, or attempting to sell, any other item in the catalog that prompted the purchaser's call or in a substantially similar catalog issued by the seller.

(14) A political subdivision or instrumentality of the United States, this state, or any state of the United States;

(15) A college or university or any other public or private institution of higher education in this state;

(16) A public utility as defined in section 4905.02 of the Revised Code or a retail natural gas supplier as defined in section 4929.01 of the Revised Code, if the utility or supplier is subject to regulation by the public utilities commission, or the affiliate of the utility or supplier;

(17) A person that solicits sales through a television program or advertisement that is presented in the same market area no fewer than twenty days per month or offers for sale no fewer than ten distinct items of goods or services; and offers to the purchaser an unconditional right to return any good or service purchased within a period of at least seven days and to receive a full refund within thirty days after the purchaser returns the good or cancels the service;

(18)(a) A person that, for at least one year, has been operating a retail business under the same name as that used in connection with telephone solicitation and both of the following occur on a continuing basis:

(i) The person either displays goods and offers them for retail sale at the person's business premises or offers services for sale and provides them at the person's business premises.

(ii) At least fifty-one per cent of the person's gross dollar

volume of retail sales involves purchases of goods or services at the person's business premises.

(b) An affiliate of a person that meets the requirements in division (B)(18)(a) of this section if the affiliate meets all of the following requirements:

(i) The affiliate has operated a retail business for a period of less than one year;

(ii) The affiliate either displays goods and offers them for retail sale at the affiliate's business premises or offers services for sale and provides them at the affiliate's business premises;

(iii) At least fifty-one per cent of the affiliate's gross dollar volume of retail sales involves purchases of goods or services at the affiliate's business premises.

(c) A person that, for a period of less than one year, has been operating a retail business in this state under the same name as that used in connection with telephone solicitation, as long as all of the following requirements are met:

(i) The person either displays goods and offers them for retail sale at the person's business premises or offers services for sale and provides them at the person's business premises;

(ii) The goods or services that are the subject of telephone solicitation are sold at the person's business premises, and at least sixty-five per cent of the person's gross dollar volume of retail sales involves purchases of goods or services at the person's business premises;

(iii) The person conducts all telephone solicitation activities according to sections 310.3, 310.4, and 310.5 of the telemarketing sales rule adopted by the federal trade commission

in 16 C.F.R. part 310.

(19) A person who performs telephone solicitation sales services on behalf of other persons and to whom one of the following applies:

(a) The person has operated under the same ownership, control, and business name for at least five years, and the person receives at least seventy-five per cent of its gross revenues from written telephone solicitation contracts with persons who come within one of the exemptions in division (B) of this section.

(b) The person is an affiliate of one or more exempt persons and makes telephone solicitations on behalf of only the exempt persons of which it is an affiliate.

(c) The person makes telephone solicitations on behalf of only exempt persons, the person and each exempt person on whose behalf telephone solicitations are made have entered into a written contract that specifies the manner in which the telephone solicitations are to be conducted and that at a minimum requires compliance with the telemarketing sales rule adopted by the federal trade commission in 16 C.F.R. part 310, and the person conducts the telephone solicitations in the manner specified in the written contract.

(d) The person performs telephone solicitation for religious or political purposes, a charitable organization, a fund-raising council, or a professional solicitor in compliance with the registration and reporting requirements of Chapter 1716. of the Revised Code; and meets all of the following requirements:

(i) The person has operated under the same ownership, control, and business name for at least five years, and the person receives at least fifty-one per cent of its gross revenues from

written telephone solicitation contracts with persons who come within the exemption in division (B)(2) of this section;

(ii) The person does not conduct a prize promotion or offer the sale of an investment opportunity;

(iii) The person conducts all telephone solicitation activities according to sections 310.3, 310.4, and 310.5 of the telemarketing sales rules adopted by the federal trade commission in 16 C.F.R. part 310.

(20) A person that is a licensed real estate salesperson or broker under Chapter 4735. of the Revised Code when soliciting within the scope of the person's license;

(21)(a) Either of the following:

(i) A publisher that solicits the sale of the publisher's periodical or magazine of general, paid circulation, or a person that solicits a sale of that nature on behalf of a publisher under a written agreement directly between the publisher and the person.

(ii) A publisher that solicits the sale of the publisher's periodical or magazine of general, paid circulation, or a person that solicits a sale of that nature as authorized by a publisher under a written agreement directly with a publisher's clearinghouse provided the person is a resident of Ohio for more than three years and initiates all telephone solicitations from Ohio and the person conducts the solicitation and sale in compliance with 16 C.F.R. part 310, as adopted by the federal trade commission.

(b) As used in division (B)(21) of this section, "periodical or magazine of general, paid circulation" excludes a periodical or magazine circulated only as part of a membership package or given as a free gift or prize from the publisher or person.

(22) A person that solicits the sale of food, as defined in section 3715.01 of the Revised Code, or the sale of products of horticulture, as defined in section 5739.01 of the Revised Code, if the person does not intend the solicitation to result in, or the solicitation actually does not result in, a sale that costs the purchaser an amount greater than five hundred dollars.

(23) A funeral director licensed pursuant to Chapter 4717. of the Revised Code when soliciting within the scope of that license, if both of the following apply:

(a) The solicitation and sale are conducted in compliance with 16 C.F.R. part 453, as adopted by the federal trade commission, and with sections 1107.33 and 1345.21 to 1345.28 of the Revised Code;

(b) The person provides to the purchaser of any preneed funeral contract a notice that clearly and conspicuously sets forth the cancellation rights specified in division (G) of section 1107.33 of the Revised Code, and retains a copy of the notice signed by the purchaser.

(24) A person, or affiliate thereof, licensed to sell or issue Ohio instruments designated as travelers checks pursuant to sections 1315.01 to 1315.18 of the Revised Code.

(25) A person that solicits sales from its previous purchasers and meets all of the following requirements:

(a) The solicitation is made under the same business name that was previously used to sell goods or services to the purchaser;

(b) The person has, for a period of not less than three years, operated a business under the same business name as that used in connection with telephone solicitation;

(c) The person does not conduct a prize promotion or offer the sale of an investment opportunity;

(d) The person conducts all telephone solicitation activities according to sections 310.3, 310.4, and 310.5 of the telemarketing sales rules adopted by the federal trade commission in 16 C.F.R. part 310;

(e) Neither the person nor any of its principals has been convicted of, pleaded guilty to, or has entered a plea of no contest for a felony or a theft offense as defined in sections 2901.02 and 2913.01 of the Revised Code or similar law of another state or of the United States;

(f) Neither the person nor any of its principals has had entered against them an injunction or a final judgment or order, including an agreed judgment or order, an assurance of voluntary compliance, or any similar instrument, in any civil or administrative action involving engaging in a pattern of corrupt practices, fraud, theft, embezzlement, fraudulent conversion, or misappropriation of property; the use of any untrue, deceptive, or misleading representation; or the use of any unfair, unlawful, deceptive, or unconscionable trade act or practice.

(26) An institution defined as a home health agency in section ~~3701.881~~ 3740.01 of the Revised Code, that conducts all telephone solicitation activities according to sections 310.3, 310.4, and 310.5 of the telemarketing sales rules adopted by the federal trade commission in 16 C.F.R. part 310, and engages in telephone solicitation only within the scope of the institution's certification, accreditation, contract with the department of aging, or status as a home health agency; and that meets one of the following requirements:

(a) The institution is certified as a provider of home health

services under Title XVIII of the Social Security Act, 49 Stat. 620, 42 U.S.C. 301, as amended;

(b) The institution is accredited by either the joint commission on accreditation of health care organizations or the community health accreditation program;

(c) The institution is providing PASSPORT services under the direction of the department of aging under sections 173.52 to 173.523 of the Revised Code;

(d) An affiliate of an institution that meets the requirements of division (B)(26)(a), (b), or (c) of this section when offering for sale substantially the same goods and services as those that are offered by the institution that meets the requirements of division (B)(26)(a), (b), or (c) of this section.

(27) A person licensed by the department of health pursuant to section 3712.04 or 3712.041 of the Revised Code to provide a hospice care program or pediatric respite care program when conducting telephone solicitations within the scope of the person's license and according to sections 310.3, 310.4, and 310.5 of the telemarketing sales rules adopted by the federal trade commission in 16 C.F.R. part 310.

Sec. 4723.431. (A)(1) An advanced practice registered nurse who is designated as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner may practice only in accordance with a standard care arrangement entered into with each physician or podiatrist with whom the nurse collaborates. A copy of the standard care arrangement shall be retained on file by the nurse's employer. Prior approval of the standard care arrangement by the board of nursing is not required, but the board may periodically review it for compliance with this section.

A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner may enter into a standard care arrangement with one or more collaborating physicians or podiatrists. If a collaborating physician or podiatrist enters into standard care arrangements with more than five nurses, the physician or podiatrist shall not collaborate at the same time with more than five nurses in the prescribing component of their practices.

Not later than thirty days after first engaging in the practice of nursing as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, the nurse shall submit to the board the name and business address of each collaborating physician or podiatrist. Thereafter, the nurse shall notify the board of any additions or deletions to the nurse's collaborating physicians or podiatrists. Except as provided in division (D) of this section, the notice must be provided not later than thirty days after the change takes effect.

(2) All of the following conditions apply with respect to the practice of a collaborating physician or podiatrist with whom a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner may enter into a standard care arrangement:

(a) The physician or podiatrist must be authorized to practice in this state.

(b) Except as provided in division (A)(2)(c) of this section, the physician or podiatrist must be practicing in a specialty that is the same as or similar to the nurse's nursing specialty.

(c) If the nurse is a clinical nurse specialist who is certified as a psychiatric-mental health CNS by the American nurses credentialing center or a certified nurse practitioner who is certified as a psychiatric-mental health NP by the American

nurses credentialing center, the nurse may enter into a standard care arrangement with a physician but not a podiatrist and the collaborating physician must be practicing in one of the following specialties:

(i) Psychiatry;

(ii) Pediatrics;

(iii) Primary care or family practice.

(B) A standard care arrangement shall be in writing and shall contain all of the following:

(1) Criteria for referral of a patient by the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner to a collaborating physician or podiatrist or another physician or podiatrist;

(2) A process for the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner to obtain a consultation with a collaborating physician or podiatrist or another physician or podiatrist;

(3) A plan for coverage in instances of emergency or planned absences of either the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner or a collaborating physician or podiatrist that provides the means whereby a physician or podiatrist is available for emergency care;

(4) The process for resolution of disagreements regarding matters of patient management between the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner and a collaborating physician or podiatrist;

(5) Any other criteria required by rule of the board adopted pursuant to section 4723.07 or 4723.50 of the Revised Code.

(C)(1) A standard care arrangement entered into pursuant to this section may permit a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner to supervise services provided by a home health agency as defined in section ~~3701.881~~ 3740.01 of the Revised Code.

(2) A standard care arrangement entered into pursuant to this section may permit a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner to admit a patient to a hospital in accordance with section 3727.06 of the Revised Code.

(D)(1) Except as provided in division (D)(2) of this section, if a physician or podiatrist terminates the collaboration between the physician or podiatrist and a certified nurse-midwife, certified nurse practitioner, or clinical nurse specialist before their standard care arrangement expires, all of the following apply:

(a) The physician or podiatrist must give the nurse written or electronic notice of the termination.

(b) Once the nurse receives the termination notice, the nurse must notify the board of nursing of the termination as soon as practicable by submitting to the board a copy of the physician's or podiatrist's termination notice.

(c) Notwithstanding the requirement of section 4723.43 of the Revised Code that the nurse practice in collaboration with a physician or podiatrist, the nurse may continue to practice under the existing standard care arrangement without a collaborating physician or podiatrist for not more than one hundred twenty days after submitting to the board a copy of the termination notice.

(2) In the event that the collaboration between a physician

or podiatrist and a certified nurse-midwife, certified nurse practitioner, or clinical nurse specialist terminates because of the physician's or podiatrist's death, the nurse must notify the board of the death as soon as practicable. The nurse may continue to practice under the existing standard care arrangement without a collaborating physician or podiatrist for not more than one hundred twenty days after notifying the board of the physician's or podiatrist's death.

(E) Nothing in this section prohibits a hospital from hiring a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner as an employee and negotiating standard care arrangements on behalf of the employee as necessary to meet the requirements of this section. A standard care arrangement between the hospital's employee and the employee's collaborating physician is subject to approval by the medical staff and governing body of the hospital prior to implementation of the arrangement at the hospital."

After line 50987, insert:

"**Sec. 4729.43.** (A) As used in this section:

(1) "Home health agency" has the same meaning as in section ~~3701.881~~ 3740.01 of the Revised Code.

(2) "Hospice care program" and "hospice patient" have the same meanings as in section 3712.01 of the Revised Code.

(B) With regard to a dangerous drug that is indicated for the treatment of cancer or a cancer-related illness, must be administered intravenously or by subcutaneous injection, and cannot reasonably be self-administered by the patient to whom the drug is prescribed or by an individual assisting the patient with the self-administration, a pharmacist shall not dispense the drug

by delivering the drug directly to any of the following or causing the drug to be delivered directly to any of the following:

(1) The patient;

(2) The patient's representative, which may include the patient's guardian or a family member or friend of the patient;

(3) The patient's private residence unless any of the following is the case:

(a) The patient's private residence is a nursing home, residential care facility, rehabilitation facility, or similar institutional facility or heath care facility.

(b) If the patient is an adult and a hospice patient or client of a home health agency, the patient, the licensed health professional authorized to prescribe drugs who prescribed the drug to the patient, or an employee or agent of the prescriber has notified the pharmacist that the patient is a hospice patient or client of a home health agency and an employee or agent of the hospice care program or home health agency will be administering the drug to the patient.

(c) If the patient is a minor and a hospice patient or client of a home health agency, either of the following has notified the pharmacist that the patient is a client of a home health agency and an employee or agent of the hospice care program or home health agency will be administering the drug to the patient:

(i) The licensed health professional authorized to prescribe drugs who prescribed the drug to the patient or an employee or agent of the prescriber;

(ii) The parent, guardian, or other person who has care or charge of the patient and is authorized to consent to medical treatment on behalf of the patient."

After line 53455, insert:

"**Sec. 5101.63.** (A)(1) Any individual listed in division (A)(2) of this section having reasonable cause to believe that an adult is being abused, neglected, or exploited, or is in a condition which is the result of abuse, neglect, or exploitation shall immediately report such belief to the county department of job and family services.

(2) All of the following are subject to division (A)(1) of this section:

(a) An attorney admitted to the practice of law in this state;

(b) An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;

(c) An individual licensed under Chapter 4734. of the Revised Code as a chiropractor;

(d) An individual licensed under Chapter 4715. of the Revised Code as a dentist;

(e) An individual licensed under Chapter 4723. of the Revised Code as a registered nurse or licensed practical nurse;

(f) An individual licensed under Chapter 4732. of the Revised Code as a psychologist;

(g) An individual licensed under Chapter 4757. of the Revised Code as a social worker, independent social worker, professional counselor, professional clinical counselor, marriage and family therapist, or independent marriage and family therapist;

(h) An individual licensed under Chapter 4729. of the Revised

Code as a pharmacist;

(i) An individual holding a certificate to practice as a dialysis technician issued under Chapter 4723. of the Revised Code;

(j) An employee of a home health agency, as defined in section ~~3701.881~~ 3740.01 of the Revised Code;

(k) An employee of an outpatient health facility;

(l) An employee of a hospital, as defined in section 3727.01 of the Revised Code;

(m) An employee of a hospital or public hospital, as defined in section 5122.01 of the Revised Code;

(n) An employee of a nursing home or residential care facility, as defined in section 3721.01 of the Revised Code;

(o) An employee of a residential facility licensed under section 5119.22 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults;

(p) An employee of a health department operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;

(q) An employee of a community mental health agency, as defined in section 5122.01 of the Revised Code;

(r) A humane society agent appointed under section 1717.06 of the Revised Code;

(s) An individual who is a firefighter for a lawfully constituted fire department;

(t) An individual who is an ambulance driver for an emergency medical service organization, as defined in section 4765.01 of the Revised Code;

(u) A first responder, emergency medical technician-basic, emergency medical technician-intermediate, or paramedic, as those terms are defined in section 4765.01 of the Revised Code;

(v) An official employed by a local building department to conduct inspections of houses and other residential buildings;

(w) A peace officer;

(x) A coroner;

(y) A member of the clergy;

(z) An individual who holds a certificate issued under Chapter 4701. of the Revised Code as a certified public accountant or is registered under that chapter as a public accountant;

(aa) An individual licensed under Chapter 4735. of the Revised Code as a real estate broker or real estate salesperson;

(bb) An individual appointed and commissioned under section 147.01 of the Revised Code as a notary public;

(cc) An employee of a bank, savings bank, savings and loan association, or credit union organized under the laws of this state, another state, or the United States;

(dd) A dealer, investment adviser, sales person, or investment advisor representative licensed under Chapter 1707. of the Revised Code;

(ee) A financial planner accredited by a national accreditation agency;

(ff) Any other individual who is a senior service provider,

other than a representative of the office of the state long-term care ombudsman program as defined in section 173.14 of the Revised Code.

(B) Any person having reasonable cause to believe that an adult has suffered abuse, neglect, or exploitation may report, or cause a report to be made of such belief to the county department of job and family services.

This division applies to a representative of the office of the state long-term care ombudsman program only to the extent permitted by federal law.

(C) The reports made under this section shall be made orally or in writing except that oral reports shall be followed by a written report if a written report is requested by the department. Written reports shall include:

(1) The name, address, and approximate age of the adult who is the subject of the report;

(2) The name and address of the individual responsible for the adult's care, if any individual is, and if the individual is known;

(3) The nature and extent of the alleged abuse, neglect, or exploitation of the adult;

(4) The basis of the reporter's belief that the adult has been abused, neglected, or exploited.

(D) Any person with reasonable cause to believe that an adult is suffering abuse, neglect, or exploitation who makes a report pursuant to this section or who testifies in any administrative or judicial proceeding arising from such a report, or any employee of the state or any of its subdivisions who is discharging responsibilities under section 5101.65 of the Revised Code shall

be immune from civil or criminal liability on account of such investigation, report, or testimony, except liability for perjury, unless the person has acted in bad faith or with malicious purpose.

(E) No employer or any other person with the authority to do so shall do any of the following as a result of an employee's having filed a report under this section:

(1) Discharge, demote, transfer, or prepare a negative work performance evaluation;

(2) Reduce benefits, pay, or work privileges;

(3) Take any other action detrimental to an employee or in any way retaliate against the employee.

(F) The written or oral report provided for in this section and the investigatory report provided for in section 5101.65 of the Revised Code are confidential and are not public records, as defined in section 149.43 of the Revised Code. In accordance with rules adopted by the department of job and family services, information contained in the report shall upon request be made available to the adult who is the subject of the report and to legal counsel for the adult. If it determines that there is a risk of harm to a person who makes a report under this section or to the adult who is the subject of the report, the county department of job and family services may redact the name and identifying information related to the person who made the report.

(G) The county department of job and family services shall be available to receive the written or oral report provided for in this section twenty-four hours a day and seven days a week."

After line 59656, 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 of the following:

(1) An individual who is subject to a criminal records check under section 3712.09, 3721.121, 5123.081, or 5123.169 of the Revised Code;

(2) An individual who is subject to a database review or criminal records check under section 173.38, 173.381, ~~3701.881~~ 3740.11, or 5164.342 of the Revised Code;

(3) An individual who is an applicant or independent provider, both as defined in section 5164.341 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) Except as provided in division (I) of this section, 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) Except as provided in division (I) of this section, a medicaid provider that employs a person conditionally under division (H)(1) of this section shall terminate the person's employment if either of the following apply:

(a) The results of the criminal records check request are not obtained within the period ending sixty days after the date the request is made.

(b) Regardless of when the results of the criminal records check are obtained, the results indicate that the person has been convicted of or has pleaded guilty to a disqualifying offense, 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) As used in this division, "behavioral health services" means alcohol and drug addiction services, mental health services, or both.

A medicaid provider of behavioral health services may choose to employ a person who the provider would be prohibited by division (D)(3) of this section from employing or would be required by division (H)(2) of this section to terminate the person's employment if both of the following apply:

(1) The person holds a valid health professional license issued under the Revised Code granting the person authority to provide behavioral health services, holds a valid peer recovery supporter certificate issued pursuant to rules adopted by the department of mental health and addiction services, or is in the process of obtaining such a license or certificate.

(2) The provider does not submit any medicaid claims for any services the person provides.

(J) 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.

(K) 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 or pleaded guilty to 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, except as provided in division (I) of this section, a medicaid provider is prohibited from employing a person who is found by the database review to be included in a database.

Sec. 5164.342. (A) As used in this section:

"Applicant" means a person who is under final consideration for employment with a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based services.

"Community-based long-term care provider" means a provider as defined in section 173.39 of the Revised Code.

"Community-based long-term care subcontractor" means a subcontractor as defined in section 173.38 of the Revised Code.

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

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

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

"Waiver agency" means a person or government entity that provides home and community-based services under a home and community-based services medicaid waiver component administered by the department of medicaid, other than such a person or government entity that is certified under the medicare program. "Waiver agency" does not mean an independent provider as defined in section 5164.341 of the Revised Code.

(B) This section does not apply to any individual who is subject to a database review or criminal records check under section ~~3701.881~~ 3740.11 of the Revised Code. If a waiver agency also is a community-based long-term care provider or community-based long-term care subcontractor, the waiver agency may provide for any of its applicants and employees who are not subject to database reviews and criminal records checks under section 173.38 of the Revised Code to undergo database reviews and criminal records checks in accordance with that section rather than this section.

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

(1) A review of the databases listed in division (E) of this

section reveals any of the following:

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

(b) That there is in the state nurse aide registry established under section 3721.32 of the Revised Code a statement detailing findings by the director of health that the applicant or employee abused, neglected, or exploited 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 authorized by this section and the rules prohibit the waiver agency from employing an applicant or continuing to employ an employee included in such a database in a position that involves providing home and community-based services.

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

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

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

(3) Except as provided in rules authorized by this section,

the applicant or employee is found by a criminal records check required by this section to have been convicted of or have pleaded guilty to a disqualifying offense, regardless of the date of the conviction or date of entry of the guilty plea.

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

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

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

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

(1) The excluded parties list system 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 developmental disabilities 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 authorized by this section.

(F)(1) As a condition of employing any applicant in a position that involves providing home and community-based services, the chief administrator of a waiver agency shall require the applicant to request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of the applicant. If rules authorized by this section so require, the chief administrator of a waiver agency shall require an employee to request that the superintendent conduct a criminal records check of the employee at times specified in the rules as a condition of continuing to employ the employee in a position that involves providing home and community-based services. However, a criminal records check is not

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

(2) The chief administrator shall provide the following to each applicant and employee for whom a criminal records check is required by this section:

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

(b) Written notification that the applicant or employee is to instruct the superintendent to submit the completed report of the

criminal records check directly to the chief administrator.

(3) A waiver agency shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for any criminal records check required by this section. However, a waiver agency may require an applicant to pay to the bureau the fee for a criminal records check of the applicant. If the waiver agency pays the fee for an applicant, it may charge the applicant a fee not exceeding the amount the waiver agency pays to the bureau under this section if the waiver agency notifies the applicant at the time of initial application for employment of the amount of the fee and that, unless the fee is paid, the applicant will not be considered for employment.

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

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

(2) A waiver agency that employs an applicant conditionally under division (G)(1) 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 or has pleaded guilty to a disqualifying offense, the waiver agency shall terminate the applicant's employment unless circumstances specified in rules authorized by this section exist that permit the waiver agency to employ the applicant and the waiver agency chooses to employ the applicant.

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

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

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

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

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

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

(6) 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.

(I) The medicaid director shall adopt rules under section 5164.02 of the Revised Code to implement this section.

(1) The rules may do the following:

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

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

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

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

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

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

(c) If the rules specify other databases to be checked as part of a database review, the circumstances under which a waiver agency is prohibited from employing an applicant or continuing to

employ an employee who is found by the database review to be included in one or more of those databases;

(d) The circumstances under which a waiver agency may employ an applicant or employee who is found by a criminal records check required by this section to have been convicted of or have pleaded guilty to a disqualifying offense.

(J) The amendments made by H.B. 487 of the 129th general assembly to this section do not preclude the department of medicaid from taking action against a person for failure to comply with former division (H) of this section as that division existed on the day preceding January 1, 2013."

In line 70828, after "109.08," insert "109.57,"

In line 70839, after "169.07," insert "173.38, 173.381,"

In line 70845, after "1333.15," insert "1337.11,"

In line 70851, after "1907.15," insert "2133.01,"

In line 70852, after "2303.05," insert "2317.54,"

In line 70878, after "3701.132," insert "3701.362,"

In line 70879, after "3701.831" insert "3701.881, 3701.916,"

In line 70891, after "4713.02," insert "4715.36, 4719.01, 4723.431, 4729.43,"

In line 70896, after "5101.341," insert "5101.63,"

In line 70905, after "5163.061," insert "5164.34, 5164.342"

The motion was _____ agreed to.

SYNOPSIS

Expedited licensing inspections

R.C. 3721.02

Authorizes any existing home, not just an existing residential care facility as in the House-passed version of the bill, to request an expedited licensing inspection from the Director of Health when seeking approval to increase or decrease licensed capacity or make any other change for which the Director requires a licensing inspection.

Home health licensure

R.C. 3740.01, 3740.02, 3740.03, 3740.04, 3740.05, 3740.07, 3740.10, 3740.11, and 3740.99; conforming changes in other sections

Restores House-added provisions that require home health agencies and non-agency providers of direct care to be licensed by the Department of Health to provide skilled home health services and nonmedical home health services, and makes the following changes:

--Excludes the following from home health licensure under the bill:

--Providers certified by the Department of Developmental Disabilities, such as providers of supported living (under the House version, supported living providers had to be licensed, but could use their certification as a basis for the home health licensure);

--Persons who provide direct care to not more than two individuals who are not related to the care provider;

--Volunteers;

--Residential facilities, which are homes and facilities

where individuals with a developmental disabilities reside;

--Informal respite care providers and shared living providers;

--Persons certified under current law to provide publicly funded child care as in-home aides;

--Persons who provide privately funded child care;

--Legal guardians, grandchildren, step-parents, step-children, and step-siblings providing care (under the House version, step-relatives, grandchildren, and legal guardians were not included in the definition of immediate family members, which are excluded from the bill's licensure requirements);

--Requires, rather than permits, the Director of Health to waive receipt of certain application materials for license applicants that are certified by the Department of Aging to provide community-based long-term care services;

--Removes the Director of Health's ability to adopt rules specifying the extent to which certification by the Department of Aging to provide community-based long-term care services satisfies home health licensure requirements (rather, the amendment states that certification by the Department of Aging does satisfy the home health licensure requirements);

--Requires the Director of Health to adopt rules to establish processes for dispute resolution and appeals;

--Exempts nonmedical home health services applicants from a site visit as part of the licensure process;

--Specifically names certain additional services in the definition of personal care services, including instrumental activities of daily living, assistance managing the individual's

home and personal affairs, homemaker services, respite services, and errands.

SC3908X1

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 80755, delete the first "$6,532,753" and insert "$7,232,753"

In line 80761, add $700,000 to fiscal year 2022

In line 80766, add $700,000 to fiscal year 2022

The motion was _____ agreed to.

SYNOPSIS

Ohio History Connection

Section 297.10

Increases GRF appropriation item 360502, Site and Museum Operations, by $700,000 in fiscal year 2022.

SC3909

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 148 of the title, after "4731.90," insert "4743.10,"

In line 321, after "4731.90," insert "4743.10,"

After line 51565, insert:

"**Sec. 4743.10.** (A) As used in this section:

(1) "Health care service" means medical care provided to any patient at any time over the entire course of the patient's treatment and may include one or more of the following: testing; diagnosis; referral; dispensing or administering a drug, medication, or device; psychological therapy or counseling; research; prognosis; therapy; record making procedures and notes related to treatment; preparation for or performance of a surgery or procedure; or any other care or services performed or provided by any medical practitioner.

(2) "Medical practitioner" means any person who facilitates or participates in the provision of health care services, including nursing, physician services, counseling and social work, psychological and psychiatric services, research services, surgical services, laboratory services, and the provision of

pharmaceuticals and may include any of the following: any student or faculty at a medical, nursing, mental health, or counseling institution of higher education or an allied health professional, paraprofessional, or employee or contractor of a health care institution.

(3) "Participation in a health care service" means to provide, perform, assist with, facilitate, refer for, counsel for, advise with regard to, admit for the purposes of providing, or take part in any way in providing, any health care service.

(B) Notwithstanding any conflicting provision of the Revised Code, a medical practitioner, health care institution, or health care payer has the freedom to decline to perform, participate in, or pay for any health care service which violates the practitioner's, institution's, or payer's conscience as informed by the moral, ethical, or religious beliefs or principles held by the practitioner, institution, or payer. Exercise of the right of conscience is limited to conscience-based objections to a particular health care service.

(C) Whenever a situation arises in which a requested course of treatment includes a particular health care service that conflicts with the moral, ethical, or religious beliefs or convictions of a medical practitioner, the medical practitioner shall be excused from participating in the particular health care service to which the practitioner has a conflict.

When a medical practitioner becomes aware of the conflict, the medical practitioner shall notify the practitioner's supervisor, if applicable, and request to be excused from participating in the particular health care service that conflicts with the practitioner's beliefs or convictions.

When possible and when the medical practitioner is willing, the medical practitioner shall seek to transfer the patient to a colleague who will provide the requested health care service.

If participation in a transfer of care for a particular health care service violates the medical practitioner's beliefs or convictions or no willing colleague is identified, the patient shall be notified and provided the opportunity to seek an alternate medical practitioner. Upon patient request, the patient's medical records shall be promptly released to the patient.

The medical practitioner is responsible for providing all appropriate health care services, other than the particular health care service that conflicts with the medical practitioner's beliefs or convictions, until another medical practitioner or facility is available.

(D) A medical practitioner, health care institution, or health care payer shall not be civilly, criminally, or administratively liable for exercising the practitioner's,

institution's, or payer's right of conscience by declining to participate in or pay for a particular health care service.

A health care institution shall not be civilly, criminally, or administratively liable for the exercise of conscience rights not to participate in a particular health care service by a medical practitioner who is employed by, under contract with, or granted admitting privileges by the health care institution.

A medical practitioner, health care institution, or health care payer shall not be discriminated against or suffer any other adverse action as a result of declining to participate in or pay for a particular health care service on the basis of conscience.

(E) Unless specifically prohibited by law, a medical practitioner shall not be discriminated against or suffer any adverse action for disclosing any information that the medical practitioner reasonably believes evinces any violation of this section or any other law, rule, or regulation; any violation of any standard of care or other ethical guidelines for the provision of any health care service; or gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

(F) A civil action for damages, injunctive relief, or any other appropriate relief may be brought by any medical

practitioner, health care institution, or health care payer for any violation of any provision of this section.

Upon a finding of a violation of the rights of conscience in this section, a court shall award threefold the actual damages sustained and reasonable costs and attorney's fees. A court considering such civil action may also award injunctive relief, which may include reinstatement of a medical practitioner to the practitioner's previous position, reinstatement of board certification, and relicensure of a health care institution or health care payer.

(G) This section shall not be construed to override the requirement to provide emergency medical treatment to all patients as set forth in 42 U.S.C. § 1395dd."

The motion was _____ agreed to.

SYNOPSIS

Medical practitioner conscience clause

R.C. 4743.10

Recognizes the authority of a medical practitioner, health care institution, or health care payer to decline to perform, participate in, or pay for any health care service that violates the practitioner's, institution's, or payer's conscience as informed by the moral, ethical, or religious beliefs or principles held by the practitioner, institution, or payer.

Requires a medical practitioner, when the practitioner becomes aware of a health care service's conflict with or

violation of the practitioner's beliefs or principles, to notify the practitioner's supervisor (if applicable), request to be excused from the service, and, if willing, seek a colleague to perform the service.

Requires a patient, in the event a medical practitioner does not participate in a transfer of care or a colleague is unwilling to perform the service, to be notified and provided an opportunity to find an alternative medical practitioner and upon request, receive the patient's medical records.

Specifies that a medical practitioner, health care institution, or health care payer is not subject to civil, criminal, or administrative liability for declining to participate in or pay for a health care service.

Authorizes a medical practitioner, health care institution, or health care payer to bring a civil action in the event of a violation of the bill's provisions and, if the practitioner, institution, or payer prevails, provides for treble damages, injunctive relief, costs, and attorney's fees.

Sub. H.B. 110
L-134-0001-5
SOSCD14

_____ moved to amend as follows:

In line 15 of the title, delete "149.08," and insert "149.11,"

In line 154 of the title, after "131.50," insert "149.08,"

In line 223, delete "149.08," and insert "149.11,"

Delete lines 8796 through 8801 and insert:

"**Sec. 149.11.** (A) Any department, division, bureau, board, or commission of the state government issuing a report, pamphlet, document, or other publication intended for general public use and distribution, which publication is reproduced by duplicating processes in print whether through a contract awarded to any person, company, or the state printing division of the department of administrative services, shall cause to be delivered to the state library fifty copies of the publication, subject to the provisions of section 125.42 of the Revised Code.

(B) The state library board shall distribute the print publications so received as follows:

(1) Retain two copies in the state library;

(2) Send two copies to the document division of the library

of congress;

(3) Send one copy to the Ohio history connection and to each public or college library in the state designated by the state library board to be a depository for state publications. In designating which libraries shall be depositories, the board shall select those libraries that can best preserve those publications and that are so located geographically as will make the publications conveniently accessible to residents in all areas of the state.

(4) Send one copy to each state in exchange for like publications of that state.

(C) A department, division, bureau, board, or commission of the state government shall notify the state library of the availability of documents or other publications, intended for general public use and distribution, which are made available electronically on its internet web site. The state library shall retain electronic publications in the state library digital archive and provide permanent access and records to each public or college library in the state designated by the state library board to be a depository for state publications.

(D) The print publications described in division (A) of this section and the electronic publications described in division (C) of this section shall be considered already prepared and available for inspection, and, subject to applicable copyright protections, reproduction by any person at all reasonable times during regular business hours at the state library and each library designated as a depository for state publications.

(E) The provisions of this section do not apply to any publication of the general assembly or to the publications described in sections 149.07, ~~149.08,~~ 149.091, and 149.17 of the

Revised Code, except that the secretary of state shall forward to the document division of the library of congress two copies of all journals, two copies of the session laws as provided for in section 149.091 of the Revised Code, and two copies of all appropriation laws in separate form."

In line 70837, delete "149.08," and insert "149.11,"

In line 70917, after "131.50," insert "149.08,"

The motion was _____ agreed to.

SYNOPSIS

Secretary of State

R.C. 149.08 (repealed); R.C. 149.11 (conforming)

Removes from the bill a provision that modifies the law with respect to the Secretary of State's requirement, after receiving an engrossed bill, to send each new law to each clerk of court. Instead, repeals existing law thereby eliminating the requirement that the Secretary provide clerks with a copy of each law.

SC3912X1

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 75158, delete "$2,525,000" and insert "$5,000,000"

In line 75161, add $2,475,000 to fiscal year 2022

In line 75199, add $2,475,000 to fiscal year 2022

The motion was _____ agreed to.

SYNOPSIS

Attorney General

Section 221.10

Increases GRF appropriation item 055504, Domestic Violence Programs, by $2,475,000 in FY 2022, from $2,525,000 to $5,000,000.

SC3913X3

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 30109, strike through ". The department of education shall pay the"

Strike through lines 30110 and 30111

In line 30112, strike through "younger than four years of age. However," and insert "but"

In line 30113, strike through "any other"

In line 31524, delete "80.92" and insert "80.94"

In line 31529, delete "X" and insert "+"; delete "80.92" and insert "80.94"

In line 32419, delete "$5,550" and insert "$5,500"

In line 32433, delete "$5,550" and insert "$5,500"

In line 33339, strike through "net"

In line 33340, strike through "As used in this division, a district's "net"; delete "enrolled"

In line 33341, strike through "ADM" means its"; delete "enrolled"; strike through "ADM minus the number of"

In line 33348, strike through "scholarship students certified under divisions"

In line 33349, delete "(B)(3)(d)"; strike through "and"; delete "(h) of section 3317.03 of the"

In line 33350, delete "Revised Code"; strike through the period

In line 33362, strike through "net"; strike through ", as that"

Strike through line 33363

In line 78086, delete "catastrophic cost"; after "threshold" insert "cost"

In line 78194, after "with" insert "divisions (B)(2) and (D)(2) of"

In line 78195, after "data" insert "used for calculating the district's state share index"

In line 78198, after "reporting" insert "that"; delete "for fiscal year"

In line 78199, delete "2019"

In line 78206, after "data" insert "used for calculating those payments"

In line 78208, after "reporting" insert "that"

In line 78209, delete "for fiscal year 2019"

In line 78562, delete "2019" and insert "2018"

In line 78711, after "data" insert "used for calculating those payments"

In line 78714, after "reporting" insert "that"; delete "for fiscal year"

In line 78715, delete "2019"

In line 78739, delete "Section 7" and insert "the section"; after "act" insert "entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS""

In line 78874, after "data" insert "used for calculating these payments"

The motion was _____ agreed to.

SYNOPSIS

School financing – conforming changes

R.C. 3314.06, 3317.011, 3317.022, and 3317.0217; Sections 265.215, 265.220, and 265.223, 265.225, and 265.229

Restores a provision of the House-passed version of the bill that eliminates the requirement that the Department of Education pay the formula amount (currently $6,020) for each student under age four admitted to a Montessori preschool operated by a community school and, instead, prohibits such a school from receiving state community school funds for students under age five.

Corrects two cross references to the state share multiplier of 80.94% in the base cost per pupil calculation proposed by the substitute bill.

Corrects the calculation of the per-pupil classroom teacher compensation component proposed by the substitute bill.

Specifies that the maximum scholarship amount for students enrolled in grades K-8 for the Educational Choice Scholarship Program and Cleveland Scholarship Program is $5,500 (rather than $5,550 as under the substitute bill).

Specifies that a city, local, or exempted village school district's "enrolled ADM" (rather than its "net enrolled ADM" as defined in the bill) must be used to calculate the district's aggregate amount of targeted assistance funds, in order to conform this provision with the substitute bill's proposed student counting mechanism.

Replaces a reference to the "special education catastrophic cost threshold" with a reference to the "special education threshold cost" to conform with the substitute bill's provisions.

Clarifies that, for purposes of the bill's temporary payment mechanism for city, local, and exempted village school districts, the Department of Education shall recalculate a district's state share index in accordance with the bill's changes to the state share index in permanent law for FY 2022 and each fiscal year thereafter.

Changes a reference to the deductions from a school district's funding for scholarships awarded under the Cleveland Scholarship Program that is used in determining a district's "limitation base" (for purposes of the bill's cap calculations) to deductions for FY 2018 (rather than deductions for FY 2019) to conform with the substitute bill's provisions.

Makes clarifying changes regarding the data that the Department of Education must use to recalculate a city, local, or exempted village school district's "recalculated state share index for FY 2019," "recalculated foundation funding for FY 2019," and "recalculated transportation funding for FY 2019" and the data that the Department must use to recalculate a joint vocational school district's "recalculated foundation funding for FY 2019."

SC3917

Sub. H.B. 110
L-134-0001-5
MHACD30

_____ moved to amend as follows:

In line 83513, delete everything after "(2)" and insert "Pharmacy participation"

In line 83514, after "program" insert "is voluntary"

The motion was _____ agreed to.

SYNOPSIS

Dispensing controlled substances in lockable containers

Section 337.205

Regarding a House-added pilot program to have pharmacies dispense schedule II controlled substances in lockable or tamper-evident containers, removes a provision that requires the Department of Mental Health and Addiction Services to select pharmacies to be included in the pilot program and instead specifies that pharmacy participation is voluntary (the bill continues to provide that any pharmacy may volunteer to participate in the pilot program by notifying the Department).

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 22 of the title, after "715.72," insert "723.52,"

In line 111 of the title, after "5502.30," insert "5543.19, 5575.01,"

In line 228, after "715.72," insert "723.52,"

In line 294, after "5502.30," insert "5543.19, 5575.01,"

After line 13812, insert:

"**Sec. 723.52.** Before letting or making any contract for the construction, reconstruction, widening, resurfacing, or repair of a street or other public way, the director of public service in a city, or the legislative authority in a village, shall make an estimate of the cost of such work using the force account project assessment form developed by the auditor of state under section 117.16 of the Revised Code. In municipal corporations having an engineer, or an officer having a different title but the duties and functions of an engineer, the estimate shall be made by the engineer or other officer. Where the total estimated cost of any such work is ~~thirty~~ninety thousand dollars or less, the proper officers may proceed by force account.

Where the total estimated cost of any such work exceeds ~~thirty~~ninety thousand dollars, the proper officers of the

municipal corporation shall be required to invite and receive competitive bids for furnishing all the labor, materials, and equipment and doing the work, after newspaper advertisement as provided by law. The officers shall consider and may reject such bids. If the bids are rejected, the officers may order the work done by force account or direct labor. When such bids are received, considered, and rejected, and the work done by force account or direct labor, such work shall be performed in compliance with the plans and specifications upon which the bids were based. It shall be unlawful to divide a street or connecting streets into separate sections for the purpose of defeating this section and section 723.53 of the Revised Code.

On the first day of July of every odd-numbered year beginning in 2021, the threshold amount established in this section shall increase by an amount not to exceed the lesser of three per cent, or the percentage amount of any increase in the department of transportation's construction cost index as annualized and totaled for the prior two calendar years. The director of transportation shall notify each appropriate engineer or other officer of the increased amount.

"Street," as used in such sections, includes portions of connecting streets on which the same or similar construction, reconstruction, widening, resurfacing, or repair is planned or projected."

After line 61479, insert:

"**Sec. 5543.19.** (A) The county engineer may, when authorized by the board of county commissioners and not required by this section or other law to use competitive bidding, employ such laborers and vehicles, use such county employees and property, lease such implements and tools, and purchase such materials as

are necessary in the construction, reconstruction, improvement, maintenance, or repair of roads by force account.

In determining whether construction or reconstruction, including widening and resurfacing, of roads may be undertaken by force account, the county engineer shall first cause to be made an estimate of the cost of such work using the force account project assessment form developed by the auditor of state under section 117.16 of the Revised Code. When the total estimated cost of the work exceeds ~~thirty~~ninety thousand dollars per mile, the county commissioners shall invite and receive competitive bids for furnishing all the labor, materials, and equipment necessary to complete the work in accordance with sections 307.86 to 307.92 of the Revised Code.

(B) The county engineer may, when authorized by the board of county commissioners and not required by this section or other law to use competitive bidding, employ such laborers and vehicles, use such county employees and property, lease such implements and tools, and purchase such materials as are necessary in the construction, reconstruction, improvement, maintenance, or repair of bridges and culverts by force account.

In determining whether such construction, reconstruction, improvement, maintenance, or repair of bridges or culverts may be undertaken by force account, the county engineer shall first cause to be made an estimate of the cost of such work using the force account project assessment form. When the total estimated cost of the work exceeds ~~one~~two hundred twenty-five thousand dollars, the board of county commissioners shall invite and receive competitive bids for furnishing all the labor, materials, and equipment necessary to complete the work, in accordance with sections 307.86 to 307.92 of the Revised Code. The county engineer shall obtain

the approval required by section 5543.02 of the Revised Code.

(C) On the first day of July of every odd-numbered year beginning in 2021, the threshold amounts established in this section shall increase by an amount not to exceed the lesser of three per cent, or the percentage amount of any increase in the department of transportation's construction cost index as annualized and totaled for the prior two calendar years. The director of transportation shall notify each appropriate county engineer of the increased amount.

(D) "Force account," as used in this section means that the county engineer will act as contractor, using labor employed by the engineer using material and equipment either owned by the county or leased or purchased in compliance with sections 307.86 to 307.92 of the Revised Code and excludes subcontracting any part of such work unless done pursuant to sections 307.86 to 307.92 of the Revised Code.

The term "competitive bids" as used in this section requires competition for the whole contract and in regard to its component parts, including labor and materials. Neither plans nor specifications shall be drawn to favor any manufacturer or bidder unless required by the public interest.

Sec. 5575.01. (A) In the maintenance and repair of roads, the board of township trustees may proceed either by contract or force account, but, unless the exemption specified in division (C) of this section applies, if the board wishes to proceed by force account, it first shall cause the county engineer to complete the force account assessment form developed by the auditor of state under section 117.16 of the Revised Code. Except as otherwise provided in sections 505.08 and 505.101 of the Revised Code, when the board proceeds by contract, the contract shall, if the amount

involved exceeds ~~forty-five~~ninety thousand dollars, be let by the board to the lowest responsible bidder after advertisement for bids once, not later than two weeks, prior to the date fixed for the letting of the contract, in a newspaper of general circulation within the township. If the amount involved is ~~forty-five~~ninety thousand dollars or less, a contract may be let without competitive bidding, or the work may be done by force account. Such a contract shall be performed under the supervision of a member of the board or the township road superintendent.

(B) Before undertaking the construction or reconstruction of a township road, the board shall cause to be made by the county engineer an estimate of the cost of the work, which estimate shall include labor, material, freight, fuel, hauling, use of machinery and equipment, and all other items of cost. If the board finds it in the best interest of the public, it may, in lieu of constructing the road by contract, proceed to construct the road by force account. Except as otherwise provided under sections 505.08 and 505.101 of the Revised Code, where the total estimated cost of the work exceeds ~~fifteen~~forty-five thousand dollars per mile, the board shall invite and receive competitive bids for furnishing all the labor, materials, and equipment and doing the work, as provided in section 5575.02 of the Revised Code, and shall consider and reject them before ordering the work done by force account. When such bids are received, considered, and rejected, and the work is done by force account, the work shall be performed in compliance with the plans and specifications upon which the bids were based.

(C) Force account assessment forms are not required under division (A) of this section for road maintenance or repair projects of less than ~~fifteen~~thirty thousand dollars, or under

division (B) of this section for road construction or reconstruction projects of less than ~~five~~fifteen thousand dollars per mile.

(D) On the first day of July of every odd-numbered year beginning in 2021, the threshold amounts established in divisions (A) and (B) of this section shall increase by an amount not to exceed the lesser of three per cent, or the percentage amount of any increase in the department of transportation's construction cost index as annualized and totaled for the prior two calendar years. The director of transportation shall notify each appropriate county engineer of the increased amount.

(E) All force account work under this section shall be done under the direction of a member of the board or the township road superintendent."

In line 70842, after "715.72," insert "723.52,"

In line 670908, after "5502.30," insert "5543.19, 5575.01,"

The motion was _____ agreed to.

SYNOPSIS

Force accounts for local governments

R.C. 723.52, 5543.19, and 5575.01

Increases the force account limits for highway projects undertaken by an unchartered municipal corporation from $30,000 per project to $90,000 per project.

Increases the force account limits for highway and bridge projects undertaken by a county engineer in the following ways:

1. For roads, raises the limit from $30,000 per mile of construction or reconstruction to $90,000 per mile of construction or reconstruction;

2. For bridges or culverts, raises the limit from $100,000 to $225,000 for construction, reconstruction, improvement, maintenance, or repair.

Increases the force account limits for road projects undertaken by a board of township trustees in the following ways:

1. For maintenance and repair, raises the limit from $45,000 per project to $90,000 per project;

2. For construction and reconstruction, raises the limit from $15,000 per mile to $45,000 per mile.

Increases the threshold for a required force account assessment form for township road projects as follows:

1. For a maintenance or repair project, from $15,000 to $30,000; and

2. For a construction or reconstruction project, from $5,000 to $15,000 per mile.

SC3932X1

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 86718, delete "$166,336,645 $168,744,852" and insert "$166,636,645 $169,044,852"

In line 86723, add $300,000 to each fiscal year

In line 86741, add $300,000 to each fiscal year

After line 86750, insert:

"CLEVELAND RAPE CRISIS CENTER

Of the foregoing appropriation item 470401, RECLAIM Ohio, $300,000 in each fiscal year shall be distributed to the Cleveland Rape Crisis Center to provide services for at-risk youth through the Cleveland Rape Crisis Center Human Trafficking Drop-in Center."

The motion was _____ agreed to.

SYNOPSIS

Department of Youth Services

Section 421.10

Increases GRF appropriation item 470401, RECLAIM Ohio, by $300,000 in each fiscal year, from $166,336,645 to $166,636,645 in FY 2022, and from $168,744,852 to $169,044,852 in FY 2023.

Earmarks $300,000 in each fiscal year to be distributed from GRF appropriation item 470401, RECLAIM Ohio, to the Cleveland Rape Crisis Center to provide services for at-risk youth through the Cleveland Rape Crisis Center Human Trafficking Drop-in Center.

SC3933

Sub. H.B. 110
L-134-0001-5
LOCCD18

_____ moved to amend as follows:

In line 17251, strike through ""Existing" and insert "(1) Except as provided in division (J)(2) of this section, "existing""

After line 17268, insert:

"(2) Regarding a special improvement district to implement a shoreline improvement project, "existing qualified nonprofit corporation" has the same meaning as in division (J)(1) of this section, except that the nonprofit does not need to have an established police department and does not need to be organized for purposes that include the acquisition of real property."

The motion was _____ agreed to.

SYNOPSIS

Existing qualified nonprofit corporation's implementation of a shoreline improvement project

R.C. 1710.01

Specifies that an existing qualified nonprofit corporation may create a special improvement district to implement a shoreline improvement project even if the corporation (1) does not have an established police department and (2) is not organized for purposes that include the acquisition of real property.

SC3937

Sub. H.B. 110
L-134-0001-5
BORCD83
OBMCD57

_____ moved to amend as follows:

In line 84529, delete "$1,194,000 $1,194,000" and insert "$1,000,000 $1,000,000"

In line 84533, subtract $194,000 from each fiscal year

In line 84546, subtract $194,000 from each fiscal year

In line 85774, delete "(A)(1) Of the" and insert "(A) The"

In line 85775, delete "$1,000,000 in each fiscal year"

In line 85794, delete "(2)" and insert "(B)"

In line 85796, delete "(a)" and insert "(1)"

In line 85799, delete "(b)" and insert "(2)"

In line 85804, delete "(c)" and insert "(3)"

In line 85808, delete "(d)" and insert "(4)"

In line 85813, delete "(e)" and insert "(5)"

In line 85822, delete "(3)" and insert "(C)"

In line 85827, delete "(4)" and insert "(D)"

Delete lines 85833 through 85836

In line 87207, delete "$2,388,000" and insert "$2,000,000"

The motion was _____ agreed to.

SYNOPSIS

Department of Higher Education

Sections 381.10, 381.450, and 512.160

Decreases DPF Fund 5RA0 appropriation item 235616, Workforce and Higher Education Programs, by $194,000 in each fiscal year and eliminates an earmark of the same amount for the Seeds of Literacy organization in Cleveland.

Decreases, from $2,388,000 to $2,000,000, the amount of cash that the OBM Director is required to transfer on July 1, 2021, or as soon as possible thereafter, from the GRF to the Workforce and Higher Education Programs Fund (Fund 5RA0).

SC3939X3

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 82836, delete "$86,964,846 $86,964,846" and insert "$87,164,846 $87,164,846"

In line 82847, add $200,000 to each fiscal year

In line 82878, add $200,000 to each fiscal year

After line 83044, insert:

"(Q) Of the foregoing appropriation item 336421, Continuum of Care Services, $100,000 in each fiscal year shall be used to provide loan repayment and forgiveness, scholarships, and other forms of tuition assistance for pediatric behavioral health providers practicing in pediatric inpatient and outpatient settings, including Ohio's children's hospitals, and other community behavioral health care settings.

(R) Of the foregoing appropriation item 336421, Continuum of Care Services, $100,000 in each fiscal year shall be used to fund fellowships for the pediatric behavioral health workforce program established in Section 337.XXX of this act."

After line 83558, insert:

"Section 337.__. The Department of Mental Health and Addiction Services shall establish a program for the purpose of

attracting, training, supporting, and retaining individuals involved in the behavioral health workforce to improve access for pediatric patients to evidence-based prevention and inpatient and outpatient services, including at Ohio's children's hospitals."

The motion was _____ agreed to.

SYNOPSIS

Pediatric behavioral health workforce support

Section 337.__

Requires the Department of Mental Health and Addiction Services to establish a program to attract, train, support, and retain individuals involved in the behavioral health workforce to improve access for pediatric patients to evidence-based prevention and inpatient and outpatient services.

Department of Mental Health and Addiction Services

Sections 337.10 and 337.40

Increases GRF appropriation item 336421, Continuum of Care Services, by $200,000 in each fiscal year and earmarks these funds as follows: (1) $100,000 in each fiscal year to provide loan repayment and forgiveness, scholarships and other forms of tuition assistance for pediatric behavioral health providers practicing in pediatric inpatient and outpatient settings, including Ohio's children's hospitals, and other community behavioral health care settings; and (2) $100,000 in each fiscal year to fund fellowships for the pediatric behavioral health workforce.

SC3942

Sub. H.B. 110
L-134-0001-5
JFSCD7

_____ moved to amend as follows:

After line 81220, insert:

"Of the foregoing appropriation item 600689, TANF Block Grant, $200,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to the YWCA of Greater Cleveland's Early Learning Center to support the trauma informed preschool for homeless, low income, and at-risk preschool children."

The motion was _____ agreed to.

SYNOPSIS

Department of Job and Family Services

Section 307.80

Restores a House-added provision that earmarks $200,000 in each fiscal year from FED Fund 3V60 appropriation item 600689, TANF Block Grant, for the YWCA of Greater Cleveland's Early Learning Center.

SC3945

Sub. H.B. 110
L-134-0001-5
JFSCD45

_____ moved to amend as follows:

After line 81258, insert:

"Section 307.81. KINSHIP CAREGIVER PROGRAM

Of the foregoing appropriation item 600689, TANF Block Grant, $10,000,000 in each fiscal year shall be used, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to support kinship care. The Director of Job and Family Services shall allocate funds to county departments of job and family services by providing twelve per cent divided equally among all counties, forty-eight per cent in the ratio that the number of residents of the county under the age of eighteen bears to the total number of such persons residing in this state, and forty per cent in the ratio that the number of residents of the county with incomes under one hundred per cent of the federal poverty guideline bears to the total number of such persons in this state. Each public children services agency shall use these funds to provide reasonable and necessary relief of child caring functions so that kinship caregivers, as defined in section 5101.85 of the Revised Code, can provide and maintain a home for a child in place of a child's parents. When the

public children services agency is designated under division (A) of section 5153.02 of the Revised Code, the county department of job and family services shall enter into a memorandum of understanding with the public children services agency authorizing the expenditure of funds for this purpose up to the amount of the allocation.

Each county department of job and family services shall incorporate the kinship caregiver support program into its prevention, retention, and contingency plan. The program shall include a family stabilization service and a caregiving service. For the purpose of the stabilization service, each child living with a kinship caregiver shall constitute a prevention, retention, and contingency assistance group of one. Stabilization services shall be designed to transition the child into and maintain the child in the home of the kinship caregiver. For the purpose of the caregiving service, each assistance group shall include at least a child living with a kinship caregiver and the kinship caregiver.

The Department of Job and Family Services may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to carry out the purposes of this section.

If funding is no longer available, the kinship caregiver support program in this section shall end and any county department of job and family services or public children

services agency shall not be held responsible for payment of services."

The motion was _____ agreed to.

SYNOPSIS

Department of Job and Family Services

Section 307.81

Restores House-added provisions that do the following:

--Earmarks $10,000,000 in each fiscal year from FED Fund 3V60 appropriation item 600689, TANF Block Grant, for a kinship caregiver program.

--Requires funds to be allocated via formula and requires public children services agencies (PCSAs) to use funds to provide reasonable and necessary relief of child caring functions so kinship caregivers can provide and maintain a home for a child. Specifies that when the PCSA is designated, the county department of job and family services (CDJFS) must enter into a memorandum of understanding with the PCSA authorizing the expenditure.

--Requires CDJFSs to incorporate the program into its prevention, retention, and contingency (PRC) plan. Requires the program to include a family stabilization service and a caregiving service. Specifies that for the purpose of this service, each child living with a kinship caregiver must constitute a PRC assistance group of one and that to qualify, the child must be 18 or younger.

--Specifies that the program will end if funding is no longer available and that PCSAs and CDJFSs will not be held responsible for payments in such an event.

SC3951

Sub. H.B. 110
L-134-0001-5
DPSCD30

_____ moved to amend as follows:

In line 84231, delete everything before "public"

In line 84232, delete the comma

The motion was _____ agreed to.

SYNOPSIS

Department of Public Safety

Section 373.30

Removes the requirement that DPF Fund 5RS0 appropriation item 768621, Community Police Relations, be used to implement a database on use of force and officer involved shootings.

SC3952X1

Sub. H.B. 110
L-134-0001-5
TAXCD74

_____ moved to amend as follows:

In line 89272, delete "excess"

In line 89280, delete "otherwise"

The motion was _____ agreed to.

SYNOPSIS

Municipal income tax temporary COVID-19 withholding rule

Section 757.40

Makes a clarifying change to a provision added to the pending bill that amends the temporary municipal income tax withholding rule for employees affected by COVID-19.

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 41 of the title, after "3302.20," insert " 3302.41,"

In line 139 of the title, after "3302.103," insert "3302.42,"

In line 242, after "3302.20," insert "3302.41,"

In line 315, after "3302.103," insert "3302.42,"

In line 22702, after "blended" insert ", online,"

In line 22724, after "time" insert "primarily"

In line 22727, strike through ""Coherence"" and insert ""Online learning" means students work primarily from their residences on assignments delivered via an internet- or other computer-based instructional method.

(3) "Coherence""

In line 22729, strike through "(3)" and insert "(4)"

In line 22732, strike through "(4)" and insert "(5)"

In line 22734, strike through "(5)" and insert "(6)"

After line 24502, insert:

"**Sec. 3302.41.** As used in this section, "blended learning" has the same meaning as in section 3301.079 of the Revised Code.

(A) Any local, city, exempted village, or joint vocational

school district, community school established under Chapter 3314. of the Revised Code, STEM school established under Chapter 3326. of the Revised Code, college-preparatory boarding school established under Chapter 3328. of the Revised Code, or chartered nonpublic school may operate all or part of a school using a blended learning model. If a school is operated using a blended learning model or is to cease operating using a blended learning model, the superintendent of the school or district or director of the school shall notify the department of education of that fact not later than the first day of July of the school year for which the change is effective. If any school district school, community school, or STEM school is already operated using a blended learning model on ~~the effective date of this section~~ September 24, 2012, the superintendent of the school or district may notify the department within ninety days after ~~the effective date of this section~~ September 24, 2012, of that fact and request that the school be classified as a blended learning school.

(B) The state board of education shall revise any operating standards for school districts and chartered nonpublic schools adopted under section 3301.07 of the Revised Code to include standards for the operation of blended learning under this section. The blended learning operation standards shall provide for all of the following:

(1) Student-to-teacher ratios whereby no school or classroom is required to have more than one teacher for every one hundred twenty-five students in blended learning classrooms;

(2) The extent to which the school is or is not obligated to provide students with access to digital learning tools;

(3) The ability of all students, at any grade level, to earn credits or advance grade levels upon demonstrating mastery of

knowledge or skills through competency-based learning models. Credits or grade level advancement shall not be based on a minimum number of days or hours in a classroom.

(4) ~~An exemption from minimum school year or school day requirements in sections 3313.48 and 3313.481 of the Revised Code~~ Notwithstanding anything to the contrary in section 3313.48 of the Revised Code, a requirement that the school have an annual instructional calendar of not less than nine hundred ten hours;

(5) Adequate provisions for: the licensing of teachers, administrators, and other professional personnel and their assignment according to training and qualifications; efficient and effective instructional materials and equipment, including library facilities; the proper organization, administration, and supervision of each school, including regulations for preparing all necessary records and reports and the preparation of a statement of policies and objectives for each school; buildings, grounds, and health and sanitary facilities and services; admission of pupils, and such requirements for their promotion from grade to grade as will ensure that they are capable and prepared for the level of study to which they are certified; requirements for graduation; and such other factors as the board finds necessary.

(C) An internet- or computer-based community school, as defined in section 3314.02 of the Revised Code, is not a blended learning school authorized under this section. Nor does this section affect any provisions for the operation of and payments to an internet- or computer-based community school prescribed in Chapter 3314. of the Revised Code.

Sec. 3302.42. As used in this section, "online learning" has

the same meaning as in section 3301.079 of the Revised Code.

(A) Any local, city, exempted village, or joint vocational school district, with approval of the superintendent of public instruction, may operate a school using an online learning model. If a school is operated using an online learning model or is to cease operating using an online learning model, the superintendent of the district shall notify the department of education of that fact not later than the first day of July of the school year for which the change is effective. If any school district school is currently operated using an online learning model on the effective date of this section, the superintendent of the district shall notify the department within sixty days after the effective date of this section of that fact and request that the school be classified as an online learning school.

(1) Districts shall assign all students engaged in online learning to a single school which the department shall designate as a district online school.

(2) Districts shall provide all students engaged in online learning a computer, at no cost, for instructional use. Districts shall provide a filtering device or install filtering software that protects against internet access to materials that are obscene or harmful to juveniles on each computer provided to students for instructional use.

(3) Districts shall provide all students engaged in online learning access to the internet, at no cost, for instructional use.

(4) Districts that operate an online learning school shall provide a comprehensive orientation for students and their parents or guardians prior to enrollment or within thirty days for students enrolled as of the effective date of this section.

(5) Online learning schools operated by a district shall implement a learning management system that tracks the time students participate in online learning activities. All student learning activities completed while off-line shall be documented with all participation records checked and approved by the teacher of record.

(B) The state board of education shall revise any operating standards for school districts adopted under section 3301.07 of the Revised Code to include standards for the operation of online learning under this section. The online learning operation standards shall provide for all of the following:

(1) Student-to-teacher ratios whereby no school or classroom is required to have more than one teacher for every one hundred twenty-five students in online learning classrooms;

(2) The ability of all students, at any grade level, to earn credits or advance grade levels upon demonstrating mastery of knowledge or skills through competency-based learning models. Credits or grade level advancement shall not be based on a minimum number of days or hours in a classroom.

(3) Notwithstanding anything to the contrary in section 3313.48 of the Revised Code, a requirement that schools operating using an online learning model have an annual instructional calendar of not less than nine hundred ten hours.

(a) For funding purposes, the department shall reduce the full-time equivalence proportionally for any student in an online learning school who participates in less than nine hundred ten hours per school year. The department shall reduce state funding for students assigned to an online learning school operated by a district commensurate with such adjustments to enrollment.

(b) The department shall develop a review process and make all adjustments of state funding to districts to reflect any participation of students in online learning schools for less than the equivalent of a full school year.

(4) Adequate provisions for: the licensing of teachers, administrators, and other professional personnel and their assignment according to training and qualifications; efficient and effective instructional materials and equipment, including library facilities; the proper organization, administration, and supervision of each school, including regulations for preparing all necessary records and reports and the preparation of a statement of policies and objectives for each school; buildings, grounds, and health and sanitary facilities and services; admission of pupils, and such requirements for their promotion from grade to grade as will ensure that they are capable and prepared for the level of study to which they are certified; requirements for graduation; and such other factors as the board finds necessary.

(C) This section does not affect any provisions for the operation of and payments to an internet- or computer-based community school prescribed in Chapter 3314. of the Revised Code."

In line 70856, after "3302.20," insert "3302.41,"

The motion was _____ agreed to.

SYNOPSIS

Online learning

R.C. 3302.42

Permits school districts, with the approval of the Superintendent of Public Instruction, to operate a school using an online learning model.

Requires a school that is operating using an online learning model or is to cease operating using an online learning model to notify the Department of Education of that fact not later than July 1 of the school year for which the change is effective. Specifies that if a school is currently operated using an online learning model on the effective date of the amendment, the superintendent of the district must notify the Department of this fact within 60 days.

Requires districts to do all of the following if operating a school using an online learning model:

(1) Assign all students engaged in online learning to a single school which the Department will designate as a district online school;

(2) Provide all students engaged in online learning a computer, at no cost, for instructional use. Districts are also required to provide a filtering device or install filtering software that protects against internet access to materials that are obscene or harmful to juveniles on each computer provided to students for instructional use;

(3) Provide all students engaged in online learning access to the internet, at no cost, for instructional use;

(4) Provide a comprehensive orientation for students and their parent or guardian prior to enrollment or within 30 days for students enrolled as of the effective date of this amendment; and

(5) Implement a learning management system that tracks the time students participate in online learning activities. Specifies

that all student learning activities completed while off-line must be documented with all participation records checked and approved by the teacher of record.

Requires the State Board of Education to revise operating standards for school districts to include standards for the operation of online learning models to provide for all of the following:

(1) Student-to-teacher ratios of not greater than one teacher for every 125 students in online learning classrooms;

(2) The ability of all students, at any grade level, to earn credits or advance grade levels upon demonstrating mastery of knowledge or skills through competency-based learning models. Prohibits credits or grade level advancement to be based on a minimum number of days or hours in a classroom;

(3) Require online schools operated by a school district to have an annual calendar of not less than 910 hours;

(4) Require the Department to review and adjust state funding payments to districts based upon student participation in online learning; and

(5) Adequate provisions for: the licensing of teachers, administrators, and other professional personnel and their assignment according to training and qualifications; efficient and effective instructional materials and equipment; the proper organization, administration, and supervision of each school; admission of pupils; requirements for graduation; and such other factors as the Board finds necessary.

Blended learning - school year hour requirement

R.C. 3302.41

Requires that districts and schools using a blended learning model operate an annual calendar of not less than 910 hours. (Under current law, schools operating on a blended learning model are exempt from minimum school year and school day requirements otherwise prescribed under continuing law.)

Definitions - blended and online learning

R.C. 3301.079

Amends the definition of "blended learning" as the delivery of instruction in a combination of time primarily in a supervised physical location away from home and online delivery whereby the student has some element of control over time, place, path, or pace of learning. (Current law does not specify "primarily" in the definition.)

Defines "online learning" as a model in which students work primarily from their residences on assignments delivered via an internet- or other computer-based instructional method.

Information on academic standards and model curricula

R.C. 3301.079

Requires the Department to include information on the use of online learning (in addition to blended and digital learning as under current law) for the delivery of standards or curricula to students, whenever the State Board adopts standards or model curricula.

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 57 of the title, after "3317.051," insert "3317.06,"

In line 254, after "3317.051," insert "3317.06,"

After line 34428, insert:

"**Sec. 3317.06.** Moneys paid to school districts under division (E)(1) of section 3317.024 of the Revised Code shall be used for the following independent and fully severable purposes:

(A) To purchase such secular textbooks or digital texts as have been approved by the superintendent of public instruction for use in public schools in the state and to loan such textbooks or digital texts to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code or to their parents and to hire clerical personnel to administer such lending program. Such loans shall be based upon individual requests submitted by such nonpublic school pupils or parents. Such requests shall be submitted to the school district in which the nonpublic school is located. Such individual requests for the loan of textbooks or digital texts shall, for administrative convenience, be submitted by the nonpublic school pupil or the pupil's parent to the nonpublic school, which shall prepare and submit collective summaries of the individual requests

to the school district. As used in this section:

(1) "Textbook" means any book or book substitute that a pupil uses as a consumable or nonconsumable text, text substitute, or text supplement in a particular class or program in the school the pupil regularly attends.

(2) "Digital text" means a consumable book or book substitute that a student accesses through the use of a computer or other electronic medium or that is available through an internet-based provider of course content, or any other material that contributes to the learning process through electronic means.

(B) To provide speech and hearing diagnostic services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such service shall be provided in the nonpublic school attended by the pupil receiving the service.

(C) To provide physician, nursing, dental, and optometric services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such services shall be provided in the school attended by the nonpublic school pupil receiving the service.

(D) To provide diagnostic psychological services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such services shall be provided in the school attended by the pupil receiving the service.

(E) To provide therapeutic psychological and speech and hearing services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such services shall be provided in the public

school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(F) To provide guidance, counseling, and social work services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(G) To provide remedial services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(H) To supply for use by pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code such standardized tests and scoring services as are in use in the public schools of the state;

(I) To provide programs for children who attend nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code and are children with

disabilities as defined in section 3323.01 of the Revised Code or gifted children. Such programs shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such programs are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(J) To hire clerical personnel to assist in the administration of programs pursuant to divisions (B), (C), (D), (E), (F), (G), and (I) of this section and to hire supervisory personnel to supervise the providing of services and textbooks pursuant to this section.

(K) To purchase or lease any secular, neutral, and nonideological computer application software designed to assist students in performing a single task or multiple related tasks, device management software, learning management software, site-licensing, digital video on demand (DVD), wide area connectivity and related technology as it relates to internet access, mathematics or science equipment and materials, instructional materials, and school library materials that are in general use in the public schools of the state and loan such items to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code or to their parents, and to hire clerical personnel to administer the lending program. Only such items that are incapable of diversion to religious use and that are susceptible of loan to individual pupils and are furnished for the use of individual pupils shall be purchased and loaned under this division. As used in this section, "instructional materials" means prepared learning materials that are secular, neutral, and nonideological in character and are of benefit to the instruction of school

children. "Instructional materials" includes media content that a student may access through the use of a computer or electronic device.

Mobile applications that are secular, neutral, and nonideological in character and that are purchased for less than twenty dollars for instructional use shall be considered to be consumable and shall be distributed to students without the expectation that the applications must be returned.

(L) To purchase or lease instructional equipment, including computer hardware and related equipment in general use in the public schools of the state, for use by pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code and to loan such items to pupils attending such nonpublic schools within the district or to their parents, and to hire clerical personnel to administer the lending program. "Computer hardware and related equipment" includes desktop computers and workstations; laptop computers, computer tablets, and other mobile handheld devices; their operating systems and accessories; and any equipment designed to make accessible the environment of a classroom to a student, who is physically unable to attend classroom activities due to hospitalization or other circumstances, by allowing real-time interaction with other students both one-on-one and in group discussion.

(M) To purchase mobile units to be used for the provision of services pursuant to divisions (E), (F), (G), and (I) of this section and to pay for necessary repairs and operating costs associated with these units.

(N) To reimburse costs the district incurred to store the records of a chartered nonpublic school that closes.

Reimbursements under this division shall be made one time only for each chartered nonpublic school described in division (E)(1) of section 3317.024 of the Revised Code that closes.

(O) To purchase life-saving medical or other emergency equipment for placement in nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code or to maintain such equipment.

(P) To procure and pay for security services from a county sheriff or a township or municipal police force or from a person certified through the Ohio peace officer training commission, in accordance with section 109.78 of the Revised Code, as a special police, security guard, or as a privately employed person serving in a police capacity for nonpublic schools in the district described in division (E)(1) of section 3317.024 of the Revised Code.

(Q) To provide language and academic support services and other accommodations for English learners attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code.

Clerical and supervisory personnel hired pursuant to division (J) of this section shall perform their services in the public schools, in nonpublic schools, public centers, or mobile units where the services are provided to the nonpublic school pupil, except that such personnel may accompany pupils to and from the service sites when necessary to ensure the safety of the children receiving the services.

All services provided pursuant to this section may be provided under contract with educational service centers, the department of health, city or general health districts, or private agencies whose personnel are properly licensed by an appropriate

state board or agency.

Transportation of pupils provided pursuant to divisions (E), (F), (G), and (I) of this section shall be provided by the school district from its general funds and not from moneys paid to it under division (E)(1) of section 3317.024 of the Revised Code unless a special transportation request is submitted by the parent of the child receiving service pursuant to such divisions. If such an application is presented to the school district, it may pay for the transportation from moneys paid to it under division (E)(1) of section 3317.024 of the Revised Code.

No school district shall provide health or remedial services to nonpublic school pupils as authorized by this section unless such services are available to pupils attending the public schools within the district.

Materials, equipment, computer hardware or software, textbooks, digital texts, and health and remedial services provided for the benefit of nonpublic school pupils pursuant to this section and the admission of pupils to such nonpublic schools shall be provided without distinction as to race, creed, color, or national origin of such pupils or of their teachers.

No school district shall provide services, materials, or equipment that contain religious content for use in religious courses, devotional exercises, religious training, or any other religious activity.

As used in this section, "parent" includes a person standing in loco parentis to a child.

Notwithstanding section 3317.01 of the Revised Code, payments shall be made under this section to any city, local, or exempted village school district within which is located one or more

nonpublic elementary or high schools described in division (E)(1) of section 3317.024 of the Revised Code and any payments made to school districts under division (E)(1) of section 3317.024 of the Revised Code for purposes of this section may be disbursed without submission to and approval of the controlling board.

The allocation of payments for materials, equipment, textbooks, digital texts, health services, and remedial services to city, local, and exempted village school districts shall be on the basis of the state board of education's estimated annual average daily membership in nonpublic elementary and high schools located in the district described in division (E)(1) of section 3317.024 of the Revised Code.

Payments made to city, local, and exempted village school districts under this section shall be equal to specific appropriations made for the purpose. All interest earned by a school district on such payments shall be used by the district for the same purposes and in the same manner as the payments may be used.

The department of education shall adopt guidelines and procedures under which such programs and services shall be provided, under which districts shall be reimbursed for administrative costs incurred in providing such programs and services, and under which any unexpended balance of the amounts appropriated by the general assembly to implement this section may be transferred to the auxiliary services ~~personnel unemployment compensation~~ reimbursement fund established ~~pursuant to~~ in section ~~4141.47~~ 3317.064 of the Revised Code. The department shall also adopt guidelines and procedures limiting the purchase and loan of the items described in division (K) of this section to items that are in general use in the public schools of the state, that are

incapable of diversion to religious use, and that are susceptible to individual use rather than classroom use. Within ~~thirty~~ ninety days after the end of each biennium, each board of education shall remit to the department all moneys paid to it under division (E)(1) of section 3317.024 of the Revised Code and any interest earned on those moneys that are not required to pay expenses incurred under this section during the biennium for which the money was appropriated and during which the interest was earned. The department may deposit any money returned following the end of each biennium into the auxiliary services reimbursement fund established in section 3317.064 of the Revised Code. If a board of education subsequently determines that the remittal of moneys leaves the board with insufficient money to pay all valid expenses incurred under this section during the biennium for which the remitted money was appropriated, the board may apply to the department ~~of education~~ for a refund of money, not to exceed the amount of the insufficiency. If the department determines the expenses were lawfully incurred and would have been lawful expenditures of the refunded money, ~~it shall certify its determination and the amount of the refund to be made to the director of job and family services who~~ the department shall make a refund ~~as provided in section 4141.47~~ from the auxiliary services reimbursement fund established in section 3317.064 of the Revised Code.

Each school district shall label materials, equipment, computer hardware or software, textbooks, and digital texts purchased or leased for loan to a nonpublic school under this section, acknowledging that they were purchased or leased with state funds under this section. However, a district need not label materials, equipment, computer hardware or software, textbooks, or digital texts that the district determines are consumable in

nature or have a value of less than two hundred dollars."

In line 34494, strike through "thirty" and insert "ninety"

In line 34500, after the period insert "The department may deposit any money returned following the end of each biennium into the auxiliary services reimbursement fund established in section 3317.064 of the Revised Code."

In line 34508, before the period insert "from the auxiliary services reimbursement fund established in section 3317.064 of the Revised Code"

In line 34581, strike through "By the"

Strike through lines 34582 through 34591

After line 77711, insert:

"**Section 265___.** The Department of Education may deposit into the Auxiliary Services Reimbursement Fund, established in section 3317.064 of the Revised Code, any funds returned under sections 3317.06 and 3317.062 of the Revised Code for the biennium ending June 30, 2021."

The motion was _____ agreed to.

SYNOPSIS

Auxiliary Services Reimbursement Fund

R.C. 3317.06, 3317.062, and 3317.064; Section 265.__

Permits the Department of Education to deposit into the Auxiliary Services Reimbursement Fund any unexpended Auxiliary Services balances appropriated by the General Assembly, rather than into the Auxiliary Services Personnel Unemployment

Compensation Fund as under current law.

Permits the Department to deposit any returned Auxiliary Services funds into the Auxiliary Services Reimbursement Fund.

Requires a district or school to remit to the Department any Auxiliary Services funds or interest on them that are not required to cover expenses within 90 days after the end of a biennium for which the funds were appropriated, rather than 30 days after the end of a biennium as under current law.

Requires the Department, if the remittal of funds leaves a district or school with insufficient funds to cover lawful expenses, to make a refund from the Auxiliary Services Reimbursement Fund, rather than the Auxiliary Services Personnel Unemployment Compensation Fund as under current law.

Eliminates a requirement that, by January 30 of each odd-numbered year, the Director of Job and Family Services and the Superintendent of Public Instruction must determine an amount of excess funds in the Auxiliary Services Personnel Unemployment Compensation Fund and certify that amount to the Director of Management and Budget for transfer to the Auxiliary Services Reimbursement Fund.

Permits the Department to deposit any Auxiliary Services funds returned for the current biennium into the Auxiliary Services Reimbursement Fund.

(Does not affect the Auxiliary Services Personnel Unemployment Compensation Fund established under continuing law (see R.C. 4141.47, not in the amendment).)

SC3965

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

After line 88600, insert:

"**Section 701._____.** (A) The database of individuals registered, and personal information of registered individuals contained within the database, for the Vax-A-Million campaign is confidential and is not a public record as defined under section 149.43 of the Revised Code.

(B) As used in this section:

"Personal information" includes the name, electronic mail address, telephone number, street address, and vaccine location information of individuals who registered for the Vax-A-Million campaign, and includes the name, electronic mail address, and telephone number of a parent or guardian.

"Vax-A-Million campaign" means the campaign held in 2021 consisting of a series of statewide drawings to provide prizes to individuals who receive a COVID-19 vaccination."

In line 89437, after "Sections" insert "701._____,"; after "701.60" insert a comma

The motion was _____ agreed to.

SYNOPSIS

Vax-A-Million database not a public record

Section 701._____ and 812.23

Specifies the information in the Vax-A-Million database is confidential and not public record.

The provision takes immediate effect when the bill becomes law.

SC3968X1

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 143 of the title, after "3317.162," insert "3318.51,"

In line 317, after "3317.162," insert "3318.51,"

After line 35119, insert:

"**Sec. 3318.51.** (A) Notwithstanding anything in this section to the contrary, the Ohio facilities construction commission shall not establish or operate the community school credit enhancement program prescribed under this section until the general assembly enacts subsequent legislation authorizing the establishment and operation of the program.

However, the commission shall conduct a study regarding the feasibility of establishing and operating the program in accordance with divisions (B) to (J) of this section. Not later than July 1, 2022, the commission, in accordance with section 101.68 of the Revised Code, shall submit to general assembly, including the president of the senate, the minority leader of the senate, the speaker of the house of representatives, and the minority leader of the house of representatives, a report regarding the findings and recommendations of the commission's

study. The report shall include a recommendation regarding the financial obligations, costs, or guarantees the state would make under the program.

As used in this section, "classroom facilities" means buildings, land, grounds, equipment, and furnishings used by a community school in furtherance of its mission and contract entered into by the school's governing authority under Chapter 3314. of the Revised Code.

(B) Subject to division (A) of this section, the commission shall establish the community school credit enhancement program to assist community schools established under Chapter 3314. of the Revised Code in obtaining more favorable financing by guaranteeing the payment of principal and interest on loans, bonds, or other financing issued by or on behalf of community schools. Under the program, the commission may guarantee one hundred per cent of the sum of the principal and interest on the financing made to the governing authority of a community school for the sole purpose of assisting the governing authority in acquiring, improving, or replacing classroom facilities for the community school by lease, purchase, remodeling of existing facilities, or any other means including new construction.

(C) To be considered for guaranteed financing under this section, a community school shall submit an application to the

commission, in a form and manner prescribed by the commission, that contains at least all of the following:

(1) Evidence that the community school is in good standing with its sponsor;

(2) Evidence that the community school is creditworthy, with substantial weight given to academic outcomes as evidenced by whether the school is designated as a community school of quality under the quality community school support program established under Section 265.335 of H.B. 110 of the 134th general assembly, if applicable;

(3) Evidence that the classroom facilities that have been acquired, improved, or replaced under the financing meet applicable health and safety standards established by law for school buildings or those facilities that will be acquired, improved, or replaced under the financing will meet such standards.

(D) The commission shall meet regularly to evaluate applications under this section and shall either approve or disapprove each application submitted. The commission shall not approve an application if doing so would cause the total financing approved under this section to exceed two hundred million dollars, except that, if the total financing approved under this section exceeds ninety per cent of that amount in a school year, in the following school year, and for subsequent

school years, the commission shall not approve an application if it would cause total financing approved under this section to exceed three hundred million dollars.

(E) The commission shall report to each community school that submits an application under this section whether the application was approved or disapproved not later than ten business days after the commission approves or disapproves the application.

(F) Each community school approved to participate in the program established under this section shall pay an annual program participation fee equal to up to one-quarter of one per cent of the amount of outstanding principal of the community school's guaranteed financing under this section in any year, as determined by the commission, for as long as that financing is outstanding. Program participation fees shall be paid to the treasurer of state on behalf of the program and deposited in the fund established under division (J) of this section.

(G) The commission may prescribe the terms and conditions in approving guaranteed financing under this section in a written agreement entered into by the commission and the community school.

(H)(1) Bonds guaranteed by the commission under this section for a community school shall not be an indebtedness of

the state or the commission, but are instead special obligations payable solely from the following:

(a) The revenues or other funds pledged by the community school;

(b) Amounts appropriated by the general assembly for the purposes of this section.

(2) One or more debt service reserve funds shall be established for a community school with respect to bonds issued pursuant to the program established under this section.

(3)(a) Except as provided for in division (H)(3)(b) of this section, money in a debt service reserve fund may not be withdrawn from that fund if the amount withdrawn would reduce the level of money in the fund to less than a debt service reserve fund requirement.

(b) As long as the applicable bonds guaranteed under the program established under this section remain outstanding, money in a debt service reserve fund may be withdrawn in an amount that would reduce the level of money in the fund to less than the debt service reserve fund requirement if the money is withdrawn for either of the following purposes:

(i) Paying the principal of, redemption price of, or interest on a bond when due and if no other money of the community school is available to make the payment, as determined by the commission;

(ii) Paying any redemption premium required to be paid when the bonds are redeemed prior to maturity if no bonds will remain outstanding upon payment from the money in the community school's debt service reserve fund.

(4) Money in a community school's debt service reserve fund that exceeds the debt service reserve fund requirement may be withdrawn by the community school.

(5)(a) The commission shall annually, on or before the first day of December, certify to the governor the amount, if any, required to restore amounts on deposit in the debt service reserve funds of community schools to their respective debt service reserve fund requirements.

(b) The governor shall request from the general assembly an appropriation of the certified amount to restore amounts on deposit in the debt service reserve funds of community schools to their respective service reserve fund requirements.

(c) The general assembly may appropriate money to the commission to restore amounts on deposit in the debt service reserve funds of community schools to their respective debt service reserve fund requirements.

(d) A community school that receives money from an appropriation to restore amounts on deposit in a debt service reserve fund to the debt service reserve fund requirement shall

repay the state in a time and manner determined by the commission.

(6)(a) The state may not alter, impair, or limit the rights of bondholders or persons contracting with a community school until the bonds, including interest and other contractual obligations, are fully met and discharged.

(b) Nothing in this section precludes an alteration, impairment, or limitation if provision is made by law for the protection of bondholders or persons entering into contracts with a community school.

(7) The commission may require a community school to vest in the commission the right to enforce any covenant made to secure bond issued under the program established under this section by making appropriate provisions in the indenture related to the community school's bonds.

(8) The commission may require a community school to make covenants and agreements in indentures or in a reimbursement agreement to protect the interests of the state and to secure repayments to the state of any moneys received by the community school from an appropriation to restore amounts deposited in the community school's debt service reserve fund to the debt service reserve fund requirement.

(I) The commission shall adopt rules that prescribe financing standards and procedures consistent with this section

that are designed to protect the state's interest in any financing guaranteed by this section and to ensure that the state has a reasonable chance of recovering any payments made by the state in the event of a default on any such financing.

(J) There is hereby established the community school classroom facility guaranteed financing fund. The fund shall consist of moneys deposited by community schools under this section, or any other funds appropriated by the general assembly, federal grants, and private donations. Investment earnings on moneys in the fund shall be credited to the fund."

The motion was _____ agreed to.

SYNOPSIS

Community School Credit Enhancement Program

R.C. 3318.51

Prescribes the Community School Credit Enhancement Program, but prohibits the Ohio Facilities Construction Commission (OFCC) from establishing or operating it until the General Assembly enacts subsequent legislation authorizing OFCC to do so.

Requires OFCC, by July 1, 2022, to conduct a study regarding the feasibility of establishing and operating the Credit Enhancement Program and submit a report to the General Assembly, including the Senate President, Senate Minority Leader, House Speaker, and House Minority leader, regarding OFCC's findings and recommendations, including a recommendation regarding the financial obligations, costs, or guarantees the state would make under the program.

Specifies the following provisions for the Credit Enhancement Program:

(1) Permit OFCC to guarantee up to 100% of the principal and interest on the financing made to a community school for the sole purpose of assisting the school in acquiring, improving, or replacing classroom facilities for the school by lease, purchase, remodeling of existing facilities, or any other means including new construction.

(2) Require a community school to submit an application to OFCC that contains evidence that:

(a) The school is in good standing with its sponsor;

(b) Exhibits the school is creditworthy, with substantial weight given to whether the school is designated a Community School of Quality under the Quality Community School Support Program; and

(c) The classroom facilities that have been or will be acquired, improved, or replaced under the financing meets applicable health and safety standards.

(3) Require OFCC to evaluate applications, approve or disapprove each submitted application, and, within 10 business days of making a decision, report that decision to the community school.

(4) Prohibit OFCC from approving an application if doing so would cause the total financing approved under the Program to exceed $200 million, except that, if the total approved financing exceeds 90% of that amount in a school year, the limit must be increased to $300 million for subsequent school years.

(5) Require each community school participating in the program to pay to the Treasurer of State a fee of up to 0.25% of the outstanding principal of the school's guaranteed financing in any year for as long as that financing is outstanding.

(6) Require the Treasurer to deposit fees into the Community School Classroom Facility Guaranteed Financing Fund, which consists of moneys deposited by community schools, other funds appropriated by the General Assembly, federal grants, and private donations.

(7) Permit OFCC to prescribe its terms and conditions in approving guaranteed financing in a written agreement entered into by OFCC and a community school.

(8) Specify that bonds guaranteed by OFCC under the Program are not an indebtedness of the state or OFCC, but are instead special obligations payable solely from:

(a) The revenues or other funds pledged by the community school; or

(b) Amounts appropriated by the General Assembly for the purposes of the Program.

(9) Require one or more debt service reserve funds to be established for a community school regarding bonds issued pursuant to the Program.

(10) Prohibit money in a debt service reserve fund from being withdrawn if that amount would reduce the level of money in the fund to less than a debt service reserve fund requirement, unless the money is withdrawn with respect to applicable outstanding bonds and is used to pay:

(a) The principal of, redemption price of, or interest on a bond when it is due, if OFCC determines the community school has no other money available to make the payment; or

(b) Any redemption premium required to be paid when bonds are redeemed prior to maturity, provided no bonds will remain outstanding upon payment of money from school's reserve fund.

(11) Permit the withdrawal of money from a community school's debt service reserve fund if that money is in excess of a debt service reserve fund requirement.

(12) Establish an annual procedure to determine whether the General Assembly should appropriate funds to the debt service reserve funds of community schools, as follows:

(a) Requires OFCC, by December 1 of each year, to certify to the Governor the amount, if any, required to restore community school reserve funds to their respective debt service reserve fund requirements;

(b) Requires the Governor to request from the General Assembly an appropriation of the certified amount; and

(c) Permits the General Assembly to appropriate the certified amount to restore the reserve funds to their respective debt service reserve fund requirements.

(13) Require a community school that receives appropriated funds under the annual procedure to repay the state in a time and manner determined by OFCC.

(14) Prohibit the state from altering, impairing, or limiting the rights of bondholders or persons contracting with a community school until the bonds, including interest and other contractual obligations, are fully met and discharged.

(15) Specify the provision does not preclude an alteration, impairment, or limitation if the law provides for the protection of bondholders or persons entering into contracts with a community school.

(16) Permit OFCC to require a community school to vest in OFCC the right to enforce any covenant made to secure bonds issued under the Program by making appropriate provisions in the indenture related to the school's bonds.

(17) Permit OFCC to require a community school to make covenants and agreements in indentures or in a reimbursement agreement to protect the interests of the state and to secure repayments to the state any moneys received by the school from an appropriation to restore amounts deposited in a school's debt service reserve fund.

(18) Requires OFCC to adopt rules that prescribe financing standards and procedures that are designed to protect the state's interest in any guaranteed financing.

SC3969

Sub. H.B. 110
L-134-0001-5
TAXCD67

_____ moved to amend as follows:

In line 112 of the title, delete "5703.94,"

In line 166 of the title, after "5741.032," insert "and"

In line 167 of the title, delete ", and 5751.42"

In line 294, delete "5703.94,"

Delete lines 61774 through 61901

In line 69344, reinsert "Qualifying integrated supply chain receipts as"

Reinsert line 69345

In line 69346, reinsert "(kk)"

In line 69359, reinsert "(ll)"; delete "(kk)"

In line 69363, reinsert "(F)(2)(ll)"; delete "(F)(2)(kk)"

In line 69365, reinsert "(mm)"; delete "(ll)"

In line 69371, reinsert "(nn)"; delete "(mm)"

In line 69375, delete "(nn)" and insert "(oo)"

In line 70908, delete "5703.94,"

In line 70926, after "5741.032," insert "and"; delete ", and 5751.42"

In line 89391, delete "(A)"

In line 89392, delete "(F)(2)(mm)" and insert "(F)(2)(nn)"

Delete lines 89395 through 89398

The motion was _____ agreed to.

SYNOPSIS

Reinstate CAT exclusion for beauty product supply chain receipts

R.C. 5751.01(F)(2)(jj), 5703.94, and 5751.42; Section 803.170

Removes a provision of the pending substitute bill (TAXCD67) that would have repealed the commercial activity tax (CAT) exclusion for receipts from the sale of beauty, health, personal care, or aromatic products (including candles) between businesses within an "integrated supply chain." An "integrated supply chain" is two or more businesses that do not share a common owner and are located within a limited area in a county with a 2010 population between 165,000 and 170,000 (i.e., Licking County) and a city with a 2010 population between 7,500 and 8,000 (i.e., New Albany).

SC3973

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 131 of the title, after "5.246," insert "5.2527,"

In line 309, after "5.246," insert "5.2527,"

After line 331, insert:

"**Sec. 5.2527.** The fourth week of June is designated as "Postpartum Cardiomyopathy Awareness Week" to increase public awareness of postpartum cardiomyopathy, which is a form of heart failure that can happen during the last month of pregnancy or up to five months after giving birth."

The motion was _____ agreed to.

SYNOPSIS

Postpartum cardiomyopathy awareness

R.C. 5.2527

Designates the fourth week of June as "Postpartum Cardiomyopathy Awareness Week" to increase public awareness of postpartum cardiomyopathy, which is a form of heart failure that can happen during the last month of pregnancy or up to five months after giving birth.

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 9 of the title, after "122.82," insert "122.84,"

In line 219, after "122.82," insert "122.84,"

After line 5588, insert:

"**Sec. 122.84.** (A) As used in this section:

(1) "Ohio qualified opportunity fund" means a qualified opportunity fund that holds one hundred per cent of its invested assets in qualified opportunity zone property situated in an Ohio opportunity zone.

In the case of qualified opportunity zone property that is qualified opportunity zone stock or qualified opportunity zone partnership interest, the stock or interest is situated in an Ohio opportunity zone only if, during all of the qualified opportunity fund's holding period for such stock or interest, all of the use of the corporation's or partnership's tangible property was in an Ohio opportunity zone. In the case of qualified opportunity zone property that is qualified opportunity zone business property, the property is situated in an Ohio opportunity zone only if, during all of the fund's holding period for such property, all of the use of the property was in an Ohio opportunity zone.

All terms used in division (A) of this section have the same

meaning as in 26 U.S.C. 1400Z-2, except that "all" shall be substituted for "substantially all" wherever "substantially all" appears in the definition of those terms or in the definition of terms used in those terms.

(2) "Ohio opportunity zone" means a qualified opportunity zone designated in this state under 26 U.S.C. 1400Z-1 before, on, or after the effective date of the enactment of this section by H.B. 166 of the 133rd general assembly.

(3) "Taxpayer" and "taxable year" have the same meanings as in section 5747.01 of the Revised Code.

(4) "Qualifying taxable year" means ~~a~~ one of the following, as applicable:

(a) For a taxpayer, the taxpayer's taxable year that includes the first day of a calendar year during which an Ohio qualified opportunity fund in which the taxpayer invests makes an investment in a project located in an Ohio opportunity zone;

(b) For a person that is not a taxpayer but is subject to federal income taxation, the person's federal taxable year that includes the first day of a calendar year during which an Ohio qualified opportunity fund in which the person invests makes an investment in a project located in an Ohio opportunity zone;

(c) For any other person, the calendar year during which an Ohio qualified opportunity fund in which the person invests makes an investment in a project located in an Ohio opportunity zone.

(B) A ~~taxpayer~~ person that invests in one or more Ohio qualified opportunity funds may apply to the director of development ~~services~~ for a nonrefundable credit against the tax levied under section 5747.02 of the Revised Code. The application shall be made on forms prescribed by the director on or after the

first day of January and on or before the first day of February of each year. The credit shall equal ten per cent of the amount of the ~~taxpayer's~~ person's investment in the fund that the fund invested during the preceding calendar year in projects located in Ohio opportunity zones.

The ~~taxpayer~~ person shall include the following information with the ~~taxpayer's~~ person's application:

(1) The amount of the ~~taxpayer's~~ person's investment in Ohio qualified opportunity funds during the ~~taxpayer's~~ person's qualifying taxable year, arranged according to the amount invested in each such fund if the ~~taxpayer~~ person invested in more than one such fund;

(2) A statement from an employee or officer of each Ohio qualified opportunity fund identified by the ~~taxpayer~~ person under division (B)(1) of this section certifying the amount of the ~~taxpayer's~~ person's investment in the fund and the amount of that investment the fund invested in projects located in Ohio opportunity zones during the preceding calendar year. The statement shall describe each project funded by the investment and state each project's location and the portion of the ~~taxpayer's~~ person's investment invested in each such project. Unless the fund demonstrates otherwise to the director's satisfaction, the amount of a ~~taxpayer's~~ person's investment that the fund invested in a project located in an Ohio opportunity zone equals the same proportion of the amount of the fund's investment in the project as the ~~taxpayer's~~ person's investment in the fund bears to the total investment by all investors in that fund on the date the fund makes the investment in the project.

The director shall review applications in the order in which applications are received.

(C)(1) Subject to division (C)(2) of this section, if the director determines that the applicant qualifies for a credit under this section, the director shall issue, within sixty days after the receipt of a complete application under division (B) of this section, a tax credit certificate to the ~~taxpayer~~ person identified with a unique number and listing the amount of credit the director determines ~~the taxpayer~~ is eligible to ~~claim~~ be claimed.

(2) The director shall not issue certificates in a total amount that would cause the tax credits claimed in any fiscal biennium to exceed fifty million dollars. The director shall not issue certificates to a single ~~applicant in an amount that would cause the tax credits claimed~~ person in any fiscal biennium ~~by that applicant, and any person to whom the applicant transfers the certificate under division (E) of this section, to exceed one~~ in an amount that exceeds two million dollars.

The director may not issue a certificate under this section on the basis of any investment for which a small business investment certificate has been issued under section 122.86 of the Revised Code.

(3) The credit may be claimed for the taxpayer's qualifying taxable year or the next ensuing taxable year. The taxpayer shall claim the credit in the order prescribed by section 5747.98 of the Revised Code. Any unused amount may be carried forward for the following five taxable years. If the certificate is issued to a pass-through entity for an investment by the entity, any taxpayer that is a direct or indirect investor in the pass-through entity on the last day of the entity's qualifying taxable year may claim the taxpayer's proportionate or distributive share of the credit against the taxpayer's aggregate amount of tax levied under that

section.

(D) A taxpayer claiming a credit under this section shall submit a copy of the certificate with the taxpayer's return or report.

(E) A ~~taxpayer~~ person that holds an unclaimed certificate issued under this section may notify the tax commissioner, in writing, that the ~~taxpayer~~ transferor is transferring the right to claim the credit stated on the certificate. The ~~taxpayer~~ transferor shall identify in that notification the certificate's number and the name and the tax identification number of the transferee. Pursuant to division (D) of this section, the transferee may claim the credit stated on the certificate, subject to the limitations of this section. A transferee may not transfer the right to claim the credit amount to any other person.

(F) On or before the first day of August each year, the director of development ~~services~~ shall submit a report to the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives on the tax credit program authorized under this section. The report shall include the following information:

(1) The number of projects funded by investments for which a tax credit application was submitted under this section during the preceding year, the Ohio opportunity zone in which each such project is located, the number of projects funded by investments for which certificates were allocated during the preceding year, a description of each such project, and the composition of an Ohio qualified opportunity fund's investments in each project funded by investments for which a tax credit application was submitted under this section;

(2) The number of ~~taxpayers~~ persons that invested in an Ohio

qualified opportunity fund and applied for a tax credit based on the fund's investment in a project during the preceding year, the name of the fund in which each such investment was made, the number of ~~taxpayers~~ persons allocated a credit for such investments under this section, and the dollar amount of those credits;

(3) A map that shows the location of each Ohio opportunity zone and that indicates which zones include existing or pending projects that are, or will be, funded by tax credit-eligible investments."

In line 70833, after "122.82," insert "122.84,"

The motion was _____ agreed to.

SYNOPSIS

Ohio opportunity zone investment tax credit

R.C. 122.84

Makes the following changes to the existing income tax credit for investments in federally authorized Ohio opportunity zones:

--Increases, from $1 million to $2 million, the limit on the amount of credits that may be awarded to an individual during a fiscal biennium.

--Expands the eligibility to receive a credit allocation (i.e., tax credit certificate) to all investors in Ohio opportunity zones, not just investors subject to the personal income tax. (A nontaxpayer investor that cannot claim the credit may sell or transfer the credit to a taxpayer.)

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 9 of the title, after "122.82," insert "122.85,"

In line 219, after "122.82," insert "122.85,"

After line 5588, insert:

"**Sec. 122.85.** (A) As used in this section and in sections 5726.55, 5733.59, 5747.66, and 5751.54 of the Revised Code:

(1) "Tax credit-eligible production" means a motion picture or broadway theatrical production certified by the director of development ~~services~~ under division (B) of this section as qualifying the production company ~~and its production contractors~~ for a tax credit under section 5726.55, 5733.59, 5747.66, or 5751.54 of the Revised Code.

(2) "Certificate owner" means a production company ~~or production contractor~~ to which a tax credit certificate is issued.

(3) "Production company" means an individual, corporation, partnership, limited liability company, or other form of business association that is registered with the secretary of state and that is producing a motion picture or broadway theatrical production.

(4) "Eligible expenditures" means expenditures made after June 30, 2009, for goods or services purchased and consumed in

this state by a production company directly for the production of a tax credit-eligible production ~~or~~, for postproduction activities, or for advertising and promotion of the production.

"Eligible expenditures" ~~includes, but is not limited to,~~include expenditures for cast and crew wages, accommodations, costs of set construction and operations, editing and related services, photography, sound synchronization, lighting, wardrobe, makeup and accessories, film processing, transfer, sound mixing, special and visual effects, music, location fees, and the purchase or rental of facilities and equipment.

(5) "Motion picture" means entertainment content created in whole or in part within this state for distribution or exhibition to the general public, including, but not limited to, feature-length films; documentaries; long-form, specials, miniseries, series, and interstitial television programming; interactive web sites; sound recordings; videos; music videos; interactive television; interactive games; video games; commercials; any format of digital media; and any trailer, pilot, video teaser, or demo created primarily to stimulate the sale, marketing, promotion, or exploitation of future investment in either a product or a motion picture by any means and media in any digital media format, film, or videotape, provided the motion picture qualifies as a motion picture. "Motion picture" does not include any television program created primarily as news, weather, or financial market reports, a production featuring current events or sporting events, an awards show or other gala event, a production whose sole purpose is fundraising, a long-form production that primarily markets a product or service or in-house corporate advertising or other similar productions, a production for purposes of political advocacy, or any production for which records are required to be maintained under 18 U.S.C. 2257 with

respect to sexually explicit content.

(6) "Broadway theatrical production" means a prebroadway production, long run production, or tour launch that is directed, managed, and performed by a professional cast and crew and that is directly associated with New York city's broadway theater district.

(7) "Prebroadway production" means a live stage production that is scheduled for presentation in New York city's broadway theater district after the original or adaptive version is performed in a qualified production facility.

(8) "Long run production" means a live stage production that is scheduled to be performed at a qualified production facility for more than five weeks, with an average of at least six performances per week.

(9) "Tour launch" means a live stage production for which the activities comprising the technical period are conducted at a qualified production facility before a tour of the original or adaptive version of the production begins.

(10) "Qualified production facility" means a facility located in this state that is used in the development or presentation to the public of theater productions.

~~(11) "Production contractor" means an individual, corporation, partnership, limited liability company, or other form of business association that is registered with the secretary of state and that, pursuant to a contract with a production company producing a motion picture in this state, provides any of the following services to the production company with respect to that production: editing, postproduction, photography, lighting, cinematography, sound design, catering, special effects,~~

~~production coordination, hair styling or makeup, art design, or distribution.~~

(B) For the purpose of encouraging and developing strong film and theater industries in this state, the director of development ~~services~~ may certify a motion picture or broadway theatrical production produced by a production company as a tax credit-eligible production. In the case of a television series, the director may certify the production of each episode of the series as a separate tax credit-eligible production. A production company shall apply for certification of a motion picture or broadway theatrical production as a tax credit-eligible production on a form and in the manner prescribed by the director. Each application shall include the following information:

(1) The name and telephone number of the production company;

(2) The name and telephone number of the company's contact person;

(3) A list of the first preproduction date through the last production and postproduction dates in Ohio and, in the case of a broadway theatrical production, a list of each scheduled performance in a qualified production facility;

(4) The Ohio production office or qualified production facility address and telephone number;

(5) The total production budget;

(6) The total budgeted eligible expenditures and the percentage that amount is of the total production budget of the motion picture or broadway theatrical production;

(7) In the case of a motion picture, the total percentage of the production being shot in Ohio;

(8) The level of employment of cast and crew who reside in Ohio;

(9) A synopsis of the script;

(10) In the case of a motion picture, the shooting script;

(11) A creative elements list that includes the names of the principal cast and crew and the producer and director;

(12) Documentation of financial ability to undertake and complete the motion picture or broadway theatrical production, including documentation that shows that the company has secured funding equal to at least fifty per cent of the total production budget;

(13) Estimated value of the tax credit based upon total budgeted eligible expenditures;

(14) Estimated amount of state and local taxes to be generated in this state from the production;

(15) Estimated economic impact of the production in this state;

(16) Any other information considered necessary by the director.

Within ninety days after certification of a motion picture or broadway theatrical production as a tax credit-eligible production, and any time thereafter upon the request of the director ~~of development services~~, the production company shall present to the director sufficient evidence of reviewable progress. If the production company fails to present sufficient evidence, the director may rescind the certification. If the production of a motion picture or broadway theatrical production does not begin within ninety days after the date it is certified

as a tax credit-eligible production, the director shall rescind the certification unless the director finds that the production company shows good cause for the delay, meaning that the production was delayed due to unforeseeable circumstances beyond the production company's control or due to action or inaction by a government agency. Upon rescission, the director shall notify the applicant that the certification has been rescinded. Nothing in this section prohibits an applicant whose tax credit-eligible production certification has been rescinded from submitting a subsequent application for certification.

(C)(1) A production company whose motion picture or broadway theatrical production has been certified as a tax credit-eligible production may apply to the director of development ~~services~~ on or after July 1, 2009, for a refundable credit against the tax imposed by section 5726.02, 5733.06, 5747.02, or 5751.02 of the Revised Code. The director in consultation with the tax commissioner shall prescribe the form and manner of the application and the information or documentation required to be submitted with the application. ~~The application shall state the name and address of each production contractor with which the production company contracted for services and the amount of eligible expenditures paid or incurred under the contract with respect to the production.~~

The credit is determined as follows:

(a) If the total budgeted eligible expenditures stated in the application submitted under division (B) of this section or the actual eligible expenditures as finally determined under division (D) of this section, whichever is least, is less than or equal to three hundred thousand dollars, no credit is allowed;

(b) If the total budgeted eligible expenditures stated in the

application submitted under division (B) of this section or the actual eligible expenditures as finally determined under division (D) of this section, whichever is least, is greater than three hundred thousand dollars, the credit ~~for the production company~~ equals thirty per cent of the least of such budgeted or actual eligible expenditure amounts ~~and the credit for each production contractor equals thirty per cent of the amount of eligible expenditures paid or incurred under the contract with respect to the production~~.

(2) Except as provided in division (C)(4) of this section, if the director of development ~~services~~ approves a production company's application for a credit, the director shall issue a tax credit certificate to the company ~~and to each of the company's production contractors identified in the application~~. The director in consultation with the tax commissioner shall prescribe the form and manner of issuing certificates. The director shall assign a unique identifying number to each tax credit certificate and shall record the certificate in a register devised and maintained by the director for that purpose. The certificate shall state the amount of the eligible expenditures on which the credit is based and the amount of the credit. Upon the issuance of a certificate, the director shall certify to the tax commissioner the name of the production company ~~or contractor~~ to which the certificate was issued, the amount of eligible expenditures shown on the certificate, the amount of the credit, and any other information required by the rules adopted to administer this section.

(3) The amount of eligible expenditures for which a tax credit may be claimed is subject to inspection and examination by the tax commissioner or employees of the commissioner under section 5703.19 of the Revised Code and any other applicable law. Once the eligible expenditures are finally determined under

section 5703.19 of the Revised Code and division (D) of this section, the credit amount is not subject to adjustment unless the director determines an error was committed in the computation of the credit amount.

(4) No tax credit certificate may be issued before the completion of the tax credit-eligible production. Not more than forty million dollars of tax credit may be allowed per fiscal year provided that, for any fiscal year in which the amount of tax credits allowed under this section is less than that maximum annual amount, the amount not allowed for that fiscal year shall be added to the maximum annual amount that may be allowed for the following fiscal year.

(5) The director shall review and approve applications for tax credits in two rounds each fiscal year. The first round of credits shall be awarded not later than the last day of July of the fiscal year, and the second round of credits shall be awarded not later than the last day of the ensuing January. The amount of credits awarded in the first round of applications each fiscal year shall not exceed twenty million dollars plus any credit allotment that was not awarded in the preceding fiscal year and carried over under division (C)(4) of this section. For each round, the director shall rank applications on the basis of the extent of positive economic impact each tax credit-eligible production is likely to have in this state and the effect on developing a permanent workforce in motion picture or theatrical production industries in the state. For the purpose of such ranking, the director shall give priority to tax-credit eligible productions that are television series or miniseries due to the long-term commitment typically associated with such productions. The economic impact ranking shall be based on the production company's total expenditures in this state directly associated

with the tax credit-eligible production. The effect on developing a permanent workforce in the motion picture or theatrical production industries shall be evaluated first by the number of new jobs created and second by amount of payroll added with respect to employees in this state.

The director shall approve productions in the order of their ranking, from those with the greatest positive economic impact and workforce development effect to those with the least positive economic impact and workforce development effect.

(D) A production company whose motion picture or broadway theatrical production has been certified as a tax credit-eligible production shall engage, at the company's expense, an independent certified public accountant to examine the company's production, postproduction, and advertising and promotion expenditures to identify the expenditures that qualify as eligible expenditures. The certified public accountant shall issue a report to the company and to the director of development ~~services~~ certifying the company's eligible expenditures and any other information required by the director. Upon receiving and examining the report, the director may disallow any expenditure the director determines is not an eligible expenditure. ~~If any expenditure disallowed under this division was included in the expenditure for a contract with a production contractor, the contractor's credit amount shall be reduced in proportion to such disallowed expenditure.~~ If the director disallows an expenditure, the director shall issue a written notice to the production company ~~or affected production contractor~~ stating that the expenditure is disallowed and the reason for the disallowance. Upon examination of the report and disallowance of any expenditures, the director shall determine finally the lesser of the total budgeted eligible expenditures stated in the application submitted under division (B) of this

section or the actual eligible expenditures for the purpose of computing the amount of the credit.

(E) No credit shall be allowed under section 5726.55, 5733.59, 5747.66, or 5751.54 of the Revised Code unless the director has reviewed the report and made the determination prescribed by division (D) of this section.

(F) This state reserves the right to refuse the use of this state's name in the credits of any tax credit-eligible motion picture production or program of any broadway theatrical production.

(G)(1) The director of development ~~services~~ in consultation with the tax commissioner shall adopt rules for the administration of this section, including rules setting forth and governing the criteria for determining whether a motion picture or broadway theatrical production is a tax credit-eligible production; activities that constitute the production or postproduction of a motion picture or broadway theatrical production; reporting sufficient evidence of reviewable progress; expenditures that qualify as eligible expenditures; a schedule and deadlines for applications to be submitted and reviewed; a competitive process for approving credits based on likely economic impact in this state and development of a permanent workforce in motion picture or theatrical production industries in this state; consideration of geographic distribution of credits; and implementation of the program described in division (H) of this section. The rules shall be adopted under Chapter 119. of the Revised Code.

(2) To cover the administrative costs of the program, the director shall require each applicant to pay an application fee equal to the lesser of ten thousand dollars or one per cent of the estimated value of the tax credit as stated in the application.

The fees collected shall be credited to the tax incentives operating fund created in section 122.174 of the Revised Code. All grants, gifts, fees, and contributions made to the director for marketing and promotion of the motion picture industry within this state shall also be credited to the fund.

(H) The director of development ~~services~~ shall establish a program for the training of Ohio residents who are or wish to be employed in the film or multimedia industry. Under the program, the director shall:

(1) Certify individuals as film and multimedia trainees. In order to receive such a certification, an individual must be an Ohio resident, have participated in relevant on-the-job training or have completed a relevant training course approved by the director, and have met any other requirements established by the director.

(2) Accept applications from production companies that intend to hire and provide on-the-job training to one or more certified film and multimedia trainees who will be employed in the company's tax credit-eligible production.

(3) Upon completion of a tax-credit eligible production, and upon the receipt of any salary information and other documentation required by the director, authorize a reimbursement payment to each production company whose application was approved under division (H)(2) of this section. The payment shall equal fifty per cent of the salaries paid to film and multimedia trainees employed in the production."

In line 70833, after "122.82," insert "122.85,"

The motion was _____ agreed to.

SYNOPSIS

Film and theater tax credit: production contractors

R.C. 122.85

Revokes the eligibility of "production contractors" (persons other than the production company that are involved in the production of a motion picture) for the film and theater tax credit.

SC3982

Sub. H.B. 110
L-134-0001-5
DOHCD40

_____ moved to amend as follows:

In line 39775, delete "Not" and insert "Except as provided in division (F) of this section, not"

In line 39792, after "in" insert "division (A) of"

In line 39794, delete "under division (A) of this section"

After line 39815, insert:

"(F) This section does not apply to a city with a population less than fifty thousand whose city health district meets either of the following conditions regarding accreditation by an accreditation body approved by the director of health:

(1) The district has received accreditation and maintains its accreditation.

(2) The district is in the process of applying for accreditation on the effective date of this section, receives accreditation not later than December 31, 2025, and maintains its accreditation."

The motion was _____ agreed to.

SYNOPSIS

City health districts - accreditation

R.C. 3709.012

Maintains the House provisions requiring a city health district with a population of less than 50,000 to (1) study a merger with the general health district that includes the city and (2) contract with the general health district for the administration of city health affairs if the study indicates that the merger is advisable, but also exempts from the requirements a city health district that is either accredited or in the process of applying for accreditation and receives it by December 31, 2025.

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 7 of the title, after "122.041," insert "122.09,"

In line 217, after "122.041," insert "122.09,"

After line 3737, insert:

"**Sec. 122.09.** (A) As used in this section:

(1) "Development costs" means expenditures paid or incurred by the property owner in completing a certified transformational mixed use development project, including architectural or engineering fees paid or incurred in connection with the project and expenses incurred before the date the project is certified by the tax credit authority under division (C) of this section. In the case of a certified transformational mixed use development project that is part of a larger contiguous project that is planned to be completed in phases, "development costs" include only expenditures associated with the portion of the project that is certified by the tax credit authority and do not include expenditures incurred for other phases of the project.

(2) "Owner" means a person or persons holding a fee simple or leasehold interest in real property, including interests in real property acquired through a capital lease arrangement. "Owner" does not include the state or a state agency, or any political

subdivision as defined in section 9.23 of the Revised Code. For the purpose of this division, "fee simple interest," "leasehold interest," and "capital lease" shall be construed in accordance with generally accepted accounting principles.

(3) "Transformational mixed use development" means a project that consists of new construction or the redevelopment, rehabilitation, expansion, or other improvement of vacant buildings or structures, or a combination of the foregoing, and that:

(a) Will have a transformational economic impact on the development site and the surrounding area;

(b) Integrates some combination of retail, office, residential, recreation, structured parking, and other similar uses into one mixed use development; and

(c) Satisfies one of the following criteria:

(i) If the development site is located within ten miles of a major city, the project includes at least one new or previously vacant building that is fifteen or more stories in height or has a floor area of at least three hundred fifty thousand square feet, or after completion will be the site of employment accounting for at least four million dollars in annual payroll, or includes two or more buildings that are connected to each other, are located on the same parcel or on contiguous parcels, and that collectively have a floor area of at least three hundred fifty thousand square feet;

(ii) If the development site is not located within ten miles of a major city, the project includes at least one new or previously vacant building that is two or more stories in height or has a floor area of at least seventy-five thousand square feet

or two or more new buildings that are located on the same parcel or on contiguous parcels and that collectively have a floor area of at least seventy-five thousand square feet.

"Transformational mixed use development" may include a portion of a larger contiguous project that is planned to be completed in phases as long as the phases collectively meet the criteria described in division (A)(3) of this section.

(4) "Increase in tax collections" means the difference, if positive, of the amount of state and local taxes derived from economic activity occurring within the development site and the surrounding area during a period of time minus the amount of such taxes that are estimated to be derived from such economic activity in that site and surrounding area during the same period if the transformational mixed use project were not completed.

(5) "Completion period" means the time period beginning on the day after a transformational mixed use development is certified by the tax credit authority and ending on the fifth anniversary of the day the project is completed.

(6) "Insurance company" means a person subject to the tax imposed under section 5725.18 or 5729.03 of the Revised Code.

(7) "Contribute capital" means to invest, loan, or donate cash in exchange for an equity interest in an asset, a debt instrument, or no consideration.

(8) "Major city" means a municipal corporation that has a population greater than one hundred thousand.

(9) "Tax credit authority" means the tax credit authority created under section 122.17 of the Revised Code.

(10) "Adjusted development costs" means the development costs attributed to a complete transformational mixed use development

project minus the sum of the capital contributions of any insurance companies that are preliminarily approved for a tax credit in connection with the same project.

(11) A "property owner's share" of the increase in tax collections equals the product obtained by multiplying the total increase in tax collections since the date the transformational mixed use development project was certified by a fraction, the numerator of which is the adjusted development costs and the denominator of which is the actual development costs attributed to the project.

(12) An "insurance company's share" of the increase in tax collections equals the product obtained by multiplying the total increase in tax collections since the date the transformational mixed use development project was certified by a fraction, the numerator of which is the insurance company's capital contribution to the project and the denominator of which is the actual development costs attributed to the project.

(B) The owner of one or more parcels of land in this state within which a transformational mixed use development is planned or an insurance company that contributes capital to be used in the planning or construction of such a development may apply to the tax credit authority for certification of the development and preliminary approval of a tax credit. Each application shall be filed in the form and manner prescribed by the director of development ~~services~~ and shall, at minimum, include a development plan comprised of all of the following information:

(1) The location of the development site and an indication of whether it is located within ten miles of a major city;

(2) A detailed description of the proposed transformational mixed use development including site plans, construction drawings,

architectural renderings, or other means sufficient to convey the appearance, size, purposes, capacity, and scope of the project and, if applicable, previously completed and future phases of the project;

(3) A viable financial plan that estimates the development costs that have been or will be incurred in the completion of the project and that designates a source of financing or a strategy for obtaining financing;

(4) An estimated schedule for the progression and completion of the project including, if applicable, previously completed and future phases of the project;

(5) An assessment of the projected economic impact of the project on the development site and the surrounding area;

(6) Evidence that the increase in tax collections during the completion period will exceed ten per cent of the estimated development costs reported under division (B)(3) of this section;

(7) If the applicant is an insurance company that is not the property owner, the amount of the insurance company's capital contribution to the development and the date on which it was or will be made;

(8) Evidence that the project will not be completed unless the applicant receives the credit.

(C)(1) In determining whether to certify a project that is the subject of an application submitted under division (B) of this section, the tax credit authority shall consider the potential impact of the transformational mixed use development on the development site and the surrounding area in terms of architecture, accessibility to pedestrians, retail entertainment and dining sales, job creation, property values, connectivity, and

revenue from sales, income, lodging, and property taxes. The tax credit authority shall not certify a project unless it satisfies the following conditions:

(a) The project qualifies as a transformational mixed use development and satisfies all other criteria prescribed by this section or by rule of the director of development ~~services~~;

(b) The estimated increase in tax collections during the completion period exceeds ten per cent of the estimated development costs for the project reported under division (B)(3) of this section;

(c) The project will not be completed unless the applicant receives the credit;

(d) If the development site is located within ten miles of a major city, the estimated development costs to complete the project plus, if applicable, the estimated expenditures that have been or will be incurred to complete all other contiguous phases of the project, exceed fifty million dollars.

In making its determination of whether or not to approve an application, the tax credit authority may conduct an interview of the applicant.

(2) If the tax credit authority approves an application, the authority shall issue a statement certifying the associated transformational mixed use development project and preliminarily approving a tax credit. The statement shall stipulate that receipt of a tax credit certificate is contingent upon completion of the transformational mixed use development as described in the development plan. The statement shall specify the estimated amount of the tax credit, but state that the amount of the credit is dependent upon determination of the actual development costs

attributed to the project and, unless the tax credit authority grants a request by the property owner under division (F) of this section, of the increase in tax collections during the completion period.

(3) Except as otherwise provided in this division, if the applicant is an insurance company that is not the property owner, the estimated amount of the tax credit shall equal ten per cent of the insurance company's capital contribution to the project as reported in the development plan pursuant to division (B)(7) of this section. Except as otherwise provided in this division, if the applicant is the property owner, the estimated amount of the tax credit shall equal ten per cent of the estimated development costs for the project as reported in the development plan pursuant to division (B)(3) of this section minus any estimated credit amounts that have been preliminarily approved for insurance companies contributing capital to the project. The estimated credit amounts may be reduced by the tax credit authority as a condition of certifying the project if such a reduction is necessary to comply with the limitations on the amount of credits that may be preliminarily approved as prescribed by division (C)(5) of this section. The estimated credit amounts shall not be adjusted after the statement described in division (C)(2) of this section has been issued.

(4) If the tax credit authority denies an application, the authority shall notify the applicant of the reason or reasons for such determination. The authority's determination is final, but an applicant may revise and resubmit a previously denied application.

(5)(a) The tax credit authority shall not certify any transformational mixed use development projects after June 30, ~~2023~~ 2025.

(b) The tax credit authority may not preliminarily approve more than one hundred million dollars of estimated tax credits in each of fiscal years ~~2020, 2021,~~ 2022, ~~and~~ 2023, 2024, and 2025.

(c) Not more than eighty million dollars of estimated tax credits in each such fiscal year may be preliminarily approved in connection with projects that are located within ten miles of a major city.

(d) Not more than forty million dollars of estimated tax credits may be preliminarily approved in connection with the same transformational mixed use development project.

(6) If the dollar amount of tax credits applied for under division (B) of this section in connection with projects that are located within ten miles of a major city exceeds eighty million dollars for a fiscal year, the tax credit authority shall rank those applications and certify the associated projects in order, starting with the project that presents the best combination of economic value and transformational impact. If the dollar amount of tax credits applied for in connection with projects not located within ten miles of a major city exceeds twenty million dollars for a fiscal year, the tax credit authority shall rank those applications and certify the associated projects in order, starting with the project that presents the best combination of economic value and transformational impact. In either case, the authority shall consider the following factors in ranking the applications:

(a) The projected increase in tax collections during the completion period as a percentage of the total amount of estimated tax credits that would be preliminarily approved in connection with the project;

(b) The economic impact of the project on the development

site and the surrounding area and the impact of the project in terms of architecture, accessibility to pedestrians, retail entertainment and dining sales, job creation, property values, and connectivity;

(c) The expeditiousness of the schedule for completing the project, realizing the increase in tax collections, and attaining the economic and other impacts on the development site and the surrounding area.

(D) Within twelve months of the date a project is certified, the property owner shall provide the tax credit authority with an updated schedule for the progression and completion of the project and documentation sufficient to demonstrate that construction of the project has begun. If the property owner does not provide the schedule and documentation or if construction of the project has not begun within the time prescribed by this division, the tax credit authority shall rescind certification of the project and send notice of the rescission to the property owner and each insurance company that is preliminarily approved for a tax credit in connection with the project. A property owner that receives notice of rescission may submit a new application concerning the same project under division (B) of this section.

(E) An applicant that is the property owner and is preliminarily approved for a tax credit under this section may sell or transfer the rights to that credit to one or more persons for the purpose of raising capital for the certified project. The applicant shall notify the tax credit authority upon selling or transferring the rights to the credit. The notice shall identify the person or persons to which the credit was sold or transferred and the credit amount sold or transferred to each such person. Only an applicant that owns the property may sell or transfer a

credit under this division. A credit may be divided among multiple purchasers through more than one transaction but once a particular credit amount is acquired by a person other than the applicant it may not be sold or transferred again.

(F) After a transformational mixed use development project is certified and before it is completed, the property owner may request that the value of the tax credit certificates awarded in connection with the project be computed using the alternative method described in division (I) of this section. The tax credit authority shall grant the request if the authority determines, and a third party engaged by the authority at the expense of the property owner affirms, that it is reasonably certain that the increase in tax collections will exceed ten per cent of the estimated development costs within one year after the project is completed. Otherwise, the authority shall deny the request and the amount of each credit awarded in connection with the project shall be computed under division (H) of this section. The authority's determination under this division shall be delivered in writing and is final and not appealable.

(G)(1) The property owner shall notify the tax credit authority upon completion of a certified transformational mixed use development project. The notification shall include a report prepared by a third-party certified public accountant that contains a detailed accounting of the actual development costs attributed to the project.

(2) Upon receiving such a notice, unless the tax credit authority has previously granted a request by the property owner under division (F) of this section, the authority shall determine the increase in tax collections since the date the project was certified by consulting with the tax commissioner and with the tax

administrator of any municipal corporation that levies an income tax within the project site and the surrounding area. The tax commissioner and the tax administrators that are consulted pursuant to this division shall provide the tax credit authority with any information that is necessary to determine the increase in tax collections.

(3) After determining the increase in tax collections under division (G)(2) of this section, if required, and computing the value of the tax credit under division (H) or (I) of this section, as applicable, the tax credit authority shall issue a tax credit certificate to each applicant that is preliminarily approved for a credit associated with the project or to the person or persons to which such an applicant sold or transferred the rights to the credit under division (E) of this section. If the amount of the tax credit awarded to the property owner is less than the credit amount estimated under division (C) of this section and the property owner sold or transferred the rights to the credit, the tax credit authority shall reduce the amount of each tax credit certificate issued to each purchaser or recipient on a pro rata basis unless the property owner requests an alternative allocation of the credit.

(H)(1) Unless the tax credit authority granted a request by the property owner under division (F) of this section, the aggregate value of the tax credit certificates issued under division (G) of this section to the property owner and to any persons to whom the property owner sold or transferred the rights to the credit shall equal the lesser of the following:

(a) Ten per cent of the adjusted development costs;

(b) Five per cent of the adjusted development costs plus any amount by which the property owner's share of the increase in tax

collections since the date the project was certified exceeds five per cent of the adjusted development costs;

(c) The estimated credit amount specified in the tax credit authority's statement certifying the project and preliminarily approving the tax credit under division (C) of this section.

(2) The value of a tax credit certificate issued under division (G) of this section to an insurance company that contributed capital to the project shall equal the lesser of the following:

(a) Ten per cent of the insurance company's actual capital contribution;

(b) Five per cent of such capital contribution plus any amount by which the insurance company's share of the increase in tax collections since the date the project was certified exceeds five per cent of the insurance company's capital contribution;

(c) The estimated credit amount specified in the tax credit authority's statement certifying the project and preliminarily approving the tax credit under division (C) of this section.

(I) If the tax credit authority granted a request by the property owner under division (F) of this section, the value of the tax credit certificates issued in connection with the transformational mixed use development project shall be computed as follows:

(1) For the property owner or any person to which the property owner sold or transferred the rights to the credit, ten per cent of the actual development costs attributed to the project. If the amount of the credit is less than the credit amount estimated under division (C) of this section and the property owner sold or transferred the rights to the credit to

more than one person, the authority shall reduce the amount of each tax credit certificate on a pro rata basis unless the property owner requests an alternative allocation of the credit.

(2) For an insurance company that contributed capital to the project, ten per cent of the insurance company's actual capital contribution.

(J) If the value of a tax credit certificate was computed under division (H) of this section for a project, the property owner, on or before the thirtieth day following the first, second, third, fourth, and fifth anniversaries of the date the certified transformational mixed use development project is completed, may request in writing that the tax credit authority update the increase in tax collections during the completion period. Upon receiving such a request, the tax credit authority shall update the increase in tax collections in the same manner described by division (G) of this section. If the tax credit authority determines that the value of the tax credit certificates computed under division (H) of this section would be greater if computed based on the updated increase in tax collections, the authority shall issue an additional tax credit certificate to each person that previously received a certificate for the project under those divisions. The value of each additional tax credit certificate shall equal the amount by which the tax credit certificate computed under division (H) of this section upon completion of the project would have been greater had the value of such certificate been computed based on the updated increase in tax collections, less the value of any additional tax credit certificates previously issued under this division to the same person respecting the same project.

(K) The aggregate value of all tax credit certificates issued

under this section for the same transformational mixed use development project shall not exceed (1) ten per cent of the actual development costs of that project or (2) the sum of all estimated credit amounts preliminarily approved by the tax credit authority in connection with the project.

(L) Issuance of a tax credit certificate under this section does not represent a verification or certification by the tax credit authority of the actual development costs of the project or the capital contributions to the project by an insurance company. Such amounts are subject to inspection and examination by the superintendent of insurance.

(M) Upon the issuance of a tax credit certificate under division (G) or (J) of this section, the tax credit authority shall certify to the superintendent of insurance (1) the name of each person that was issued a tax credit certificate, (2) whether the person is the property owner, an insurance company that contributed capital to the development, or a person that acquired the rights to the tax credit certificate from the property owner, (3) the credit amount shown on each tax credit certificate, and (4) any other information required by the rules adopted under this section. A person that holds the rights to a tax credit certificate issued under this section and that is an insurance company may claim a tax credit under section 5725.35 or 5729.18 of the Revised Code.

(N) The tax credit authority shall publish information about each transformational mixed use development on the web site of the department of development ~~services agency~~ not later than the first day of August following certification of the project. The tax credit authority shall update the published information annually until the project is complete and the credit or credits are fully

claimed. The published information shall include all of the following:

(1) The location of the transformational mixed use development and the name by which it is known;

(2) The estimated schedule for progression and completion of the project included in the development plan pursuant to division (B)(4) of this section;

(3) The assessment of the projected economic impact of the project included in the development plan pursuant to division (B)(5) of this section;

(4) The evidence supporting the estimated increase in tax collections included in the development plan pursuant to division (B)(6) of this section, except that the tax credit authority may omit any proprietary or sensitive information included in such evidence;

(5) The estimated development costs that have been or will be incurred in completion of the project and, if applicable, the amount of the insurance company's capital contribution to the development and the date on which it was made, as reported in the development plan pursuant to divisions (B)(3) and (7) of this section;

(6) A copy of each report submitted to the tax credit authority by the applicant under division (D) of this section.

(O) The director, in accordance with Chapter 119. of the Revised Code, shall adopt rules that establish all of the following:

(1) Forms and procedures by which applicants may apply for a transformational investment tax credit, and any deadlines for applying;

(2) Criteria and procedures for reviewing, evaluating, ranking, and approving applications within the limitations prescribed by this section, including rules prescribing the timing and frequency by which the tax credit authority must rank applications and preliminarily approve tax credits under division (C) of this section;

(3) Eligibility requirements for obtaining a tax credit certificate under this section;

(4) The form of the tax credit certificate;

(5) Reporting requirements and monitoring procedures;

(6) Procedures for computing the increase in tax collections within the project site and the surrounding area;

(7) Forms and procedures by which property owners may request the alternative method of computing the value of tax credit certificates under division (I) of this section that are awarded in connection with a project and criteria for evaluating and making a determination on such requests;

(8) Any other rules necessary to implement and administer this section."

In line 70831, after "122.041," insert "122.09,"

The motion was _____ agreed to.

SYNOPSIS

Transformational mixed use development (TMUD) tax credit

R.C. 122.09

Modifies an existing insurance premium tax credit for capital

contributions to the construction of a transformational mixed use development (TMUD) by (1) extending the sunset date for certifying new TMUD projects by two years, to June 30, 2025; and (2) setting the maximum annual credit allotment for FY 2024 and 2025 at $100 million (the same limit that applies under current law to FY 2020 to 2022, though no credits have been issued in FY 2020 or 2021).

SC3986

Sub. H.B. 110
L-134-0001-5
DEVCD14

_____ moved to amend as follows:

In line 76023, delete "$19,810,000 $15,850,000" and insert "$20,710,000 $16,450,000"

In line 76030, add $900,000 to fiscal year 2022 and $600,000 to fiscal year 2023

In line 76094, add $900,000 to fiscal year 2022 and $600,000 to fiscal year 2023

After line 76230, insert:

"Of the foregoing appropriation item 195503, Local Development Projects, $900,000 in fiscal year 2022 and $600,000 in fiscal year 2023 shall be allocated to the SkillUp Coalition for rapid reskilling initiatives in Ohio's Appalachian counties."

The motion was _____ agreed to.

SYNOPSIS

Department of Development

Sections 259.10 and 259.20

Increases appropriations under appropriation item 195503, Local Development Projects, by $900,000 in FY 2022 and $600,000 in FY 2023 to totals of $20,710,000 in FY 2022 and $16,450,000 in FY 2023.

SC3986

Requires the increased amounts to be allocated to the SkillUp Coalition for rapid reskilling initiatives in Ohio's Appalachian counties.

SC3987

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

After line 89292, insert:

"Section 757.__. As used in this section, "qualified property" means any property that satisfies the qualifications for tax exemption under the terms of section 5709.12 or 5709.121 of the Revised Code, that is owned by a nonprofit organization exempt from federal taxation under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3) of the Internal Revenue Code, and, before its conveyance to that organization, was owned by a school district.

Notwithstanding section 5713.081 of the Revised Code, when qualified property has not received tax exemption due to a failure to comply with Chapter 5713. or section 5715.27 of the Revised Code, the property's owner, at any time on or before twelve months after the effective date of this section, may file with the Tax Commissioner an application requesting that the property be placed on the tax-exempt list and that all unpaid taxes, penalties, and interest on the property be abated.

The application shall be made on the form prescribed by the Commissioner under section 5715.27 of the Revised Code and shall

list the name of the county in which the property is located; the property's parcel number or legal description; its assessed value; the amount in dollars of the unpaid taxes, penalties, and interest; and any other information required by the Commissioner. The county auditor shall supply the required information upon request of the applicant.

After receiving and considering the application, the Commissioner shall determine if the applicant meets the qualifications set forth in this section. If so, the Commissioner shall issue an order directing that the property be placed on the tax-exempt list of the county and that all unpaid taxes, penalties, and interest be abated. If the Commissioner finds that the property is not now being used for an exempt purpose or is otherwise ineligible for abatement of taxes, penalties, and interest under this section, the Commissioner shall issue an order denying the application.

If the Commissioner finds that the property is not entitled to tax exemption and to the abatement of unpaid taxes, penalties, and interest, the Commissioner shall order the county treasurer of the county in which the property is located to collect all taxes, penalties, and interest due on the property for those years in accordance with law.

The Commissioner may apply this section to any qualified property that is the subject of an application for exemption

pending before the Commissioner on the effective date of this section without requiring the property owner to file an additional application."

The motion was _____ agreed to.

SYNOPSIS

Property tax abatement for charitable use property

Section 757.__

Establishes a temporary procedure by which a 501(c)(3) organization that acquired property from a school district may apply for a tax exemption and the abatement of more than three years of unpaid property taxes, penalties, and interest due on the property, provided it currently qualifies for the charitable use exemption.

Under continuing law, property is tax-exempt if it is used exclusively for a charitable purpose, but such property may not be exempted if more than three years' worth of taxes remain unpaid.

SC3991

Sub. H.B. 110
L-134-0001-5
JFSCD7

_____ moved to amend as follows:

After line 81258, insert:

"Of the foregoing appropriation item 600689, TANF Block Grant, $425,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to Mahoning County High School to support out-of-school programs in Mahoning County."

The motion was _____ agreed to.

SYNOPSIS

Department of Job and Family Services

Section 307.80

Earmarks $425,000 in each fiscal year from FED Fund 3V60 appropriation item 600689, TANF Block Grant, for Mahoning County High School.

SC3995

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 82190, delete "$1,000,000" and insert "$2,500,000"

In line 82198, add $1,500,000 to fiscal year 2022

In line 82200, add $1,500,000 to fiscal year 2022

In line 82225, add $1,500,000 to fiscal year 2022

The motion was _____ agreed to.

SYNOPSIS

Department of Medicaid

Section 333.10

Increases appropriation item 651426, Positive Education Program Connections, by $1.5 million (to $2.5 million) in FY 2022.

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 22 of the title, after "715.72," insert "733.81,"

In line 228, after "715.72," insert "733.81,"

After line 13827, insert:

"**Sec. 733.81.** (A) As used in this section, "fiscal officer" means the city auditor, city treasurer, village fiscal officer, village clerk-treasurer, village clerk, and, in the case of a municipal corporation having a charter that designates an officer who, by virtue of the charter, has duties and functions similar to those of the city or village officers referred to in this section, the officer so designated by the charter.

(B) To enhance the background and working knowledge of fiscal officers in government accounting, budgeting and financing, financial report preparation, cybersecurity, and the rules adopted by the auditor of state, the auditor of state shall conduct education programs and continuing education courses for individuals elected or appointed for the first time to the office of fiscal officer, and shall conduct continuing education courses for individuals who continue to hold the office in a subsequent term. The Ohio municipal league also may conduct such initial education programs and continuing education courses if approved by

the auditor of state. The auditor of state, in conjunction with the Ohio municipal league, shall determine the manner and content of the initial education programs and continuing education courses.

(C) A newly elected or appointed fiscal officer shall complete at least six hours of initial education programs before commencing, or during the first year of, office. A fiscal officer who participates in a training program held under section 117.44 of the Revised Code may apply those hours taken before commencing office to the six hours of initial education programs required under this division.

(D)(1) In addition to the six hours of initial education required under division (B) of this section, a newly elected or appointed fiscal officer shall complete at least a total of eighteen continuing education hours during the fiscal officer's first term of office.

(2) ~~A~~ An elected or appointed fiscal officer who ~~is elected to~~ retains office for a subsequent term ~~of office~~ shall complete twelve hours of continuing education courses in each subsequent term of office.

(3) The auditor of state shall adopt rules specifying the initial education programs and continuing education courses that are required for a fiscal officer who has been appointed ~~to fill a vacancy~~. The requirements shall be proportionally equivalent, based on the time remaining in the vacated office, to the requirements for a newly elected or appointed fiscal officer.

(4) At least two hours of ethics instruction shall be included in the continuing education hours required by divisions (D)(1) and (2) of this section.

(5) A fiscal officer who participates in a training program or seminar established under section 109.43 of the Revised Code may apply the three hours of training to the continuing education hours required by divisions (D)(1) and (2) of this section.

(E)(1) A certified public accountant who serves as a fiscal officer may apply to the continuing education hours required by division (D) of this section any hours of continuing education completed under section 4701.11 of the Revised Code after being elected or appointed as a fiscal officer.

(2) A fiscal officer may apply to the continuing education hours required by division (D) of this section any hours of continuing education completed under section 135.22 of the Revised Code after being elected or appointed as a fiscal officer.

(3) A fiscal officer who teaches an approved continuing education course under division (D) of this section is entitled to credit for the course in the same manner as if the fiscal officer had attended the course.

(F) The auditor of state shall adopt rules for verifying the completion of initial education programs and continuing education courses required under this section for each category of fiscal officer. The auditor of state shall issue a certificate of completion to each fiscal officer who completes the initial education programs and continuing education courses. The auditor of state shall issue a "failure to complete" notice to any fiscal officer who is required to complete initial education programs and continuing education courses under this section, but who fails to do so. The notice is for informational purposes only and does not affect any individual's ability to hold the office to which the individual was elected or appointed.

(G) The legislative authority of a municipal corporation

shall approve a reasonable amount requested by the fiscal officer to cover the costs the fiscal officer is required to incur to meet the requirements of this section, including registration fees, lodging and meal expenses, and travel expenses."

In line 70842, after "715.72," insert "733.81,"

The motion was _____ agreed to.

SYNOPSIS

Municipal fiscal officer continuing education

R.C. 733.81

Requires an *appointed* municipal fiscal officer to complete 18 hours of continuing education during the first term of office and 12 hours in each subsequent term of office. This is the current requirement for *elected* municipal fiscal officers.

SC3999

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

After line 86493 insert:

"Dedicated Purpose Fund Group

5QT0	776670	Ohio Maritime Assistance Program	$11,000,000	$12,000,000"
TOTAL	DPF	Dedicated Purpose Fund Group	$11,000,000	$12,000,000"

In line 86494 add $11,000,000 to fiscal year 2022 and $12,000,000 to fiscal year 2023.

After line 86504, insert:

"**Section 411.40** OHIO MARITIME ASSISTANCE PROGRAM

The foregoing appropriation item 776670, Ohio Maritime Assistance Program, shall be used for the Ohio Maritime Assistance Program established under Section 5501.91 of the Revised Code.

Notwithstanding Chapter 166. Of the Revised Code, the Director of Budget and Management shall transfer $11,000,000 cash in fiscal year 2022 and $12,000,000 cash in fiscal year 2023 from the Facilities Establishment Fund (Fund 7037) to the Ohio Maritime Assistance Fund (Fund 5QT0)."

The motion was _____ agreed to.

SYNOPSIS

Department of Transportation

Sections 411.10 and 411.40

Appropriates $11,000,000 in FY 2022 and $12,000,000 in FY 2023 under DPF Fund 5QT0 appropriation item 776670, Ohio Maritime Assistance Program, to issue grants to qualifying port authorities under the Ohio Maritime Assistance Program. Funds the appropriation through a cash transfer of $11,000,000 in FY 2022 and $12,000,000 in FY 2023 from the Facilities Establishment Fund (Fund 7037) to the Ohio Maritime Assistance Fund (Fund 5QT0).

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 21 of the title, after "504.04," insert "507.021"

In line 228, after "504.04," insert "507.021,"

After line 12982, insert:

"**Sec. 507.021.** (A) The township fiscal officer may hire and appoint one or more persons as the fiscal officer finds necessary to provide assistance to the township fiscal officer or deputy fiscal officer. The township fiscal officer may set the compensation of those persons subject to ~~the prior approval of the board of township trustees~~ division (B) of this section. Those persons shall serve at the pleasure of the township fiscal officer or, in the absence of the township fiscal officer, the deputy fiscal officer. The township fiscal officer may delegate to an assistant any of the duties the fiscal officer is otherwise required to perform. The appointment of assistants under this section does not relieve the township fiscal officer of responsibility to discharge the duties of the office but shall serve to provide assistance to the fiscal officer in performing those duties.

(B) The compensation of an assistant appointed under this section shall be included in the estimate of contemplated

expenditures for the township fiscal officer's office that is submitted to the board of township trustees for approval as provided in section 5705.28 of the Revised Code.

(C) Except as otherwise provided in section 3.061 of the Revised Code, before serving, an assistant to the township fiscal officer shall give bond for the faithful discharge of the duties of the office as may be delegated by the fiscal officer. The bond shall be payable to the board of township trustees and shall be for the same sum as required under section 507.03 of the Revised Code for the township fiscal officer, with sureties approved by the board, and conditioned for the faithful performance of duties delegated by the fiscal officer. The bond shall be recorded by the township fiscal officer, filed with the county treasurer, and carefully preserved."

In line 70842, after "504.04," insert "507.021,"

The motion was _____ agreed to.

SYNOPSIS

Township fiscal officer assistant compensation

R.C. 507.021

Allows township fiscal officers to set the compensation of their hired assistants without prior approval from the board of township trustees.

SC4005X2

Sub. H.B. 110
L-134-0001-5
DEVCD14

_____ moved to amend as follows:

In line 76023, delete "$19,810,000" and insert "$20,810,000"

In line 76030, add $1,000,000 to fiscal year 2022

In line 76094, add $1,000,000 to fiscal year 2022

After line 76230 insert:

"Of the foregoing appropriation item 195503, Local Development Projects, $1,000,000 in fiscal year 2022 shall be allocated to Mahoning Valley Campus of Care."

The motion was _____ agreed to.

SYNOPSIS

Department of Development

Sections 259.10 and 259.20

Increases GRF appropriations under appropriation item 195503, Local Development Projects, by $1,000,000 in FY 2022 to a total of $20,810,000.

Earmarks the increased amount for Mahoning Valley Campus of Care.

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 7 of the title, after "122.178," insert "122.403,"

In line 154 of the title, after "117.50," insert "122.404,"

In line 217, after "122.178," insert "122.403,"

After line 4776, insert:

"**Sec. 122.403.** (A)(1) There is hereby created, within the development services agency, the broadband expansion program authority, which shall consist of the director of development services or the director's designee, the director of the office of InnovateOhio or the director's designee, and three other members as follows: one member appointed by the president of the senate, one member appointed by the speaker of the house of representatives, and one member appointed by the governor.

(2) Appointed members shall have expertise in broadband infrastructure and technology. Appointed members may not be affiliated with or employed by the broadband industry or in a position to benefit from a program grant.

~~(3) The assignment of designees by the director of development services and the director of InnovateOhio shall be made in writing.~~

(B) Appointed members shall serve four year terms and are

eligible for reappointment.

(C) Vacancies shall be filled in the same manner as provided for original appointments. 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 that term.

~~(D)(1)(a) Appointed members shall receive a monthly stipend as calculated under section 145.016 of the Revised Code in an amount that will qualify each member for one year of retirement service credit under the Ohio public employees retirement system for each year of the member's term.~~

~~(b) Notwithstanding the requirement of section 145.58 of the Revised Code that eligibility for health care coverage provided under that section be based on years and types of service credit in accordance with rules adopted by the public employees retirement board, if the board provides health care coverage under that section, no service credit earned for service as a member of the authority shall be considered for purposes of determining eligibility for coverage under that section.~~

~~(c)~~(D) Members shall receive reimbursement for their necessary and actual expenses incurred in performing the business of the authority. The reimbursements constitute, as applicable, administrative costs of the Ohio residential broadband expansion grant program.

~~(2) An appointed member of the authority who is currently serving as an administrative department head under section 121.03 of the Revised Code is not eligible to receive a stipend under division (A) of this section.~~

~~(3)~~ The agency shall be responsible for paying all

reimbursements ~~and stipends~~ under this section.

(E) The director of development services, or the director's designee, shall serve as chairperson of the authority. The members of the authority annually shall elect a vice-chairperson from the members of the authority. Three members of the authority constitute a quorum to transact and vote on the business of the authority. An affirmative vote of three members is necessary to approve any business, including the election of the vice-chairperson.

(F) The assignment of designees by the director of development services and the director of InnovateOhio shall be made in writing. If the director of development services assigns a designee to serve on the authority, the director of development services shall appoint a professional employee of the development services agency to serve as the director's designee at authority meetings. In the absence of the director of development services or the director's designee, the vice-chairperson of the authority shall serve as chairperson of authority meetings.

(G) The authority is not an agency for purposes of sections 101.82 to 101.87 of the Revised Code."

In line 70831, after "122.178," insert "122.403,"

In line 70916, after "117.50," insert "122.404,"

The motion was _____ agreed to.

SYNOPSIS

Broadband Expansion Program Authority stipends

R.C. 122.403

Repeals the requirement that members appointed to the Broadband Expansion Program Authority receive a monthly stipend that qualifies each member for one year of retirement service credit under the Ohio Public Employees Retirement System (OPERS) for each year of the member's term.

Repeals related stipend provisions specifying that (1) the service credit may not be considered for determining health care coverage if offered by OPERS, (2) appointed members who serve as a state administrative department head are ineligible for a stipend, and (3) the Department of Development is responsible for paying all stipends.

Attending Authority meetings electronically

R.C. 122.404 (Repealed)

Repeals the provision allowing up to two Authority members at a time to attend meetings electronically and the provisions specifying the conditions under which electronic attendance may occur.

SC4012

Sub. H.B. 110
L-134-0001-5
DEVCD14

_____ moved to amend as follows:

In line 76023, delete "$19,810,000 $15,850,000" and insert "$20,310,000 $16,350,000"

In line 76030, add $500,000 to each fiscal year

In line 76094, add $500,000 to each fiscal year

In line 76247, delete "$500,000" and insert "$1,000,000"

The motion was _____ agreed to.

SYNOPSIS

Department of Development

Sections 259.10 and 259.20

Increases GRF appropriation item 195503, Local Development Projects, by $500,000 in each fiscal year and correspondingly increases an existing earmark for the Center for Advanced Manufacturing and Logistics to provide workforce development, supply chain management, automation, research and development, and entrepreneurship to foster manufacturing and logistic industry jobs and company creation, from $500,000 in each fiscal year to $1,000,000 in each fiscal year.

SC4013

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 89025, delete "sixteen" and insert "twenty-one"

In line 89044, delete "Agency" and insert "Association"

In line 89050, after "respectively" insert ";

(9) Three representatives of the County Commissioners Association of Ohio, appointed by the Association, with one representative each from a small, medium, and large county, respectively;

(10) Two representatives of the Ohio Workforce Association, appointed by the Association, with one representative from a rural workforce area and one representative from a metro workforce area"

The motion was _____ agreed to.

SYNOPSIS

Streamlining County Level-Information Access Task Force membership

Section 751.10

Expands the Streamlining County Level-Information Access Task Force membership to 21 members from 16 members, as in the current bill, by adding demographically representative members

of the County Commissioners Association of Ohio (three) and the Ohio Workforce Association (two).

SC4020

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 85769, delete "or a"

In line 85770, after "college" insert ", or an Ohio Technical Center"

In line 87171, delete "state institution of higher education" and insert "state-supported community college, state community college, technical college, or an Ohio Technical Center"

The motion was _____ agreed to.

SYNOPSIS

Department of Higher Education

Sections 381.440 and 512.120

Adds students who are enrolled at Ohio Technical Centers to those who are otherwise eligible for need-based financial aid from DPF Fund 5NH0 appropriation item 235517, Short-Term Certificates. Clarifies that cash transferred into Fund 5NH0 is to support this need-based financial aid by listing the institutions and adding Ohio Technical Centers, instead of saying "a state institution of higher education."

SC4024

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 152 of the title, after "5301.05," insert "5713.083,"

In line 325, after "5301.05," insert "5713.083,"

After line 63274, insert:

"**Sec. 5713.083.** (A) The owner of property appearing on the exempt list shall notify the county auditor, on a form prescribed by the tax commissioner, if the property ceases to qualify for exemption. The notification shall be filed with the county auditor on or before the last day of the tax year for which the property ceases to qualify for exemption. Upon receipt of the notification, the county auditor shall return the property to the tax list.

(B) If the county auditor discovers that an owner failed to properly notify the auditor as required under division (A) of this section, the auditor shall impose a charge against the property described in that division equal to the total amount by which taxes were reduced for any of the five preceding tax years that the auditor ascertains the property was not entitled to the exemption and was owned by the current owner. The auditor shall notify the owner, by ordinary mail, of the charge, the owner's

right to appeal the charge, and the manner in which the owner may appeal the charge. The owner may appeal the imposition of the charge by filing an appeal with the county board of revision not later than the last day prescribed for payment of real property taxes under section 323.12 of the Revised Code following receipt of the notice and occurring at least ninety days after receipt of the notice. The appeal shall be treated in the same manner as a complaint relating to the valuation or assessment of real property under Chapter 5715. of the Revised Code. The charge shall be collected in the same manner as other delinquent taxes."

After line 89401, insert:

"Sec. 803.__. The notification requirement prescribed by the enactment by this act of section 5713.083 of the Revised Code applies to tax year 2022 and every tax year thereafter."

The motion was _____ agreed to.

SYNOPSIS

Exempt property: notice of taxable use

R.C. 5713.083; Section 803.__

Requires the owner of tax property to notify the county auditor if the property ceases to qualify for exemption so that the auditor may return the property to the tax list. Imposes a charge on property whose owner fails to give such notice equal to the tax savings for up to the five preceding years that the property did not qualify for exemption.

SC4030

Sub. H.B. 110
L-134-0001-5
JFSCD7

_____ moved to amend as follows:

After line 81258, insert:

"Section 307.82. FAMILY STABILITY PROGRAMS

Of the foregoing appropriation item 600689, TANF Block Grant, up to $1,000,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to the Siemer Institute to support Family Stability Programs in collaboration with United Way affiliates on a quarterly basis. The funds shall be used to help provide services and early intervention focused on improving family housing stability, increasing household income, reducing school mobility, and supporting two-generation programming to stabilize family units.

Before any funds are reimbursed, the Siemer Institute or affiliates shall provide the Department of Job and Family Services with documentation showing the amount of private sector dollars that have been collected to support the Family Stability Programs. The amount of each reimbursement provided by the Department to the Siemer Institute shall not exceed the amount

documented and shall not exceed the amount of the earmark in each fiscal year.

On July 1, 2022, or as soon as possible thereafter, the Director of Job and Family Services shall certify to the Director of Budget and Management the amount of the unexpended, unencumbered balance of this earmark in fiscal year 2022. The amount certified is hereby reappropriated to the appropriation item in fiscal year 2023 for the same purpose."

The motion was _____ agreed to.

SYNOPSIS

Department of Job and Family Services

Section 307.82

Earmarks up to $1,000,000 in each fiscal year for the Siemer Institute to support Family Stability Programs in collaboration with United Way affiliates from Federal Fund 3V60 appropriation item 600689, TANF Block Grant.

Specifies the Siemer Institute or its affiliates must provide ODJFS with documentation showing the amount of private sector dollars the organization has collected before funds are reimbursed. Specifies that the amount of each reimbursement provided by ODJFS must be equal to the amount documented, but must not exceed the amount earmarked in each fiscal year.

Requires the ODJFS Director to certify the unexpended, unencumbered portion of the earmark to the OBM Director on July 1, 2022, or as soon as possible thereafter. Reappropriates the amount certified to this earmark in FY 2023.

SC4037

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 77030, delete $2,207,740 $2,207,740" and insert "$3,207,740 $3,207,740"

In line 77047, add $1,000,000 to each fiscal year

In line 77099, add $1,000,000 to each fiscal year

In line 77552, delete "$1,000,000" and insert "$2,000,000"

The motion was _____ agreed to.

SYNOPSIS

Department of Education

Sections 265.10 and 265.120

Increases GRF appropriation item 200448, Educator Preparation, by $1,000,000 in each fiscal year. Increases by the same amount the earmark from this item to support Teach for America.

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 46 of the title, after "3313.608," insert "3313.6011,"

In line 246, after "3313.608," insert "3313.6011,"

After line 26896, insert:

"**Sec. 3313.6011.** (A) As used in this section, "sexual activity" has the same meaning as in section 2907.01 of the Revised Code.

(B) Instruction in venereal disease education pursuant to division (A)(5)(c) of section 3313.60 of the Revised Code shall emphasize that abstinence from sexual activity is the only protection that is one hundred per cent effective against unwanted pregnancy, sexually transmitted disease, and the sexual transmission of a virus that causes acquired immunodeficiency syndrome.

(C) ~~In adopting minimum standards under section 3301.07 of the Revised Code, the state board~~(1) The department of education shall require course material and instruction in venereal disease education courses taught pursuant to division (A)(5)(c) of section 3313.60 of the Revised Code to do all of the following:

~~(1)~~(a) Stress that students should abstain from sexual

activity until after marriage;

~~(2)~~(b) Teach the potential physical, psychological, emotional, and social side effects of participating in sexual activity outside of marriage;

~~(3)~~(c) Teach that conceiving children out of wedlock is likely to have harmful consequences for the child, the child's parents, and society;

~~(4)~~(d) Stress that sexually transmitted diseases are serious possible hazards of sexual activity;

~~(5)~~(e) Advise students of the laws pertaining to financial responsibility of parents to children born in and out of wedlock;

~~(6)~~(f) Advise students of the circumstances under which it is criminal to have sexual contact with a person under the age of sixteen pursuant to section 2907.04 of the Revised Code;

~~(7)~~(g) Emphasize adoption as an option for unintended pregnancies.

(2) If a school district or school chooses to offer additional instruction in venereal disease or sexual education not specified in division (C)(1) of this section, the district or school shall notify all parents or guardians of that instruction, including the name of any instructor, vendor name, if applicable, and the name of the curriculum being used. No district or school shall offer that instruction to a student unless that student's parent or guardian has submitted written permission for that student to receive that instruction. Division (E) of this section does not apply to division (C)(2) of this section.

(3) Upon request, a school district or school shall provide any materials associated with the instruction offered under divisions (C)(1) and (2) of this section to a parent or guardian.

(D) ~~Any model education program for health education the state board of education adopts shall conform to the requirements of this section~~ The state board of education shall not adopt a separate model education program for health education.

(E) The department shall conduct an annual audit of each city, local, and exempted village school district, at the start of each school year, relative to its compliance with the instruction requirements of this section and division (A)(5)(c) of section 3313.60 of the Revised Code. The department shall publish the findings of each audit not later than one hundred twenty days after the start of the school year. The department shall include in the findings of each audit the name of any organization or program that provided materials to a school district regarding venereal disease instruction. The department's findings shall be prominently posted on its web site.

(F) ~~On and after March 18, 1999, and notwithstanding section 3302.07 of the Revised Code, the~~ The superintendent of public instruction shall not approve, pursuant to section 3302.07 of the Revised Code, any waiver of any requirement of this section ~~or of any rule adopted by the state board of education pursuant to this section~~."

In line 70860, after "3313.608," insert "3313.6011,"

The motion was _____ agreed to.

SYNOPSIS

Venereal disease instruction

R.C. 3313.6011

Requires a school district or school to notify all parents and guardians if the district or school chooses to offer additional instruction in venereal disease or sexual education not specified under continuing law. Specifically requires this notification to include the name of any instructors, vendor name if applicable, and the name of the curriculum being used.

Prohibits a district or school from offering such instruction to a student unless a parent or guardian has submitted written permission for that student to receive that instruction.

Upon request, requires a district or school to provide any instructional materials associated with venereal disease or sexual education to a parent or guardian.

Requires the Department of Education to conduct an annual audit at the beginning of each school year of school districts to ensure compliance with continuing law requirements regarding venereal disease education.

Requires the Department to publish the findings of the audits not later than 120 days after the start of each school year.

Requires audits to be prominently posted on the Department's website.

SC4042X4

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

After line 88954, insert:

"Section 733.__. (A) Notwithstanding any section of the Revised Code to the contrary, students that meet any of the following criteria shall be eligible for a scholarship under the Educational Choice Scholarship Pilot Program for the 2021-2022 school year:

(1) Any student enrolled in a public school, excused from the compulsory attendance law under section 3321.04 of the Revised Code for purposes of home instruction, or new to Ohio during the 2020-2021 school year who is or would be assigned to a school included on the "EdChoice Scholarship Program 2019-2020 List of Designated Public Schools" or "EdChoice Scholarship Program 2021-2022 List of Designated Public Schools" issued by the Department of Education;

(2) Any student enrolling in kindergarten for the 2021-2022 school year who would be assigned to a school included on the "EdChoice Scholarship Program 2019-2020 List of Designated Public Schools" or "EdChoice Scholarship Program 2021-2022 List of Designated Public Schools" issued by the Department;

(3) Any student enrolled in a public school, nonpublic school, excused from the compulsory attendance law under section 3321.04 of the Revised Code for purposes of home instruction, or new to Ohio during the 2020-2021 school year who was or would have been assigned to a school during the 2019-2020 school year that was included on the "EdChoice Scholarship Program 2019-2020 List of Designated Public Schools" issued by the Department and who subsequently relocated and was or would have been assigned to a school building on the "EdChoice Scholarship Program 2020-2021 List of Designated Public Schools" during the 2020-2021 school year;

(4) Any student enrolled in a public school, nonpublic school, excused from the compulsory attendance law under section 3321.04 of the Revised Code for purposes of home instruction, or new to Ohio during the 2020-2021 school year who is entering the ninth grade for the 2021-2022 school year and is enrolled in or otherwise would be assigned to a school building operated by the student's resident district for that school year that appeared on the 2019-2020 or 2021-2022 "EdChoice Scholarship Program List of Designated Public Schools" issued by the Department;

(5) Siblings of any student determined to be eligible under (A)(1), (2), (3), or (4) of this section or who received a scholarship during the 2020-2021 school year.

(B) Not later than July 15, 2021, the Department shall do all of the following:

(1) Develop eligibility guidance consistent with the provisions of section (A) of this section and do both of the following with that guidance:

(a) Post the guidance on the Department's web site in a prominent, easy-to-find location;

(b) Provide the guidance documents to every nonpublic school that accepts Educational Choice scholarships.

(2) Begin accepting and processing applications for the 2021-2022 school year for students eligible under division (A) of this section.

(C) Applications submitted by August 1, 2021, shall receive notice of award and details of any additional information necessary to process the application or denial not later than September 15, 2021."

In line 77040, delete "$6,948,998,712 $7,090,348,712" and insert "$6,958,998,712 $7,100,348,712"

In line 77047, add $10,000,000 to each fiscal year

In line 77099, add $10,000,000 to each fiscal year

In line 83591, after "701.60" insert ", 733.__,"

The motion was _____ agreed to.

SYNOPSIS

Additional eligibility for EdChoice scholarships for the 2021-2022 school year

Section 733.___(A)

Requires that students that meet any of the following criteria be eligible for a scholarship under the Educational Choice Scholarship Pilot Program for the 2021-2022 school year:

(1) Any student enrolled in a public school, excused from the compulsory attendance law for purposes of home instruction, or new to Ohio during the 2020-2021 school year who is or would be assigned to a school included on the "EdChoice Scholarship Program 2019-2020 List of Designated Public Schools" issued by the Department of Education;

(2) Any student enrolling in kindergarten for the 2021-2022 school year who would be assigned to a school included on the "EdChoice Scholarship Program 2019-2020 List of Designated Public Schools" or "EdChoice Scholarship Program 2021-2022 List of Designated Public Schools" issued by the Department;

(3) Any student enrolled in a public school, nonpublic school, excused from the compulsory attendance law for purposes of home instruction, or new to Ohio during the 2020-2021 school year who was or would have been assigned to a school during the 2019-2020 school year that was included on the "EdChoice Scholarship Program 2019-2020 List of Designated Public Schools" issued by the Department and the student subsequently relocated and was or would have been assigned to a school building on the "EdChoice Scholarship Program 2020-2021 List of Designated Public Schools;"

(4) Any student enrolled in a public school, nonpublic school, excused from the compulsory attendance law for purposes of home instruction, or new to Ohio during the 2020-2021 school year who is entering the ninth grade for the 2021-2022 school year and is enrolled in or otherwise would be assigned to a school building operated by the student's resident district for that school year that appeared on the 2019-2020 or 2021-2022 "EdChoice Scholarship Program List of Designated Public Schools" issued by the Department;

(5) Siblings of any student determined to be eligible under (1), (2), (3), or (4), above, or who received a scholarship during the 2020-2021 school year.

Implementation of the amendment's provisions

Section 733.___(B) and (C)

Requires the Department to do both of the following by July 15, 2021:

(1) Develop eligibility guidance consistent with the provisions of this amendment and do both of the following with that guidance:

(a) Post the guidance on the Department's web site in a prominent, easy-to-find location;

(b) Provide the guidance documents to every nonpublic school that accepts Educational Choice scholarships.

(2) Begin accepting and processing applications for the 2021-2022 school year for students eligible under the provisions of this amendment.

Requires that applications submitted by August 1, 2021, receive notice of award and details of any additional information necessary to process the application or denial not later than September 15, 2021.

Effective date

Section 812.23

Specifies that the provisions of the amendment are exempt from the referendum and take immediate effect when the bill becomes law.

Department of Education

Section 265.10

Increases GRF appropriation item 200550, Foundation Funding – All Students, by $10,000,000 in each fiscal year.

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 7 of the title, after "122.041," insert "122.15, 122.151, 122.153, 122.154, 122.156,"

In line 217, after "122.041," insert "122.15, 122.151, 122.153, 122.154, 122.156,"

After line 3737, insert:

"**Sec. 122.15.** As used in this section and sections 122.151 to 122.156 of the Revised Code:

(A) "Affiliate" means a person that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with another person. For the purposes of this division, a person is "controlled by" another person if the controlling person holds, directly or indirectly, the majority voting or ownership interest in the controlled person or has control over the day-to-day operations of the controlled person by contract or by law.

(B) "Border county" means a county in this state that borders another state.

(C) "Closing date" means the date on which a rural business growth fund has collected all of the amounts specified by divisions (G)(1) and (2) of section 122.151 of the Revised Code.

~~(C)~~(D) "Credit-eligible capital contribution" means an investment of cash by a person subject to the tax imposed by section 3901.86, 5725.18, 5729.03, or 5729.06 of the Revised Code in a rural business growth fund that equals the amount specified on a notice of tax credit allocation issued by the department of development ~~services agency~~ under division (I)(1) of section 122.151 of the Revised Code. The investment shall purchase an equity interest in the fund or purchase, at par value or premium, a debt instrument issued by the fund that meets all of the following criteria:

(1) The debt instrument has an original maturity date of at least five years after the date of issuance.

(2) The debt instrument has a repayment schedule that is not faster than a level principal amortization over five years.

(3) The debt instrument has no interest, distribution, or payment features dependent on the fund's profitability or the success of the fund's growth investments.

~~(D)~~(E) "Eligible investment authority" means the amount stated on the notice issued under division (F) of section 122.151 of the Revised Code certifying the rural business growth fund. Sixty per cent of a fund's eligible investment authority shall be comprised of credit-eligible capital contributions.

~~(E)~~(F) "Full-time equivalent employee" means the quotient obtained by dividing the total number of hours for which employees were compensated for employment over the preceding twelve-month period by two thousand eighty.

~~(F)~~(G) "Growth investment" means any capital or equity investment in a rural business concern or any loan to a rural business concern with a stated maturity of at least one year. A

secured loan or the provision of a revolving line of credit to a rural business concern is a growth investment only if the rural business growth fund obtains an affidavit from the president or chief executive officer of the rural business concern attesting that the rural business concern sought and was denied similar financing from a commercial bank.

~~(G)~~(H) "Operating company" means any business that has its principal business operations in this state, has fewer than two hundred fifty employees and not more than fifteen million dollars in net income for the preceding taxable year, and that is none of the following:

(1) A country club;

(2) A racetrack or other facility used for gambling;

(3) A store the principal purpose of which is the sale of alcoholic beverages for consumption off premises;

(4) A massage parlor;

(5) A hot tub facility;

(6) A suntan facility;

(7) A business engaged in the development or holding of intangibles for sale;

(8) A private or commercial golf course;

(9) A business that derives or projects to derive fifteen per cent or more of its net income from the rental or sale of real property, except any business that is a special purpose entity principally owned by a principal user of that property formed solely for the purpose of renting, either directly or indirectly, or selling real property back to such principal user if such principal user does not derive fifteen per cent or more of its

gross annual revenue from the rental or sale of real property;

(10) A publicly traded business.

For the purposes of this division, "net income" means federal gross income as required to be reported under the Internal Revenue Code less federal and state taxes imposed on or measured by income.

~~(H)~~(I) "Population" means that shown by the most recent decennial census or the most recent annual population estimate published or released by the United States census bureau, whichever is more recent.

(J) A business's "principal business operations" are in this state if at least eighty per cent of the business's employees reside in this state, the individuals who receive eighty per cent of the business's payroll reside in this state, or the business has agreed to use the proceeds of a growth investment to relocate at least eighty per cent of its employees to this state or pay at least eighty per cent of its payroll to individuals residing in this state. For the purpose of growth investments by a program two rural business growth fund, a business's "principal business operations" are also in this state if it is headquartered in a border county and at least sixty-five per cent of the business's employees reside in this state, the individuals who receive sixty-five per cent of the business's payroll reside in this state, or the business has agreed to use the proceeds of a growth investment to relocate at least sixty-five per cent of its employees to this state or pay at least sixty-five per cent of its payroll to individuals residing in this state.

(K) "Program one" refers to rural business growth funds certified by the department of development under section 122.151 of the Revised Code before the effective date of this amendment.

(L) "Program two" refers to rural business growth funds certified by the department of development under section 122.151 of the Revised Code on or after the effective date of this amendment.

~~(I)~~(M) "Rural area" means any county in this state having a population less than two hundred thousand ~~as of the most recent decennial census or the most recent annual population estimate published or released by the United States census bureau~~.

~~(J)~~(N) "Rural business concern" means an operating company that has its principal business operations located in a rural area.

~~(K)~~ (O)"Rural business growth fund" and "fund" mean an entity certified by the department of development ~~services agency~~ under section 122.151 of the Revised Code.

~~(L)~~(P) "Taxable year" means the calendar year ending on the thirty-first day of December next preceding the day the annual statement is required to be returned under section 5725.18 or 5729.02 of the Revised Code.

(Q) "Tier one rural area" means any county in this state having a population less than two hundred thousand and more than one hundred fifty thousand.

(R) "Tier two rural area" means any county in this state having a population of more than seventy-five thousand but not more than one hundred fifty thousand.

(S) "Tier three rural area" means any county in this state having a population of not more than seventy-five thousand.

Sec. 122.151. (A) ~~On and after the effective date of the enactment of this section, a~~ A person that has developed a

business plan to invest in rural business concerns in this state and has successfully solicited private investors to make credit-eligible capital contributions in support of the plan may apply to the department of development ~~services agency~~ for certification as a rural business growth fund. The application shall include all of the following:

(1) The total eligible investment authority sought by the applicant under the business plan;

(2) Documents and other evidence sufficient to prove, to the satisfaction of the agency, that the applicant meets all of the following criteria:

(a) The applicant or an affiliate of the applicant is licensed as a rural business investment company under 7 U.S.C. 2009cc, or as a small business investment company under 15 U.S.C. 681.

(b) As of the date the application is submitted, the applicant has invested more than one hundred million dollars in operating companies, including at least fifty million dollars in operating companies located in rural areas. In computing investments under this division, the applicant may include investments made by affiliates of the applicant and investments made in businesses that are not operating companies but would qualify as operating companies if the principal business operations were located in this state.

(3) The industries in which the applicant proposes to make growth investments and the percentage of the growth investments that will be made in each industry. The applicant shall identify each industry by using the codes utilized by the north American industry classification system.

(4) An estimate of the number of new full-time equivalent employees and retained full-time equivalent employees that will result from the applicant's growth investments;

(5) A revenue impact assessment for the applicant's proposed growth investments prepared by a nationally recognized third-party independent economic forecasting firm using a dynamic economic forecasting model. The revenue impact assessment shall analyze the applicant's business plan over the ten years following the date the application is submitted to the agency.

(6) A signed affidavit from each investor successfully solicited by the applicant to make a credit eligible capital contribution in support of the business plan. Each affidavit shall include information sufficient for the agency and the superintendent of insurance to identify the investor and shall state the amount of the investor's credit-eligible capital contribution.

(7) A nonrefundable application fee of five thousand dollars.

(B)(1) Except as provided in division (B)(2) of this section, the agency shall review and make a determination with respect to each application submitted under division (A) of this section within sixty days of receipt. The agency shall review and make determinations on the applications in the order in which the applications are received by the agency. Applications received by the agency on the same day shall be deemed to have been received simultaneously. The agency shall approve not more than seventy-five million dollars in eligible investment authority and not more than forty-five million dollars in credit-eligible capital contributions under this section <u>for program one rural business growth funds. The agency shall approve not more than seventy-five million dollars in eligible investment authority and</u>

not more than forty-five million dollars in credit-eligible contributions under this section for program two rural business growth funds.

(2) If the agency denies an application for certification as a fund, and approving a subsequently submitted application would result in exceeding the dollar limitation on eligible investment authority or credit-eligible contributions prescribed by division (B)(1) of this section assuming the previously denied application were completed, clarified, or cured under division (D) of this section, the agency shall refrain from making a determination on the subsequently submitted application until the previously denied application is reconsidered or the fifteen-day period for submitting additional information respecting that application has passed, whichever comes first.

(C) The agency shall deny an application submitted under this section if any of the following are true:

(1) The application is incomplete.

(2) The application fee is not paid in full.

(3) The applicant does not satisfy all the criteria described in division (A)(2) of this section.

(4) The revenue impact assessment submitted under division (A)(5) of this section does not demonstrate that the applicant's business plan will result in a positive economic impact on this state over a ten-year period that exceeds the cumulative amount of tax credits that would be issued under section 122.152 of the Revised Code if the application were approved.

(5) The credit-eligible capital contributions described in affidavits submitted under division (A)(6) of this section do not equal sixty per cent of the total amount of eligible investment

authority sought under the applicant's business plan.

(6) The agency has already approved the maximum total eligible investment authority and credit-eligible capital contributions allowed under division (B) of this section.

(D) If the agency denies an application under division (C) of this section, the agency shall send notice of its determination to the applicant. The notice shall include the reason or reasons that the application was denied. If the application was denied for any reason other than the reason specified in division (C)(6) of this section, the applicant may provide additional information to the agency to complete, clarify, or cure defects in the application. The additional information must be submitted within fifteen days after the date the notice of denial was dispatched by the agency. If the person submits additional information within fifteen days, the agency shall reconsider the application within thirty days after receiving the additional information. The application shall be reviewed and considered before any pending application submitted after the original submission date of the reconsidered application. If the person does not submit additional information within fifteen days after dispatch of the notice of denial, the person may submit a new application with a new submission date at any time.

(E) If approving multiple simultaneously submitted applications would result in exceeding the overall eligible investment limit prescribed by division (B) of this section, the agency shall proportionally reduce the eligible investment authority and the credit-eligible capital contributions for each approved application as necessary to avoid exceeding the limit.

(F) The agency shall not deny a rural business growth fund application or reduce the requested eligible investment authority

for reasons other than those described in divisions (C) and (E) of this section. If the agency approves such an application, the agency shall issue a written notice to the applicant certifying that the applicant qualifies as a rural business growth fund and specifying the amount of the applicant's eligible investment authority.

(G) A fund shall do all of the following within sixty days after receiving the certification issued under division (F) of this section:

(1) Collect the credit-eligible capital contributions from each investor whose affidavit was included in the application. If the rural business growth fund's requested eligible investment authority is proportionally reduced under division (E) of this section, the investor's required credit-eligible capital contribution shall be reduced by the same proportion.

(2) Collect one or more investments of cash that, when added to the contributions collected under division (G)(1) of this section, equal the fund's eligible investment authority. At least ten per cent of the fund's eligible investment authority shall be comprised of equity investments contributed <u>directly or indirectly</u> by affiliates of the fund, including employees, officers, and directors of such affiliates.

(H) Within sixty-five days after receiving the certification issued under division (F)(1) of this section, the fund shall send to the agency documentation sufficient to prove that the amounts described in divisions (G)(1) and (2) of this section have been collected. The fund shall identify any affiliate of an investor described in division (G)(1) of this section that will seek to claim the credit allowed by section 122.152 of the Revised Code. If the fund fails to fully comply with division (G) of this

section, the fund's certification shall lapse.

Eligible investment authority and corresponding credit-eligible capital contributions that lapse under this division do not count toward limits on total eligible investment authority and credit-eligible capital contributions prescribed by division (B) of this section. Once eligible investment authority has lapsed, the agency shall first award lapsed authority pro rata to each fund that was awarded less than the requested eligible investment authority because of the operation of division (E) of this section. Any remaining eligible investment authority may be awarded by the agency to new applicants.

(I) After receiving documentation sufficient to prove that the amounts described in divisions (G)(1) and (2) of this section have been collected, the agency shall issue the following notices:

(1) To each investor or affiliate identified in division (H) of this section, a notice of the amount and utilization schedule of the tax credits allocated to that investor or affiliate as a result of its credit-eligible capital contribution;

(2) To the superintendent of insurance, a notice of the amount and utilization schedule of the tax credits allocated to each investor described in division (G)(1) of this section and any affiliate of such investor who will seek to claim the credit allowed by section 122.152 of the Revised Code.

(J) Application fees submitted to the agency pursuant to division (A)(7) of this section shall be credited to the tax incentives operating fund created under section 122.174 of the Revised Code, and shall be used by the agency to administer sections 122.15 to 122.156 of the Revised Code.

Sec. 122.153. (A) The department of development ~~services~~

~~agency~~ shall not be required to issue a tax credit certificate under section 122.152 of the Revised Code if either of the ~~fund in which the~~ following applies:

(1) The credit-eligible capital contribution was made ~~does not invest~~ in a program one rural business growth fund that fails to:

(a) Invest fifty per cent of its eligible investment authority in growth investments within one year of the closing date; and

(b) Invest one hundred per cent of its eligible investment authority in growth investments in this state within two years of the closing date.

(2) The credit eligible contribution was made in a program two rural business growth fund that fails to:

(a) Invest twenty-five per cent of its eligible investment authority in growth investments within one year of the closing date;

(b) Invest fifty per cent of its eligible investment authority in growth investments within two years of the closing date; and

(c) Invest one hundred per cent of its eligible investment authority in growth investments within three years of the closing date, including seventy-five per cent of its eligible investment authority in rural business concerns that have their principal business operations in tier two or tier three rural areas, and twenty-five per cent of its eligible investment authority in rural business concerns that have their principal business operations in tier three rural areas. The amount by which a rural business growth fund's growth investments in rural business concerns that

have their principal business operations in tier one rural areas exceeds twenty-five per cent of the fund's eligible investment authority shall not count towards the satisfaction of the requirements prescribed by division (A)(2)(c) of this section.

(B) The agency shall recapture tax credits claimed under section 122.152 of the Revised Code if any of the following occur with respect to the rural business growth fund:

(1) The fund, after investing one hundred per cent of its eligible investment authority in growth investments in this state, fails to maintain that investment until the sixth anniversary of the closing date. For the purposes of this division, an investment is maintained even if the investment is sold or repaid so long as the fund reinvests an amount equal to the capital returned or recovered by the fund from the original investment, exclusive of any profits realized, in other growth investments in this state within one year of the receipt of such capital.

(2) The fund makes a distribution or payment after the fund complies with division (G) of section 122.151 of the Revised Code and before the fund decertifies under division (D) of this section that results in the fund having less than one hundred per cent of its eligible investment authority invested in growth investments in this state.

(3) The fund makes a growth investment in a rural business concern that directly or indirectly through an affiliate owns, has the right to acquire an ownership interest, makes a loan to, or makes an investment in the fund, an affiliate of the fund, or an investor in the fund. Division (A)(3) of this section does not apply to investments in publicly traded securities by a rural business concern or an owner or affiliate of a rural business concern.

Before recapturing one or more tax credits under this division, the agency shall notify the fund of the reasons for the pending recapture. If the fund corrects the violations outlined in the notice to the satisfaction of the agency within thirty days of the date the notice was dispatched, the agency shall not recapture the tax credits.

~~(C)~~(C)(1) The amount by which one or more growth investments by a ~~fund~~ program one rural business growth fund in the same rural business concern exceeds twenty per cent of the fund's eligible investment authority shall not be counted as a growth investment for the purposes of this section. The amount by which one or more growth investments by a program two rural business growth fund in the same business concern exceeds five million dollars shall not be counted as a growth investment for the purposes of this section. A growth investment returned or repaid by a rural business concern to a program one or program two rural business growth fund and then reinvested by the fund in the same rural business concern does not count as an investment in the same rural business concern for the purposes of the limitations prescribed by division (C)(1) of this section.

(2) The aggregate amount of growth investments by all rural business growth funds in the same rural business concern, including amounts reinvested in a rural business concern following a returned or repayment of a growth investment, shall not exceed fifteen million dollars.

(3) A growth investment in an affiliate of a rural business concern shall be treated as a growth investment in that rural business concern for the purposes of ~~this~~ division (C) of this section.

(D) If the agency recaptures a tax credit under this section,

the agency shall notify the superintendent of insurance of the recapture. The superintendent shall make an assessment under Chapter 5725. or 5729. of the Revised Code for the amount of the credit claimed by each certificate owner associated with the fund before the recapture was finalized. The time limitations on assessments under those chapters do not apply to an assessment under this division, but the superintendent shall make the assessment within one year after the date the agency notifies the superintendent of the recapture. Following the recapture of a tax credit under this section, no tax credit certificate associated with the fund may be utilized. Notwithstanding division (B) of section 122.152 of the Revised Code, if a tax credit is recaptured under this section the agency shall not issue future tax credit certificates to taxpayers that made credit-eligible capital contributions to the fund.

(E)(1) On or after the sixth anniversary of the closing date, a fund that has not committed any of the acts described in division (B) of this section may apply to the agency to decertify as a rural business growth fund. The agency shall respond to the application within sixty days after receiving the application. In evaluating the application, the fact that no tax credit has been recaptured with respect to the fund shall be sufficient evidence to prove that the fund is eligible for decertification. The agency shall not unreasonably deny an application submitted under this division.

(2) The agency shall send notice of its determination with respect to an application submitted under division (E)(1) of this section to the fund. If the application is denied, the notice shall include the reason or reasons for the determination.

(3) The agency shall not recapture a tax credit due to any

actions of a fund that occur after the date the fund's application for decertification is approved. Division (E)(3) of this section does not prohibit the agency from recapturing a tax credit due to the actions of a fund that occur before the date the fund's application for decertification is approved, even if those actions are discovered after that date.

Sec. 122.154. (A) Each rural business growth fund shall submit a report to the department of development ~~services agency~~ on or before the first day of each March following the end of the calendar year that includes the closing date until the calendar year after the fund has decertified. The report shall provide an itemization of the fund's growth investments and shall include the following documents and information:

(1) A bank statement evidencing each growth investment;

(2) The name, location, and industry class of each business that received a growth investment from the fund and evidence that the business qualified as a rural business concern at the time the investment was made. If the fund obtained a written opinion from the agency on the business's status as a rural business concern under section 122.156 of the Revised Code, or if the fund makes a written request for such an opinion and the agency failed to respond within thirty days as required by that section, a copy of the agency's favorable opinion or a dated copy of the fund's unanswered request, as applicable, shall be sufficient evidence that the business qualified as a rural business concern at the time the investment was made.

(3) The number of employment positions that existed at each business described in division (A)(2) of this section on the date the business received the growth investment;

(4) The number of new full-time equivalent employees resulting from each of the fund's growth investments made or maintained in the preceding calendar year;

(5) Any other information required by the agency.

(B) Each fund shall submit a report to the agency on or before the fifth business day after the first ~~and,~~ second, and for program two funds, third anniversaries of the closing date that provides documentation sufficient to prove that the fund has met the investment thresholds described in division (A) of section 122.153 of the Revised Code and has not implicated any of the other recapture provisions described in division (B) of that section.

(C) Each certified rural business growth fund shall pay the agency an annual fee of twenty thousand dollars. The initial annual fee required of a fund shall be due and payable to the agency along with the submission of documentation required under division (H) of section 122.151 of the Revised Code. Each subsequent annual fee is due and payable on the last day of February following the first and each ensuing anniversary of the closing date. If the fund is required to submit an annual report under division (A) of this section, the annual fee shall be submitted along with the report. No fund shall be required to pay an annual fee after the fund has decertified under section 122.153 of the Revised Code. Annual fees paid to the agency under this section shall be credited to the tax incentives operating fund created under section 122.174 of the Revised Code.

(D) The director of development ~~services~~, after consultation with the superintendent of insurance and in accordance with Chapter 119. of the Revised Code, may adopt rules necessary to implement sections 122.15 to 122.156 of the Revised Code.

Sec. 122.156. A rural business growth fund, before investing in a business, may request a written opinion from the department of development ~~services agency~~ as to whether the business qualifies as a rural business concern based on the criteria prescribed by section 122.15 of the Revised Code. The request shall be submitted in a form prescribed by rule of the agency. The agency shall issue a written opinion to the fund within thirty business days of receiving such a request. Notwithstanding division ~~(H)~~(J) of section 122.15 of the Revised Code, if the agency determines that the business qualifies as a rural business concern or if the agency fails to timely issue the written opinion as required under this section, the business shall be considered a rural business concern for the purposes of sections 122.15 to 122.156 of the Revised Code."

In line 70831, after "122.041," insert "122.15, 122.151, 122.153, 122.154, 122.156,"

After line 89292, insert:

"**Section 757.___.** The Director of Development shall begin accepting applications under section 122.151 of the Revised Code for certification as a program two rural business growth fund not later than thirty days after the effective date of this section."

The motion was _____ agreed to.

SYNOPSIS

Rural business growth program

R.C. 122.15, 122.151, 122.153, 122.154, and 122.156; Section

757.__

Increases by $45 million the amount of tax credits that may be awarded by the Department of Development under the rural business growth program and relaxes the eligibility criteria and investment requirements associated with those tax credits.

SC4046

Sub. H.B. 110
L-134-0001-5
EDUCD190

_____ moved to amend as follows:

After line 89426, insert:

"The amendment of section 3313.411 of the Revised Code by this act takes effect July 1, 2022."

The motion was _____ agreed to.

SYNOPSIS

Sale of school district property – effective date

Section 812.10

Changes to July 1, 2022, the effective date of the bill's provision that adds to the definition of an "unused school facility" in the law governing a district's involuntary disposition of such facilities, any school building that has been used for direct academic instruction but less than 60% of the building was used for that purpose in the preceding school year. (R.C. 3313.411, unchanged by the amendment.)

SC4049X1

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 84490, delete "$23,952,913 $24,354,677" and insert "$24,563,453 $24,761,619"

In line 84498, delete "$34,895,612 $35,493,396" and insert "$35,785,072 $36,086,454"

In line 84519, add $1,500,000 to fiscal year 2022 and $1,000,000 to fiscal year 2023

In line 84546, add $1,500,000 to fiscal year 2022 and $1,000,000 to fiscal year 2023

The motion was _____ agreed to.

SYNOPSIS

Department of Higher Education

Section 381.10

Increases the following GRF appropriation items (for a total increase of $1,500,000 in FY 2022 and $1,000,000 in FY 2023):

1) 235511, The Ohio State University Extension Service, by $610,540 in FY 2022 and $406,942 in FY 2023;

2) 235535, Ohio Agricultural Research and Development Center, by $889,460 in FY 2022 and $593,058 in FY 2023.

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 38 of the title, after "2929.34," insert "2953.25, 2953.31, 2953.33,"

In line 240, after "2929.34," insert "2953.25, 2953.31, 2953.33,"

After line 21305, insert:

"**Sec. 2953.25.** (A) As used in this section:

(1) "Collateral sanction" means a penalty, disability, or disadvantage that is related to employment or occupational licensing, however denominated, as a result of the individual's conviction of or plea of guilty to an offense and that applies by operation of law in this state whether or not the penalty, disability, or disadvantage is included in the sentence or judgment imposed.

"Collateral sanction" does not include imprisonment, probation, parole, supervised release, forfeiture, restitution, fine, assessment, or costs of prosecution.

(2) "Decision-maker" includes, but is not limited to, the state acting through a department, agency, board, commission, or instrumentality established by the law of this state for the exercise of any function of government, a political subdivision,

an educational institution, or a government contractor or subcontractor made subject to this section by contract, law, or ordinance.

(3) "Department-funded program" means a residential or nonresidential program that is not a term in a state correctional institution, that is funded in whole or part by the department of rehabilitation and correction, and that is imposed as a sanction for an offense, as part of a sanction that is imposed for an offense, or as a term or condition of any sanction that is imposed for an offense.

(4) "Designee" means the person designated by the deputy director of the division of parole and community services to perform the duties designated in division (B) of this section.

(5) "Division of parole and community services" means the division of parole and community services of the department of rehabilitation and correction.

(6) "Offense" means any felony or misdemeanor under the laws of this state.

(7) "Political subdivision" has the same meaning as in section 2969.21 of the Revised Code.

(8) "Discretionary civil impact," "licensing agency," and "mandatory civil impact" have the same meanings as in section 2961.21 of the Revised Code.

(B)(1) An individual who is subject to one or more collateral sanctions as a result of being convicted of or pleading guilty to an offense and who either has served a term in a state correctional institution for any offense or has spent time in a department-funded program for any offense may file a petition with the designee of the deputy director of the division of parole and

community services for a certificate of qualification for employment.

(2) An individual who is subject to one or more collateral sanctions as a result of being convicted of or pleading guilty to an offense and who is not in a category described in division (B)(1) of this section may file for a certificate of qualification for employment by doing either of the following:

(a) In the case of an individual who resides in this state, filing a petition with the court of common pleas of the county in which the person resides or with the designee of the deputy director of the division of parole and community services;

(b) In the case of an individual who resides outside of this state, filing a petition with the court of common pleas of any county in which any conviction or plea of guilty from which the individual seeks relief was entered or with the designee of the deputy director of the division of parole and community services.

(3) A petition under division (B)(1) or (2) of this section shall be made on a copy of the form prescribed by the division of parole and community services under division (J) of this section, shall contain all of the information described in division (F) of this section, and, except as provided in division (B)(6) of this section, shall be accompanied by an application fee of fifty dollars.

(4)(a) Except as provided in division (B)(4)(b) of this section, an individual may file a petition under division (B)(1) or (2) of this section at any time after the expiration of whichever of the following is applicable:

(i) If the offense that resulted in the collateral sanction from which the individual seeks relief is a felony, at any time

after the expiration of one year from the date of release of the individual from any period of incarceration in a state or local correctional facility that was imposed for that offense and all periods of supervision imposed after release from the period of incarceration or, if the individual was not incarcerated for that offense, at any time after the expiration of one year from the date of the individual's final release from all other sanctions imposed for that offense.

(ii) If the offense that resulted in the collateral sanction from which the individual seeks relief is a misdemeanor, at any time after the expiration of six months from the date of release of the individual from any period of incarceration in a local correctional facility that was imposed for that offense and all periods of supervision imposed after release from the period of incarceration or, if the individual was not incarcerated for that offense, at any time after the expiration of six months from the date of the final release of the individual from all sanctions imposed for that offense including any period of supervision.

(b) The department of rehabilitation and correction may establish criteria by rule adopted under Chapter 119. of the Revised Code that, if satisfied by an individual, would allow the individual to file a petition before the expiration of six months or one year from the date of final release, whichever is applicable under division (B)(4)(a) of this section.

(5)(a) A designee that receives a petition for a certificate of qualification for employment from an individual under division (B)(1) or (2) of this section shall review the petition to determine whether it is complete. If the petition is complete, the designee shall forward the petition, the application fee, and any other information the designee possesses that relates to the

petition, to the court of common pleas of the county in which the individual resides if the individual submitting the petition resides in this state or, if the individual resides outside of this state, to the court of common pleas of the county in which the conviction or plea of guilty from which the individual seeks relief was entered.

(b) A court of common pleas that receives a petition for a certificate of qualification for employment from an individual under division (B)(2) of this section, or that is forwarded a petition for such a certificate under division (B)(5)(a) of this section, shall attempt to determine all other courts in this state in which the individual was convicted of or pleaded guilty to an offense other than the offense from which the individual is seeking relief. The court that receives or is forwarded the petition shall notify all other courts in this state that it determines under this division were courts in which the individual was convicted of or pleaded guilty to an offense other than the offense from which the individual is seeking relief that the individual has filed the petition and that the court may send comments regarding the possible issuance of the certificate.

A court of common pleas that receives a petition for a certificate of qualification for employment under division (B)(2) of this section shall notify the county's prosecuting attorney that the individual has filed the petition.

A court of common pleas that receives a petition for a certificate of qualification for employment under division (B)(2) of this section, or that is forwarded a petition for qualification under division (B)(5)(a) of this section may direct the clerk of court to process and record all notices required in or under this section. Except as provided in division (B)(6) of this section,

the court shall pay thirty dollars of the application fee into the state treasury and twenty dollars of the application fee into the county general revenue fund.

(6) Upon receiving a petition for a certificate of qualification for employment filed by an individual under division (B)(1) or (2) of this section, a court of common pleas or the designee of the deputy director of the division of parole and community services who receives the petition may waive all or part of the fifty-dollar filing fee for an applicant who is indigent. If an application fee is partially waived, the first twenty dollars of the fee that is collected shall be paid into the county general revenue fund. Any partial fee collected in excess of twenty dollars shall be paid into the state treasury.

(C)(1) Upon receiving a petition for a certificate of qualification for employment filed by an individual under division (B)(2) of this section or being forwarded a petition for such a certificate under division (B)(5)(a) of this section, the court shall review the individual's petition, the individual's criminal history, except for information contained in any record that has been sealed under section 2953.32 of the Revised Code, all filings submitted by the prosecutor or by the victim in accordance with rules adopted by the division of parole and community services, the applicant's military service record, if applicable, and whether the applicant has an emotional, mental, or physical condition that is traceable to the applicant's military service in the armed forces of the United States and that was a contributing factor in the commission of the offense or offenses, and all other relevant evidence. The court may order any report, investigation, or disclosure by the individual that the court believes is necessary for the court to reach a decision on whether to approve the individual's petition for a certificate of qualification for

employment, except that the court shall not require an individual to disclose information about any record sealed under section 2953.32 of the Revised Code.

(2) Upon receiving a petition for a certificate of qualification for employment filed by an individual under division (B)(2) of this section or being forwarded a petition for such a certificate under division (B)(5)(a) of this section, except as otherwise provided in this division, the court shall decide whether to issue the certificate within sixty days after the court receives or is forwarded the completed petition and all information requested for the court to make that decision. Upon request of the individual who filed the petition, the court may extend the sixty-day period specified in this division.

(3) Except as provided in division (C)(5) of this section and subject to division (C)(7) of this section, a court that receives an individual's petition for a certificate of qualification for employment under division (B)(2) of this section or that is forwarded a petition for such a certificate under division (B)(5)(a) of this section may issue a certificate of qualification for employment, at the court's discretion, if the court finds that the individual has established all of the following by a preponderance of the evidence:

(a) Granting the petition will materially assist the individual in obtaining employment or occupational licensing.

(b) The individual has a substantial need for the relief requested in order to live a law-abiding life.

(c) Granting the petition would not pose an unreasonable risk to the safety of the public or any individual.

(4) The submission of an incomplete petition by an individual shall not be grounds for the designee or court to deny the

petition.

(5) Subject to division (C)(6) of this section, an individual is rebuttably presumed to be eligible for a certificate of qualification for employment if the court that receives the individual's petition under division (B)(2) of this section or that is forwarded a petition under division (B)(5)(a) of this section finds all of the following:

(a) The application was filed after the expiration of the applicable waiting period prescribed in division (B)(4) of this section;

(b) If the offense that resulted in the collateral sanction from which the individual seeks relief is a felony, at least three years have elapsed since the date of release of the individual from any period of incarceration in a state or local correctional facility that was imposed for that offense and all periods of supervision imposed after release from the period of incarceration or, if the individual was not incarcerated for that offense, at least three years have elapsed since the date of the individual's final release from all other sanctions imposed for that offense;

(c) If the offense that resulted in the collateral sanction from which the individual seeks relief is a misdemeanor, at least one year has elapsed since the date of release of the individual from any period of incarceration in a local correctional facility that was imposed for that offense and all periods of supervision imposed after release from the period of incarceration or, if the individual was not incarcerated for that offense, at least one year has elapsed since the date of the final release of the individual from all sanctions imposed for that offense including any period of supervision.

(6) An application that meets all of the requirements for the

presumption under division (C)(5) of this section shall be denied only if the court that receives the petition finds that the evidence reviewed under division (C)(1) of this section rebuts the presumption of eligibility for issuance by establishing, by clear and convincing evidence, that the applicant has not been rehabilitated.

(7) A certificate of qualification for employment shall not create relief from any of the following collateral sanctions:

(a) Requirements imposed by Chapter 2950. of the Revised Code and rules adopted under sections 2950.13 and 2950.132 of the Revised Code;

(b) A driver's license, commercial driver's license, or probationary license suspension, cancellation, or revocation pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of the Revised Code if the relief sought is available pursuant to section 4510.021 or division (B) of section 4510.13 of the Revised Code;

(c) Restrictions on employment as a prosecutor or law enforcement officer;

(d) The denial, ineligibility, or automatic suspension of a license that is imposed upon an individual applying for or holding a license as a health care professional under Title XLVII of the Revised Code if the individual is convicted of, pleads guilty to, is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state under section 2951.041 of the Revised Code, or is subject to treatment or intervention in lieu of conviction for a violation of section 2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 2907.03, 2907.05, 2909.02, 2911.01, 2911.11, 2919.123, or 2919.124 of the Revised Code;

(e) The immediate suspension of a license, certificate, or

evidence of registration that is imposed upon an individual holding a license as a health care professional under Title XLVII of the Revised Code pursuant to division (C) of section 3719.121 of the Revised Code;

(f) The denial or ineligibility for employment in a pain clinic under division (B)(4) of section 4729.552 of the Revised Code;

(g) The mandatory suspension of a license that is imposed on an individual applying for or holding a license as a health care professional under Title XLVII of the Revised Code pursuant to section 3123.43 of the Revised Code.

(8) If a court that receives an individual's petition for a certificate of qualification for employment under division (B)(2) of this section or that is forwarded a petition for such a certificate under division (B)(5)(a) of this section denies the petition, the court shall provide written notice to the individual of the court's denial. The court may place conditions on the individual regarding the individual's filing of any subsequent petition for a certificate of qualification for employment. The written notice must notify the individual of any conditions placed on the individual's filing of a subsequent petition for a certificate of qualification for employment.

If a court of common pleas that receives an individual's petition for a certificate of qualification for employment under division (B)(2) of this section or that is forwarded a petition for such a certificate under division (B)(5)(a) of this section denies the petition, the individual may appeal the decision to the court of appeals only if the individual alleges that the denial was an abuse of discretion on the part of the court of common pleas.

(D)(1) A certificate of qualification for employment issued to an individual lifts the automatic bar of a collateral sanction, and a decision-maker shall consider on a case-by-case basis whether to grant or deny the issuance or restoration of an occupational license or an employment opportunity, notwithstanding the individual's possession of the certificate, without, however, reconsidering or rejecting any finding made by a designee or court under division (C)(3) of this section.

(2) The certificate constitutes a rebuttable presumption that the person's criminal convictions are insufficient evidence that the person is unfit for the license, employment opportunity, or certification in question. Notwithstanding the presumption established under this division, the agency may deny the license or certification for the person if it determines that the person is unfit for issuance of the license.

(3) If an employer that has hired a person who has been issued a certificate of qualification for employment applies to a licensing agency for a license or certification and the person has a conviction or guilty plea that otherwise would bar the person's employment with the employer or licensure for the employer because of a mandatory civil impact, the agency shall give the person individualized consideration, notwithstanding the mandatory civil impact, the mandatory civil impact shall be considered for all purposes to be a discretionary civil impact, and the certificate constitutes a rebuttable presumption that the person's criminal convictions are insufficient evidence that the person is unfit for the employment, or that the employer is unfit for the license or certification, in question.

(E) A certificate of qualification for employment does not grant the individual to whom the certificate was issued relief

from the mandatory civil impacts identified in division (A)(1) of section 2961.01 or division (B) of section 2961.02 of the Revised Code.

(F) A petition for a certificate of qualification for employment filed by an individual under division (B)(1) or (2) of this section shall include all of the following:

(1) The individual's name, date of birth, and social security number;

(2) All aliases of the individual and all social security numbers associated with those aliases;

(3) The individual's residence address, including the city, county, and state of residence and zip code;

(4) The length of time that the individual has resided in the individual's current state of residence, expressed in years and months of residence;

(5) A general statement as to why the individual has filed the petition and how the certificate of qualification for employment would assist the individual;

(6) A summary of the individual's criminal history, except for information contained in any record that has been sealed under section 2953.32 of the Revised Code, with respect to each offense that is a disqualification from employment or licensing in an occupation or profession, including the years of each conviction or plea of guilty for each of those offenses;

(7) A summary of the individual's employment history, specifying the name of, and dates of employment with, each employer;

(8) Verifiable references and endorsements;

(9) The name of one or more immediate family members of the individual, or other persons with whom the individual has a close relationship, who support the individual's reentry plan;

(10) A summary of the reason the individual believes the certificate of qualification for employment should be granted;

(11) Any other information required by rule by the department of rehabilitation and correction.

(G)(1) In a judicial or administrative proceeding alleging negligence or other fault, a certificate of qualification for employment issued to an individual under this section may be introduced as evidence of a person's due care in hiring, retaining, licensing, leasing to, admitting to a school or program, or otherwise transacting business or engaging in activity with the individual to whom the certificate of qualification for employment was issued if the person knew of the certificate at the time of the alleged negligence or other fault.

(2) In any proceeding on a claim against an employer for negligent hiring, a certificate of qualification for employment issued to an individual under this section shall provide immunity for the employer as to the claim if the employer knew of the certificate at the time of the alleged negligence.

(3) If an employer hires an individual who has been issued a certificate of qualification for employment under this section, if the individual, after being hired, subsequently demonstrates dangerousness or is convicted of or pleads guilty to a felony, and if the employer retains the individual as an employee after the demonstration of dangerousness or the conviction or guilty plea, the employer may be held liable in a civil action that is based on or relates to the retention of the individual as an employee only if it is proved by a preponderance of the evidence that the person

having hiring and firing responsibility for the employer had actual knowledge that the employee was dangerous or had been convicted of or pleaded guilty to the felony and was willful in retaining the individual as an employee after the demonstration of dangerousness or the conviction or guilty plea of which the person has actual knowledge.

(H) A certificate of qualification for employment issued under this section shall be revoked if the individual to whom the certificate of qualification for employment was issued is convicted of or pleads guilty to a felony offense committed subsequent to the issuance of the certificate of qualification for employment. The department of rehabilitation and correction shall periodically review the certificates listed in the database described in division (K) of this section to identify those that are subject to revocation under this division. Upon identifying a certificate of qualification for employment that is subject to revocation, the department shall note in the database that the certificate has been revoked, the reason for revocation, and the effective date of revocation, which shall be the date of the conviction or plea of guilty subsequent to the issuance of the certificate.

(I) A designee's forwarding, or failure to forward, a petition for a certificate of qualification for employment to a court or a court's issuance, or failure to issue, a petition for a certificate of qualification for employment to an individual under division (B) of this section does not give rise to a claim for damages against the department of rehabilitation and correction or court.

(J) The division of parole and community services shall adopt rules in accordance with Chapter 119. of the Revised Code for the

implementation and administration of this section and shall prescribe the form for the petition to be used under division (B)(1) or (2) of this section. The form for the petition shall include places for all of the information specified in division (F) of this section.

(K) The department of rehabilitation and correction shall maintain a database that identifies granted certificates and revoked certificates and tracks the number of certificates granted and revoked, the industries, occupations, and professions with respect to which the certificates have been most applicable, and the types of employers that have accepted the certificates. The department shall annually create a report that summarizes the information maintained in the database and shall make the report available to the public on its internet web site.

Sec. 2953.31. As used in sections 2953.31 to 2953.36 of the Revised Code:

(A)(1) "Eligible offender" means either of the following:

(a) Anyone who has been convicted of one or more offenses in this state or any other jurisdiction, if all of the offenses in this state are felonies of the fourth or fifth degree or misdemeanors and none of those offenses are an offense of violence or a felony sex offense and all of the offenses in another jurisdiction, if committed in this state, would be felonies of the fourth or fifth degree or misdemeanors and none of those offenses would be an offense of violence or a felony sex offense;

(b) Anyone who has been convicted of an offense in this state or any other jurisdiction, to whom division (A)(1)(a) of this section does not apply, and who has not more than two felony convictions, has not more than four misdemeanor convictions, or,

if the person has exactly two felony convictions, has not more than those two felony convictions and two misdemeanor convictions in this state or any other jurisdiction. The conviction that is requested to be sealed shall be a conviction that is eligible for sealing as provided in section 2953.36 of the Revised Code. When two or more convictions result from or are connected with the same act or result from offenses committed at the same time, they shall be counted as one conviction. When two or three convictions result from the same indictment, information, or complaint, from the same plea of guilty, or from the same official proceeding, and result from related criminal acts that were committed within a three-month period but do not result from the same act or from offenses committed at the same time, they shall be counted as one conviction, provided that a court may decide as provided in division (C)(1)(a) of section 2953.32 of the Revised Code that it is not in the public interest for the two or three convictions to be counted as one conviction.

(2) For purposes of, and except as otherwise provided in, division (A)(1)(b) of this section, a conviction for a minor misdemeanor, for a violation of any section in Chapter 4507., 4510., 4511., 4513., or 4549. of the Revised Code, or for a violation of a municipal ordinance that is substantially similar to any section in those chapters is not a conviction. However, a conviction for a violation of section 4511.19, 4511.251, 4549.02, 4549.021, 4549.03, 4549.042, or 4549.62 or sections 4549.41 to 4549.46 of the Revised Code, for a violation of section 4510.11 or 4510.14 of the Revised Code that is based upon the offender's operation of a vehicle during a suspension imposed under section 4511.191 or 4511.196 of the Revised Code, for a violation of a substantially equivalent municipal ordinance, for a felony violation of Title XLV of the Revised Code, or for a violation of

a substantially equivalent former law of this state or former municipal ordinance shall be considered a conviction.

(B) "Prosecutor" means the county prosecuting attorney, city director of law, village solicitor, or similar chief legal officer, who has the authority to prosecute a criminal case in the court in which the case is filed.

(C) "Bail forfeiture" means the forfeiture of bail by a defendant who is arrested for the commission of a misdemeanor, other than a defendant in a traffic case as defined in Traffic Rule 2, if the forfeiture is pursuant to an agreement with the court and prosecutor in the case.

(D) "Official records" has the same meaning as in division (D) of section 2953.51 of the Revised Code, except that it also includes all records that are possessed by any public office or agency that relate to an application for, or the issuance or denial of, a certificate of qualification for employment under section 2953.25 of the Revised Code.

(E) "Official proceeding" has the same meaning as in section 2921.01 of the Revised Code.

(F) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.

(G) "Post-release control" and "post-release control sanction" have the same meanings as in section 2967.01 of the Revised Code.

(H) "DNA database," "DNA record," and "law enforcement agency" have the same meanings as in section 109.573 of the Revised Code.

(I) "Fingerprints filed for record" means any fingerprints obtained by the superintendent of the bureau of criminal

identification and investigation pursuant to sections 109.57 and 109.571 of the Revised Code.

Sec. 2953.33. (A) An order issued under section 2953.37 of the Revised Code to expunge the record of a person's conviction or, except as provided in division (G) of section 2953.32 of the Revised Code, an order issued under that section to seal the record of a person's conviction restores the person who is the subject of the order to all rights and privileges not otherwise restored by termination of the sentence or community control sanction or by final release on parole or post-release control.

(B)(1) In any application for employment, license, or other right or privilege, any appearance as a witness, or any other inquiry, except as provided in division (E) of section 2953.32 and in section 3319.292 of the Revised Code and subject to division ~~(B)(2)~~(B)(3) of this section, a person may be questioned only with respect to convictions not sealed, bail forfeitures not expunged under section 2953.42 of the Revised Code as it existed prior to June 29, 1988, and bail forfeitures not sealed, unless the question bears a direct and substantial relationship to the position for which the person is being considered.

(2) In any application for a certificate of qualification for employment under section 2953.25 of the Revised Code, a person may be questioned only with respect to convictions not sealed and bail forfeitures not sealed.

(3) A person may not be questioned in any application, appearance, or inquiry of a type described in division (B)(1) of this section with respect to any conviction expunged under section 2953.37 of the Revised Code."

In line 70854, after "2929.34," insert "2953.25, 2953.31,

2953.33,"

The motion was _____ agreed to.

SYNOPSIS

Sealed records; certificate of qualification for employment

R.C. 2953.25, 2953.31, and 2953.33

Specifies that if a criminal record is sealed, all of the following apply with regard to a certificate of qualification for employment:

- When a criminal record is sealed, records related to a certificate of qualification for employment are also sealed.

-When submitting a petition for a certificate of qualification for employment, an individual does not have to include or disclose information contained in a sealed record.

-When considering a petition for a certificate of qualification for employment, a court may not review information contained in a sealed record.

-In any petition for a certificate of qualification for employment, an individual may not be questioned about information contained in a sealed record.

SC4059

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 155 of the title, after "341.121," insert "940.39,"

In line 167 of the title, delete "and"; after "5751.42" insert ", and 6133.041"

In line 70918, after "341.121," insert "940.39,"

In line 70926, delete "and"; after "5751.42" insert ", and 6133.041"

The motion was _____ agreed to.

SYNOPSIS

Elimination of drainage improvement virtual meetings

R.C. 940.39 and 6133.041 (both repealed)

Eliminates the authority for the following entities to conduct drainage improvement meetings by video conference or, if video conference is not available, by teleconference:

1. A board of supervisors of a soil and water conservation district; and

2. A joint board of county commissioners.

SC4087

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 77019, delete "$15,140,623 $15,140,623" and insert "$14,383,592 $14,686,404"

In line 77047, subtract $757,031 from fiscal year 2022 and $454,219 from fiscal year 2023

In line 77099, subtract $757,031 from fiscal year 2022 and $454,219 from fiscal year 2023

The motion was _____ agreed to.

SYNOPSIS

Department of Education

Section 265.10

Decreases GRF appropriation item 200321, Operating Expenses, by $757,031 (5%) in FY 2022 and $454,219 (3%) in FY 2023.

SC4094

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 84497, delete "$700,000 $500,000" and insert "$728,000 $528,000"

In line 84519, add $28,000 to each fiscal year

In line 84546, add $28,000 to each fiscal year

After line 85469, insert:

"Of the foregoing appropriation item 235533, Program and Project Support, $28,000 in each fiscal year shall be allocated to support Cincinnati Hillel at the University of Cincinnati."

The motion was _____ agreed to.

SYNOPSIS

Department of Higher Education

Sections 381.10 and 381.287

Increases GRF appropriation item 235533, Program and Project Support, by $28,000 in each fiscal year and earmarks the same amount to be allocated to support Cincinnati Hillel at the University of Cincinnati.

Sub. H.B. 110
L-134-0001-5
EDUCD181

_____ moved to amend as follows:

Delete lines 24274 through 24364 and insert:

"**Sec. 3302.103.** (A) This section applies to any school district that meets one of the following conditions:

(1) An academic distress commission was established for the district in 2013 by the superintendent of public instruction under former section 3302.10 of the Revised Code, as it existed prior to October 15, 2015, and a new academic distress commission was established for the district by the state superintendent under division (A)(2) of section 3302.10 of the Revised Code.

(2) An academic distress commission was established for the district in 2010 by the state superintendent under former section 3302.10 of the Revised Code, as it existed prior to October 15, 2015, and a new academic distress commission was established for the district under division (A)(2) of section 3302.10 of the Revised Code.

(3) An academic distress commission was established for the district by the state superintendent in 2018 under division (A)(1) of section 3302.10 of the Revised Code.

(B) The auditor of state shall complete a performance audit

of a school district to which this section applies one time during the three-year period of the plan implemented under division (D)(2) of this section and submit the results of the audit to the board of education of the school district and the academic distress commission established for the district. The performance audit shall be conducted in the same manner as prescribed by section 3316.042 of the Revised Code.

(C) Notwithstanding anything to the contrary in the Revised Code, not later than ninety days after the effective date of this section, the district board of a school district to which this section applies, in consultation with the appropriate stakeholders, the academic distress commission, and the chief executive officer appointed by that commission under section 3302.10 of the Revised Code, shall develop and submit an academic improvement plan for the district to the state superintendent.

The plan developed under division (C) of this section shall operate for a period of three school years and shall include annual and overall academic improvement benchmarks for the district and strategies for achieving those benchmarks.

(D)(1) The state superintendent shall review the plan submitted under division (C) of this section. Not later than thirty days after receiving the plan for review, the state superintendent shall approve the plan or suggest modifications to the plan. If the state superintendent suggests modifications, the district board shall revise the plan and resubmit it within fifteen days after receiving the suggested modifications. The state superintendent shall review and approve the plan within thirty days after receiving it.

(2) Upon approval of the plan by the state superintendent, the district board may begin to prepare to implement the plan,

which shall be in effect from July 1, 2022, to June 30, 2025. The district's academic distress commission and chief executive officer shall work with the district in preparing to implement the plan.

(3) If the district board determines it necessary, it may submit a request to the state superintendent to modify the improvement plan during the period of time specified in division (D)(2) of this section. The improvement plan shall not be modified without the state superintendent's approval.

(E) During the school years that the district is implementing the plan approved by the state superintendent, the following apply:

(1) The district shall not be subject to section 3302.10 of the Revised Code.

(2) The district board shall reassume all powers granted to it under the Revised Code.

(3) The district's academic distress commission shall continue to exist and provide assistance to the district but shall not have any operational or managerial control of the district.

(4) The chief executive officer appointed by the academic distress commission shall relinquish all operational, managerial, and instructional control of the district and be removed from that position.

The district board may employ as district superintendent the individual who previously served as chief executive officer. If the district board enters into a contract for district superintendent with that individual while the district is implementing the improvement plan, the department of education shall continue compensating the individual under the terms of the

individual's chief executive officer contract until the district meets either of the conditions prescribed in division (F)(1)(b) or (F)(2) of this section. In either event, the district board shall begin compensating the individual under the terms of the district board's employment contract with the individual for district superintendent.

(5) The district board shall provide annual reports to the state board of education on the district's progress toward achieving the academic benchmarks established in the district's improvement plan.

(F) At the end of three school years under the plan, the district shall be evaluated by the state board based on the academic improvement benchmarks established in the plan.

(1)(a) If the district improves but does not meet at least a majority of the academic improvement benchmarks established in the improvement plan, the district board may apply to the state superintendent for an extension of one school year to continue implementing the plan, pending approval by the state superintendent. If the district does not meet at least a majority of the established benchmarks at the end of the extension, the district again may apply to the state superintendent for an extension of one school year to continue implementing the plan. The district shall not apply for an extension more than twice.

(b) If the district does not meet at least a majority of the academic improvement benchmarks at the end of five school years under the plan or if the state superintendent does not approve a district's application for an extension submitted under division (F)(1)(a) of this section, the district shall be subject to section 3302.10 of the Revised Code. The academic distress commission shall appoint a new chief executive officer for the

district as prescribed in division (C) of that section, and the chief executive officer shall reassume the powers that were being exercised under that section prior to July 1, 2022.

(2) If the district meets at least a majority of the academic improvement benchmarks established in its improvement plan at the end of the initial evaluation or, if applicable, after an extension granted by the state superintendent under division (F)(1)(a) of this section, the academic distress commission shall be dissolved, and the district board shall continue exercising all powers granted to it under the Revised Code."

The motion was _____ agreed to.

SYNOPSIS

Academic distress commissions

R.C. 3302.103(A)

Revises the substitute bill's provision establishing a process by which certain school districts subject to an academic distress commission (ADC) may be relieved from the oversight of its ADC prior to meeting the conditions prescribed by continuing law, so that it applies to all districts currently with an ADC, Lorain, East Cleveland, and Youngstown rather than just Lorain as under the substitute bill.

R.C. 3302.103(B)

Requires the Auditor of State to complete an audit of a school district to which the bill applies one time between July 1, 2022, and June 30, 2025, rather than within 60 days after the bill's effective date as under the substitute bill.

R.C. 3302.103(D)

Requires the Superintendent of Public Instruction, rather than the State Board of Education as under the substitute bill, to approve an improvement plan submitted by a school district and any modifications to it during the three-year implementation period.

Revises the schedule by which a district's improvement plan must be submitted and approved but does not change the implementation date of an approved plan.

R.C. 3302.103(E)

Removes the chief executive officer (CEO) appointed by the ADC while a school district is implementing its approved academic improvement plan.

Permits a district board of education of a school district to which the bill applies to employ as superintendent the individual that previously held the CEO position.

Requires the Department of Education, if the district board enters into a contract to employ the former CEO as superintendent while the district is implementing the academic improvement plan, to continue providing compensation under the terms of the individual's CEO contract until the district either again becomes subject to its ADC or its ADC is dissolved.

Requires the district's ADC to appoint a new CEO if the district again becomes subject to its ADC.

R.C. 3302.103(F)

Permits a district board to apply to the state Superintendent, rather than the State Board as under the substitute bill, for a one-year extension to continue implementing the district's academic improvement plan.

SC4108

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 27395, reinsert "Attaining" and delete the balance of the line

In line 27396, delete "government end-of-course examinations, attaining"

In line 27397, reinsert "appropriate"

Delete lines 27398 through 27400

In line 27401, delete "(ii) Appropriate"

Reinsert line 27403

In line 27404, reinsert everything before the period

The motion was _____ agreed to.

SYNOPSIS

Citizenship diploma seal and course grades

R.C. 3313.6114

Removes a provision of the bill that permits a student to earn the Citizenship diploma seal, to help qualify for a high school diploma, by attaining a "B" or higher in an American history course and an American government course offered by the student's high school.

SC4111

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 27435, reinsert "Attaining" and delete the balance of the line

In line 27436, delete "examination, attaining"

In line 27437, reinsert "an"; delete "either:"

Delete lines 27438 through 27440

In line 27441, delete "(ii) An"

In line 27443, reinsert everything before the period

The motion was _____ agreed to.

SYNOPSIS

Science diploma seal and course grades

R.C. 3313.6114

Eliminates a provision of the substitute bill that permits a student to earn the Science diploma seal to help qualify for a high school diploma by attaining a "B" or higher in a certain science course offered by the student's high school.

(Maintains provisions of the substitute bill that permit a student to earn a Science diploma seal if that student is:

(1) A student with significant cognitive disabilities who attains a score established by the State Board of Education on the alternate assessment in science; or

(2) A qualifying transfer student who attained a final grade of "B" or higher in a course that corresponds with the science end-of-course examination at the student's prior school.)

SC4216

Sub. H.B. 110
L-134-0001-5
DRCCDxx

_____ moved to amend as follows:

In line 20767, strike through "the offender" and insert an underlined comma; strike through "of the" and insert "a prison term is imposed for a technical"; after "violation" insert ", the offender"

In line 20768, after the first "a" insert "residential"; strike through "as part of a"; delete "reserved"

In line 20769, strike through "prison sentence, it" and insert "imposed under section 2929.16 of the Revised Code, the time spent serving the residential community control sanction"

Strike through line 20770

In line 20771, strike through "the violation and against the"

In line 20772, after "that" insert "residential"

In line 20777, after "the" insert "residential"

In line 20778, after "the" insert "residential"

The motion was _____ agreed to.

SYNOPSIS

Prison term as sanction for community control violation

R.C. 2929.15

In a provision of existing law that requires the crediting of time that a convicted felon who is sentenced to a prison term as a penalty for a technical violation of the conditions of the felon's community control sanction spends in prison under the term imposed as the penalty, and that the bill currently amends, further modifies the provision so that it specifies that:

1. If, at the time the prison term is imposed for the technical violation, the offender was serving a *residential* community control sanction under the Felony Sentencing Law, the time spent serving the *residential* community control sanction must be credited against the offender's reserved prison sentence, and the remaining time under that *residential* community control sanction and under the reserved prison sentence must be reduced by the time that the offender spends in prison under the prison term (the bill currently applies the provision to offenders serving any community control sanction as part of a reserved prison sentence, and specifies that the time spent in prison must be credited against the community control sanction being served at the time of the violation and against the reserved prison sentence); and

2. By determination of the court, the offender upon release from the prison term either must continue serving the remaining time under the *residential* community control sanction, reduced as described above, or must have the *residential* community control sanction terminated (the bill currently does not limit the application of the provision to *residential* sanctions).

SC4226

Sub. H.B. 110
L-134-0001-5
OBMCD15

_____ moved to amend as follows:

In line 86796, delete "or any other act"

In line 86798, after "Claims" delete the balance of the line

In line 86799, delete "court of competent jurisdiction"

In line 86804, after the period delete the balance of the line

Delete lines 86805 through 86815

The motion was _____ agreed to.

SYNOPSIS

Office of Budget and Management

Section 503.20

Replaces a provision in the bill that permits the use of certain appropriations in H.B. 110 or any other act to be used to satisfy judgments, settlements, and administrative awards ordered or approved by the Court of Claims or by any other court of competent jurisdiction with a provision that instead (1) limits this authorization only to appropriations in H.B. 110, (2) removes language that includes appropriations for obligations where judgements or awards are for capital costs related to those appropriations, and (3) specifies that the Court of Claims is the sole court of jurisdiction for determining judgements or awards in connection with legal action against the state.

SC4229

Sub. H.B. 110
L-134-0001-5
DOHCD36

_____ moved to amend as follows:

In line 19 of the title, delete "183.18,"

In line 226, delete "183.18,"

Delete lines 11447 through 11469

In line 70840, delete "183.18,"

The motion was _____ agreed to.

SYNOPSIS

Disposition of financial gifts to support public health

R.C. 183.18

Removes from the bill a provision allowing the Director of Budget and Management to credit to the Ohio's Public Health Priorities Fund any financial gifts made to the state to support public health.

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 38 of the title, after "2746.04," insert "2915.092,"

In line 240, after "2746.04," insert "2915.092,"

After 20442, insert:

"**Sec. 2915.092.** (A)(1) Subject to division (A)(2) of this section, ~~a charitable organization, a public school, a chartered nonpublic school, a community school, or a veteran's organization, fraternal organization, or sporting organization~~a person or entity that is exempt from federal income taxation under subsection 501(a) and is described in subsection 501(c)(3), 501(c)(4), 501(c)(6), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal Revenue Code may conduct a raffle to raise money for the ~~organization or school~~person or entity and does not need a license to conduct bingo in order to conduct a raffle drawing that is not for profit.

(2) If ~~a charitable organization~~a person or entity that is described in division (A)(1) of this section, but that is not also described in subsection 501(c)(3) of the Internal Revenue Code, conducts a raffle, the ~~charitable organization~~person or entity shall distribute at least fifty per cent of the net profit from the raffle to a charitable purpose described in division (V) of

section 2915.01 of the Revised Code or to a department or agency of the federal government, the state, or any political subdivision.

(B) Except as provided in division (A) or (B) of this section, no person shall conduct a raffle drawing that is for profit or a raffle drawing that is not for profit.

(C) Whoever violates division (B) of this section is guilty of illegal conduct of a raffle. Except as otherwise provided in this division, illegal conduct of a raffle is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of division (B) of this section, illegal conduct of a raffle is a felony of the fifth degree."

In line 70854, after "2746.04," insert "2915.092,"

The motion was _____ agreed to.

SYNOPSIS

Raffles

R.C. 2915.092

Allows a nonprofit organization that is tax exempt under subsection 501(c)(6) of the Internal Revenue Code (a business league, chamber of commerce, real estate board, board of trade, or professional football league) to conduct a raffle that is not for profit.

Requires such an organization to distribute at least 50% of the net profit from the raffle to a charitable purpose or to a government agency.

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 4 of the title, after "111.16," insert "111.27,"

In line 146 of the title, after "3375.011," insert "3501.054,"

In line 154 of the title, after "109.802," insert "111.29,"

In line 214, after "111.16," insert "111.27,"

In line 320, after "3375.011," insert "3501.054,"

After line 2574, insert:

"**Sec. 111.27.** There is hereby established in the state treasury the board of elections reimbursement and education fund. The fund shall be used by the secretary of state to reimburse boards of elections ~~for various purposes, including reimbursements made under~~ pursuant to sections 3513.301, 3513.312, 3515.071, and 3521.03 of the Revised Code, and to provide training and educational programs for members and employees of boards of elections. The fund shall receive transfers of cash pursuant to controlling board action ~~and also shall receive revenues from fees, gifts, grants, donations, and other similar receipts~~."

After line 38864, insert:

"**Sec. 3501.054.** (A) As used in this section, "public

official" means any elected or appointed officer, employee, or agent of the state or any political subdivision, board, commission, bureau, or other public body established by law.

(B) No public official that is responsible for administering or conducting an election in this state shall collaborate with, or solicit, accept, expend, or use any monetary gift, grant, or donation from, a nongovernmental person or entity for any costs or activities related to voter registration, voter education, voter identification, get-out-the-vote, absent voting, election official recruitment or training, or any other election-related purpose."

In line 70828, after "111.16," insert "111.27,"

In line 70916, after "109.802," insert "111.29,"

After line 87300, insert:

"**Section 516.20.** ABOLISHMENT OF CITIZENS EDUCATION FUND

(A) On July 1, 2021, or as soon as possible thereafter, the Secretary of State shall certify to the Director of Budget and Management the cash balance of, and existing encumbrances against, the Citizens Education Fund (Fund 4140). The Secretary of State shall specify the sources of revenue that make up the remaining cash balance in the fund.

(B) Upon receipt of the certification required in division (A) of this section, the Director of Budget and Management shall (1) cancel any existing encumbrances against Fund 4140 appropriation item 050602, Citizen Education Fund and (2) return the remaining amounts in Fund 4140 to their original sources as identified by the Secretary of State in division (A) of this section. Upon the cancellation of encumbrances and the return of the cash in the fund to the original sources, Fund 4140 is hereby abolished."

The motion was _____ agreed to.

SYNOPSIS

Secretary of State funding

R.C. 111.27 and 3501.054; repeal of R.C. 111.29

Prohibits a public official responsible for administering or conducting an election from collaborating with or soliciting, accepting, expending, or using any monetary gift, grant, or donation from a nongovernmental person or entity for any costs or activities related to voter registration, voter education, voter identification, get-out-the-vote, absent voting, election official recruitment or training, or any other election-related purpose.

Prohibits the board of elections Reimbursement and Education Fund from receiving revenues from fees, gifts, grants, or donations.

Abolishment of the Citizens Education Fund and return of cash

Section 516.20

On July 1, 2021, or as soon as possible thereafter, requires the Secretary of State to certify to the Director of Budget and Management the cash balance of, and current existing encumbrances against, the Citizens Education Fund (Fund 4140). Requires the Secretary of State to specify the sources of revenue that make up the remaining cash balance in the fund.

Requires the Director of Budget and Management to (1) cancel any existing encumbrances against Fund 4140 appropriation item 050602, Citizen Education Fund, and (2) return the remaining cash

balance in the fund to the original revenue source as certified by the Secretary of State.

Abolishes Fund 4140 upon completion of the cancellation of encumbrances and return of cash.

SC4290

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 84478, delete "$3,228,000 $3,228,000" and insert "$4,041,600 $4,041,600"

In line 84519, add $813,600 to each fiscal year

In line 84546, add $813,600 to each fiscal year

The motion was _____ agreed to.

SYNOPSIS

Department of Higher Education

Section 381.10

Increases GRF appropriation item 235428, Appalachian New Economy Workforce Partnership, by $813,600 in each fiscal year.

SC4313

Sub. H.B. 110
L-134-0001-5
EDUCD128

_____ moved to amend as follows:

In line 141 of the title, after "3313.6412," insert "3313.905,"

In line 316, after "3313.6412," insert "3313.905,"

After line 27851, insert:

"**Sec. 3313.905.** (A) Southern state community college shall establish and maintain, for a period of five years, the Ohio code-scholar pilot program to address technical workforce needs.

(B) Not later than July 31, 2021, southern state community college shall appoint a program coordinator who shall be responsible for all of the following, as well as any other responsibilities as determined by the southern state community college board of trustees:

(1) Form a coalition and act as the liaison between southern state community college and the coalition to develop the pilot program.

The coalition shall include members from the following:

(a) The department of education;

(b) Educators in grades kindergarten through twelve;

(c) Career technical education staff;

(d) Educational service center staff;

(e) Representatives of post-secondary institutions in the areas in which the pilot program is operating;

(f) Federally and state-funded research organizations, as determined by the southern state community college board of trustees and the program coordinator;

(g) Local businesses in the areas in which the pilot program is operating, as determined by the southern state community college board of trustees and the program coordinator.

(2) In collaboration with the coalition, as described in division (B)(1) of this section, develop a curriculum for grades seven through twelve to be utilized by the pilot program that focuses on industry standards in the field of computer sciences, including coding, and is divided as follows:

(a) For grades seven and eight, a focus on career exploration, career readiness initiatives, and an introduction to coding and computer sciences;

(b) For grades nine through twelve, a focus on intermediate and advanced coding, computer sciences, and the potential for industry level credentialing.

(3) Submit an annual report to southern state community college regarding the progress and implementation of the pilot program;

(4) Determine the manner in which the pilot program shall recruit school districts and other participants for the fall of 2021 from the following counties:

(a) Southern Ohio, specifically, Fayette, Clinton, Adams, and Highland counties;

(b) Brown county;

(c) Pike county.

(5) Develop a structured timeline by which the pilot program shall operate over the five-year period, with full administration beginning in the fall of 2022;

(6) Determine the manner in which to incorporate the college credit plus program as established under Chapter 3365. of the Revised Code within the pilot program;

(7) In collaboration with the designated department, advisor, and instructor, as appointed by southern state community college, develop a system for the articulation of credits earned under the pilot program and align them into a for-credit program at southern state community college;

(8) Act as fiscal operator of the pilot program.

(C) Upon completion of the pilot program, southern state community college, in collaboration with the program coordinator, shall submit a full report and any legislative recommendations to the General Assembly, in accordance with

section 101.68 of the Revised Code, regarding the outcomes of the pilot program."

In line 77039, delete "$9,650,892 $9,650,892" and insert "$9,890,892 $9,890,892"

In line 77047, add $240,000 to each fiscal year

In line 77099, add $240,000 to each fiscal year

After line 77848, insert:

"Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to $240,000 in each fiscal year shall be used to support the Ohio Code-Scholar Pilot Program created in section 3313.905 of the Revised Code."

In line 89432, after "3302.103," insert "3313.905,"

The motion was _____ agreed to.

SYNOPSIS

Ohio Code-Scholar Pilot Program

R.C. 3313.905

Requires Southern State Community College (SSCC) to establish and maintain the Ohio Code-Scholar Pilot Program to support technical workforce needs, to operate for a period of five years, beginning on the bill's immediate effective date.

Specifies that by July 31, 2021, SSCC shall appoint a program coordinator who shall oversee the pilot program and is responsible for all of the following:

1) Forming a coalition and acting as the liaison between SSCC and the coalition to develop the pilot program;

2) Collaborating with the coalition to develop a curriculum for grades seven through twelve for the pilot program that focuses on industry standards in the field of computer sciences, including coding;

3) Submitting an annual report to SSCC regarding the progress and implementation of the pilot program;

4) Determining the manner in which the pilot program shall recruit school districts and other participants from eligible counties for the fall of 2021;

5) Developing a structured timeline by which the pilot program shall operate over the five-year period, with full administration beginning in the fall of 2022;

6) Determining the manner in which to incorporate the College Credit Plus Program within the pilot program;

7) Collaborating with the designated department, advisor, and instructor as appointed by SSCC to develop an articulation system for credits earned under the pilot program, and align them into a for-credit program at SSCC; and

8) Acting as fiscal operator of the pilot program and oversee the use of any funds appropriated by the General Assembly.

At the end of the five-year period, requires SSCC and the program coordinator to submit a full report and any legislative recommendations to the General Assembly regarding the outcomes of the pilot program.

Department of Education

Sections 265.10 and 265.200

Increases GRF appropriation item 200545, Career-Technical Education Enhancements, by $240,000 in each fiscal year. Earmarks the same amounts from this item to support the Ohio Code-Scholar Pilot Program.

SC4354

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 82191, delete $3,856,672,838 $5,560,074,123" and insert "$3,856,990,059 $5,560,656,874"

In line 82192, delete "10,858,971,030 $13,581,997,403" and insert "$10,859,846,818 $13,583,428,306"

In line 82193, delete "$14,715,643,868 $19,142,071,526" and insert "$14,716,836,877 $19,144,085,180"

In line 82198, add $317,221 to fiscal year 2022 and $582,751 to fiscal year 2023

In line 82199, add $875,788 to fiscal year 2022 and $1,430,903 to fiscal year 2023

In line 82200, add $1,193,009 to fiscal year 2022 and $2,013,654 to fiscal year 2023

In line 82225, add $1,193,009 to fiscal year 2022 and $2,013,654 to fiscal year 2023

After line 82469, insert:

"**Section 333.165.** ADULT DAY CARE PROVIDER PAYMENT RATES

(A) For fiscal year 2022, the payment rates for adult day care services provided by a waiver- or state-plan provider under the PASSPORT program and the Assisted Living waiver, including

the MyCare Ohio waiver portions of those programs, shall be four per cent higher than the rates in effect on June 30, 2021.

(B) For fiscal year 2023, the payment rates for adult day care services provided by a waiver- or state-plan provider under the PASSPORT program and the Assisted Living waiver, including the MyCare Ohio waiver portions of those programs, shall be two per cent higher than the rates in effect on June 30, 2022."

The motion was _____ agreed to.

SYNOPSIS

Department of Medicaid

Section 333.10

Increases GRF appropriation item 651525, Medicaid Health Care Services, by $1,193,009 ($317,221 state share) in FY 2022 and $2,013,654 ($582,751 state share) in FY 2023.

Adult day care service provider payment rates – PASSPORT and Assisted Living

Section 333.165

Increases the payment rates for adult day care services under the PASSPORT program and the Assisted Living waiver, including for enrollees under the MyCare Ohio program (those enrollees dually eligible for Medicare and Medicaid), by 4% in FY 2022.

For FY 2023, increases those payment rates 2% from the FY 2022 amounts.

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 29 of the title, after "1531.01," insert "1531.17,"

In line 31 of the title, after "1546.06," insert "1546.21,"

In line 134 of the title, after "1333.13," insert "1501.29,"

In line 234, after "1531.01," insert "1531.17,"

In line 235, after "1546.06," insert "1546.21,"

In line 311, after "1333.13," insert "1501.29,"

After line 14680, insert:

"**Sec. 1501.29.** (A) As used in this section:

(1) "Qualifying land" means land that meets all of the following criteria:

(a) The land is owned in fee by the department of natural resources or the department owns an interest in the land.

(b) The land or the department's interest in the land is exempted from taxation.

(c) The total area of the land is more than five thousand acres.

(d) The land or interest in the land was acquired by the department on January 1, 2018, or thereafter, in either one

transaction or a series of transactions with the same seller.

(2) "Unimproved taxable value" means the taxable value of qualifying land, exclusive of improvements, for the tax year in which the land or interest in the land was acquired by the department of natural resources.

(B) On or before the thirtieth day of June of each year, beginning in 2022, the director of natural resources shall pay to the county treasurer of each county in which qualifying land is located, an amount equal to two and one-half per cent of the unimproved taxable value of qualifying land located within that county. The director shall draw the funds necessary to make such payments from the state park fund created under section 1546.21 of the Revised Code, the wildlife fund created under section 1531.17 of the Revised Code, or both of those funds.

(C) Within thirty days of receiving a payment under division (B) of this section, the county treasurer shall distribute the money among the taxing units within the territory of which the county's qualifying land is located as follows:

(1) Sixty per cent of the money shall be distributed proportionally among school districts that include qualifying land located within the county based on the unimproved taxable value of that qualifying land located within the territory of each such school district.

(2) Forty per cent of the money shall be distributed proportionally among taxing units other than school districts that include qualifying land located within the county based on the unimproved taxable value of that qualifying land located within the territory of each such taxing unit.

(D) Moneys received by a school district or other taxing unit

under this section shall be used for any lawful purpose.

(E) If compensation is payable for land or interests in land under this section, no compensation shall be made payable under section 1531.27 of the Revised Code for the same land or interest."

After line 16156, insert:

"**Sec. 1531.17.** All fines, penalties, and forfeitures arising from prosecutions, convictions, confiscations, or otherwise under this chapter and Chapters 1517. and 1533. of the Revised Code, unless otherwise directed by the director of natural resources, shall be paid by the officer by whom collected to the director and by the director paid into the state treasury to the credit of the wildlife fund, which is hereby created, for the use of the division of wildlife. All moneys received from the sale of wild animals under division (J) of section 1531.06 of the Revised Code shall be paid into the state treasury to the credit of the wildlife fund for the use of the division. All moneys collected as license fees on nets in the Lake Erie fishing district shall be paid by the director into the state treasury to the credit of the wildlife fund for use only in the betterment and the propagation of fish therein or in otherwise propagating fish in such district. All investment earnings of the fund shall be credited to the fund. The wildlife fund shall not be used for compensation of personnel employed by other divisions of the department of natural resources who are assigned to law enforcement duties in aid of the division of wildlife or for compensation of division of wildlife personnel for activities related to the instruction of personnel of other divisions.

The director of natural resources may use moneys from the

fund to make the payments required under section 1501.29 of the Revised Code."

After line 16530, insert:

"**Sec. 1546.21.** (A) The chief of the division of parks and watercraft shall collect all rentals from leases of state lands and moneys for pipe permits, dock licenses, concession fees, and special privileges of any nature from all lands and waters operated and administered by the division. The chief shall keep a record of all such payments showing the amounts received, from whom, and for what purpose collected. All such payments shall be credited to the state park fund, which is hereby created in the state treasury, except such revenues required to be set aside or paid into depositories or trust funds for the payment of bonds issued under sections 1501.12 to 1501.15 of the Revised Code, and to maintain the required reserves therefor as provided in the orders authorizing the issuance of such bonds or the trust agreements securing such bonds, and except such revenues required to be paid and credited pursuant to the bond proceedings applicable to obligations issued pursuant to section 154.22 of the Revised Code. All moneys derived from the operation of the lands, waters, facilities, and equipment by the division, except such revenues required to be set aside or paid into depositories or trust funds for the payment of bonds issued under sections 1501.12 to 1501.15 of the Revised Code, and to maintain the required reserves therefor as provided in the orders authorizing the issuance of such bonds or the trust agreements securing such bonds, and except such revenues required to be paid and credited pursuant to the bond proceedings applicable to obligations issued pursuant to section 154.22 of the Revised Code, shall accrue to the credit of the state park fund.

Except as otherwise provided in ~~division~~ divisions (B) and (C) of this section and in sections 154.22, 1501.11, and 1501.14 of the Revised Code, such fund shall not be expended for any purpose other than the administration, operation, maintenance, development, and utilization of lands and waters, and for facilities and equipment incident thereto, administered by the division, or for the further purchase of lands and waters by the state for park and recreational purposes.

(B) The chief shall use moneys in the fund from the issuance of Ohio state parks license plates under section 4503.575 of the Revised Code only to pay the costs of state park interpretive and educational programs and displays and the development and operation of state park interpretive centers.

(C) The director of natural resources may use moneys from the fund to make the payments required under section 1501.29 of the Revised Code."

In line 70848, after "1531.01," insert "1531.17,"

In line 70849, after "1546.06," insert "1546.21,"

After line 87232 insert:

"**Section 512.___.** GENERAL REVENUE FUND TRANSFER TO WILDLIFE FUND

On July 1, 2021, or as soon as possible thereafter, the Director of Budget and Management shall transfer $350,000 cash from the General Revenue Fund to the Wildlife Fund (Fund 7015).

On July 1, 2022, or as soon as possible thereafter, the Director of Budget and Management shall transfer $350,000 cash from the General Revenue Fund to the Wildlife Fund (Fund 7015)."

The motion was _____ agreed to.

SYNOPSIS

Tax reimbursements for DNR land

R.C. 1501.29, 1531.17, and 1546.21

Requires the Director of Natural Resources to annually reimburse school districts and other taxing units for a portion of forgone property tax revenue resulting from the state's acquisition of certain Department of Natural Resources (DNR) land acquired beginning in 2018. Specifies that the payments equal 2.5% of the land's unimproved taxable value for the tax year in which DNR acquired the land. Requires that 60% of payments be allocated to school districts and the remaining 40% be allocated to other taxing units. Requires the Director to draw the payments from the State Park Fund, or the Wildlife Fund, or both.

GRF transfer to the Wildlife Fund

Section 512.__

Requires the OBM Director, on July 1 of each year of the biennium, or as soon as possible thereafter, to transfer $350,000 cash from the GRF to the Wildlife Fund (Fund 7015).

SC4399

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

After line 89096, insert:

"Section 753.__. (A)(1) Notwithstanding division (A)(5) of section 123.01 of the Revised Code, the Director of Administrative Services may execute a perpetual easement in the name of the state granting to the owner of the real property located at 60 East Broad Street, Columbus, Ohio 43215 a perpetual easement. The easement may be granted for the purpose of maintaining the wall for which a forty-year easement was granted to The Railroad Savings and Loan Company by the Ohio Building Authority in 1974 and burdening the following described real estate, as described in the 1974 easement:

Situated in the State of Ohio, County of Franklin, City of Columbus and being a part of Inlot No. 449 Parcel No. I.

Beginning at a P.K. nail at the southeast corner of Inlot Lo. 449; thence North (87°-43'-30'') West, along the southerly line of said Inlot No. 449, a distance of one and twelve hundredths (1.12') feet to a point; thence North (02°-15'-00") East, thirty-one and no hundredths (31.00) feet to a point; thence South (87°-43'-30'') East, a distance of one and twelve

hundredths (1.12') feet to a point in the easterly line of Inlot No. 449; thence South (02°-15'-00") West, thirty-one and no hundredths (31.00') feet to the place of beginning and containing 34.72 square feet more or less. The rights granted on the land described above include permission to construct a Refacing Wall over the Ohio Building Authority, State Office Tower and attached to the westerly side of the Railroad Savings and Loan Building at 60 East Broad Street, Columbus, Ohio. The plans to be used for said Refacing prepared by Brubaker/Brandt Inc., Architects-Planners.

Parcel No, II

Beginning at a point in the easterly property line of Inlot No. 449 that is located North (02°-15’-00’’) East, twenty-seven and no hundredths (27 .00) feet from the southeast corner of said Inlot; thence North (02°-15’-00’’) East, along said easterly property line, sixty-six and no hundredths (66.00) feet to a point; thence North (87-43’-30’’) West, zero and five tenths (0.5’’) feet to a point on the east face of the new Ohio Building Authority State Office Tower; thence South (02°-15’-00’’) West, along the east face of said building sixty-six and no hundredths (66.00’) feet to a point; thence South (87°-43’-30’’) East, zero and five tenths (O.5’) feet to the place of beginning and containing 33.0 square feet more or less. The

rights granted as described above include aerial rights only with permission to attach to the above mentioned State Office Tower a Gutter and Flashing as shown on plans Prepared ·by Brubaker/Brandt Inc., Architects-Planners.

(2) The legal description in division (A)(1) of this section may be corrected or modified by the Department of Administrative Services as necessary in order to facilitate recording of the perpetual easement or to account for changes in circumstances since the 1974 easement was granted.

(B) Consideration for granting the perpetual easement is $1.

(C) The Director of Administrative Services, with the assistance of the Attorney General, shall prepare the perpetual easement document. The perpetual easement shall state the consideration and the terms and conditions for granting the perpetual easement. The perpetual easement shall be executed by the Director of Administrative Services in the name of the state, presented in the Office of the Auditor of State for recording, and delivered to the owner of the real property at 60 E. Broad St., Columbus, Ohio 43215. The owner shall present the perpetual easement for recording in the Office of the Franklin County Recorder. The owner shall pay the recording costs and fees.

(D) This section expires three years after its effective date.

The motion was _____ agreed to.

SYNOPSIS

Perpetual easement at 60 E. Broad St.

Section 753.__

Authorizes the Director of Administrative Services to grant a perpetual easement over state-owned property at the Rhodes Tower complex which is currently subject to a forty-year easement granted in 1974.

SC4402X1

Sub. H.B. 110
L-134-0001-5
EDUCD104, EDUCD106, EDUCD107, EDUCD108

_____ moved to amend as follows:

In line 138 of the title, delete "3301.231,"

In line 139 of the title, delete "3301.232, 3301.233,"

In line 314, delete "3301.231, 3301.232, 3301.233,"

Delete lines 23717 through 23848

In line 23710, after "(3)" insert "A requirement that the committee determine the best ways to compile data on computer science courses, teachers, and undergraduate students studying computer science in universities.

(4)"

In line 29575, delete "3301.232,"

In line 36587, delete "3301.232,"

The motion was _____ agreed to.

SYNOPSIS

Remove certain computer science education provisions

R.C. 3301.231, 3301.232, and 3301.233; conforming changes in R.C. 3314.03 and 3326.11

Removes provisions of the substitute bill that do both of the following:

(1) Require the Department of Education, in consultation with computer science stakeholders, to establish a program to provide high school students with access to online computer science courses;

(2) Require that, generally, students enrolled in school districts, community schools, and STEM schools must have the option to enroll in computer science courses offered by their district or school, or that are offered by educational providers approved by the Department; and

(3) Require the Department, in consultation with the Chancellor, to issue an annual report about computer science education in Ohio.

Computer science education - state plan

R.C. 3301.23

Requires the committee established under the bill to develop a state plan for primary and secondary computer science education to include in the plan a requirement that the committee determine the best ways to compile data on computer science courses, teachers, and undergraduate students studying computer science in universities.

SC4403X1

Sub. H.B. 110
L-134-0001-5
COMCD22

_____ moved to amend as follows:

In line 75653, delete "$6,425,000" and insert $6,675,000"

In line 75679, add $250,000 to fiscal year 2022

In line 75690, add $250,000 to fiscal year 2022

After line 75843 insert:

"(D) Of the foregoing appropriation item 800639, Fire Department Grants, $250,000 in fiscal year 2022 shall be allocated to Northfield Center Township to support construction of a new fire station and safety center."

In line 75844, delete "(D)" and insert "(E)"

In line 75848, delete "(E)" and insert "(F)"

In line 75852, delete "(F)" and insert "(G)"

In line 75857, delete "(G)" and insert "(H)"

The motion was _____ agreed to.

SYNOPSIS

Department of Commerce

Sections 243.10 and 243.20

Increases FY 2022 appropriations under State Fire Marshal Fund (Fund 5460) line item 800639, Fire Department Grants, by $250,000 to a total of $6,675,000.

Earmarks the increased amount for Northfield Center Township to support construction of a new fire station and safety center.

SC4407X1

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 82841, delete "$15,000,000 $15,000,000" and insert "$15,500,000 $15,500,000"

In line 82847, add $500,000 to each fiscal year

In line 82878, add $500,000 to each fiscal year

After line 83334, insert:

"Of the foregoing appropriation item 336504, Community Innovations, $500,000 in each fiscal year shall be distributed to the Values-in-Action Foundation for the organization's Just Be Kind Program and Values-in-Action Workforce Training."

The motion was _____ agreed to.

SYNOPSIS

Department of Mental Health and Addiction Services

Sections 337.10 and 337.90

Increases GRF appropriation item 336504, Community Innovations, by $500,000 in each fiscal year. Earmarks these funds for the Values-in-Action Foundation for the organization's Just Be Kind Program and Values-in-Action Workforce Training.

SC4417

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 80960, delete "$2,000,000 $2,000,000" and insert "$7,000,000 $7,000,000"

In line 80970, add $5,000,000 to each fiscal year

In line 80971, add $5,000,000 to each fiscal year

The motion was _____ agreed to.

SYNOPSIS

Department of Job and Family Services

Section 307.10

Increases FED Fund 3D30 appropriation item 600648, Children's Trust Fund Federal by $5,000,000 in each fiscal year (from $2,000,000 in each fiscal to $7,000,000 in each fiscal year).

SC4424

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 75157, delete "$8,000,000 $8,000,000" and insert "$12,000,000 $12,000,000"

In line 75161, add $4,000,000 to each fiscal year

In line 75199, add $4,000,000 to each fiscal year

The motion was _____ agreed to.

SYNOPSIS

Attorney General

Section 221.10

Increases GRF appropriation item 055502, School Safety Training Grants, by $4,000,000 in each fiscal year.

SC4427

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 75148, delete "$67,000,000 $67,830,000" and insert "$70,800,000 $71,630,000"

In line 75161, add $3,800,000 to each fiscal year

In line 75199, add $3,800,000 to each fiscal year

The motion was _____ agreed to.

SYNOPSIS

Attorney General

Section 221.10

Increases GRF appropriation item 055321, Operating Expenses, by $3,800,000 in each fiscal year.

SC4429

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

After line 28468, insert:

"(4) Notwithstanding divisions (B)(1) and (2) of this section, a sponsor rated "exemplary" on its most recent evaluation conducted under section 3314.016 of the Revised Code is permitted to open up to two new internet- or computer-based community schools that will primarily serve students enrolled in a dropout prevention and recovery program each year, not to exceed six new schools in a five-year period."

The motion was _____ agreed to.

SYNOPSIS

High performing sponsors opening e-schools

R.C. 3314.013

Permits an "exemplary" sponsor to open up to two new internet- or computer-based community schools (e-schools), not to exceed six new schools in a five-year period. (Subject to approval by the state Superintendent of Public Instruction, current law restricts the opening of any new e-schools to a total of five per year.)

SC4431

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 82840, delete "$10,000,000 $10,000,000" and insert "$10,250,000 $10,250,000"

In line 82847, add $250,000 to each fiscal year

In line 82878, add $250,000 to each fiscal year

In line 83264, after "(A)" insert:

"Of the foregoing appropriation item 336425, Specialized Docket Support, $250,000 in each fiscal year shall be distributed to the Participating in Victory of Transition (PIVOT) pilot program in Seneca County.

(B)"; delete "foregoing" and insert "remainder of"

In line 83269, delete "(B)" and insert "(C)"

In line 83274, delete "(B)" and insert "(C)"

In line 83278, delete "(C)" and insert "(D)"

In line 83283, delete "(D)" and insert "(E)"

The motion was _____ agreed to.

SYNOPSIS

Department of Mental Health and Addiction Services

Sections 337.10 and 337.80

Increases GRF appropriation item 336425, Specialized Docket Support, by $250,000 in each fiscal year. Earmarks these funds for the Participating in Victory of Transition (PIVOT) pilot program in Seneca County.

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

After line 89096, insert:

"**Section 753.___.** (A) The Governor may execute one or more Governor's Deeds in the name of the State conveying to one or more Purchasers, their heirs, successors and assigns, to be determined in the manner provided in division (C) of this section all of the State's right, title, and interest in the following described real estate:

Commence at the westerly intersection of Roberts Mill Road (Township Road 96) and Old Springfield Road (County Road 13), thence westerly along the centerline of Old Springfield Road (CR 13) 893.82 feet to Place of Beginning, thence northwesterly 1585 +/- feet to the southeast corner of lands now or formerly owned by Mabel Marie Nibert (Madison County Parcel Number 29-00453.000) thence, northerly, with the east line of said Nibert parcel and the west line of lands now or formerly owned by the State of Ohio (Madison County Parcel Number 29-00789.000) to the south line of lands now or formerly owned by Bruce A. Roberts, Trustee, (Madison County Parcel Number 29-00363.000), thence, easterly along the south line of said Roberts parcel to an angle point in said south line, thence, northerly, continuing along the said south line of said Roberts parcel to an angle point in said south line, thence

northeasterly, continuing along the said south line of said Roberts parcel 1090 +/- feet to a fence corner, thence, southeasterly, through the said State of Ohio lands and along a fence line, 1730 +/- feet to the west side of a farm drive that runs along a drainage ditch, thence southwesterly along said farm drive 3452 +/- feet to a point in the center of the drainage ditch that is on the extension of the west line of a farm drive projected from the south, thence southerly on the west line of the said farm drive to the center of Old Springfield Road, thence westerly, along the centerline of Old Springfield Road to the beginning containing approximately 312 acres out of Madison County Parcel Number 29-00363.000.

Begin at the easterly intersection of Roberts Mill Road and Old Springfield Road, thence easterly along the center of Old Springfield Road 8320 +/- feet to the east line of lands now or formerly owned by the State of Ohio (Madison County Parcel Number 29-00789.000) and the west line of lands now or formerly owned by Gilbert F. Goodheil (Madison County Parcel Number 30-00054.000), thence southerly along the said east line of said State of Ohio parcel 2465 +/- feet to the north line of the Pennsylvania Lines LLC, railroad right of way, thence westerly, along the north line of the Pennsylvania Lines LLC, railroad right of way 7610 +/- feet to the center of Roberts Mill Road, thence with the center of Roberts Mill Road to the beginning containing approximately 455 acres.

Begin at the intersection of the Pennsylvania Lines LLC, south right of way line and the centerline of Roberts Mill Road, thence easterly with the Pennsylvania Lines LLC south right of way line, 7285 +/- feet to the northwest corner of land now or formerly owned by John R. Dunkle (Madison County Parcel Number 31-03570.000), thence southerly along said Dunkle parcel 430 +/-

feet to a corner, thence westerly along other parcels now or formerly owned by John R. Dunkle 1125 +/- feet to a corner, thence southerly along the west line of said Dunkle parcel 1500+/- feet to an angle point in said line, thence easterly along said Dunkle lands 210 +/- feet to an angle point, thence southerly along said Dunkle lands 1150 +/- feet to the northeast corner of State of Ohio Highway Garage lands (Madison County Parcel Number 29-00777.000), thence westerly along said Highway Garage lands and lands now or formerly owned by Tyrone J. Leach (Madison County Parcel Number 29-00569.000) and Kirkwood Cemetery (Madison County Parcel Numbers 29-00776.000 and 29-00816.000), 2000 +/- feet to a point on the east line of the State of Ohio Firearms Range (Madison County Parcel Number 29-000816.000), thence northerly along the said east line of the State of Ohio Firearms Range 1390 +/- feet to a fence line projected from the east, thence easterly along said fence line 690 +/- feet to the west side of a farm drive, thence northwesterly following along the west side of the farm drive 280 +/- feet, 200 +/- feet and 280 +/- feet to a fence line projected from the west, said fence line being the north line of the State of Ohio Firearms Range, thence westerly along the said fence line and the north line of the State of Ohio Firearms Range 2115 +/- feet to the northwest corner of said State of Ohio Firearms Range thence, southerly along the west line of the State of Ohio Firearms Range, 860 +/- feet to a fence line, thence westerly along the fence line 955 +/- feet to the centerline of Roberts Mill Road, thence with the center of Roberts Mill Road to the beginning containing approximately 330 acres.

Begin at the southeast corner of lands now or formerly owned by Tom Farms, Inc. (Madison County Parcel Number 05-00066.000) said corner also being the northwest corner of State of Ohio lands (Madison County Parcel Number 05-00542.000) and also being in the

center of Marysville-London Road (SR 38), thence southerly along the center of Marysville-London Road (SR 38) 2145 +/- feet to an angle point in said road thence continuing with said road southerly 290 +/- feet to the southeast corner of State of Ohio lands (Madison County Parcel Number 05-00199.000) and the northeast corner of lands now or formerly owned by the City of London (Madison County Parcel Number 31-03614.000), thence southwesterly along the south line of said State of Ohio lands, the north line of said City of London and the lands now or formerly owned by the London City School District (Madison County Parcel Number 31-03614.001) 1886 +/- feet to the north west corner of said London City School district parcel and the northeast corner of lands now or formerly owned by GCSquared LLC (Madison County Parcel Number 31-01156.000), thence westerly along the north line of said GCSquared parcel 145 +/- feet to a fence corner, thence northwesterly, crossing said State of Ohio parcels and following said fence line 2000 +/- feet to a point where the east edge of a farm drive projected intersects, thence continuing northwesterly and along the east edge of the farm drive 338 +/- feet, 280 +/- feet, 130 +/- feet, 305 +/- feet and 1025 +/- feet to a point where a projected south line of a parcel now or formerly owned by Tom Farms, Inc. (Madison County Parcel Number 30-00030.000) and the north line of State of Ohio lands (Madison County Parcel Number 30-00199.000) intersect, thence westerly along lands now or formerly owned by Tom Farms, Inc. (Madison County Parcel Numbers 30-00030.000, 24-00340.000, 05-00066.001 and 05-00066.000) and the north line of State of Ohio lands (Madison County Parcel Number 30-00199.000, 24-06140.000 and 05-00542.000) 2850 +/- feet to the beginning containing approximately 150 acres.

The foregoing legal description may be corrected or modified by the Department of Administrative Services to a final form if

such corrections or modifications are needed to facilitate recordation of the deed or deeds to define the description of the real estate identified as no longer obligatory by the state.

(B)(1) The conveyance includes improvements and chattels situated on the real estate, and is subject to all easements, covenants, conditions, and restrictions of record; all legal highways and public rights-of-way; zoning, building, and other laws, ordinances, restrictions, and regulations; and real estate taxes and assessments not yet due and payable. The real estate shall be conveyed in an "as-is, where-is, with all faults" condition.

(2) The deed for conveyance of the real estate may contain restrictions, exceptions, reservations, reversionary interests, and other terms and conditions the Director of Administrative Services determines to be in the best interest of the State.

(3) Subsequent to the conveyance, any restrictions, exceptions, reservations, reversionary interests, or other terms and conditions contained in the deed may be released by the State or the Department of Rehabilitation and Correction without the necessity of further legislation.

(4) The deed or deeds shall contain restrictions prohibiting the grantee or grantees from occupying, using, or developing, or from selling, the real estate such that the use or alienation will interfere with the quiet enjoyment of neighboring state-owned land.

(5) The real estate described in division (A) of this section shall be conveyed only if the Director of Administrative Services and the Director of the Department of Rehabilitation and Correction first have determined that the real estate is surplus real property no longer needed by the state and that the

conveyance is in the best interest of the state.

(C)(1) The Director of Administrative Services and the Director of Rehabilitation and Correction shall offer the sale of the real estate in the manner described in divisions (C)(2) or (C)(3) of this section.

(2) The Director of Administrative Services may offer the sale of the real estate to a purchaser or purchasers to be determined, through a negotiated real estate purchase agreement or agreements.

Consideration for the conveyance of the real estate shall be at a price and at terms and conditions acceptable to the Director of Administrative Services and the Director of Rehabilitation and Correction. The consideration shall be paid at closing.

(3) The Director of Administrative Services shall conduct a sale of the real estate by sealed bid auction or public auction, and the real estate shall be sold to the highest bidder at a price acceptable to the Director of Administrative Services and the Director of Rehabilitation and Correction. The Director of Administrative Services shall advertise the sealed bid auction or public auction by publication in a newspaper of general circulation in Madison County, once a week for three consecutive weeks before the date on which the sealed bids are to be opened. The Director of Administrative Services shall notify the successful bidder in writing. The Director of Administrative Services may reject any or all bids.

The purchaser or purchasers shall pay ten percent of the purchase price to the Director of Administrative Services not later than five business days after receiving the notice the bid has been accepted and shall enter into a real estate purchase agreement, in the form prescribed by the Department of

Administrative Services. Payment may be made by bank draft or certified check made payable to the Treasurer of State. The purchaser or purchasers shall pay the balance of the purchase price to the Director of Administrative Services within sixty days after receiving notice the bid has been accepted. A purchaser who does not complete the conditions of the sale as prescribed in this division shall forfeit as liquidated damages the ten percent of the purchase price paid to the state. If the purchaser fails to complete the purchase of the real estate, the Director of Administrative Services may accept the next highest bid, subject to the foregoing conditions. If the Director of Administrative Services rejects all bids, the Director may repeat the sealed bid auction or public auction or may use an alternative sale process that is acceptable to the Director of Administrative Services and the Director of Rehabilitation and Correction.

The Department of Rehabilitation and Correction shall pay advertising costs incident to the sale of the real estate.

(D) The real estate described in division (A) of this section may be conveyed as an entire tract or as multiple parcels as determined by the Director of Administrative Services and the Director of Rehabilitation and Correction. The real estate described in division (A) of this section may be conveyed to a single purchaser or multiple purchasers as determined by the Director of Administrative Services and the Director of Rehabilitation and Correction.

(E) Except as otherwise specified in this section, the purchaser or purchasers shall pay all costs associated with the purchase, closing and conveyance, including surveys, title evidence, title insurance, transfer costs and fees, recording costs and fees, taxes, and any other fees, assessments, and costs

that may be imposed.

(F) The proceeds of the conveyance of facilities and interest in real estate sale or sales shall be deposited into the state treasury to the credit of the Adult and Juvenile Correctional Facilities Bond Retirement Fund in accordance with section 5120.092 of the Revised Code.

(G) Upon payment of the purchase price, and receipt of written notice from the Director of Administrative Services, the Auditor of State, with the assistance of the Attorney General, shall prepare a Governor's Deed or Deeds to the real estate described in division (A) of this section. The deed or deeds shall state the consideration and shall be executed by the Governor in the name of the State, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the purchaser or purchasers. The purchaser or purchasers shall present the Governor's Deed for recording in the Office of the Madison County Recorder.

(H) This section shall expire three (3) years after its effective date.

Section 753.___. (A) The Governor may execute a Governor's Deed in the name of the State conveying to a Grantee to be determined ("Grantee"), and its successors and assigns, in the manner provided in division (D) of this section all of the State's right, title, and interest in the following described real estate:

Situated in Section 6, Township 3 East, Range 3 North and Section 36, Township 4 East, Range 3 North, M.R.S., Township of Turtlecreek, County of Warren, State of Ohio and being part of 1001.93 acres of real estate conveyed to The State of Ohio by deed recorded in Deed Book 124, Page 109 (all deed references to deeds,

microfiche, plats, surveys, etc.., refer to records of the Warren County, Ohio Recorders office, unless noted otherwise) and being more particularly bounded and described as follows:

Commencing at the southeast corner of Section 6 said point also being in the centerline of State Route 63;

Thence North 05° 34' 03" East, leaving said centerline of State Route 63 and along said section line, 30.40 feet to a point in the existing right of way of said State Route 63;

Thence North 84°36' 48" East, along the existing right of way of State Route 63, 1055.70 feet to the south east corner of a 120.0002-acre tract of land conveyed to Warren General Property Co., LLC by O.R. Volume 5725, Page 443 and an iron pin found,

Thence North 05° 17' 35" East, along the east line of said Warren General Property Co., LLC, 30.00 feet to the TRUE PLACE OF BEGINNING;

Thence North 05° 17' 35" East, continuing along the ease line of said Warren General Property Co., LLC, 2003.73 feet to an iron pin found at the northeast corner of said Warren General Property Co., LLC;

Thence North 84° 42' 29" West, along the northerly line of said Warren General Property Co., LLC, 2633.41 feet to an iron pin found at the northwest corner of said Warren General Property Co., LLC and being in the easterly line of a 57.157-acre tract of land conveyed to Frick Real Estate Ltd., by O.R. Volume 2373, Page 996;

Thence North 20° 05' 20" East, along the west line of said State of Ohio Lands and the east line of lands of said Frick Real Estate Ltd., a 44.687-acre tract conveyed to S.S. Hempsted, LLC., by Deed Document #2020-021965 and the east line of a 60-acre tract conveyed to the Solid Rock Ministries International by O.R. Volume

5082, Page 417, 3399.01 feet to an iron pin set in the southerly line of lands of a 16.00-acre tract deed to the Board of Warren County Commissioners by Deed Book 418, Page 93 and the northerly line of said State of Ohio lands;

Thence S 84° 05' 40" East, along the northerly line of said State of Ohio lands and being the southerly lines of lands of said Board of Warren County Commissioners, a 101.354-acre tract conveyed to Jeff and Shannon Wieland by Deed Document #2018-017173 and a 208.0348-acre tract conveyed FRL Real Estate, LLC. by Deed Document #2018-003275, 2464.24 feet to a north easterly corner of said State of Ohio lands, Said corner being referenced by an iron pin found 1.47 feet North 06° 06' 09" East from said corner;

Thence South 06° 06' 09" West, along an easterly line of said State of Ohio lands and the westerly line of a 159.6665-acre tract conveyed to Grand Communities, LLC. (F.K.A. Grand Communities, LTD.) by O.R. Volume 5045, Page 910, 1400.13 feet to an iron pin found at a corner of said State of Ohio land and a corner of said Grand Communities, LLC. land;

Thence South 84° 19' 23" East, along a north line of the State of Ohio lands and a south line of said Grand Communities, LLC. land, 582.71 feet to an iron pin found at a north easterly corner of said State of Ohio Lands and a corner of said Grand Communities, LLC., land;

Thence South 06° 06' 50" West, along an east line of said State of Ohio and a west line of said Grand Communities, LLC. land, passing an iron pin found at 1794.45 feet at a corner of said State of Ohio lands and a corner of said Grand Communities, LLC. lands thence continuing on a new line through the State of Ohio lands a total distance of 3636.78 feet to an iron pin set;

Thence North 84° 50' 55" West, on a new line through the

State of Ohio Lands, 170.39 feet to an iron pin set;

Thence South 51° 04' 44" West, on a new line through the State of Ohio Lands, 114.36 feet to an iron pin set;

Thence South 04° 59' 19" West, on a new line through the State of Ohio Lands, 145.54 feet to an iron pin set;

Thence North 84° 33' 59" West, on a new line through the lands of the State of Ohio, 957.94 feet to the TRUE PLACE OF BEGINNING.

The above described area contains 295.9888 acres of land more or less, of which the present road occupies 0.000 acres of land more or less (87.5466 acres in section 6) and (208.4422 acres in section 36). Subject to all recorded easements and right of ways and an ingress egress easement described below.

This description was prepared for the Ohio Department of Transportation under the direction of William H. Helmick, Ohio Registered Surveyor No. 8030. Based on a survey performed in November of 2019. All iron pins set are 5/8" diameter and 30" in length and have a plastic cap marked "ODOT DIST 8". Bearings are Ohio State Plane South Zone (3402)(2011) as established by the ODOT VRS. To the best of my knowledge this description and the accompanying plat is a true and accurate representation of the conditions at that time.

The survey plat of which is filed in Volume 152, Plat 50 of the Warren County Engineer's record of land surveys.

(B) The land shall be conveyed subject to the following easement to provide ingress and egress to the Ohio Department of Correction sewer treatment plant, which encompasses the existing drive to said plant.

INGRESS-EGRESS EASEMENT

Commencing at the southeast corner of Section 6 said point also being in the centerline of State Route 63;

Thence North 05° 34' 03" East, leaving said centerline of State Route 63 and along said section line, 30.40 feet to a point in the existing right of way of said State Route 63;

Thence South 84° 36' 48" East, along the existing right of way of State Route 63, 1055.70 feet to the south east corner of lands conveyed to Warren General Property Co., LLC by O.R. Volume 5725, Page 433 and an iron pin found,

Thence North 05° 17' 35" East, along the east line of said Warren General Property Co., LLC, 30.00 feet to a point;

Thence South 84° 33' 59" East, along a new split line through said State of Ohio lands, 770.98 feet to the TRUE PLACE OF BEGINNING;

Thence N 59° 25' 46" E, along a new line through the lands of State of Ohio, 92.53 feet to a point;

Thence N 78° 33' 02" E, continuing a new line through the lands of State of Ohio, 44.89 feet to a point;

Thence S 84° 38' 05" E, continuing a new line through the lands of State of Ohio, 68.62 feet to a point in the west line of the sewer treatment plant;

Thence S 04° 59' 19" W, along the west line of the sewer treatment plant, 30.00 feet to a point;

Thence N 84° 38' 05" W, on a new line through the lands of State of Ohio, 64.38 feet to a point;

Thence S 78° 33' 02" W, continuing a new line through the lands of State of Ohio, 35.40 feet to a point;

Thence S 59° 25' 46" W, continuing a new line through the

lands of State of Ohio, 46.20 feet to a point;

Thence N 84° 33' 59" W, along a split line through the lands of State of Ohio, 51.03 feet to the TRUE PLACE OF BEGINNING.

The above described area contains 0.1212 acres of land more or less, of which the present road occupies 0.000 acres of land more or less.

The foregoing legal description may be corrected or modified by the Department of Administrative Services to a final form if such corrections or modifications are needed.

(C)(1) The conveyance includes improvements and chattels situated on the real estate, and is subject to all easements, covenants, conditions, and restrictions of record: all legal highways and public rights-of-way; zoning, building, and other laws, ordinances, restrictions, and regulations; and real estate taxes and assessments not yet due and payable. The real estate shall be conveyed in an "as-is, where-is, with all faults" condition.

(2) The deed for conveyance of the real estate may contain restrictions, exceptions, reservations, reversionary interests, or other terms and conditions the Director of Administrative Services determines to be in the best interest of the State.

(3) Subsequent to the conveyance, any restrictions, exceptions, reservations, reversionary interests, or other terms and conditions contained in the deed may be released by the State or the Department of Rehabilitation and Correction without the necessity of further legislation.

(4) The deed shall contain restrictions prohibiting the purchaser from occupying, using, developing, or selling the real estate if the occupation, use, development, or sale will interfere

with the quiet enjoyment of neighboring state-owned land.

(5) The real estate described in division (a) of this section shall be conveyed only if the Director of Administrative Services and the Director of Rehabilitation and Correction first have determined that the real estate is surplus real property no longer needed by the state and that the conveyance is in the best interest of the state.

(D) The Director of Administrative Services shall offer the real estate to the Grantee through a real estate purchase agreement. Consideration for the conveyance of the real estate shall be at a price and at terms and conditions acceptable to the Director of Administrative Services and the Director Rehabilitation and Correction.

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

(F) Grantee shall pay all costs associated with the purchase, closing and conveyance of the real estate, including surveys, title evidence, title insurance, transfer costs and fees, recording costs and fees, taxes, and any other fees, assessments, and costs that may be imposed.

The net proceeds of the sale shall be deposited into the state treasury to the credit of the Adult and Juvenile Correctional Facilities Bond Retirement Fund in accordance with section 5120.092 of the Revised Code.

(G) Upon payment of the purchase price, and receipt of written notice from the Director of Administrative Services, the Auditor of State, with the assistance of the Attorney General, shall prepare a Governor's Deed to the real estate described in division (A) of this section. The Governor's Deed shall state the

consideration and shall be executed by the Governor in the name of the State, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the Grantee. The Grantee shall present the Governor's Deed for recording in the Office of the Warren County Recorder.

(H) This section shall expire June 30, 2022."

The motion was _____ agreed to.

SYNOPSIS

Land conveyance

Sections 753.___ and 753.___

Authorizes the conveyance of certain state-owned land in Madison and Warren Counties.

SC4438X1

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 75156, delete the first "$7,300,000" and insert "$10,000,000"

In line 75161, add $2,700,000 to fiscal year 2022

In line 75199, add $2,700,000 to fiscal year 2022

The motion was _____ agreed to.

SYNOPSIS

Attorney General

Section 221.10

Increases GRF appropriation item 055501, Rape Crisis Centers, by $2,700,000 in fiscal year 2022, from $7,300,000 to $10,000,000.

SC4439X1

Sub. H.B. 110
L-134-0001-5
PUBCD1

_____ moved to amend as follows:

In line 83962, delete "$6,344,609 $6,519,884" and insert "$6,944,609 $7,419,884"

In line 83967, add $600,000 to fiscal year 2022 and $900,000 to fiscal year 2023

In line 83984, add $600,000 to fiscal year 2022 and $900,000 to fiscal year 2023

Delete lines 83985 through 83995

The motion was _____ agreed to.

SYNOPSIS

Public Defender Commission

Section 371.10

Increases GRF appropriation item 019401, State Legal Defense Services, by $600,000 in fiscal year 2022 and $900,000 in fiscal year 2023.

Removes the provision permitting, under certain specified circumstances, an appropriation transfer of up to $100,000 in each fiscal year from GRF appropriation item 019501, County Reimbursement, to GRF appropriation item 019401, State Legal Defense Services.

SC4441

Sub. H.B. 110
L-134-0001-5
TAXCD56

_____ moved to amend as follows:

Delete lines 89297 through 89316 and insert:

"Section 803.30 (A) If a qualifying parking garage, as defined in division (G) of section 5709.121 of the Revised Code, is subject to an exemption authorized under the enactment by this act of that division for tax year 2020, an exemption application for that tax year shall be filed with the Tax Commissioner on or before the thirtieth day after the effective date of this section, notwithstanding division (F) of section 5715.27 of the Revised Code. Any taxes paid for a tax year for which such an exemption application is approved under this section shall be regarded as an overpayment of taxes for the tax year and shall be refunded in the manner prescribed by section 5715.22 of the Revised Code, except that no application need be made under that section in order for the auditor to issue a refund. The county auditor and county treasurer shall otherwise proceed as provided in that section in the same manner as for other overpayments of taxes.

(B) If qualifying real property, as defined in section 727.031 of the Revised Code, as enacted by this act, is subject

to an exemption authorized under the amendment or enactment by this act of that section or section 1710.06, 6101.48, or 6101.53 of the Revised Code for tax year 2020, any assessments levied pursuant to those sections and paid for that tax year on such qualifying real property shall be regarded as an overpayment of such assessments and shall be refunded in the manner prescribed by section 5715.22 of the Revised Code, except that no application need be made under that section in order for the auditor to issue a refund. The county auditor and county treasurer shall otherwise proceed as provided in that section in the same manner as for other overpayment of assessments."

The motion was _____ agreed to.

SYNOPSIS

Tax year 2020 special assessments refund

Section 803.30

Clarifies that a county auditor and treasurer are required to refund any special assessments already paid for tax year 2020 for a nonprofit arts institution's property that qualifies for a special assessments exemption. The pending substitute bill temporarily exempts property owned by certain nonprofit arts institutions from special assessments levied by a municipality, special improvement district, or conservancy district.

SC4445X1

Sub. H.B. 110
L-134-0001-5
AGOCD33

_____ moved to amend as follows:

In line 9259, strike through "Telephone" and insert "Except as otherwise provided in division (A)(1)(oo) of this section, telephone"

In line 9260, after the first comma insert "or"; strike through ", or a party to a"

Strike through line 9261

In line 9262, strike through "5502.11 of the Revised Code"

In line 9263, strike through ", other than when requested"

In line 9265, delete "thirty or more days after the act"

Delete line 9266

In line 9267, delete "motor vehicle accident"

After line 9274, insert:

"(oo) Telephone numbers for a party to a motor vehicle accident subject to the requirements of section 5502.11 of the Revised Code that are listed on any law enforcement record or report, except that the telephone numbers described in this division are not excluded from the definition of "public record" under this division on and after the thirtieth day after the occurrence of the motor vehicle accident."

Strike through lines 9533 and 9534

The motion was _____ agreed to.

SYNOPSIS

Elimination of public record exemption

R.C. 149.43

Modifies the bill's provision that specifies that an existing exemption from the Public Records Law for telephone numbers of victims (as defined in the Crime Victims' Rights Law), crime witnesses, and parties to motor vehicle accidents that appear in a law enforcement record or report does not apply when the request for the telephone number is made 30 or more days after the act classifying the person as a victim, after the crime, or after the motor vehicle accident (under current law, those telephone numbers may be disclosed only as part of an insurance investigation of a motor vehicle accident), to instead specify that:

1. Except as otherwise described in the next paragraph, telephone numbers for a victim or a witness to a crime that appear in such a record or report will not be covered by the 30-or-more-days exception or any other exception, and will be exempt from that Law;

2. Under a rephrasing of the exception, telephone numbers for parties to motor vehicle accidents that appear in such a record or report are not excluded from the definition of "public record" under the exemption on and after the 30th day after the occurrence of the motor vehicle accident; and

3. As under the bill's current provision, the existing criterion requiring that the request be made as part of an insurance investigation is repealed.

SC4450

Sub. H.B. 110
L-134-0001-5
AGOCD28

_____ moved to amend as follows:

After line 75155, insert:

"GRF 055440 Rapid DNA Pilot Project $1,000,000 $400,000"

In line 75161, add $1,000,000 to fiscal year 2022 and $400,000 to fiscal year 2023

In line 75199, add $1,000,000 to fiscal year 2022 and $400,000 to fiscal year 2023

After line 75260, insert:

"RAPID DNA PILOT PROJECT

The foregoing appropriation item 055440, Rapid DNA Pilot Project, shall be used to fund the necessary expenses incurred by the Bureau of Criminal Identification and Investigation to pilot rapid DNA technology with cooperating local law enforcement agencies."

The motion was _____ agreed to.

SYNOPSIS

Attorney General

Sections 221.10 and 221.20

Re-establishes GRF appropriation item 055440, Rapid DNA Pilot Project, with an appropriation of $1,000,000 in FY 2022

and $400,000 in FY 2023. Requires those amounts to be used to fund the necessary expenses incurred by the Bureau of Criminal Identification and Investigation to pilot rapid DNA technology with cooperating local law enforcement agencies.

SC4452

Sub. H.B. 110
L-134-0001-5
EDUCD10

_____ moved to amend as follows:

In line 77031, delete "$4,412,546 $4,412,546" and insert "$3,412,546 $3,412,546"

In line 77047, subtract $1,000,000 from each fiscal year

In line 77099, subtract $1,000,000 from each fiscal year

In line 77585, delete "school choice programs" and insert "Office of Community Schools and the Office of Nonpublic Educational Options"

After line 77585, insert:

"Of the foregoing appropriation item 200455, Community Schools and Choice Programs, up to $2,000,000 in each fiscal year shall be used by the Office of Nonpublic Educational Options to administer school choice programs."

In line 77899, delete "school choice" and insert "state scholarship"

The motion was _____ agreed to.

SYNOPSIS

Department of Education

Sections 265.10, 265.130, and 265.210

Decreases GRF appropriation item 200455, Community Schools and Choice Programs, by $1,000,000 in each fiscal year.

Changes the intent of 200455 to be for the operation of the Office of Community Schools and the Office of Nonpublic Educational Options instead of for school choice programs.

Earmarks up to $2,000,000 in each fiscal year from 200455 for the Office of Nonpublic Educational Options to administer school choice programs.

Changes the purpose of an earmark of GRF appropriation item 200550, Foundation Funding – All Students, of $2,000,000 in each fiscal year to be for the administration of state scholarship instead of school choice programs.

SC4455

Sub. H.B. 110
L-134-0001-5
LOCCD23

_____ moved to amend as follows:

In line 16 of the title, delete "163.62,"

In line 224, delete "163.62,"

Delete lines 10519 through 10541

In line 70838, delete "163.62,"

Delete lines 88601 through 88632

The motion was _____ agreed to.

SYNOPSIS

Attorney's fees and costs in inverse condemnation proceedings

R.C. 163.62; Section 701.50

Removes a provision added by the House that requires courts in inverse condemnation proceedings to award amounts sufficient to reimburse a property owner for reasonable expenses in the proceeding if (1) the property owner is successful in the proceeding or (2) reaches a settlement.

SC4462X1

Sub. H.B. 110
L-134-0001-5
TAXCD73

_____ moved to amend as follows:

In line 68885, delete "tax commissioner" and insert "attorney general"

In line 68911, delete "tax commissioner" and insert "attorney general"

In line 68912, delete "commissioner" and insert "attorney general"

In line 68914, delete "commissioner" and insert "attorney general"

In line 68916, delete "commissioner's" and insert "attorney general's"

Delete lines 68925 through 68930 and insert:

"(3) It prioritizes awarding its scholarships to low-income primary and secondary school students."

In line 68931, delete "commissioner" and insert "attorney general"

In line 68932, delete "commissioner's" and insert "attorney general's"

In line 68933, delete "commissioner" and insert "attorney general" in both places

In line 68935, delete "department of taxation's" and insert "attorney general's"; after the underlined period, insert "The attorney general shall also furnish the list to the tax commissioner on or before the first day of January each year and upon the commissioner's request."

In line 68936, delete "commissioner" and insert "attorney general"

The motion was _____ agreed to.

SYNOPSIS

Tax credit for donations to scholarship organizations

R.C. 5747.73

Requires that the income tax credit for donations made to nonprofit organizations that award scholarships to primarily low-income students, which is created by the pending substitute bill, be administered by the Attorney General, rather than the Tax Commissioner as required in the current provision.

Modifies a requirement that such organizations, to qualify its donors for the credit, must award at least 90% of its scholarships to low-income students by instead requiring the organization to generally prioritize awarding scholarships to such students.

SC4463

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 77040, delete "$6,948,998,712 $7,090,348,712" and insert "$6,948,498,712 $7,089,848,712"

In line 77041, delete "$1,052,172 $1,052,172" and insert "1,552,172 $1,552,172"

In line 77065, delete "$1,243,200,000 $1,221,500,000" and insert "$1,243,700,000 $1,222,000,000"

Delete line 77067

After line 79339, insert:

"Of the foregoing appropriation item 200566, Literacy Improvement, up to $500,000 in each fiscal year shall be used to expand the Model Demonstration Project for Early Identification of Students with Dyslexia Grant.

Under the expansion, the Superintendent of Public Instruction shall award grants to city, local, and exempted village school districts, community schools, STEM schools, or chartered nonpublic schools to support additional pilot programs to address the literacy needs of students in preschool through first grade. Funds may be used for up to two years after they are awarded.

School districts or schools wishing to participate shall apply to the Superintendent of Public Instruction. The Superintendent shall select school districts and schools to participate according to criteria determined by the Superintendent. Participating school districts and schools shall receive professional learning and support for teachers and principals to improve their ability to provide instruction for children with dyslexia. Participating school districts and schools shall collaborate with the Department of Education to identify professional learning opportunities aligned to the science of reading. The Department may use up to ten per cent of the amount appropriated in each fiscal year for program administration and for support of districts and schools in identifying and serving students with dyslexia.

As used in this section, "Model Demonstration Project for Early Identification of Students with Dyslexia Grant" means the grant awarded to Ohio by the U.S. Department of Education in October 2019 to improve the literacy of students with, or at risk for, dyslexia."

Delete lines 79567 through 79593

The motion was _____ agreed to.

SYNOPSIS

Department of Education

Sections 265.10, 265.240, and 265.333

Removes SLF Fund 7017 appropriation item 200616, Literacy Improvement, with appropriations of $500,000 in each fiscal year, to be used to provide grants to expand the federally funded Model Demonstration Project for Early Identification of Students with Dyslexia Grant Program, which funds pilot programs to address the literacy needs of students in preschool through first grade, to additional schools. Moves the funding to the GRF.

Increases GRF appropriation item 200566, Literacy Improvement, by $500,000 in each fiscal year and earmarks the same amounts to support the Dyslexia Grant Program.

Decreases GRF appropriation item 200550, Foundation Funding – All Students, by $500,000 in each fiscal year.

Increases SLF Fund 7017 appropriation item 200612, Foundation Funding – All Students, by $500,000 in each fiscal year.

Requires school districts, community schools, STEM schools, or chartered nonpublic schools wishing to participate to apply to the Superintendent of Public Instruction and the Superintendent to select participating districts and schools according to criteria determined by the Superintendent.

Permits the Department of Education to use up to 10% of the amount appropriated in each fiscal year for program administration and for support of districts and schools in identifying and serving students with dyslexia.

SC4466

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 31243, strike through the semicolon

In line 31244, strike through "(C) All "challenged school districts"

In line 31246, delete the underlined quotation mark

The motion was _____ agreed to.

SYNOPSIS

Challenged school districts

R.C. 3314.353

Removes the requirement that the Department of Education annually publish a list of challenged school districts.

SC4472

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

After line 88954, insert:

"Section 733.___. Notwithstanding the dates prescribed by division (D) of section 3311.054 of the Revised Code, not later than July 1, 2022, the governing board of an educational service center established under that section shall redistrict the educational service center's territory into a number of subdistricts equal to the number of board members designated under division (B)(1) of that section, based on the results of the 2020 decennial census. At the regular municipal election held in November 2023, all elected governing board members shall again be elected from the subdistricts created under this section.

If a governing board fails to redistrict the territory of its educational service center in accordance with this section, the Superintendent of Public Instruction shall redistrict the service center not later than August 1, 2022."

The motion was _____ agreed to.

SYNOPSIS

ESC governing board subdistricts

Section 733.___

Permits an educational service center (ESC) board to delay its next redistricting until July 1, 2022.

Requires the Superintendent of Public Instruction, by August 1, 2022, to redistrict an ESC, if a board fails to do so.

Delays the first election for board members under the new organization until November 2023.

(Continuing law requires each ESC that has subdistricts to reconfigure them every 10 years so that each member fairly represents about the same number of people. Generally, this redistricting must be completed within 90 days after the official announcement of the results of each federal decennial census. If a governing board fails to redistrict its territory by that date, the state Superintendent must redistrict it within 30 days thereafter.)

SC4474

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

After line 88907, insert:

"Section 715.__. (A)(1) The Director of Natural Resources shall enter into a cooperation agreement with the Malabar Farm Foundation to mutually support and advance the shared objectives of protecting, conserving, and educating the public concerning Malabar Farm State Park and the legacy of Louis Bromfield.

(2) The Director and the Foundation shall enter into the agreement within thirty days after the effective date of this section. The agreement shall be for two years beginning on the date of execution.

(3) The agreement shall contain all of the following:

(a) Specifications for an annual planning meeting;

(b) Written plans for the Park;

(c) A delineation of each party's authority over the operation of the Park's properties, including financial accounts for projects and donations and public communication responsibilities via the internet and other formats;

(d) Assignments of rights or interests under the terms of the agreement by the Department of Natural Resources;

(e) Procedures by which the agreement may be amended;

(f) A statement that the Foundation represents and warrants that it is duly authorized to transact business in this state of the type and nature required for the operation of the agreement;

(g) A severability clause;

(h) Provisions governing the waiver of exercising remedies under the agreement;

(i) A description regarding who from each party may have designated authority under the agreement;

(j) A nondiscrimination clause specifying that the parties shall not discriminate on account of race, color, religion, national origin, ancestry, age, military status, disability, or gender;

(k) Contact information for questions that may arise concerning the Park;

(l) Provisions governing ethics and conflicts of interest, including procedures for ensuring compliance with those provisions;

(m) A statement that obligations of the State are subject to provisions of Section 126.07 of the Revised Code; and

(n) Procedures for mediation or arbitration should disputes arise regarding the agreement.

(B)(1) The Director of Natural Resources shall enter into a lease agreement with the Malabar Farm Foundation for the Foundation to lease the following:

(a) The second floor of the Berry House that is to be used by the Foundation for office space, meetings, storage, and other activities; and

(b) Use of the kitchen area on the first floor of the Berry House along with other authorized organizations.

(2) The Director and the Foundation shall enter into the lease agreement within thirty days after the effective date of this section. The lease agreement shall be for two years beginning on the date of execution.

(3) The lease agreement shall contain all of the following concerning the leased property:

(a) A description of the property and personal property items owned or allowed for use by the Foundation;

(b) Lease payment terms;

(c) A description of authority over the property;

(d) A description of authorized uses of the property and activities that may conducted on the property;

(e) A description of which law enforcement entities have authority on the property;

(f) A description of responsibilities for utilities and associated charges;

(g) Maintenance plans;

(h) Provisions for alterations or improvements to the property;

(i) Provisions for inspection by the state;

(j) A provision describing the standards of service to be provided by the Foundation, which shall assure that the Foundation provides services authorized under the lease agreement to the highest standards prevailing for similar operations;

(k) Assignments of rights or interests under the terms of the lease agreement by the Department of Natural Resources;

(l) Insurance requirements;

(m) An indemnification clause;

(n) Provisions governing a default by the Foundation of its obligations under the lease, including provisions governing the effect of a default;

(o) Provisions governing the cancellation of the lease;

(p) A statement that the Division does not warrant the title to the lands upon which the property is located;

(q) A statement that the lease agreement does not grant to the Foundation the exclusive use of the Park;

(r) Relocation provisions in the event that, because of public interest purposes, the property cannot be used by the Foundation;

(s) Provisions governing the removal of the Foundation's property after lease termination;

(t) Procedures for the amendment of the lease agreement;

(u) A statement that the Foundation represents and warrants that it is duly authorized to transact business in this state of the type and nature required for the operation of the property leased under the lease agreement;

(v) A severability clause;

(w) Provisions governing the waiver of obligations under the lease;

(x) A description regarding who from each party may have designated authority under the lease;

(y) A nondiscrimination clause specifying that the parties shall not discriminate on account of race, color, religion, national origin, ancestry, age, military status, disability, or gender;

(z) Contact information for questions that may arise concerning the lease;

(aa) A statement that the Foundation certifies that it has reviewed and understands the Ohio Ethics and Conflict of Interest Laws and will take no action inconsistent with those laws;

(bb) A statement that obligations of the State are subject to provisions of Section 126.07 of the Revised Code; and

(cc) Procedures for mediation or arbitration should disputes arise regarding the lease."

The motion was _____ agreed to.

SYNOPSIS

Malabar Farm: Agreements between ODNR and Foundation

Section 715.__

Requires the Director of Natural Resources to enter into a cooperation agreement with the Malabar Farm Foundation for two years beginning on the date of execution.

Requires the cooperation agreement to contain a variety of terms and provisions, including specifications for an annual planning meeting, written plans for the Malabar Farm Park, and each party's authority over the operation of the Park's properties.

Also requires the Director to enter into a lease agreement with the Foundation for two years beginning on the date of execution to lease office space to the Foundation (located on the second floor of the Berry House) and use of the kitchen area on the first floor of the Berry House.

Requires the lease agreement to contain a variety of contractual terms and provisions, including lease payment terms, a description of authority over the property, and authorized uses and activities allowed on the property.

SC4475X1

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 48103, delete "section" and insert "sections"; after "4303.185" insert "and 4303.27"

In line 48104, after "send" insert "or transport"

In line 48109, delete "section" and insert "sections"; after "4303.185" insert "and 4303.27"

In line 48110, after "send" insert "or transport"

The motion was _____ agreed to.

SYNOPSIS

Illegal shipment of beer or wine

R.C. 4303.236

For purposes of the prohibitions against shipping beer or wine without an S-1 or S-2 liquor permit or registering as a fulfilment warehouse, does both of the following:

1. Clarifies that the prohibitions apply to the transport of a shipment of beer or wine (retains the bill's application to sending a shipment of beer or wine);

2. Clarifies that specified liquor permit holders may continue to deliver or ship beer or wine.

SC4477

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 45269, delete "issuer or" and insert "issuer, including a"; after "manager" insert a comma

In line 45271, delete "covered person's"

In line 45272, delete "drug" and insert "and all drugs"

In line 45274, delete "the"

In line 45275, delete "drug" and insert "any and all covered drugs"

In line 45276, delete everything after "(2)"

Delete line 45277

In line 45278, delete "(3)"; delete "and clinically appropriate"

In line 45279, delete "alternatives for the drug" and insert "for any and all covered drugs"

In line 45281, delete "drug or"

In line 45282, delete "alternatives" and insert "drugs"

In line 45283, delete "(4)" and insert "(3)"

In line 45284, delete "the drug or clinically appropriate alternatives" and insert "any and all covered drugs"

In line 45296, delete "issuer or" and insert "issuer, including a"

In line 45297, insert a comma after "manager"

Delete lines 45354 to 45356 and insert:

"(I) Divisions (A) to (H) of this section take effect January 1, 2022."

The motion was _____ agreed to.

SYNOPSIS

Clinically appropriate alternatives and technical changes

R.C. 3902.72

Removes the requirement that a health plan issuer, including a pharmacy benefit manager, disclose certain information regarding clinically appropriate alternatives to covered drugs.

Removes language stating that failure to comply with the drug data disclosure requirements constitutes an unfair and deceptive act or practice in the business of insurance.

Makes the drug data disclosure requirements effective January 1, 2022.

Makes technical changes.

SC4478

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 84759, after "school" insert ", which shall meet all of the accreditation standards of the Commission on Dental Accreditation to train dental students and award only a Doctor of Dental Surgery (D.D.S.) or a Doctor of Dental Medicine (D.M.D.) degree"

In line 84760, after "state" insert "and report to the Chancellor of Higher Education how it is using moneys it received from the foregoing appropriation item 235495, Northeast Ohio Medical University Dental School"

The motion was _____ agreed to.

SYNOPSIS

Department of Higher Education

Section 381.120

Clarifies that the dental school the Northeast Ohio Medical University (NEOMED) intends to create with assistance from GRF appropriation item 235495, Northeast Ohio Medical University Dental School, must meet all of the accreditation standards of the Commission on Dental Accreditation to train dental students and award only Doctor of Dental Surgery (D.D.S.) or Doctor of Dental Medicine (D.M.D.) degrees. Requires NEOMED to report to the Chancellor of Higher Education on how it is using moneys it receives from appropriation item 235495.

SC4489

Sub. H.B. 110
L-134-0001-5
OCCCD2

_____ moved to amend as follows:

In line 163 of the title, delete "4911.021,"

In line 70923, delete "4911.021,"

The motion was _____ agreed to.

SYNOPSIS

OCC call center

R.C. 4911.021

By removing the repeal of R.C. 4911.021 from the bill, maintains the current law that (1) prohibits the Consumers' Counsel from operating a telephone call center for consumer complaints but (2) allows the Consumers' Counsel to assist any consumers that call or forward their calls to the Public Utilities Commission's call center.

SC4492

Sub. H.B. 110
L-134-0001-5
MCDCD30

_____ moved to amend as follows:

In line 82638, delete "Department to make" and insert "payment of"

In line 82639, delete "rebate payments to pharmaceutical manufacturers" and insert "rebates"

The motion was _____ agreed to.

SYNOPSIS

Value-based purchasing supplemental rebate

Section 333.215

Makes a corrective change to remove a reference to the Department of Medicaid making the value-based purchasing supplemental rebate payments.

SC4493X1

Sub. H.B. 110
L-134-0001-5
JFSCD8

_____ moved to amend as follows:

In line 80908, delete "$212,194,327 $207,694,327" and insert "$222,194,327 $217,694,327"

In line 80920, add $10,000,000 to each fiscal year

In line 80971, add $10,000,000 to each fiscal year

In line 81283, delete "$110,040,010" and insert "$120,040,010"

The motion was _____ agreed to.

SYNOPSIS

Department of Job and Family Services

Sections 307.10 and 307.90

Increases GRF appropriation item 600523, Family and Children Services by $10,000,000 in each fiscal year and increases the earmark that provides funds to public children services agencies by $10,000,000 in FY 2022 and FY 2023, for a total of $120,040,010 in each fiscal year.

SC4494X2

Sub. H.B. 110
L-134-0001-5
EDUCD192
EDUCD193

_____ moved to amend as follows:

In line 24981, delete "The" and insert "Not later than February 1, 2022, the"

After line 24991, insert:

"For the purposes of division (B) of this section, not later than the first day of January of each year, each school district that has a school building described in division (A)(1) or (C) of section 3310.03 of the Revised Code shall submit to the department, in the manner prescribed by the department, the attendance zone for students assigned to that building."

In line 25021, delete "(1)"; strike through "A priority application period shall open on the first"

In line 25022, strike through "day of February"; delete "and close the first day of May"; strike through "prior to the first"

Strike through line 25023

In line 25024, strike through ". The department"; delete "of"

In line 25025, delete "education"; strike through "shall"; delete "determine whether applicants under this division"

In line 25026, delete "are eligible for scholarships and"; strike through "award scholarships under this"

Strike through lines 25027 through 25029

In line 25030, delete "(2)"; strike through "The department"; delete "of education"; strike through "shall continue to"; delete "accept"

In line 25031, delete "applications and"; strike through "award scholarships after the priority application"

In line 25032, strike through "period closes."; delete "For an application submitted under this division,"

Delete lines 25033 through 25036

In line 25037, strike through "If the department"; delete "of education"; strike through "awards a scholarship after the"

Strike through lines 25038 and 25039

In line 25040, strike through "remains. The department"; delete "of education"; strike through "shall continue to award"

Strike through lines 25041 through 25043

After line 25043, insert:

"(1) The application period shall open on the first day of February prior to the first day of July of the school year for which a scholarship is sought. Not later than forty-five days

after an applicant submits to the department of education a completed application, the department of education shall determine whether that applicant is eligible for a scholarship and notify the applicant whether or not the applicant is eligible. The department of education shall award a scholarship to each student with an approved application. However, for any application submitted after the beginning of the school year, the department of education shall prorate the amount of the awarded scholarship based on how much of the school year remains."

In line 25044, delete "(3)" and insert "(2)"

In line 28143, strike through the comma and insert "and"

In line 28145, strike through "periods" and insert "period"

In line 28146, strike through ", and shall establish criteria for the selection of"

Strike through lines 28147 through 28150

In line 28151, strike through "the state superintendent"

In line 28154, strike through ", at any time before the beginning of the"

In line 28155, strike through "school year,"

In line 28161 strike through "By the fifteenth day of February of the preceding school"

In line 28162, strike through "year, or at any time prior to the start of the school year, the" and insert "The"

In line 28168, strike through "By the fifteenth day of March of the preceding school"

Strike through line 28169

In line 28170, strike through "February and was admitted by" and insert "By"

In line 28172, strike through everything after "(ii)"

In line 28173, strike through "the student is admitted" and insert "By the school"

Strike through lines 28326 through 28352

After line 28352, insert:

"(H) The department shall open the application period on the first day of February prior to the first day of July of the school year for which a scholarship is sought. Not later than forty-five days after an applicant submits to the department of education a completed application, the department of education shall determine whether that applicant is eligible for a scholarship and notify the applicant whether or not the applicant is eligible. The department of education shall award a scholarship to each student with an approved application. However, for any application submitted after the beginning of the school year, the department of education shall prorate the

amount of the awarded scholarship based on how much of the school year remains."

The motion was _____ agreed to.

SYNOPSIS

Ed Choice and Cleveland scholarship application procedures

R.C. 3310.07, 3310.16, and 3313.978

Requires the Department of Education to establish a system under which an applicant for a performance-based Educational Choice (Ed Choice) scholarship may input an address to determine scholarship eligibility by February 1, 2022. (Under the substitute bill, there is no deadline).

Replaces provisions of the substitute bill regarding the priority application period and rolling application period prescribed under current law for Ed Choice scholarships, and the application periods prescribed under current law for the Cleveland scholarship, with a new application period for both types of scholarships, as follows:

(1) Requires the application period to open February 1 prior to the school year for which a scholarship is sought;

(2) Requires the Department, within 45 days of receiving a completed application, to determine whether an applicant is eligible for a scholarship and notify the applicant;

(3) Requires the Department to award a scholarship to each applicant with an approved application, but provides that an applicant who submitted an application after the beginning of the school year must receive a prorated scholarship amount based on how much of the school year remains.

SC4496

Sub. H.B. 110
L-134-0001-5
JFSCD6
JFSCD7

_____ moved to amend as follows:

In line 81102, after the comma delete the balance of the line

In line 81103, after the first "in" insert "each"; delete "2023"

In line 81165, delete "$500,000 in fiscal year 2022 and"; after the second "in" insert "each"; delete "2023"

In line 81208, delete "$500,000" and insert "$250,000"; after the first "in" insert "each"; delete "2023"

The motion was _____ agreed to.

SYNOPSIS

Department of Job and Family Services

Sections 307.70 and 307.80

Restores an earmark for the Ohio Alliance of Boys and Girls Clubs in GRF appropriation item 600410, TANF State Maintenance of Effort, to the Executive level by increasing the earmark by $2,500,000 in FY 2022 to $5,000,000 in that fiscal year (the FY 2023 earmark remains unchanged at $5,000,000).

Restores an earmark for Big Brothers Big Sisters of Central Ohio in FED Fund 3V60 appropriation item 600689, TANF Block

Grant, to the Executive level by increasing the earmark by $500,000 in FY 2022 to $1,000,000 in that fiscal year (the FY 2023 earmark remains unchanged at $1,000,000).

Restores an earmark for Communities In Schools in FED Fund 3V60 appropriation item 600689, TANF Block Grant, to the House Passed level by earmarking $250,000 in FY 2022 and reducing the FY 2023 earmark by $250,000 (from $500,000 to $250,000).

SC4499X2

Sub. H.B. 110
L-134-0001-5
EDUCD29, EDUCD72, EDUCD111

_____ moved to amend as follows:

In line 36976, delete "June" and insert "April"

In line 36987, delete "not later than the first day of June"

Delete line 36988

In line 36989, delete "develop and"

In line 36990, delete "not later than the first"

In line 36991, delete "day of July of that school year" and insert "within sixty days after receiving the information described in that division"; after the underlined period, insert "If a school provides the start and end times to the school district after the first day of April but before the first day of July, the district shall attempt to provide a transportation plan to the school by the first day of August of that school year."

In line 36993, delete "June" and insert "July"

In line 36995, delete "calendar" and insert "business"

In line 37109, reinsert "not less than"

In line 37110, delete "equal to"

In line 37111, delete "of the cost of providing"; strike through "transportation"; delete "as determined by the"

Delete line 37112

In line 37113, delete "section"; reinsert "the amount determined by the"

Reinsert line 37114

In line 37115, reinsert "transportation for the previous school year"; delete "two thousand five"

In line 37116, delete "hundred dollars"

In line 77669, delete "equal"

In line 77670, delete "to" and insert "not less than"; delete everything after "cent"

Delete line 77671

In line 77672, delete everything before "and"

In line 77673, delete "$2,500" and insert "the amount determined by the Department as the average cost of pupil transportation for the previous school year"

The motion was _____ agreed to.

SYNOPSIS

Transportation for community and chartered nonpublic school students – transportation plans

R.C. 3327.016

Requires a community school or chartered nonpublic school to establish start and end times for the school year by April 1,

rather than June 1 as in the bill, of the prior school year and provide them to each district expected to be responsible for transporting its students.

Requires each district to use the start and end times to develop and provide a transportation plan for a community or chartered nonpublic school within 60 days after receiving the start and end times from the school, rather than July 1 as in the bill.

Requires each district to develop a transportation plan for any student who enrolls in a community or nonpublic school after July 1, rather than June 1 as in the bill, within 14 business days, rather than 14 calendar days as in the bill.

Requires a school district to attempt to provide a transportation plan to a community or chartered nonpublic school by August 1 if the school provides its start and end times after April 1 but before July 1.

Payment in lieu of transportation

R.C. 3327.02; Section 265.150

Removes from the bill the specification that payment in lieu of transportation amount must equal 50% of the cost of providing transportation to a student, as determined by the school district or school, but not more than $2,500.

Requires instead that payments in lieu of transportation, be not less than 50% but not more than the amount determined by the Department of Education as the average cost of pupil transportation for the previous school year.

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 65 of the title, after "3333.049," insert "3333.051,"

In line 68 of the title, after "3335.38," insert "3354.01, 3357.09, 3358.01,"

In line 260, after "3333.049," insert "3333.051,"

In line 262, after "3335.38," insert "3354.01, 3357.09, 3358.01,"

After line 37238, insert:

"**Sec. 3333.051.** (A) The chancellor of higher education shall establish a program under which a community college established under Chapter 3354., technical college established under Chapter 3357., or state community college established under Chapter 3358. of the Revised Code may apply to the chancellor for authorization to offer applied bachelor's and nursing bachelor's degree programs.

The chancellor may approve programs under this section that demonstrate all of the following:

(1) Evidence of an agreement between the college and a regional business or industry to train students in an in-demand field and to employ students upon their successful completion of the program;

(2) That the workforce need of the regional business or industry is in an in-demand field with long-term sustainability based upon data provided by the governor's office of workforce transformation;

(3) Supporting data that identifies the specific workforce need the program will address;

(4) The absence of a bachelor's degree program that meets the workforce need addressed by the proposed program that is offered by a state university or private college or university;

(5) Willingness of an industry partner to offer workplace-based learning and employment opportunities to students enrolled in the proposed program.

(B) ~~Before approving a program under this section, the chancellor shall consult with the governor's office of workforce transformation, the inter-university council of Ohio, the Ohio association of community colleges, and the association of independent colleges and universities of Ohio, or any successor to those organizations~~ The chancellor shall approve the creation of any nursing bachelor's degree program proposed by a community, state community, or technical college that meet the requirements prescribed in divisions (A)(1) to (5) of this section and the standards and procedures for academic program approval pursuant to section 3333.04 of the Revised Code. Upon the approval of the chancellor the institution shall establish an accredited nursing bachelor's degree program.

(C) As used in this section:

(1) "Applied bachelor's degree" means a bachelor's degree that is both of the following:

(a) Specifically designed for an individual who holds an

associate of applied science degree, or its equivalent, in order to maximize application of the individual's technical course credits toward the bachelor's degree;

(b) Based on curriculum that incorporates both theoretical and applied knowledge and skills in a specific technical field.

(2) "Private college or university" means a nonprofit institution that holds a certificate of authorization pursuant to Chapter 1713. of the Revised Code.

(3) "State university" has the same meaning as in section 3345.011 of the Revised Code."

After line 37872, insert:

"**Sec. 3354.01.** As used in sections 3354.01 to 3354.18 of the Revised Code:

(A) "Community college district" means a political subdivision of the state and a body corporate with all the powers of a corporation, comprised of the territory of one or more contiguous counties having together a total population of not less than seventy-five thousand preceding the establishment of such district, and organized for the purpose of establishing, owning, and operating a community college within the territory of such district.

(B) "Contiguous counties" means counties so located that each such county shares at least one boundary in common with at least one other such county in the group of counties referred to as being "contiguous."

(C) "Community college" means a public institution of education beyond the high school organized for the principal purpose of providing for the people of the community college

district wherein such college is situated the instructional programs defined in this section as "arts and sciences" and "technical," or either, and may include the "adult-education" program as defined in this section. Except for applied bachelor's degree programs or nursing bachelor's degree programs approved by the chancellor of higher education under section 3333.051 of the Revised Code, instructional programs shall not exceed two years in duration.

A university maintained and operated by a municipality located in a county having a total population equal to the requirement for a community college district as set forth in division (A) of section 3354.01 of the Revised Code and is found by the chancellor of higher education to offer instructional programs which are needed in the community and which are equivalent to those required of community colleges shall be, for the purposes of receiving state or federal financial aid only, considered a community college and shall receive the same state financial assistance granted to community colleges but only in respect to students enrolled in their first and second year of post high school education in the kinds of instructional programs offered by the municipal university.

(D) "Arts and sciences program" means both of the following:

(1) A curricular program of two years or less duration, provided within a community college, planned and intended to enable students to gain academic credit for courses generally comparable to courses offered in the first two years in accredited colleges and universities in the state, and designed either to enable students to transfer to such colleges and universities for the purpose of earning baccalaureate degrees or to enable students to terminate academic study after two years with a proportionate

recognition of academic achievement.

(2) An applied bachelor's degree program or nursing bachelor's degree program approved and offered under section 3333.051 of the Revised Code.

(E) "Adult-education program" means the dissemination of post high school educational service and knowledge, by a community college, for the occupational, cultural, or general educational benefit of adult persons, such educational service and knowledge not being offered for the primary purpose of enabling such persons to obtain academic credit or other formal academic recognition.

(F) "Charter amendment" means a change in the official plan of a community college for the purpose of acquiring additional lands or structures, disposing of or transferring lands or structures, erection of structures, or creating or abolishing of one or more academic departments corresponding to generally recognized fields of academic study.

(G) "Technical program" means a post high school curricular program of two years or less duration, provided within a community college, planned and intended to enable students to gain academic credit for courses designed to prepare such students to meet the occupational requirements of the community.

(H) "Operating costs" means all expenses for all purposes of the community college district except expenditures for permanent improvements having an estimated life of usefulness of five years or more as certified by the fiscal officer of the community college district.

(I) "Applied bachelor's degree" has the same meaning as in section 3333.051 of the Revised Code.

Sec. 3357.09. The board of trustees of a technical college district may:

(A) Own and operate a technical college, pursuant to an official plan prepared and approved in accordance with section 3357.07 of the Revised Code;

(B) Hold, encumber, control, acquire by donation, purchase, or condemnation, construct, own, lease, use, and sell, real and personal property as necessary for the conduct of the program of the technical college on whatever terms and for whatever consideration may be appropriate for the purposes of the institution;

(C) Accept gifts, grants, bequests, and devises absolutely or in trust for support of the technical college;

(D) Appoint the president, faculty, and such other employees as necessary and proper for such technical college, and fix their compensation;

(E) Provide for a technical college necessary lands, buildings or other structures, equipment, means, and appliances;

(F) Develop and adopt, pursuant to the official plan, any one or more of the curricular programs identified in section 3357.01 of the Revised Code as technical-college programs, or adult-education technical programs, and applied bachelor's degree programs <u>or nursing bachelor's degree programs</u> under section 3333.051 of the Revised Code;

(G) Except as provided in sections 3333.17 and 3333.32 of the Revised Code, establish schedules of fees and tuition for: students who are residents of the district; students who are residents of Ohio but not of the district; students who are nonresidents of Ohio. The establishment of rules governing the

determination of residence shall be subject to approval of the chancellor of higher education. Students who are nonresidents of Ohio shall be required to pay higher rates of fees and tuition than the rates required of students who are residents of Ohio but not of the district, and students who are residents of the district shall pay smaller tuition and fee rates than the rates for either of the above categories of nonresident students, except that students who are residents of Ohio but not of the district shall be required to pay higher fees and tuition than students who are residents of the district only when a district tax levy has been adopted and is in effect under the authority of section 3357.11, 5705.19, or 5705.191 of the Revised Code.

(H) Authorize, approve, ratify, or confirm, with approval of the chancellor, any agreement with the United States government, acting through any agency designated to aid in the financing of technical college projects, or with any person, organization, or agency offering grants-in-aid for technical college facilities or operation;

(I) Receive assistance for the cost of equipment and for the operation of such technical colleges from moneys appropriated for technical education or for matching of Title VIII of the "National Defense Education Act," 72 Stat. 1597 (1958), 20 U.S.C.A. 15a-15e. Moneys shall be distributed by the chancellor in accordance with rules which the board shall establish governing its allocations to technical colleges chartered under section 3357.07 of the Revised Code.

(J) Grant appropriate associate degrees to students successfully completing the technical college programs, appropriate applied bachelor's degrees to students successfully completing applied bachelor's degree programs, appropriate

bachelor's degrees to students successfully completing nursing bachelor's degree programs offered pursuant to section 3333.051 of the Revised Code, and certificates of achievement to those students who complete other programs;

(K) Prescribe rules for the effective operation of a technical college, and exercise such other powers as are necessary for the efficient management of such college;

(L) Enter into contracts and conduct technical college programs or technical courses outside the technical college district;

(M) Enter into contracts with the board of education of any local, exempted village, or city school district or the governing board of any educational service center to permit the school district or service center to use the facilities of the technical college district;

(N) Designate one or more employees of the institution as state university law enforcement officers, to serve and have duties as prescribed in section 3345.04 of the Revised Code;

(O) Subject to the approval of the chancellor, offer technical college programs or technical courses for credit at locations outside the technical college district. For purposes of computing state aid, students enrolled in such courses shall be deemed to be students enrolled in programs and courses at off-campus locations in the district.

(P) Purchase a policy or policies of liability insurance from an insurer or insurers licensed to do business in this state insuring its members, officers, and employees against all civil liability arising from an act or omission by the member, officer, or employee, when the member, officer, or employee is not acting manifestly outside the scope of the member's, officer's, or

employee's employment or official responsibilities with the institution, with malicious purpose or bad faith, or in a wanton or reckless manner, or may otherwise provide for the indemnification of such persons against such liability. All or any portion of the cost, premium, or charge for such a policy or policies or indemnification payment may be paid from any funds under the institution's control. The policy or policies of liability insurance or the indemnification policy of the institution may cover any risks including, but not limited to, damages resulting from injury to property or person, professional liability, and other special risks, including legal fees and expenses incurred in the defense or settlement of claims for such damages.

Any instrument by which real property is acquired pursuant to this section shall identify the agency of the state that has the use and benefit of the real property as specified in section 5301.012 of the Revised Code.

Sec. 3358.01. As used in sections 3358.01 to 3358.10 of the Revised Code:

(A) "State community college district" means a political subdivision composed of the territory of a county, or of two or more contiguous counties, in either case having a total population of at least one hundred fifty thousand, and organized for the purpose of establishing, owning, and operating a state community college within the district or a political subdivision created pursuant to division (A) of section 3358.02 of the Revised Code.

(B) "State community college" means a two-year institution, offering a baccalaureate-oriented program, technical education program, or an adult continuing education program. The extent to

which the college offers baccalaureate-oriented and technical programs shall be determined in its charter. However, a state community college may offer applied bachelor's degree programs or nursing bachelor's degree programs pursuant to section 3333.051 of the Revised Code.

(C) "Baccalaureate-oriented program" means a curricular program of not more than two years' duration that is planned and intended to enable students to gain academic credit for courses comparable to first- and second-year courses offered by accredited colleges and universities. The purpose of baccalaureate-oriented coursework in state community colleges is to enable students to transfer to colleges and universities and earn baccalaureate degrees or to enable students to terminate academic study after two years with a proportionate recognition of academic achievement through receipt of an associate degree.

(D) "Technical education program" means a post high school program of not more than two years' duration that is planned and intended to prepare students to pursue employment or improve technical knowledge in careers generally but not exclusively at the semiprofessional level. Technical education programs include, but are not limited to, programs in the technologies of business, engineering, health, natural science, and public service and are programs which, after two years of academic study, result in proportionate recognition of academic achievement through receipt of an associate degree.

(E) "Adult continuing education program" means the offering of short courses, seminars, workshops, exhibits, performances, and other educational activities for the general educational or occupational benefit of adults.

(F) "Applied bachelor's degree" has the same meaning as in

section 3333.051 of the Revised Code."

In line 70874, after "3333.049," insert "3333.051,"

In line 70876, after "3335.38," insert "3354.01, 3357.09, 3358.01,"

The motion was _____ agreed to.

SYNOPSIS

Nursing bachelor's degree programs

R.C. 3333.051; conforming changes in R.C. 3354.01, 3357.09, and 3358.01

Requires the Chancellor of Higher Education to approve any nursing bachelor's degree program proposed by a community college, state community college, and technical college, if those programs meet certain requirements under continuing law and the standards and procedures for academic program approval under continuing law.

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 71 of the title, after "3701.831," insert "3702.304,"

In line 265, after "3701.831," insert "3702.304,"

After line 39596, insert:

"**Sec. 3702.304.** (A)(1) The director of health may grant a variance from the written transfer agreement requirement of section 3702.303 of the Revised Code if the ambulatory surgical facility submits to the director a complete variance application, prescribed by the director, and the director determines after reviewing the application that the facility is capable of achieving the purpose of a written transfer agreement in the absence of one. The director's determination is final.

(2) Not later than sixty days after receiving a variance application from an ambulatory surgical facility, the director shall grant or deny the variance. A variance application that has not been approved within sixty days is considered denied.

(B) A variance application is complete for purposes of division (A)(1) of this section if it contains or includes as attachments all of the following:

(1) A statement explaining why application of the requirement would cause the facility undue hardship and why the variance will

not jeopardize the health and safety of any patient;

(2) A letter, contract, or memorandum of understanding signed by the facility and one or more consulting physicians who have admitting privileges at a minimum of one local hospital that is located within a twenty-five mile radius of the facility, memorializing the physician or physicians' agreement to provide back-up coverage when medical care beyond the level the facility can provide is necessary;

(3) For each consulting physician described in division (B)(2) of this section:

(a) A signed statement in which the physician attests ~~that the~~ to all of the following:

(i) The physician does not teach or provide instruction, directly or indirectly, at a medical school, osteopathic medical school, any state hospital, or other public institution.

(ii) The physician is not employed by or compensated pursuant to a contract with, and does not provide instruction or consultation to, a medical school, osteopathic medical school, any state hospital, or other public institution.

(iii) The physician actively practices clinical medicine within a twenty-five mile radius of the facility.

(iv) The physician is familiar with the facility and its operations~~, and~~.

(v) The physician agrees to provide notice to the facility of any changes in the physician's ability to provide back-up coverage~~;~~.

(b) The estimated travel time from the physician's main residence or office to each local hospital where the physician has

admitting privileges;

(c) Written verification that the facility has a record of the name, telephone numbers, and practice specialties of the physician;

(d) Written verification from the state medical board that the physician possesses a valid license to practice medicine and surgery or osteopathic medicine and surgery issued under Chapter 4731. of the Revised Code;

(e) Documented verification that each hospital at which the physician has admitting privileges has been informed in writing by the physician that the physician is a consulting physician for the ambulatory surgical facility and has agreed to provide back-up coverage for the facility when medical care beyond the care the facility can provide is necessary.

(4) A copy of the facility's operating procedures or protocols that, at a minimum, do all of the following:

(a) Address how back-up coverage by consulting physicians is to occur, including how back-up coverage is to occur when consulting physicians are temporarily unavailable;

(b) Specify that each consulting physician is required to notify the facility, without delay, when the physician is unable to expeditiously admit patients to a local hospital and provide for continuity of patient care;

(c) Specify that a patient's medical record maintained by the facility must be transferred contemporaneously with the patient when the patient is transferred from the facility to a hospital.

(5) Any other information the director considers necessary.

(C) The director's decision to grant, refuse, or rescind a

variance is final.

(D) The director shall consider each application for a variance independently without regard to any decision the director may have made on a prior occasion to grant or deny a variance to that ambulatory surgical facility or any other facility."

In line 70879, after "3701.831," insert "3702.304,"

After line 80735, insert:

"**Section 291.___.** Each ambulatory surgical facility that has been granted a variance from the written transfer agreement requirement of section 3702.303 of the Revised Code shall, within ninety days of the effective date of section 3702.304 of the Revised Code as amended by this act, submit to the director of health a complete variance application, in the form and manner specified by the director, demonstrating compliance with the requirements established by divisions (B)(2) and (3)(a) of section 3702.304 of the Revised Code, as amended by this act. If the director determines that a facility has failed to demonstrate compliance, the director shall rescind the variance."

The motion was _____ agreed to.

SYNOPSIS

Variances from written transfer agreements

R.C. 3702.304

Adds the following requirements to existing law governing variances from written transfer agreements for ambulatory surgical facilities (ASF):

--The local hospital at which the consulting physician has admitting privileges must be within a 25-mile radius of the ASF;

--The consulting physician cannot teach or provide instruction at a medical school, osteopathic medical school, any state hospital, or other public institution;

--The consulting physician cannot be employed by, compensated pursuant to a contract with, or otherwise provide instruction or consultation to, a medical school, osteopathic medical school, any state hospital, or other public institution;

--The consulting physician must actively practice clinical medicine within a 25-mile radius of the ASF;

--An ASF with an existing variance must demonstrate compliance with the new requirements within 90 days of the provisions' effective date, or the variance is rescinded.

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 3 of the title, after "107.03," insert "109.02,"

In line 131 of the title, after "5.246," insert "9.58, 101.55,"

In line 214, after "107.03," insert "109.02,"

In line 309, after "5.246," insert "9.58, 101.55,"

After line 605, insert:

"**Sec. 9.58.** (A) As used in this section, "public official" means any elected or appointed officer, employee, or agent of the state or any political subdivision, board, commission, bureau, or other public body established by law.

(B) In any civil action in a state or federal court, no public official, including any attorney representing or acting on behalf of a public official, has any authority to compromise or settle the action, consent to any condition, or agree to any order in connection therewith if the compromise, settlement, condition, or order nullifies, suspends, enjoins, alters, or conflicts with any provision of the Revised Code.

(C) Any compromise, settlement, condition, or order to which a public official agrees that conflicts with division (B) of this section is void and has no legal effect.

(D) Nothing in this section shall be construed to limit or otherwise restrict any powers granted by Article IV, Ohio Constitution.

Sec. 101.55. (A) When a party to an action in state or federal court challenges the constitutionality of a statute, facially or as applied, challenges a statute as violating or preempted by federal law, or otherwise challenges the construction or validity of a statute, as part of a claim or affirmative defense, the house of representatives, the senate, and the general assembly may intervene to defend against the action as set forth under division (A) of this section at any time in the action as a matter of right by serving motion upon the parties as provided in the Rules of Civil Procedure.

(1) The speaker of the house of representatives may intervene at any time in the action on behalf of the house of representatives. The speaker may obtain legal counsel other than from the attorney general, with the cost of representation paid from funds appropriated for that purpose, to represent the house of representatives in any action in which the speaker intervenes.

(2) The president of the senate may intervene at any time in the action on behalf of the senate. The president may obtain legal counsel other than from the attorney general, with the cost of representation paid from funds appropriated for that purpose, to represent the senate in any action in which the president intervenes.

(3) The president of the senate and the speaker of the house of representatives, acting jointly, may intervene at any time in the action on behalf of the general assembly. The president and the speaker, acting jointly, may obtain legal counsel other than

from the attorney general, with the cost of representation paid from funds appropriated for that purpose, to represent the general assembly in any action in which the president and speaker jointly intervene.

(B) When a party to an action in state or federal court challenges a general assembly district plan, or any of its districts, adopted under Article XI, Ohio Constitution, or challenges a congressional district plan, or any of its districts, adopted by the Ohio redistricting commission under Article XIX, Ohio Constitution, the speaker of the house of representatives, the president of the senate, and the Ohio redistricting commission may intervene to defend against any such action as set forth under division (B) of this section at any time in the action as a matter of right by serving motion upon the parties as provided in the Rules of Civil Procedure.

(1) The speaker of the house of representatives may intervene at any time in the action on behalf of the house of representatives. The speaker may obtain legal counsel other than from the attorney general, with the cost of representation paid from funds appropriated for that purpose, to represent the house of representatives in any action in which the speaker intervenes.

(2) The president of the senate may intervene at any time in the action on behalf of the senate. The president may obtain legal counsel other than from the attorney general, with the cost of representation paid from funds appropriated for that purpose, to represent the senate in any action in which the president intervenes.

(3) The president of the senate and the speaker of the house of representatives, acting jointly, may intervene at any time in the action on behalf of the Ohio redistricting commission. The

president and the speaker, acting jointly, may obtain legal counsel other than from the attorney general, with the cost of representation paid from funds appropriated for that purpose, to represent the Ohio redistricting commission in any action in which the president and speaker jointly intervene.

(C) No individual member, or group of members, of the senate, the house of representatives, or the Ohio redistricting commission, except the president and the speaker as provided under this section, shall intervene in an action described in this section or obtain legal counsel at public expense under this section, in the member's or group's capacity as a member or members of the senate, the house of representatives, or the Ohio redistricting commission.

(D) Notwithstanding any contrary provision of law, the participation of the speaker of the house of representatives or the president of the senate in any state or federal action, as a party or otherwise, does not constitute a waiver of the legislative immunity or legislative privilege of any member, officer, or staff of the general assembly."

After line 1569, insert:

"**Sec. 109.02.** The attorney general is the chief law officer for the state and all its departments and shall be provided with adequate office space in Columbus. Except as provided in division (E) of section 120.06 and in sections 101.55 and 3517.152 to 3517.157 of the Revised Code, no state officer or board, or head of a department or institution of the state shall employ, or be represented by, other counsel or attorneys at law. The attorney general shall appear for the state in the trial and argument of all civil and criminal causes in the supreme court in which the

state is directly or indirectly interested. When required by the governor or the general assembly, the attorney general shall appear for the state in any court or tribunal in a cause in which the state is a party, or in which the state is directly interested. Upon the written request of the governor, the attorney general shall prosecute any person indicted for a crime."

In line 70828, after "107.03," insert "109.02,"

The motion was _____ agreed to.

SYNOPSIS

Court settlements that nullify, suspend, or conflict with the Revised Code

R.C. 9.58

Prohibits a public official from settling a civil action in any way that nullifies, suspends, or is in conflict with any provision of the Revised Code. Any settlement that does so is void and has no legal effect.

Specifies that this provision does not limit or restrict constitutional judicial authority.

General Assembly intervention in lawsuits

R.C. 101.55 and 109.02

Allows the Speaker of the House of Representatives and the President of the Senate to intervene in any case challenging the constitutionality of a statute on behalf of the House, the Senate, or the General Assembly, and to retain independent legal counsel.

Allows the Speaker and the President to intervene in any case

challenging a General Assembly or congressional redistricting plan adopted by the Ohio Redistricting Commission on behalf of the House, the Senate, or the Commission, and to retain independent legal counsel.

SC4505

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 83963, delete "$4,580,944 $4,741,277" and insert "$4,881,554 $5,076,816"

In line 83964, delete "$1,457,872 $1,508,898" and insert "$2,063,870 $2,146,425"

In line 83966, delete "$130,104,000 $134,112,000" and insert "$129,197,392 $133,138,934"

The motion was _____ agreed to.

SYNOPSIS

Public Defender Commission

Section 371.10

Increases GRF appropriation item 019403, Multi-County: State Share, by $300,610 in fiscal year 2022 and $335,539 in fiscal year 2023.

Increases GRF appropriation item 019404, Trumbull County - State Share, by $605,998 in fiscal year 2022 and $637,527 in fiscal year 2023.

Decreases GRF appropriation item 019501, County Reimbursement, by $906,608 in fiscal year 2022 and $973,066 in fiscal year 2023.

Sub. H.B. 110
L-134-0001-5
DEVCD31

_____ moved to amend as follows:

In line 7 of the title, after "122.178," insert "122.23,"

In line 217, after "122.178," insert "122.23,"

After line 4777, insert:

"**Sec. 122.23.** As used in sections 122.23 to 122.27 of the Revised Code:

(A) "Distressed area" means a county with a population of less than one hundred twenty-five thousand that meets at least two of the following criteria of economic distress:

(1) Its average rate of unemployment, during the most recent five-year period for which data are available, is equal to at least one hundred twenty-five per cent of the average rate of unemployment for the United States for the same period.

(2) It has a per capita income equal to or below eighty per cent of the median county per capita income of the United States as determined by the most recently available figures from the United States census bureau.

(3) In intercensal years, the county has a ratio of transfer payment income to total county income equal to or greater than

twenty-five per cent.

(B) "Eligible applicant" means any of the following that is designated by the governing body of an eligible area as provided in division (B)(1) of section 122.27 of the Revised Code:

(1) A port authority as defined in division (A) of section 4582.01 or division (A) of section 4582.21 of the Revised Code;

(2) A community improvement corporation as defined in section 1724.01 of the Revised Code;

(3) A community-based organization or action group that provides social services and has experience in economic development;

(4) Any other nonprofit economic development entity;

(5) A private developer that previously has not received financial assistance under section 122.24 of the Revised Code and that has experience and a successful history in industrial development.

(C) "Eligible area" means a distressed area, a labor surplus area, a rural area, or a situational distress area, as designated annually by the director of development pursuant to division (A) of section 122.25 of the Revised Code.

(D) "Labor surplus area" means an area designated as a labor surplus area by the United States department of labor.

(E) "Official poverty line" has the same meaning as in division (A) of section 3923.51 of the Revised Code.

(F) "Situational distress area" means a county that has a population of less than one hundred twenty-five thousand, or a municipal corporation in such a county, that has experienced or is experiencing a closing or downsizing of a major employer that will

adversely affect the county's or municipal corporation's economy. In order to be designated as a situational distress area for a period not to exceed thirty-six months, the county or municipal corporation may petition the director of development. The petition shall include documentation that demonstrates all of the following:

(1) The number of jobs lost by the closing or downsizing;

(2) The impact that the job loss has on the county's or municipal corporation's unemployment rate as measured by the director of job and family services;

(3) The annual payroll associated with the job loss;

(4) The amount of state and local taxes associated with the job loss;

(5) The impact that the closing or downsizing has on the suppliers located in the rural county or municipal corporation.

(G) "Governing body" means, in the case of a county, the board of county commissioners; in the case of a municipal corporation, the legislative authority; and in the case of a township, the board of township trustees.

(H) "Infrastructure improvements" includes site preparation, including building demolition and removal; retention ponds and flood and drainage improvements; streets, roads, bridges, and traffic control devices; parking lots and facilities; water and sewer lines and treatment plants; gas, electric, and telecommunications hook-ups; and waterway and railway access improvements.

(I) "Private developer" means any individual, firm, corporation, or entity, other than a nonprofit entity, limited profit entity, or governmental entity.

(J) "Rural area" means any Ohio county that is not designated as part of a metropolitan statistical area by the United States office of management and budget."

In line 70831, after "122.178," insert "122.23,"

The motion was _____ agreed to.

SYNOPSIS

Rural Industrial Park Loan program eligibility

R.C. 122.23

Expands eligibility for loans from the Rural Industrial Park Loan Program to projects located in any rural area, meaning any Ohio county that is not designated as part of a Metropolitan Statistical Area by the U.S. Office of Budget and Management, (rather than only distressed, labor surplus, and situational distress areas).

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 3 of the title, after "109.08," insert "109.111, 109.112,"

In line 214, after "109.08," insert "109.111, 109.112,"

After line 1591, insert:

"**Sec. 109.111.** There is hereby created the attorney general court order fund, which shall be in the custody of the treasurer of state but shall not be part of the state treasury. The fund shall consist of all money ~~collected or~~ received by the attorney general as a result of ~~an~~ any judgment, settlement, compromise of claims, or other final order or judgment of any court ~~to be received or secured by, or delivered to, the attorney general for transfer, distribution, disbursement, or allocation pursuant to court order~~. All money in the fund, including investment earnings thereon, shall be ~~used~~ distributed solely ~~to make payment as directed pursuant to court order~~ in accordance with section 109.112 of the Revised Code.

Sec. 109.112. (A)(1) Except as otherwise provided in division (A)(2) of this section, in any action in a state or federal court, the attorney general, including any special counsel appointed under section 109.07 of the Revised Code, shall not include or

agree to terms or conditions in any settlement that authorizes the expenditure, transfer, or award of money to this state without first obtaining the approval of the governor, the president of the senate, and the speaker of the house of representatives.

(2) Division (A)(1) of this section does not apply to a settlement that authorizes the expenditure, transfer, or award of funds to this state if either of the following are true:

(a) The total amount of the money does not exceed ten thousand dollars.

(b) The money is an amount due to the state or a political subdivision and is being collected under section 131.02 of the Revised Code.

(B) If the state of Ohio or any agency or officer of the state is named in a court order to be the recipient of any money collected or received by the attorney general under section 109.111 of the Revised Code, the attorney general shall proceed as follows:

(1) Except for money described in division (A)(2)(a) or (b) of this section, the attorney general shall notify the chairperson of the finance committee of the house of representatives, the chairperson of the finance committee of the senate, and the director of budget and management of the amount. Subject to the approval of the controlling board, the director, in consultation with the attorney general, shall transfer the money from the attorney general court order fund to the appropriate fund or funds within the state treasury.

(2) In the case of any other money, the attorney general shall notify the director of budget and management of the amount of the money ~~to be collected or received under,~~ and the terms of~~,~~

the court order. The director, in consultation with the attorney general, shall determine the appropriate distribution of the money to the appropriate ~~custodial~~ fund or funds within the state treasury, consistent with the terms of the order. Upon its collection or receipt, the attorney general shall transfer the money from the attorney general court order fund to the appropriate fund or funds as determined by the director."

In line 70828, after "109.08," insert "109.111, 109.112,"

The motion was _____ agreed to.

SYNOPSIS

Court orders awarding money to the state

R.C. 109.111 and 109.112

Prohibits the Attorney General, in any action in a state or federal court, from agreeing to a settlement that awards money to the state without first obtaining the written approval of the Governor, the President of the Senate, and the Speaker of the House of Representatives, except for amounts under $10,000, and except for any debts the Attorney General is collecting.

Requires the Attorney General, upon receiving that type of money under a court order, to notify the chairpersons of the House and Senate Finance committees, along with the Director of Budget and Management.

Requires the Controlling Board to approve the transfer of the money from the Attorney General Court Order Fund to the appropriate fund or funds in the state treasury.

SC4509

Sub. H.B. 110
L-134-0001-5
JFSCD44

_____ moved to amend as follows:

In line 80914, delete the first "$150,000" and insert "$200,000"

In line 80920, add $50,000 to fiscal year 2022

In line 80971, add $50,000 to fiscal year 2022

After line 81444, insert:

"Of the foregoing appropriation item 600551, Job and Family Services Program Support, $50,000 in fiscal year 2022 shall be provided to the Youngstown Area Jewish Federation to support its mobile meals program."

The motion was _____ agreed to.

SYNOPSIS

Department of Job and Family Services

Sections 307.10 and 307.145

Increases GRF appropriation item 600551, Job and Family Services Program Support, by $50,000 in FY 2022 and earmarks the funds for the Youngstown Area Jewish Federation.

SC4511

Sub. H.B. 110
L-134-0001-5
DDDCD21

_____ moved to amend as follows:

Delete lines 76951 through 76958 and insert:

"(C)(1) For fiscal year 2022, the Department shall pay the following rates for ICF/IID services:

(a) For each ICF/IID described in division (B)(1)(a)(i) of this section, the total per Medicaid day rate in effect for the ICF/IID on June 30, 2021, increased by two per cent;

(b) For each ICF/IID described in division (B)(1)(a)(ii) of this section, the total per Medicaid day rate in effect for the ICF/IID on the day immediately preceding the effective date of the change of operator;

(c) For each ICF/IID described in division (B)(1)(a)(iii) of this section, a total per Medicaid day rate of $357.89."

The motion was _____ agreed to.

SYNOPSIS

Medicaid rates for ICFs/IID

Section 261.150

Eliminates a provision that prohibits the mean fiscal year Medicaid rate for ICFs/IID from exceeding $357.89 in FY 2022 and

instead establishes the following rates for ICF/IID services for FY 2022:

--For a provider that has a valid Medicaid provider agreement for an ICF/IID on June 30, 2021 and during FY 2022, the rate in effect for the ICF/IID on June 30, 2021, increased by two per cent;

--For an ICF/IID that undergoes a change of operator during FY 2022 and the existing operator has a valid Medicaid provider agreement for the ICF/IID on the day immediately preceding the effective date of the change of operator, and the entering operator has a valid Medicaid provider agreement for FY 2022, a rate that equals the rate in effect for the ICF/IID on the day immediately preceding the effective date of the change of operator;

--For a new ICF/IID for which a provider obtains an initial provider agreement during FY 2022, a rate that equals $357.89.

SC4513

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 37144, reinsert "the state"

Reinsert line 37145

In line 37146, reinsert "board of education for the previous year"; delete "fifty per cent of the"

Delete lines 37147 and 37148

In line 37149, delete everything before the period

In line 77669 delete "equal"

Delete lines 77670 through 77672

In line 77673, delete "$2,500" and insert "that shall be not less than $250 and not more than the amount determined by the Department as the average cost of pupil transportation for the previous school year"

The motion was _____ agreed to.

SYNOPSIS

Payment in lieu of transportation

R.C. 3327.02

Removes the provision of the bill that changes the payment in lieu of transportation amount to an amount equal to 50% of

the cost of providing transportation to the student, as determined by the school district or school, but not more than $2,500 and restores the current law payment in lieu amount. (Under current law, payment in lieu of transportation is at least $250 and not more than the amount determined by the State Board of Education as the state average daily cost of transportation for the previous school year.)

Department of Education

Section 265.150

Changes the amount of a payment in lieu of transportation this biennium from 50% of the cost of providing transportation with a maximum of $2,500 to not less than $250 or more than the average cost of pupil transportation the previous year, as determined by ODE.

SC4515

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 55 of the title, delete "3317.029,"

In line 160 of the title, after "3314.53," insert "3317.029,"

In line 253, delete "3317.029,"

Delete lines 32955 through 33069

In line 70867, delete "3317.029,"

In line 70921, after "3314.53," insert "3317.029,"

The motion was _____ agreed to.

SYNOPSIS

Payment for school district with nuclear plant in its territory

Repealed R.C. 3317.029

Repeals a section of current law that requires the Department of Education, for each of FYs 2019, 2020, and 2021, to make an additional payment to a school district with (1) a nuclear power plant in its territory and (2) a total taxable value of public utility personal property for tax year 2017 that is at least 50% less than that value for tax year 2016.

Sub. H.B. 110
L-134-0001-5
EDUCD91

_____ moved to amend as follows:

In line 60 of the title, after "3319.236," insert "3319.31,"

In line 256, after "3319.236," insert "3319.31,"

After line 35344, insert:

"**Sec. 3319.31.** (A) As used in this section and sections 3123.41 to 3123.50 and 3319.311 of the Revised Code, "license" means a certificate, license, or permit described in this chapter or in division (B) of section 3301.071 or in section 3301.074 of the Revised Code.

(B) For any of the following reasons, the state board of education, except as provided in division (H) of this section and in accordance with Chapter 119. and section 3319.311 of the Revised Code, may refuse to issue a license to an applicant; may limit a license it issues to an applicant; may suspend, revoke, or limit a license that has been issued to any person; or may revoke a license that has been issued to any person and has expired:

(1) Engaging in an immoral act, incompetence, negligence, or conduct that is unbecoming to the applicant's or person's position;

(2) A plea of guilty to, a finding of guilt by a jury or

court of, or a conviction of any of the following:

(a) A felony other than a felony listed in division (C) of this section;

(b) An offense of violence other than an offense of violence listed in division (C) of this section;

(c) A theft offense, as defined in section 2913.01 of the Revised Code, other than a theft offense listed in division (C) of this section;

(d) A drug abuse offense, as defined in section 2925.01 of the Revised Code, that is not a minor misdemeanor, other than a drug abuse offense listed in division (C) of this section;

(e) A violation of an ordinance of a municipal corporation that is substantively comparable to an offense listed in divisions (B)(2)(a) to (d) of this section.

(3) A judicial finding of eligibility for intervention in lieu of conviction under section 2951.041 of the Revised Code, or agreeing to participate in a pre-trial diversion program under section 2935.36 of the Revised Code, or a similar diversion program under rules of a court, for any offense listed in division (B)(2) or (C) of this section;

(4) Failure to comply with section 3314.40, 3319.313, 3326.24, 3328.19, 5126.253, or 5502.262 of the Revised Code.

(C) Upon learning of a plea of guilty to, a finding of guilt by a jury or court of, or a conviction of any of the offenses listed in this division by a person who holds a current or expired license or is an applicant for renewal of a license, the state board or the superintendent of public instruction, if the state board has delegated the duty pursuant to division (D) of this section, shall by a written order revoke the person's license or

deny renewal of the license to the person. The state board or the superintendent shall revoke a license that has been issued to a person to whom this division applies and has expired in the same manner as a license that has not expired.

Revocation of a license or denial of renewal of a license under this division is effective immediately at the time and date that the board or superintendent issues the written order and is not subject to appeal in accordance with Chapter 119. of the Revised Code. Revocation of a license or denial of renewal of license under this division remains in force during the pendency of an appeal by the person of the plea of guilty, finding of guilt, or conviction that is the basis of the action taken under this division.

The state board or superintendent shall take the action required by this division for a violation of division (B)(1), (2), (3), or (4) of section 2919.22 of the Revised Code; a violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.15, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.21, 2907.22, 2907.23, 2907.24, 2907.241, 2907.25, 2907.31, 2907.311, 2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2907.34, 2909.02, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.44, 2917.01, 2917.02, 2917.03, 2917.31, 2917.33, 2919.12, 2919.121, 2919.13, 2921.02, 2921.03, 2921.04, 2921.05, 2921.11, 2921.34, 2921.41, 2923.122, 2923.123, 2923.161, 2923.17, 2923.21, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 2925.24, 2925.32, 2925.36, 2925.37, 2927.24, 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; felonious sexual penetration in violation of former section 2907.12 of the Revised Code; or a violation of an ordinance of a municipal corporation that is substantively comparable to an offense listed in this paragraph.

(D) The state board may delegate to the superintendent of public instruction the authority to revoke a person's license or to deny renewal of a license to a person under division (C) or (F) of this section.

(E)(1) If the plea of guilty, finding of guilt, or conviction that is the basis of the action taken under division (B)(2) or (C) of this section, or under the version of division (F) of section 3319.311 of the Revised Code in effect prior to September 12, 2008, is overturned on appeal, upon exhaustion of the criminal appeal, the clerk of the court that overturned the plea, finding, or conviction or, if applicable, the clerk of the court that accepted an appeal from the court that overturned the plea, finding, or conviction, shall notify the state board that the plea, finding, or conviction has been overturned. Within thirty days after receiving the notification, the state board shall initiate proceedings to reconsider the revocation or denial of the person's license in accordance with division (E)(2) of this section. In addition, the person whose license was revoked or denied may file with the state board a petition for reconsideration of the revocation or denial along with appropriate court documents.

(2) Upon receipt of a court notification or a petition and supporting court documents under division (E)(1) of this section, the state board, after offering the person an opportunity for an adjudication hearing under Chapter 119. of the Revised Code, shall determine whether the person committed the act in question in the

prior criminal action against the person that is the basis of the revocation or denial and may continue the revocation or denial, may reinstate the person's license, with or without limits, or may grant the person a new license, with or without limits. The decision of the board shall be based on grounds for revoking, denying, suspending, or limiting a license adopted by rule under division (G) of this section and in accordance with the evidentiary standards the board employs for all other licensure hearings. The decision of the board under this division is subject to appeal under Chapter 119. of the Revised Code.

(3) A person whose license is revoked or denied under division (C) of this section shall not apply for any license if the plea of guilty, finding of guilt, or conviction that is the basis of the revocation or denial, upon completion of the criminal appeal, either is upheld or is overturned but the state board continues the revocation or denial under division (E)(2) of this section and that continuation is upheld on final appeal.

(F) The state board may take action under division (B) of this section, and the state board or the superintendent shall take the action required under division (C) of this section, on the basis of substantially comparable conduct occurring in a jurisdiction outside this state or occurring before a person applies for or receives any license.

(G) The state board may adopt rules in accordance with Chapter 119. of the Revised Code to carry out this section and section 3319.311 of the Revised Code.

(H) The state board shall not refuse to issue a license to an applicant because of a conviction of, a plea of guilty to, or a finding of guilt by a jury or court of an offense unless the refusal is in accordance with section 9.79 of the Revised Code."

In line 70870, after "3319.236," insert "3319.31,"

In line 70991, after "1561.23," insert "3319.31,"

After line 89468, insert:

"Section 3319.31 of the Revised Code as amended by both H.B. 123 and H.B. 263 of the 133rd General Assembly."

The motion was _____ agreed to.

SYNOPSIS

Teacher licensure disciplinary actions—human trafficking

R.C. 3319.31(C)(1)

Adds human trafficking to the list of offenses for which the State Board of Education must revoke or deny teacher licensure.

SC4517

Sub. H.B. 110
L-134-0001-5
EDUCD179

_____ moved to amend as follows:

In line 77710, delete "October 1," and insert "July 31,"

The motion was _____ agreed to.

SYNOPSIS

Designation of organization to receive Auxiliary Services funds

Section 265.170

For the 2021-2022 and 2022-2023 school years, changes the date by which a chartered nonpublic school that elects to directly receive Auxiliary Services funds to designate an organization to receive those funds on its behalf from October 1, 2021, to July 31, 2021. (After the 2022-2023 school year, the bill requires this designation be made by April 1 of an odd-numbered year.)

SC4519

Sub. H.B. 110
L-134-0001-5
DRCCD18

_____ moved to amend as follows:

In line 85928, delete "$1,162,990,471 $1,205,111,140" and insert "$1,192,004,968 $1,234,125,637"

In line 85931, delete "$96,659,360 $96,659,360" and insert "$67,644,863 $67,644,863"

Delete lines 85991 through 86000

The motion was _____ agreed to.

SYNOPSIS

Department of Rehabilitation and Correction

Section 383.10

Increases GRF appropriation item 501321, Institutional Operations, by $29,014,497 in each fiscal year.

Reduces GRF appropriation item 501407, Community Nonresidential Programs, by $29,014,497 in each fiscal year.

Removes an earmark of $29,014,497 in each fiscal year from GRF appropriation item 501407, Community Nonresidential Programs, for grants to counties to supervise and sanction eligible "fifth degree felony offenders" locally under the Targeted Community Alternatives to Prison (T-CAP) program.

Removes an earmark of $29,014,497 in each fiscal year from GRF appropriation item 501407, Community Nonresidential Programs, for grants to counties to supervise and sanction eligible "fourth degree felony offenders" locally under the T-CAP program.

SC4520

Sub. H.B. 110
L-134-0001-5
DNRCD38, OBMCD60

_____ moved to amend as follows:

In line 83601, delete "38,212,070" and insert "$39,062,070"

In line 83628, add $850,000 to fiscal year 2022

In line 83659, add $850,000 to fiscal year 2022

In line 83704, delete "$2,800,000" and insert "$3,650,000"

In line 83705, after "payments" insert "and pay the operating costs"

In line 83707, after the second period, insert "An amount equal to $3,650,000 less any amount used for lease or mortgage payments or to pay the operating costs for the Geneva Lodge and Concurrence center in fiscal year 2022 is hereby appropriated for the same purpose in fiscal year 2023."

In line 87202, delete "$2,800,000" and insert "$3,650,000"

The motion was _____ agreed to.

SYNOPSIS

Department of Natural Resources

Sections 343.10, 343.30, and 512.150

Increases FY 2022 appropriations under State Park Fund (Fund 5120) appropriation item 725605, State Park Operations by $850,000 to a total of $39,062,070.

Increases the amount DNR is required to use over the biennium to make lease or mortgage payments for the Geneva Lodge and Conference Center prior to and upon execution of the agreement specified in Section 715.20 of the bill by $850,000 to a total of $3,650,000. Specifies that, in addition to making lease or mortgage payments as under the bill currently, the amount also be used to pay operating costs for the Geneva Lodge and Conference Center.

Increases the amount of cash the OBM Director must transfer from the GRF to the State Park Fund (Fund 5120) on July 1, 2021, or as soon as possible thereafter, by $850,000 to a total of $3,650,000.

SC4526

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

After line 82017, insert:

"CORRECTIONAL INSTITUTION INSPECTION COMMITTEE

On July 1, 2021, or as soon as possible thereafter, the Director of the Legislative Service Commission may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 035405, Correctional Institution Inspection Committee, at the end of fiscal year 2021 to be reappropriated to fiscal year 2022. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2022.

On July 1, 2022, or as soon as possible thereafter, the Director of the Legislative Service Commission may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 035405, Correctional Institution Inspection Committee, at the end of fiscal year 2022 to be reappropriated to fiscal year 2023. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2023."

The motion was _____ agreed to.

SYNOPSIS

Legislative Service Commission

Section 323.20

Authorizes the Director of LSC to certify to the Director of OBM an amount up to the unexpended, unencumbered balance of GRF appropriation item 035405, Correctional Institution Inspection Committee, at the end of FY 2021 and FY 2022 to be reappropriated to FY 2022 and FY 2023, respectively, and reappropriates those amounts.

SC4536

Sub. H.B. 110
L-134-0001-5
JFSCD7

_____ moved to amend as follows:

In line 81172 delete "$500,000" and insert "$750,000"

The motion was _____ agreed to.

SYNOPSIS

Department of Job and Family Services

Section 307.80

Increases the earmark from Federal Fund 3V60 appropriation item 600689, TANF Block Grant, for the Ohio Council of YWCAs to the House Passed amount of $750,000 in each fiscal year (from the current $500,000 per fiscal year).

SC4546X1

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 133 of the title, after "117.55," insert "122.4090, 122.4091, 122.4093, 122.4095, 122.4097, 122.4098,"

In line 310, after "117.55," insert "122.4090, 122.4091, 122.4093, 122.4095, 122.4097, 122.4098,"

After line 4776, insert:

"**Sec. 122.4090.** As used in sections 122.4090 to 122.4098 of the Revised Code:

"Broadband service" has the same meaning as "tier two broadband service" as defined in section 122.40 of the Revised Code.

"Government-owned network" means a network owned or controlled by, or operated in partnership with, any political subdivision of the state that is constructed, operated, or used for the provision of broadband service on a wholesale or retail basis.

"Political subdivision" has the same meaning as in section 125.04 of the Revised Code.

"Tier one broadband service" and "tier two broadband service" have the same meanings as in section 122.40 of the Revised Code.

"Unserved area" has the same meaning as in section 122.40 of the Revised Code, but is limited to an unserved area located within the geographic boundaries of a political subdivision that has established a government-owned network.

Sec. 122.4091. (A) A political subdivision that has established a government-owned network may provide broadband service within an unserved area in accordance with sections 122.4091 to 122.4098 of the Revised Code.

(B) No political subdivision that has established a government-owned network shall provide broadband service in any part of the state outside of an unserved area of that political subdivision.

Sec. 122.4093. Prior to establishing a government-owned network, a political subdivision shall do the following:

(A) Provide, in a newspaper of general circulation in the political subdivision at least once a week for two consecutive weeks, a formal public notice of its intent to provide broadband service in an unserved area;

(B) Obtain the same approvals and authorizations for the construction and deployment of broadband facilities in the public rights-of-way that are required for broadband service networks operated by private entities.

Sec. 122.4095. A political subdivision that has established a government-owned network may provide broadband service only to subscribers residing within unserved areas of the network.

Sec. 122.4097. (A) Before proceeding with the construction or deployment of broadband facilities or the operation of broadband service, a political subdivision that establishes a government-owned network under sections 122.4090 to 122.4098 of the Revised Code shall do the following:

(1) Establish adequate measures to protect the residents of the political subdivision from increases in any taxes or fees imposed by the political subdivision to offset losses in case of poor network performance of, or insufficient demand for, the network's broadband service;

(2) Prepare a formal business plan that includes, at a minimum, the following:

(a) A cost-benefit analysis for the network;

(b) Financially sound projections for the construction and operating costs for the network, and the number of broadband subscribers that will use the network;

(c) Criteria measuring the continued viability and sustainability of the network;

(d) Deployment deadlines and performance metrics established for the network.

(3) Provide information demonstrating that the proposed operation of the network and provision of broadband service do not adversely affect the political subdivision's credit rating;

(4) Provide information demonstrating that the proposed operation of the network and provision of broadband service in partnership with a private entity will not adversely affect the finances of the political subdivision, if the private entity breaches the partnership contract with the political subdivision or fails to meet capital or operating cost obligations;

(5) Conduct annual independent audits of the network's operation and the broadband service provided and provide a mechanism for making the audit results available for review by the public;

(6) Establish a mechanism to equitably refund any profits to taxpayers of the political subdivision, if the provision of broadband service through the operation of the network generates a net profit.

(B) The political subdivision shall submit, to the legislative authority of the political subdivision, the business plan and the information required under divisions (A)(2) to (4) of this section.

Sec. 122.4098. (A)(1) A political subdivision shall fund a government-owned network solely with capital funds allocated

specifically for the construction, deployment, purchase, lease, or operation of broadband facilities in the network.

(2) The funds shall be allocated pursuant to a formal resolution adopted by the legislative authority of the political subdivision.

(3) Capital budget funds shall not be allocated unless the legislative authority has reviewed the business plan and information provided pursuant to division (B) of section 122.4097 of the Revised Code and approved the business plan.

(B) A political subdivision shall not use revenues obtained from, or public monies allocated for, its provision of other residential or business services, including such services as electric, water, gas, street-lighting, pole attachment, and similar services, to fund or subsidize the construction, deployment, purchase, lease, or operation of broadband facilities or the provision of broadband service to subscribers.

(C) A political subdivision shall not aggregate federal funds received at different times to fund or subsidize the construction, deployment, purchase, lease, or operation of broadband facilities, or the provision of broadband service to subscribers."

The motion was _____ agreed to.

SYNOPSIS

Government-owned broadband networks

R.C. 122.4090, 122.4091, 122.4093, 122.4095, 122.4097, 122.4098,

Permits political subdivisions to establish a government-owned network for the provision of broadband service on a wholesale or retail basis only in unserved areas within the political subdivision, but not to any part of the state outside of that unserved area.

Defines "unserved areas" as areas within the geographic boundaries of the political subdivision with a network that are without access to "tier one broadband service" (broadband service capable of speeds of at least 10 but less than 25 Mbps downstream and at least 1 but less than 3 Mbps upstream) or "tier two broadband service" (broadband service capable of speeds of at least 25 Mbps downstream and at least 3 Mbps upstream).

Requires a political subdivision with a network to (1) provide notice in a newspaper of its intent to provide broadband service in an unserved area and (2) obtain the same approvals and authorizations that private entities must obtain to construct and deploy broadband facilities in public rights of way.

Requires the political subdivision to perform certain other tasks such as (1) preparing a formal business plan for the network, (2) establishing measures to protect residents from any increase in taxes or fees to offset any losses if the network performance is poor or demand for the service is insufficient, (3) providing information demonstrating that the network and provision of broadband service does not adversely affect the political subdivision's credit rating, and (4) establishing a mechanism to refund any profits to taxpayers if the provision of broadband service through the operation of the network generates a net profit.

Requires the network to be funded by capital funds allocated by the legislative authority of the political subdivision in a resolution adopted by the legislative authority after it approves the business plan submitted by the political subdivision.

Prohibits the political subdivision with a network from aggregating federal funds received at different times or using revenues and other public monies allocated for other residential or business services to fund or subsidize the construction, deployment, purchase, lease, or operation of broadband facilities, or the provision of broadband service to subscribers.

SC4548

Sub. H.B. 110
L-134-0001-5
MCDCD3, MCDCD7, MCDCD37

_____ moved to amend as follows:

In line 60612, after "(3)" strike through the balance of the line

Strike through lines 60613 and 60614

In line 60615, strike through "(4)"

In line 60618, strike through "(5)" and insert "(4)"

After line 60620, insert:

"(5) "SFF list" means the list of nursing facilities that the United States department of health and human services creates under the special focus facility program.

(6) "Special focus facility program" means the program conducted by the United States secretary of health and human services pursuant to section 1919(f) (10) of the "Social Security Act," 42 U.S.C. 1396r(f)(10).

(7) "Table A" means the table included in the SFF list that identifies nursing facilities that are newly added to the SFF list.

(8) "Table B" means the table included in the SFF list that identifies nursing facilities that have not improved.

(9) "Table C" means the table included in the SFF list that identifies nursing facilities that have recently graduated from the special focus facility program."

In line 60622, strike through the second comma and insert "and"; strike through the third comma; strike through "(F)"; delete ", and (G)" and insert "and except as provided in division (E)"

In line 60642, strike through "(F)(2)" and insert "(E)(3)"

In line 60648, strike through "divisions" and insert "division"; strike through "and (3)"

In line 60651, delete the underlined comma

Delete line 60652

In line 60658, delete "preceding" and insert "during which"

In line 60672, delete ", including a"

In line 60673, delete everything before "for"

In line 60682, after "2022" insert "or for state fiscal year 2023"

In line 60684, delete "thirty-third" and insert "twenty-fifth"

In line 60685, after "zero" insert "for that fiscal year"

Delete lines 60686 through 60690

Strike through line 60691

In line 60692, strike through "state fiscal year"; delete "2022 and 2023" and strike through the balance of the line

Strike through lines 60693 through 60696

In line 60697, strike through "for state fiscal year"; delete "2022 or state fiscal year 2023"; strike through "if the"

Strike through line 60698

In line 60699, strike through "eighty per cent"; delete "in that fiscal year"; strike through the period

Strike through lines 60700 through 60702

In line 60703, strike through "(C) of this section for"; delete "the"; strike through "state fiscal year"; strike through "of at least"

Strike through lines 60704 and 60705

In line 60706, strike through "participation in the medicaid program on or after January 1"

Delete line 60707

In line 60708, delete "is determined"; strike through the semicolon

Strike through lines 60709 and 60710

In line 60711, strike through "capacity could not be used for resident care during"; delete "the"; strike through "calendar"

In line 60712, strike through "year"; delete everything after "~~2019~~"

In line 60713, delete "determined" and strike through the balance of the line

Strike through lines 60714 and 60715

In line 60716, strike through "facility underwent a renovation during the"; delete "two-year"; strike through "period"

In line 60717, strike through "beginning January 1"; delete "of the"

Delete line 60718

In line 60719, delete "the rate is determined" and strike through the balance of the line

Strike through lines 60720 through 60730

In line 60731, strike through "31"; delete everything after "~~2019,~~"

In line 60732, delete "the rate is determined," and strike through the balance of the line

Strike through lines 60733 through 60737

In line 60738, strike through "for"; delete "the"; strike through "calendar year"; delete everything after "~~2019~~"

In line 60739, delete "rate is determined" and strike through the balance of the line

Strike through lines 60740 through 60748

In line 60749, strike through "written documentation of the number of days during"; delete "that"; strike through "calendar"

In line 60750, strike through "year"; strike through everything after "~~2019~~"

Strike through line 60751 through 60757

In line 60758, strike through "(E)" and insert "(D)"

In line 60760, delete everything after "if"

Strike through line 60761

In line 60762, strike through "payment rate"; delete "for"

Delete line 60763

In line 60764, delete "year for which the rate is determined"; strike through "is"; delete "calculated"

Strike through lines 60765 and 60766

In line 60767, strike through "during"; delete "the"; strike through "state fiscal year"; delete "or the"

Delete line 60768 and insert "the Department of Health assigned the nursing facility to the SFF list under the special focus facility program and the nursing facility is listed in table A, table B, or table C on the first day of May of the calendar year for which the rate is being"

In line 60770, strike through "(F)" and insert "(E)"

In line 60781, strike through (F)(1)(a) and insert "(E)(1)(a)"

In line 60786, strike through "(F)(1)(b)" and insert "(E)(1)(b)"

Delete lines 60790 through 60801

After line 60801, insert:

"(G) A new nursing facility or a nursing facility that undergoes a change of operator during fiscal year 2022 or fiscal year 2023 shall not receive a quality incentive payment for the fiscal year in which the new facility obtains an initial provider agreement or the change of operator occurred, whichever is applicable. For the immediately following state fiscal year, the quality incentive payment shall be determined under division (C) of this section."

In line 60802, after "(A)" delete the balance of the line

Delete lines 60803 through 60816

In line 60817, delete "(C)"; delete "commission" and insert "joint medicaid oversight committee"

In line 60826, delete "commission" and insert "joint medicaid oversight committee"

In line 60828, after the comma insert "the senate president, the speaker of the house of representatives, the minority leaders of the senate and the house of representatives, the chair and ranking minority member of the standing committee on finance in the senate, the chair and ranking minority member of the standing committee on finance in the house of representatives, and the medicaid director"

In line 60832, reinsert "The" and delete the balance of the line

In line 60833, delete "this section, the"

Delete lines 60845 through 60848

In line 82720, after "(B)" insert "The Department of Medicaid shall conduct its next rebasing on the effective date of the amendments to section 5165.36 of the Revised Code by this act. That rebasing calculation shall be based on data provided by nursing facilities for calendar year 2019.

(C)"

In line 82723, delete "as calculated"

In line 82724, delete everything after "under" and insert "this section."

After line 82736, insert:

"(D) The Department shall pay nursing facility operators for services provided July 1, 2021, through the date of the rebasing required under division (B) of this section based on the cost centers as determined under that rebasing. If the Department paid nursing facility operators for services during that time at a different rate, the department shall pay or recover the difference between any payments that were made and the payments as calculated using the data from the rebasing required under division (B) of this section."

The motion was _____ agreed to.

SYNOPSIS

Nursing facility quality improvement payments

R.C. 5165.26 and 5165.151

Makes the following changes to nursing facility quality incentive payments:

--Clarifies that the CMS data used in determining the quality metrics is based on data available in May of the calendar year during which the fiscal year begins, instead of the calendar year preceding the year the fiscal year begins.

--Eliminates a provision of current law that disqualifies a nursing facility from receiving a quality incentive payment if its licensed occupancy percentage is below 80% unless certain conditions are met (such as the occurrence of a force majeure event or if the facility undergoes a renovation that directly impacts the area where the facility's licensed capacity beds are located).

--Changes a House-added provision that specifying that a nursing facility receives zero quality points for FY 2022 if its number of points for all quality metrics are below the 33rd percentile of all nursing facilities to below the 25th percentile and also applies that provision to FY 2023.

--Provides that a nursing facility receives no quality incentive payment for a fiscal year if it is on CMS's Special Focus Facility Program list.

Provides that a nursing facility that is new or undergoes a change of operator during FY 2022 or FY 2023 receives no quality incentive payment for that fiscal year (prior versions of the bill said that if a nursing facility undergoes a change of operator during those fiscal years, the payment to the entering operator is the same as it was for the exiting operator).

--Removes two House-added references to facilities that underwent a change of operator in the formula for calculating a nursing facility's quality incentive payment (House-added language includes a formula specific to the payments for facilities that underwent a change of operator).

Nursing facility rebasing

R.C. 5165.36; Section 333.240

Modifies House-added language that requires the Department to conduct its next rebasing by June 30, 2022, to instead require the rebasing on the act's effective date (approximately October 1, 2021).

Requires the Department to use that data to make retroactive payments to nursing facility operators for the period from July 1, 2021, through the date of the rebasing.

Nursing facility payment commission

R.C. 5165.261

Modifies House-added language that establishes the nursing facility payment commission to analyze the efficacy of certain calculation metrics relating to nursing facility payments and submit a report to the General Assembly, to instead require the Joint Medicaid Oversight Committee to analyze the information and submit a report.

Expands the list of recipients of the report to enumerate specific members of the General Assembly and also include the Medicaid Director.

SC4549

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 77040, delete "$6,948,998,712 $7,090,348,712" and insert "$6,950,998,712 $7,094,098,712"

In line 77047, add $2,000,000 to fiscal year 2022 and $3,750,000 to fiscal year 2023

In line 77099, add $2,000,000 to fiscal year 2022 and $3,750,000 to fiscal year 2023

In line 79164, delete "WITH"

In line 79165, delete "ENROLLMENT GROWTH"

Delete lines 79167 through 79181

In line 79182, delete "(2)" and insert "(1)"

In line 79190, delete "(3)" and insert "(2)"

In line 79194, delete "(4)" and insert "(3)"

After line 79199, insert:

"(4) A city, local, or exempted village school district's "recalculated state share index for fiscal year 2019" is the state share index determined for the district under division (B)(1) of the section of this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS, COMMUNITY AND STEM SCHOOLS, AND STATE SCHOLARSHIP PROGRAMS""

In line 79204, after "(B)(1)" insert "As used in division (B) of this section, "eligible district" means a city, local, or exempted village school district that satisfies both of the following:

(a) The district's recalculated foundation funding for fiscal year 2019 and recalculated transportation funding for fiscal year 2019 is adjusted under division (D) of the section of this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS;"

(b) The district's average daily membership for fiscal year 2020, as that term is defined in division (A)(1)(b) of the section of this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS," is greater than one hundred per cent of the district's average daily membership described in division (A)(1)(a)(i) of the section of this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS."

(2)"; delete "(B)(2)" and insert "(D)"

In line 79206, after "eligible" insert "school"

In line 79212, delete the first "this" and insert "the"

After line 79215, insert:

"(C)(1) As used in division (C) of this section, "eligible school district" means a city, local, or exempted village school district that satisfies all of the following conditions:

(a) The district's recalculated foundation funding for fiscal year 2019 and recalculated transportation funding for fiscal year 2019 is adjusted under division (D) of the section of this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS."

(b) The following quotient is greater than or equal to 0.50:

[(The district's foundation funding subject to the limitation - the district's foundation funding subject to the limitation as adjusted under division (D) of the section of this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS") / the district's foundation funding subject to the limitation]

(c) The district's recalculated state share index for fiscal year 2019 is greater than or equal to 0.50.

(2) Subject to division (D) of this section, for each of fiscal years 2022 and 2023, the Department of Education shall pay each eligible school district an amount calculated as follows:

($225, for fiscal year 2022, or $425, for fiscal year 2023)

X the district's enrolled ADM for fiscal year 2019"

In line 79216, delete "(2)" and insert "(D)"; delete "an eligible district receive a payment" and insert "the sum of any city, local, or exempted village school's payments"

In line 79217, after "under" insert "divisions (B) and (C) of"; delete "that is" and insert "be"

The motion was _____ agreed to.

SYNOPSIS

Cap relief payment

Section 265.235

For FY 2022 and FY 2023, requires the Department to make a cap relief payment to each "eligible school district" equal to the product of (1) $225, for FY 2022, or $425, for FY 2023, and (2) the district's enrolled ADM for FY 2019.

Specifies that an "eligible school district" is a district that satisfies all of the following conditions:

(1) The district's "recalculated foundation funding for FY 2019" and "recalculated transportation funding for FY 2019" is subject to the cap;

(2) The portion of the district's "recalculated foundation funding for FY 2019" and "recalculated transportation funding for FY 2019" that is subject to the cap that the district is not paid after application of the cap under the substitute bill is greater than or equal to 50% of the sum of the district's "recalculated foundation funding for FY 2019" and "recalculated transportation funding for FY 2019" that is subject to the cap; and

(3) The district's "recalculated state share index for FY 2019" is greater than or equal to 50%.

Specifies that a city, local, or exempted village school district's payment under this provision and the additional cap relief payment provision in the substitute bill cannot exceed the portion of the district's "recalculated foundation funding for FY 2019" and "recalculated transportation funding for FY 2019" that is subject to the cap that the district is not paid after application of the cap under the amendment's provisions.

Department of Education

Section 265.10

Increases GRF appropriation item 200550, Foundation Funding – All Students, by $2,000,000 in fiscal year 2022 and $3,750,000 in fiscal year 2023.

SC4550X1

Sub. H.B. 110
L-134-0001-5
EDUCD185

_____ moved to amend as follows:

After line 24900, insert:

"(5) "Caretaker" means the parent of a minor child or a relative acting in the parent's place."

In line 24904, after "Code" insert ", regardless of whether the student is enrolled in a school building described in division (A)(1) or (C) of that section,"

In line 24910, delete "or" and insert an underlined comma

In line 24911, after "custodian" insert ", or kinship caregiver"

In line 24912, delete "or" and insert an underlined comma

In line 24913, after "custodian" insert ", or kinship caregiver"

Delete lines 24919 through 24922

After line 24922, insert:

"(6) The student satisfies all of the following conditions:

(a) The student is not a foster child or a student described in division (B)(4) of this section.

(b) The student has resided in the household of an individual who is not the student's parent or guardian for at least forty-five consecutive days within the last calendar year and, if not for residing in that household, the student would have been homeless.

(c) The student's parent or guardian resides in this state.

(7) The student is not a child described in division (B)(6) of this section, but has resided in the same household as a child described in that division for at least forty-five consecutive days within the last calendar year."

After line 24928, insert:

"(D) The department of education may request any individual applying for a scholarship under this section on behalf of a qualifying student to provide appropriate documentation, as defined by the department, that the student meets the eligibility qualifications prescribed under this section. In the case of a student who qualifies under division (B)(6) of this section, such documentation shall be provided by the student's parent, guardian, or caretaker."

In line 24938, after "Code" insert ", regardless of whether the student is enrolled in a school building described in division (A)(1) or (C) of that section"

The motion was _____ agreed to.

SYNOPSIS

Ed Choice eligibility

R.C. 3310.033 and 3310.034

Eliminates a provision of the substitute bill that makes a qualifying student eligible for a performance-based Educational Choice (Ed Choice) scholarship if that student is not a foster child and does not reside in a certified foster home, but has resided in the same household as a foster child for at least 45 consecutive days within the last calendar year.

Qualifies for a performance-based Ed Choice Scholarship any of the following:

(1) A student who is placed with a kinship caregiver;

(2) A student who is not placed with a kinship caregiver, but has resided in the same household as such a child for at least 45 consecutive days within the last calendar year;

(3) A student who:

(a) Is not placed as a foster child or with a guardian, legal custodian, or kinship caregiver;

(b) Has resided in the household of an individual who is not the student's parent or guardian for at least 45 consecutive days within the last calendar year and, if not for residing with that individual, would have been homeless; and

(c) Has a parent or guardian residing in Ohio.

(4) A student who is not a child described in (3), but has resided in the same household as such a child or at least 45 consecutive days within the last calendar year.

Permits the Department of Education to request that any individual applying for a scholarship under the provision provide appropriate documentation, as defined by the Department, that the student meets the eligibility qualifications prescribed under the provision.

Specifies that, in the case of a student who otherwise would be homeless, such documentation must be provided by the student's parent, guardian, or caretaker.

Clarifies provisions of the substitute bill that qualify the following students for a performance-based Educational Choice (Ed Choice) scholarship by specifying that those students are eligible regardless of whether they are enrolled in an Ed Choice designated school building:

(1) Students who received an Autism or Jon Peterson Special Needs scholarship but no longer qualify for either of those scholarships because they no longer are in need of special education and related services.

(2) Students whose sibling received a scholarship for the school year immediately prior to the school year for which the student is seeking a scholarship.

(3) Students who are placed as a foster child.

(4) Students who are placed with a guardian, legal custodian, or kinship caregiver.

(5) Students who resided in the same household for at least 45 consecutive days within the last calendar year with a student who is placed with a guardian, legal custodian, or kinship caregiver.

(6) Students who reside in a home certified as a foster home even if not a foster child themselves.

(7) Students who have a parent or guardian in Ohio and who are not foster children and are not placed with a guardian, legal custodian, or kinship caregiver, but who have resided in the household of an individual who is not the student's parent or guardian for at least 45 consecutive days within the last calendar year and, if not for residing in that household, would have been homeless.

SC4551

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 74830, delete "$8,723,995 $8,662,042" and insert "$8,798,995 $8,737,042"

In line 74834, add $75,000 to each fiscal year

In line 74851, add $75,000 to each fiscal year

After line 74883, insert:

"Of the foregoing appropriation item 490411, Senior Community Services, $75,000 in each fiscal year shall be provided to the Neighborhood Alliance for the Senior Nutrition Program."

In line 74884, delete "foregoing" and insert "remainder of"

The motion was _____ agreed to.

SYNOPSIS

Department of Aging

Section 209.30

Increases GRF appropriation item 490411, Senior Community Services, by $75,000 in each fiscal year and earmarks these funds for the Neighborhood Alliance's Senior Nutrition Program.

SC4552X1

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

After line 84501a, insert:

"GRF 235539 Wright State University Clinical Teaching $2,860,830 $2,860,830"

In line 84519, add $2,860,830 to each fiscal year

In line 84546, add $2,860,830 to each fiscal year

In line 85490, after the second semicolon insert "235539, Wright State University Clinical Teaching;"

In line 85905, after the first comma insert "235539, Wright State University Clinical Teaching,"

The motion was _____ agreed to.

SYNOPSIS

Department of Higher Education

Sections 381.10, 381.300, and 381.550

Restores GRF appropriation item 235539, Wright State University Clinical Teaching, with appropriations of $2,860,830 in each fiscal year, to be distributed to WSU to support the laboratory and clinical components of medical and other professional education in facilities at its medical college. Accordingly, adds WSU to the requirement that it report to the Chancellor of Higher Education the residency status of graduates from its medical program receiving funding from appropriation item 235539 one year and five years after graduating.

SC4553

Sub. H.B. 110
L-134-0001-5
BORCD74

_____ moved to amend as follows:

In line 37396, after "purposes," insert "lives in this state and"

The motion was _____ agreed to.

SYNOPSIS

In-state tuition for graduate students

R.C. 3333.31

Modifies a provision of the substitute bill that extends in-state tuition status to qualifying out-of-state graduate students by requiring such a student to live in Ohio and complete a bachelor's degree at an institution of higher education in Ohio (rather than just complete a bachelor's degree program at an institution of higher education in Ohio, as under the substitute bill).

SC4554

Sub. H.B. 110
L-134-0001-5
BORCD51

_____ moved to amend as follows:

In line 84741, delete "power and gender-based" and insert "sexual"

In line 84748, delete "power and gender-based" and insert "sexual"

In line 84749, delete "power and"

In line 84750, delete "gender-based" and insert "sexual"

In line 84753, delete "power and"

In line 84754, delete "gender-based" and insert "sexual"

The motion was _____ agreed to.

SYNOPSIS

Department of Higher Education

Section 381.120

Modifies language pertaining to GRF appropriation item 235492, Campus Safety and Training, by replacing references to "power and gender-based" violence with "sexual" violence, effectively retaining language in current temporary law for item 235492 under H.B. 166 of the 133rd General Assembly.

SC4555

Sub. H.B. 110
L-134-0001-5
MCDCD42, MCDCD43

_____ moved to amend as follows:

In line 60974, after "(B)" insert "(1)"

In line 60978, delete "(1)" and insert "(a)"

In line 60980, delete "(2)" and insert "(b)"

In line 60982 delete "(3)" and insert "(c)"

After line 60985, insert:

"(2) Division (B)(1) of this section does not apply to a behavioral health managed care plan selected to assist the state to implement the Ohio resilience through integrated systems and excellence (OhioRISE) program for children and youth involved in multiple state systems or children and youth with other complex behavioral health needs."

After line 82813, insert:

"This section does not apply to the single statewide behavioral health managed care plan selected to assist the state to implement the Ohio Resilience through Integrated Systems and Excellence (OhioRISE) Program for children and youth involved in multiple state systems or children and youth with other complex behavioral health needs."

The motion was _____ agreed to.

SYNOPSIS

Medicaid managed care organization procurement

R.C. 5167.10; Section 333.250

Exempts from the substitute bill's requirements regarding Medicaid managed care reprocurement a behavioral health managed care plan selected to assist with implementing the Ohio Resilience through Integrated Systems and Excellence (OhioRISE) Program.

SC4557

Sub. H.B. 110
L-134-0001-5
JFSCD59

_____ moved to amend as follows:

In line 80962, delete "$490,500,000" and insert "$540,500,000"

In line 80970, add $50,000,000 to fiscal year 2022

In line 80971, add $50,000,000 to fiscal year 2022

Delete line 81637 through 81651 and insert:

"Of the foregoing appropriation item 600617, Child Care Federal, $50,000,000 in fiscal year 2022 of the amounts provided from the "Consolidated Appropriations Act, 2021" Pub. L. No. 116-260 shall be used to provide a discount to the co-payments, established under section 5104.38 of the Revised Code, for families participating in publicly funded child care.

All of the following apply to funds provided through the "Consolidated Appropriations Act, 2021," Pub. L. No. 116-260 or the "American Rescue Plan Act of 2021," Pub. L. No. 117-2, including funds appropriated through appropriation item 600617, Child Care Federal:

(A) In the event "Consolidated Appropriations Act, 2021" funds not previously appropriated by the General Assembly, including through Controlling Board or as part of S.B. 109 of

the 134th General Assembly, remain available, the Department of Job and Family Services shall use the funds to provide direct child care payments to licensed providers serving children eligible for publicly funded child care;

(B) In the event Ohio receives federal Child Care Development Fund (CCDF) supplemental discretionary funds from the "American Rescue Plan Act of 2021," the Department of Job and Family Services shall use the funds to provide direct child care payments to licensed providers serving children eligible for publicly funded child care."

The motion was _____ agreed to.

SYNOPSIS

Department of Job and Family Services

Sections 307.10 and 307.270

Increase FED Fund 3H70 appropriation item 600617, Child Care Federal, by $50,000,000 in FY 2022 and requires that this amount from the Consolidated Appropriations Act be used to provide discounted co-payments for families participating in publicly funded child care.

Removes provisions added by S. Finance that would have prohibited ODJFS from using funds provided through the federal Consolidated Appropriations Act, 2021 (which includes the Coronavirus Response and Relief Supplemental Appropriations Act, 2021) or the federal American Rescue Plan Act of 2021 for the following purposes:

--Provide stipends or workforce supports to child care staff, early childhood professionals, or administrators; and

--Assist providers of publicly funded child care in improving their Step Up to Quality ratings.

Revises the provision added by S. Finance which would have required ODJFS, when distributing the funds, to prioritize increasing direct child care payments to publicly funded child care providers by instead requiring the following:

--That any Consolidated Appropriations Act funds not previously appropriated by the General Assembly, including by Controlling Board or S.B. 109 of the 134th General Assembly, be used to provide direct child care payments to licensed providers serving children eligible for publicly funded child care;

--That any Child Care Development Fund (CCDF) supplemental discretionary funds from the American Rescue Plan Act that Ohio receives be used to provide direct child care payments to licensed providers serving children eligible for publicly funded child care.

SC4558X1

Sub. H.B. 110
L-134-0001-5
MCDCD10

_____ moved to amend as follows:

After line 82230, insert:

"Section 333.30. LEAD ABATEMENT AND RELATED ACTIVITIES

Upon the request of the Medicaid Director, the Director of Budget and Management may transfer up to $5,000,000 in appropriations in each fiscal year from appropriation item 651525, Medicaid Health Care Services, to appropriation items in the Department of Health for the purpose of lead abatement activities. The Medicaid Director may seek Controlling Board approval to transfer amounts in excess of $5,000,000 in appropriations in each fiscal year to the Department of Health for lead abatement activities. The Director of Medicaid may transfer federal funds as the state's single state agency for Medicaid reimbursements, as drawn for these transactions. Amounts transferred are hereby appropriated."

The motion was _____ agreed to.

SYNOPSIS

Department of Medicaid

Section 333.30

Allows the OBM Director, upon the request of the Medicaid Director, to transfer up to $5.0 million in appropriations in each fiscal year from GRF appropriation item 651525, Medicaid Health Care Services, to appropriation items in the Department of Health for the purposes of lead abatement activities.

Allows the Medicaid Director to seek the approval of the Controlling Board to transfer amounts in excess of $5.0 million in appropriations in each fiscal year to the Department of Health for lead abatement activities.

Permits the Medicaid Director to transfer federal funds for these transactions. Appropriates any transferred amounts.

SC4560

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 75540, delete "$1,052,833" and insert "$1,102,833"

In line 75541, add $50,000 to fiscal year 2022

In line 75551, add $50,000 to fiscal year 2022

After line 75574, insert:

"Of the foregoing appropriation item 874320, Maintenance and Equipment, up to $50,000 in fiscal year 2022 shall be used to display inside the Statehouse borrowed or purchased United States, Ohio, or Ohio military flags that have historical significance to the state of Ohio. The use of these funds is subject to approval of the members of the Capitol Square Review and Advisory Board. The Board shall consult with the Ohio History Connection regarding the display."

The motion was _____ agreed to.

SYNOPSIS

Capitol Square Review and Advisory Board

Section 231.10

Increases GRF appropriation item 874320, Maintenance and Equipment by $50,000, from $1,052,833 to $1,102,833, in fiscal

year 2022, and earmarks that amount to be used for a Statehouse display of borrowed or purchased United States, Ohio, or Ohio military flags that have historical significance to the state of Ohio.

Specifies that the use of these funds be subject to the approval of the members of the Capitol Square Review and Advisory Board and requires the Board to consult with the Ohio History Connection regarding the display.

SC4562

Sub. H.B. 110
L-134-0001-5

_____ moved to amend as follows:

In line 32497, after "section" insert ".

(20) If the funding unit is a city, local, or exempted village school district, a minimum state share opportunity grant supplement calculated as follows:

(The formula amount X the district's enrolled ADM X 0.075) - (the amount calculated for the district under division (A)(1) of this section)

If the amount calculated under division (A)(20) of this section is less than zero, the district's minimum state share opportunity grant supplement shall be equal to zero"

In line 77040, delete "$6,948,998,712 $7,090,348,712" and insert "$6,950,498,712 $7,092,848,712"

In line 77047, add $1,500,000 to fiscal year 2022 and $2,500,000 to fiscal year 2023

In line 77099, add $1,500,000 to fiscal year 2022 and $2,500,000 to fiscal year 2023

In line 78202, delete "and"; after "(14)" insert ", and (20)"

In line 78576, delete "and"; after "(12)" insert ", and (20)"

The motion was _____ agreed to.

SYNOPSIS

Minimum state share opportunity grant supplement

R.C. 3317.022; Sections 265.220 and 265.223

Requires the Department of Education to pay a minimum state share opportunity grant supplement to each city, local, and exempted village school district for FY 2022 and each fiscal year thereafter that is equal to the product of the formula amount, the district's enrolled ADM, and 7.5%, minus the district's opportunity grant for the fiscal year for which the payment is calculated.

Specifies that if this calculation results in a negative number, the district's supplement is equal to zero.

For purposes of payments for FY 2022 and FY 2023 under the substitute bill's provisions, provides that the minimum state share opportunity grant supplement is not paid in accordance with the provision described above and, instead, includes the supplement in each district's "recalculated foundation funding for FY 2019" and requires it to be calculated using the district's enrolled ADM for FY 2019.

Specifies that, for FY 2022 and FY 2023, the supplement is subject to the substitute bill's cap and guarantee provisions and is included in the calculation of cap relief payments for districts.

Department of Education

Section 265.10

Increases GRF appropriation item 200550, Foundation Funding – All Students, by $1,500,000 in fiscal year 2022 and $2,500,000 in fiscal year 2023.