DIGEST OF ENACTMENTS 2012
129th General Assembly (2011-2012)

Ohio Legislative Service Commission

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March 2013
The *Digest of Enactments* 2012 summarizes legislation passed by the General Assembly during 2012, including 51 Senate bills and 81 House bills. The two statewide issues on the November 6, 2012, ballot did not result from legislative action, so they are not described in this publication. State Issue 1, presented pursuant to Article XVI, Section 3, of the Ohio Constitution, asked voters if there shall be a constitutional convention. State Issue 2, proposed by initiative petition, presented a proposal to change the methods for drawing legislative and congressional districts. Both issues were rejected by the voters.

At the time of the publication of the *Digest of Enactments* 2011, Am. Sub. H.B. 194 was being challenged through the referendum process. Sub S.B. 295 repealed the provisions of Am. Sub. H.B. 194 that were to be the subject of the referendum on November 6, 2012; the referendum vote did not occur.

The summaries in this publication are condensed versions of the final analyses prepared by the Legislative Service Commission for the General Assembly. Readers may obtain the full final analyses from the General Assembly’s web site at [www.legislature.state.oh.us/search.cfm](http://www.legislature.state.oh.us/search.cfm).

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Disclaimer

Because of Ohio Supreme Court interpretations, effective dates published in the Digest of Enactments are not authoritative and users of the Digest rely on them at their own risk. The effective dates have been unofficially and undefinitively determined by the LSC staff solely for the convenience of users.
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Revises the definition of "land devoted exclusively to agricultural use" for purposes of the statutes that govern current agricultural use valuation of real property for real property tax assessment to include land devoted exclusively to biodiesel production, biomass energy production, electric or heat energy production, or biologically derived methane gas production under certain circumstances.

Defines "biodiesel," "biomass energy," "electric or heat energy," and "biologically derived methane gas."

States that county and township zoning laws confer no authority to prohibit the use of any land for biodiesel production, biomass energy production, electric or heat energy production, or biologically derived methane gas production under specified circumstances.

Authorizes the Director of Agriculture to establish best management practices for such production at a concentrated animal feeding facility.

Revises the definitions of "agriculture," "agricultural purposes," "agricultural production," and "land devoted exclusively to agricultural use" to include "algaculture meaning the farming of algae" in state statutes governing agriculture generally as well as in specified state statutes.

Defines "algacultural product," and includes the term in the definitions of "agricultural product" and "farm product" as used in specified areas of law.

Establishes the Legislative Task Force to Study Anaerobic Digesters for Agricultural Use and Application in the State, and requires it to submit two reports to the General Assembly, the second by October 1, 2012.
Am. H.B. 389


Sens. Hite, Schaffer, Balderson, Beagle, Burke, Cafaro, Coley, Faber, Gentile, LaRose, Niehaus, Patton, Seitz, Wagoner

Effective date: June 29, 2012

Authority of Department of Agriculture to regulate captive deer

- Requires a person desiring to propagate captive deer with status or captive deer with certified chronic wasting disease status to obtain a license under the Livestock Dealers Law in addition to a captive white-tailed deer propagation license under the Hunting and Fishing Law, and defines those two categories of captive deer.

- Requires a person desiring to operate a wild animal hunting preserve on which monitored captive deer, captive deer with status, or captive deer with certified chronic wasting disease status are released and hunted to obtain a license under the Livestock Dealers Law in addition to a wild animal hunting preserve license issued under the Hunting and Fishing Law, and defines "monitored captive deer."

- Requires either type of captive whitetail deer licensee to have monitored captive deer, captive deer with status, and captive deer with certified chronic wasting disease status in the licensee's herd to be tested for disease in accordance with rules adopted under the act.

- Requires the Director of Agriculture to take actions that are necessary to mitigate or eliminate diseases regarding monitored captive deer, captive deer with status, or captive deer with certified chronic wasting disease status at a facility owned by a captive whitetail deer licensee.

- Requires the Director to adopt rules necessary to implement the act, including health monitoring and disease testing of deer, record-keeping requirements, tagging requirements, requirements governing certification of captive deer with certified chronic wasting disease, and other related requirements.

- Authorizes the Director to suspend or revoke a license issued under the Livestock Dealers Law regarding monitored captive deer, captive deer with status, or captive deer with certified chronic wasting disease status if the licensee fails to comply with the act's applicable requirements.

- Authorizes the Director or the Director's authorized representative to enter at reasonable times on the premises of a captive whitetail deer licensee to conduct
investigations and inspections or to execute duties that are necessary for administration and enforcement.

- Includes monitored captive deer, captive deer with status, and captive deer with certified chronic wasting disease status in the statutes addressing agricultural terrorism and authorizing voluntary inspection of certain meat processing establishments.

**Authority of Division of Wildlife to regulate captive deer**

- Creates a captive white-tailed deer propagation license, which permits the licensee to propagate captive white-tailed deer, hold the animals in captivity, and sell the animals and carcasses; establishes a license fee of $40; specifies that the license is valid until the licensee ceases to hold such deer or it is revoked; and defines "captive white-tailed deer."

- Establishes construction requirements for an authorized enclosure with which a person must comply in order to submit an application for a captive white-tailed deer propagation license, and requires the Division of Wildlife to inspect the enclosure.

- Authorizes a licensee to place captive white-tailed deer in the authorized enclosure after all of the following have occurred:
  
  -- The licensee has received a captive white-tailed deer propagation license;
  
  -- The licensee has received a license under the Livestock Dealers Law; and
  
  -- The licensee has demonstrated to the Chief of the Division of Wildlife that each captive white-tailed deer held by the licensee was legally acquired.

- Authorizes the Division to inspect a facility to which a captive white-tailed deer propagation license has been issued only at reasonable times and when the inspection is in connection with a criminal investigation.

- Authorizes the Chief, with the approval of the Director of Agriculture, to suspend or revoke a captive white-tailed deer propagation license for failure to comply with applicable laws and rules.

- Establishes record-keeping requirements for a holder of a captive white-tailed deer propagation license, and establishes penalties for falsifying a record.

- Authorizes a wild animal hunting preserve licensee to place captive white-tailed deer in the preserve after receiving all the required licenses and demonstrating to the Chief or the Chief’s authorized representative that each captive white-tailed deer held by the licensee was legally acquired.

- States that a license issued for a wild animal hunting preserve in which only captive white-tailed deer are kept does not expire unless the license is revoked by the Chief
rather than expiring on April 13 each year as is the case for other wild animal hunting preserve licenses under continuing law.

**Division of Wildlife – propagating licenses**

- Eliminates the raise to release propagating license, and revises additional requirements pertaining to commercial and noncommercial propagating licenses issued under the Hunting and Fishing Law.
- Revises record-keeping requirements for holders of noncommercial or commercial propagating licenses.

**Division of Wildlife – wild animal hunting preserves**

- Revises the application requirements for a wild animal hunting preserve license issued by the Chief of the Division of Wildlife, and establishes an application fee of $1,000 to replace the annual license fee of $300 in former law.
- Requires, rather than allows as in prior law, the Chief to issue a wild animal hunting preserve license when specified conditions are satisfied, and adds a condition that an inspection of the proposed preserve be conducted by a Division representative to ensure that all wild white-tailed deer have been removed from the proposed preserve.
- Requires all wild white-tailed deer to be removed from a proposed preserve or be killed prior to the required inspection of the proposed preserve, and requires the applicant to submit a restitution fee to the Chief for any deer that were killed.
- Requires a license holder who wishes to continue operating the preserve to submit a license renewal form and include an annual renewal fee of $200, rather than apply for a new license and pay the initial license fee of $300 as in former law.
- Eliminates law that prohibited a wild animal hunting preserve from being located within 1,500 feet of a licensed commercial bird shooting preserve.
- Revises the fencing requirements for a wild animal hunting preserve by increasing the minimum height from six to eight feet and allowing a minimal deviation not to exceed 4% of the required height.
- Extends the authorized hours of hunting in a wild animal hunting preserve.
- Authorizes the Division of Wildlife to alter by rule the tagging requirements for game and nonnative wildlife released in a wild animal hunting preserve that are established in ongoing law.
- Prohibits the removal of game and nonnative wildlife from a wild animal hunting preserve unless the game or nonnative wildlife are being transferred to another wild
animal hunting preserve in accordance with rules adopted by the Director of Agriculture under the act.

- Establishes record-keeping requirements for holders of wild animal hunting preserve licenses.

- Repeals the statute that stated that the statutes governing propagation licenses and hunting preserves did not supersede the laws requiring a resident license to hunt on preserves and that authorized a nonresident to hunt on a preserve without a nonresident hunting license.

**Division of Wildlife rules to control disease**

- Revises the Division of Wildlife’s authority to adopt rules for the control or eradication of parasites and diseases of animals on lands for which propagating or preserve licenses have been issued by:
  
  --Excluding captive white-tailed deer from game quadrupeds; and

  --Authorizing such rules for all game birds rather than only domesticated or semi-wild game birds as in prior law.

- States that the Hunting and Fishing Law, the Division of Wildlife Law, and Division rules do not supersede the authority of the Director of Agriculture under the Animal Diseases Law to prevent the spread of dangerously contagious or infectious diseases and to provide for the control and eradication of such diseases.

**Tags or seals on wild animal carcasses**

- Repeals all of the following:

  --A requirement that the Division of Wildlife collect a nominal sum for each tag or seal affixed to carcasses of game birds, game quadrupeds, fur-bearing animals, and nonnative wildlife as provided in the statutes governing propagating licenses and hunting preserves;

  --A prohibition against the sale of a portion of such an animal without a tag; and

  --A prohibition against counterfeiting a tag issued by the Division in accordance with the statutes governing hunting preserves and for purposes of selling certain animals for food.
Am. H.B. 415


Sens. Balderson, Beagle, Brown, Burke, Cafaro, Coley, Eklund, Faber, Gentile, Hite, Hughes, Jones, Kearney, LaRose, Lehner, Manning, Niehaus, Obhof, Oelslager, Peterson, Schaffer, Schiavoni, Seitz, Turner, Wagoner, Widener

Effective date: September 28, 2012

- Increases the amount of money that the Treasurer of State must attempt to place in agricultural linked deposits.
- Increases the maximum amount of a loan made to an eligible agricultural business under the Agricultural Linked Deposit Program.
- Modifies the method by which the lending rate is calculated for loans made to eligible agricultural businesses under the Program.

Sub. S.B. 130

Sens. Hughes and Cates, Lehner, Seitz, Skindell, Turner, Hite, Beagle, Burke, Gentile, Jones, LaRose, Niehaus, Patton, Sawyer, Schiavoni, Tavares, Wagoner


Effective date: March 13, 2013

- Distinguishes dog kennels that are required to be registered under the Dogs Law from high volume breeders that are required to be licensed under the act.
- Defines "high volume breeder," requires a person who operates such an establishment to obtain a license from the Director of Agriculture, and specifies information that must be included with an application for a high volume breeder license.
- Defines "dog retailer," and requires a person acting as or performing the functions of a dog retailer to obtain a license from the Director.
- Defines "animal rescue for dogs," prohibits a person from operating an animal rescue for dogs without first registering with the Director, and requires the Director
to maintain a database of all persons registered to operate an animal rescue for dogs in Ohio.

- Exempts medical kennels for dogs, research kennels for dogs, animals shelters for dogs that are operated by counties or municipal corporations (pounds), and veterinarians from the act.

- Establishes license application fees for high volume breeders and dog retailers, and requires the money to be credited to the new High Volume Breeder Kennel Control License Fund (see below), with a portion of breeder application fees transferred to the applicable county dog and kennel fund.

- Requires the Director to deny an application for a license under specified circumstances, and authorizes the Director to suspend or revoke a license for violation of any of the act's provisions or a rule adopted or order issued under it if the violation materially threatens the health or welfare of a dog.

- Requires the Director to adopt rules establishing requirements and procedures to administer and enforce the act, including standards governing housing and nutrition for high volume breeders, requires the Director to take into consideration at least specified factors when establishing those standards, and prohibits high volume breeders and dog retailers from failing to comply with the standards.

- Requires the Director to conduct inspections under certain circumstances and authorizes the Director to do so under other circumstances, establishes authority for and procedures and requirements governing inspections, authorizes the Director to enter into contracts or agreements with veterinarians to conduct inspections, and establishes parameters for those inspections.

- Authorizes the Director to impound a dog if the Director or the Director's authorized representative determines that the dog is being kept by a high volume breeder or dog retailer in a manner that materially violates the act or the rules adopted under it, and establishes procedures governing such an impoundment.

- Provides for enforcement of its provisions through civil penalties, citations and orders, and injunctive relief.

- Creates the Commercial Dog Breeding Advisory Board, and requires the Board to review rules proposed or adopted under the act and advise the Director on the administration of the act and rules.

- Creates the High Volume Breeder Kennel Control Fund, consisting of money from license fees and civil penalties imposed under the act and of any money appropriated to it, and requires the Director to request the Controlling Board to release not more than $2.5 million per biennium from the Fund.
• Requires the Director to use money in the Fund to administer the act and rules.

Sub. S.B. 309

Sens.  Hite, Balderson, Widener, Cafaro, Seitz, Bacon, Beagle, Burke, Coley, Eklund, Faber, Gentile, Hughes, Jones, Kearney, LaRose, Lehnier, Manning, Obhof, Oelslager, Patton, Peterson, Sawyer, Schaffer, Schiavoni, Skindell, Smith, Tavares, Turner


Effective date:  December 26, 2012

Agricultural commodity marketing agreements

• Authorizes the execution of voluntary marketing agreements for agricultural commodities, provided that certain criteria are met.

• Allows producers of an agricultural commodity to present to the Director of Agriculture a petition signed by a specified number of producers of that agricultural commodity requesting the Director to approve a marketing agreement for that agricultural commodity or for a region of the state concerning that agricultural commodity.

• Requires a petition to include specified information, including a proposed marketing agreement and a document that creates and identifies a provisional board of directors for the purpose of facilitating the execution of the proposed marketing agreement.

• Requires a proposed marketing agreement to contain specified information, including the length of time that the proposed agreement will be in effect and the estimated costs to and rate of assessment to be made on each signatory to the agreement.

• Requires petitioners to submit specified information, including a list of applicable producers, and an administration fee with a petition.

• Requires the Director, after receiving a request to approve a marketing agreement, to notify all producers on the list provided by the petitioners of a public meeting on the petition.

• Requires the provisional board of directors of a proposed marketing agreement to attend the public meeting and to submit a marketing agreement to the Director within 30 days after the public meeting.
• Requires a marketing agreement submitted by a provisional board to contain terms that establish generally the same provisions as those in a proposed marketing agreement as well as specified additional provisions.

• Requires the Director to consider all of the information presented at the public meeting before approving or denying the marketing agreement, and authorizes the Director to approve the marketing agreement if specified criteria are met, including the availability of sufficient funds to administer the agreement.

• Establishes requirements and procedures for the creation of a board of directors to administer a marketing agreement.

• Requires a marketing agreement’s board of directors to perform specified duties, including establishing priorities of the board and preparing a budget to administer the marketing agreement.

• Authorizes a board of directors to perform certain functions, including proposing to the Director rules that are necessary for the board to perform its duties required under the marketing agreement and the act.

• Requires the Director to adopt rules that establish procedures and requirements that are necessary to administer and implement a marketing agreement executed under the act.

• Authorizes the Director to perform specified functions, including inspecting a facility of a producer that signed a marketing agreement to ensure compliance with the marketing agreement.

**Anhydrous ammonia**

• Revises provisions of law that formerly required the Director of Agriculture to adopt rules governing fertilizer by instead requiring the Director to specifically adopt rules governing anhydrous ammonia.

• Requires the rules governing anhydrous ammonia to address the storing and handling of anhydrous ammonia, safety in the design and construction of anhydrous ammonia systems, and other specified matters related to anhydrous ammonia.
General prohibitions and requirements; exemptions

- Prohibits a person from acquiring, buying, selling, trading, or transferring possession or ownership of a dangerous wild animal on or after the act’s effective date with certain exceptions, including a rescue facility under specified circumstances.

- Prohibits a person from selling, or offering for sale, at auction a dangerous wild animal or a venomous snake on or after the act's effective date.

- Requires a person that possesses a dangerous wild animal on the act’s effective date to register the animal with the Director of Agriculture not later than 60 days after the act’s effective date.

- Prohibits a person from possessing a dangerous wild animal on or after January 1, 2014, unless the person possesses an unexpired wildlife shelter permit or wildlife propagation permit issued under the act or is exempt under the act.

- Requires a person that possesses a restricted snake prior to January 1, 2014, or that acquires a restricted snake on or after that date, and that wishes to possess or to propagate or transfer the snake to obtain a restricted snake possession permit or a restricted snake propagation permit, as applicable.

- Specifies that violation of any of the above is a first degree misdemeanor on a first offense and a fifth degree felony on each subsequent offense.

- Generally exempts specified individuals, institutions, and facilities, including zoos and certain wildlife sanctuaries, from the act’s provisions, but requires them to register the dangerous wild animals that they possess.

- Defines "dangerous wild animal" to include big cats, bears, certain nonhuman primates, and other specified animals, and specifically excludes livestock.

- Defines "restricted snake" to include certain anacondas and pythons, boomslang snakes, twig snakes, and other specified venomous snakes.

- Authorizes the Director to recommend to the General Assembly species of animals to be included in the definition of "dangerous wild animal" and species of snakes to
be included in the definition of "restricted snake," and prohibits the Director from adding animals or snakes to the definitions without the approval of the General Assembly.

**Registration of dangerous wild animals**

- Requires the form for registration of a dangerous wild animal to include certain information, including the name and address of the person registering the dangerous wild animal and a description of the animal.
- Requires a microchip to be implanted in a dangerous wild animal at the time of registration.
- Requires a person that possesses a registered dangerous wild animal on October 1, 2013, and that wishes to continue to possess the animal on and after January 1, 2014, to apply for the applicable permit.

**Registration only of specified monkeys and lemurs**

- Requires a person that possesses any of certain marmosets or capuchins, a squirrel monkey, or a lemur only to register the primate in the same manner as provided for registration of dangerous wild animals.

**Wildlife shelter permit**

- Requires a person that possesses a registered dangerous wild animal on October 1, 2013, that wishes to continue to possess the animal on and after January 1, 2014, and that does not intend to propagate the animal to apply for an annual wildlife shelter permit and pay an application fee.
- Requires an application for such a permit to include specified information, including a plan of action to be undertaken if a dangerous wild animal escapes and proof of financial responsibility.
- Requires the Director, within 90 days of receiving an application, to issue a wildlife shelter permit if certain criteria are met, including a requirement that the applicant has not been convicted of or pleaded guilty to committing certain crimes.
- Establishes additional permit requirements.
- Specifies that if the Director denies an initial application or renewal application, the applicant must transfer the dangerous wild animal or animals that the person possesses to one of any specified facilities.

**Wildlife propagation permit**

- Requires a person that possesses a registered dangerous wild animal and that wishes to continue to possess the animal on the dates specified above and intends to
propagate the animal solely for the purposes of a species survival program to apply for an annual wildlife propagation permit and pay an application fee.

- Generally requires an applicant for a wildlife propagation permit to comply with the act’s requirements and procedures governing application for and issuance of wildlife shelter permits.

**Restricted snake possession permit**

- Requires a person that possesses a restricted snake prior to January 1, 2014, that wishes to continue to possess the snake on and after that date, and that does not intend to propagate, sell, trade, or otherwise transfer the snake to obtain an annual restricted snake possession permit and pay an application fee not later than January 1, 2014, and requires a person that acquires a restricted snake on or after that date to obtain such a permit not later than 120 days after acquiring the snake.

- Establishes application and permit requirements that are generally the same as those for wildlife shelter permits, but establishes different application fees and amounts of required proof of financial responsibility.

- Additionally, states that an applicant may allow certain individuals, including primary and secondary school age students, to be in physical contact with a restricted snake or snakes possessed by the applicant under specified circumstances.

**Restricted snake propagation permit**

- Requires a person that possesses a restricted snake and that wishes to continue to possess the snake, or that acquires a restricted snake, on or after the applicable dates specified above and that intends to propagate, sell, trade, or otherwise transfer the snake to apply for an annual restricted snake propagation permit and pay an application fee.

- Generally requires an applicant for a restricted snake propagation permit to comply with the act’s requirements and procedures governing application for and issuance of restricted snake possession permits.

**Dual permitting**

- Requires a person that possesses or propagates both dangerous wild animals and restricted snakes to apply for all applicable permits.

**Rescue facility permit**

- Requires a person that operates a rescue facility for dangerous wild animals prior to January 1, 2014, or that wishes to begin operation on or after that date to obtain a rescue facility permit from the Director, and establishes requirements and procedures governing the issuance or denial of a permit.
Permit suspension or revocation

- Authorizes the Director to suspend or revoke a permit issued under the act for a violation of the act or rules, and allows a permit holder to appeal the suspension or revocation.

Licenses under continuing law

- Specifies that commercial propagating, noncommercial propagating, and raise to release licenses authorized under continuing law cannot be issued to raise or sell dangerous wild animals or restricted snakes.

Standards of care and housing

- Requires the Director to adopt rules establishing standards of care for registered dangerous wild animals, and requires a person that possesses a registered dangerous wild animal to comply with the rules.

- Requires the Director to adopt rules establishing standards of care for certain dangerous wild animals, such as big cats and crocodiles, that are possessed by wildlife shelter or wildlife propagation permit holders, and requires permit holders that possess those animals to comply with those standards.

- Requires permit holders that possess monkeys or restricted snakes to comply with standards of care established in regulations adopted under the federal Animal Welfare Act or standards adopted by the Zoological Association of America, respectively.

Records

- Requires a permit holder to maintain certain records regarding each dangerous wild animal and each restricted snake that the permit holder possesses.

Escape

- Requires a person that possesses a dangerous wild animal or restricted snake that escapes to notify immediately applicable local law enforcement officers and the Division of Animal Health in the Department of Agriculture.

- Authorizes a law enforcement officer or a natural resources law enforcement officer to destroy a dangerous wild animal or restricted snake that has escaped and poses a threat to public safety, and provides civil immunity for such an officer for any injury, death, or loss to person or property that allegedly arises from the destruction of the animal or snake.

- Specifies that the person that possesses a dangerous wild animal or restricted snake that escapes is responsible for all reasonable costs associated with the capture or destruction of the animal or snake.
• Eliminates a provision of law that required the owner or keeper of a nonnative animal that escaped to report the escape to specified local law enforcement officers and certain local government officials within one hour of the escape.

**Additional responsibilities and duties of Director**

• Requires the Director to adopt rules necessary to administer and enforce the act.

• Requires the Director to maintain a database of the name and address of each person that possesses a registered dangerous wild animal until January 1, 2014, and of each person issued a permit on and after that date.

**Other prohibitions; penalties**

• Prohibits a person from allowing a dangerous wild animal or restricted snake to roam off the property where it is confined.

• Establishes several other prohibitions, including a prohibition against removing the teeth or claws of a dangerous wild animal or restricted snake and a prohibition against failing to comply with signage requirements.

• Specifies that violation of the above prohibitions is a first degree misdemeanor on a first offense and a fifth degree felony on each subsequent offense.

• Prohibits a person from knowingly releasing a dangerous wild animal or restricted snake into the wild, and specifies that violation is a fifth degree felony.

**Enforcement**

• Authorizes the Director or the Director's designee to enter any premises at which a dangerous wild animal or restricted snake is confined to determine compliance with the act and rules, and authorizes the Director to apply for a search warrant if necessary.

• Requires the Director to immediately investigate if the Director has reason to believe that a dangerous wild animal or restricted snake is possessed by a person that does not have a permit or that a dangerous wild animal or restricted snake is being treated or kept in a manner that is in violation of the act or rules.

• Establishes requirements and procedures that the Director or the Director’s designee must follow to quarantine or transfer to a qualified facility a dangerous wild animal or restricted snake while determining if one of the above circumstances is occurring, and states that the owner or possessor of the animal or snake is responsible for all reasonable costs associated with the quarantine or transfer.

• If either of the circumstances is occurring, requires the Director to initiate in court a proceeding for permanent seizure of a dangerous wild animal or restricted snake.
• Authorizes a court that orders the seizure of a dangerous wild animal or restricted snake under such a proceeding to order the person owning or possessing the animal or snake to pay all reasonable costs associated with the seizure and, if applicable, the costs associated with quarantine or transfer.

• With regard to such investigations, quarantines, and transfers, authorizes the Director to designate employees of certain state agencies or political subdivisions and State Highway Patrol troopers to conduct investigations and order the quarantine or transfer of a dangerous wild animal or restricted snake, including natural resources law enforcement officers.

• Requires money collected for reimbursement of costs associated with the quarantine or transfer of dangerous wild animals or restricted snakes to be credited to the Dangerous and Restricted Animal Fund created by the act or to a designated fund of the appropriate political subdivision whose employee ordered the quarantine or transfer, as applicable.

• Authorizes the Director to request a law enforcement officer or, with the consent of the Director of Natural Resources, a natural resources law enforcement officer to accompany the Director of Agriculture or an employee of the Department of Agriculture for purposes of investigations and inspections conducted under the act.

• Requires the Attorney General, upon request of the Director, to bring an action for injunction against any person who has violated, is violating, or is threatening to violate the act or rules adopted under it.

• Authorizes the Director to assess a civil penalty against any person that is not in compliance with the act or rules.

Municipal ordinances

• Authorizes a municipal corporation to adopt and enforce ordinances that are more stringent than the requirements established by the act and rules adopted under it in order to control dangerous wild animals, restricted snakes, or both within the municipal corporation.

Dangerous and Restricted Animal Fund

• Creates the Dangerous and Restricted Animal Fund consisting of money from permit application fees, reimbursement of costs associated with the quarantine and transfer of dangerous wild animals and restricted snakes, and civil penalties.

• Requires the Fund to be used to pay for the administration and enforcement of the act and rules adopted under it, for compensation of the State Highway Patrol, the Departments of Natural Resources and Health, and boards of health for costs incurred in capturing or destroying a dangerous wild animal or restricted snake,
conducting investigations, and quarantining or transferring an animal or snake, and for compensation of qualified facilities that accept quarantined or transferred animals or snakes.

**Animals Advisory Board**

- Creates the Dangerous and Restricted Animals Advisory Board, and requires it to review proposed rules governing the care of dangerous wild animals and to advise the Director of Agriculture on the administration of the act and rules.

**Emergency Response Commission**

- Creates the Dangerous Wild Animal State Emergency Response Commission, and requires it to do all of the following:
  -- establish a state dangerous wild animal emergency response plan for escaped dangerous wild animals;
  -- appoint members to a dangerous wild animal county emergency response team for each county; and
  -- approve or reject emergency response plans submitted to it by each county’s dangerous wild animal county emergency response team.

**Miscellaneous**

- Provides civil immunity for an employee of an agency or political subdivision that destroys a dangerous wild animal or restricted snake that is a threat to public safety.

- Generally requires the owner of a venomous snake to have access to antivenom for each species of snake at the location where each snake is confined or at a hospital, and requires the owner to submit proof of having access to the antivenom and a list of the names of each species of venomous snake that the person owns to local law enforcement officers.

- States that an owner of a venomous snake is liable for all costs associated with treatment of a bite.
Appropriations

Sub. H.B. 482

(For details of fiscal provisions of the act, see LSC Fiscal Note and Capital Item Analysis, “As Enacted,” available online at www.lsc.state.oh.us)


Sens. Balderson, Eklund, Lehner, Manning, Niehaus, Oelslager, Patton, Peterson, Schaffer

Effective date: July 3, 2012

- Makes capital appropriations for the biennium ending June 30, 2014.
- Eliminates the requirement that the Chancellor of the Ohio Board of Regents adopt rules governing the allocation of state capital appropriations to state colleges and universities.
- Creates in the state treasury the Higher Education Improvement Taxable Fund to consist of the net proceeds of federally taxable higher education obligations issued by the Treasurer of State or the Public Facilities Commission to pay the costs of capital facilities for state-supported and state-assisted institutions of higher education.
- Authorizes the Director of Budget and Management to transfer appropriations between the Higher Education Improvement Fund and the Higher Education Improvement Taxable Fund as necessary to maintain the exclusion from the calculation of gross income under federal income taxation law.
- Authorizes the Director to manage funds in the Higher Education Improvement Taxable Fund in the same manner as the Director is authorized to manage funds in the Higher Education Improvement Fund under continuing law.
- Authorizes the Director to create new appropriation items within the Higher Education Improvement Taxable Fund and make certain transfers to those items.
- Authorizes the Department of Administrative Services to upgrade the Multi-Agency Radio Communications System (MARCS).
- Requires that any MARCS-related communications project using state funds or federal grants must be a P25 system that cannot limit interoperability and must meet certain system requirements.
• Requires the Department of Administrative Services to submit a business plan or model to the Controlling Board before any allocation of money for improvements to MARCS may be made and to seek the Board’s approval prior to making purchases of the P25 system.

• Authorizes the Department of Administrative Services, in conjunction with the Department of Taxation, to acquire and implement the State Taxation Accounting and Revenue System.

• Provides that certain provisions of law governing the powers and duties of the Director of Administrative Services and authorizing the Controlling Board to approve the making of certain purchases or leases without competitive selection do not apply to projects of community college districts.

• Provides that capital appropriations authorized by the act may be used to satisfy judgments and settlements against the state with certain limitations.

• Provides that the state's Prevailing Wage Law applies to public improvement projects funded by appropriations or reappropriations of the 129th General Assembly.

Am. Sub. H.B. 487
(For details of fiscal provisions of the act, see LSC Comparison Document, "As Enacted," available online at www.lsc.state.oh.us)

Reps. Amstutz (By Request), Beck, Blair, Buchy, Combs, McClain, Sears, Sprague, Stebelton, Terhar, Wachtmann
Sens. Bacon, Coley, Eklund, Jones, Lehner, Niehaus
Effective date: June 11, 2012; certain provisions effective September 10, 2012; certain provisions effective other than those dates; contains item vetoes

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DEPARTMENT OF ADMINISTRATIVE SERVICES

Ohio Facilities Construction Commission

- Creates the Ohio Facilities Construction Commission to replace the Office of the State Architect and Engineer and the Office of Energy Services.

- Maintains the Ohio School Facilities Commission as an independent agency within the Ohio Facilities Construction Commission.

- Transfers the powers, duties, and obligations of the Office of the State Architect and Engineer to the Ohio Facilities Construction Commission, and requires the Ohio Facilities Construction Commission to continue the operations and management of the Office of the State Architect and Engineer as provided in continuing law or in any agreements relating to capital expenditures for construction operations functions to which the Office of the State Architect and Engineer is a party.

- Transfers several duties, including the planning, supervision of construction, keeping of records, and disposition of capital facilities, from the Department of Administrative Services (DAS) to the Ohio Facilities Construction Commission.

- Deems all statutory references to the Office of the State Architect and Engineer to be references to the Ohio Facilities Construction Commission.

- Specifies that the Ohio Facilities Construction Commission must complete any activities related to operations functions that are not completed by the Office of the State Architect and Engineer on the date of transfer with the same effect as if completed by the Office of the State Architect and Engineer.

- Specifies that judicial and administrative actions will proceed with the Ohio Facilities Construction Commission being substituted as a party for the Office of State Architect and Engineer.

- Specifies that notwithstanding any provision of continuing law to the contrary, and if requested by the Commission, the Director of Budget and Management is to make budget changes necessitated by the transfer, if any, including administrative organization, program transfers, the creation of new funds, the transfer of state funds, and the consolidation of funds.
• Appropriates established encumbrances plus any additional amounts determined to be necessary for the Ohio Facilities Construction Commission to perform the construction, energy, and capital funding operation functions of the Office of State Architect and Engineer.

• Requires, not later than 30 days after the transfer and consolidation of the construction, energy, and capital funding operation functions of the Office of State Architect and Engineer to the Ohio Facilities Construction Commission, an authorized officer to certify to the Ohio Facilities Construction Commission the unexpended balance and location of any funds and accounts designated for building and facility operation and management functions, and requires the custody of the funds and accounts to be transferred to the Commission.

• Requires the Ohio Facilities Construction Commission and the Department of Natural Resources (DNR) to cooperate in and, not later than December 31, 2012, complete a study to determine which operation functions, if any, of the Division of Engineering in DNR should be integrated and consolidated into the Commission.

• Exempts Ohio Facilities Construction Commission employees from the Public Employees' Collective Bargaining Law, just as continuing law exempts Ohio School Facilities Commission employees, but specifies that any agreement entered into prior to July 1, 2012, between the Office of Collective Bargaining and the exclusive representative for employees of either Commission will remain in effect.

**Attorney General certification**

• Would have required any construction management contract with a construction manager at risk or any design-build contract with a design-build firm, and any accompanying bond, to be submitted to the Attorney General for approval (VETOED).

**Civil service law**

• Amends civil service law so that certain provisions will be applicable only with respect to positions in the classified service of the state and not to service with counties or other political subdivisions.

• Modifies the protocol for appointment to positions in the classified civil service of the state from eligible lists resulting from civil service examinations.

• Modifies state civil service law with respect to the official who is authorized to find that it is impracticable, for certain positions, to determine fitness by competitive examination.

• Authorizes the Director of DAS to appoint a designee to register applicants in the unskilled labor class.
Clarifies civil service law with respect to the right of an employee in the unclassified service to resume a position in the classified service.

Eliminates the authority of the Director to establish, modify, or rescind a job classification plan for county agencies that elected not to use the services of the county personnel department.

Specifies that the right to request a job audit applies only to classified employees in the service of the state.

Modifies the law with respect to the authority for county agencies to contract with DAS for human resources services.

Requires a county, by statute rather than by rule, to adhere to merit system principles, and makes a county financially liable to the state for the loss of federal funding due to the action or inaction of the county personnel department.

**Leases, easements, or licenses of unneeded state land**

- Retains the requirement for the Director of DAS to execute leases, easements, or licenses of unneeded state land, but removes the requirement that the Governor also execute those leases, easements, or licenses.

- Expressly provides that leases, easements, or licenses of unneeded state land may be made to any person or entity.

- Removes the restriction, applicable to federal agencies, political subdivisions, and taxing districts, against subleasing or assigning a lease of state-owned land.

**Clearinghouse – joint purchasing**

- Requires DAS, by itself or by contract, to establish, operate, and maintain a web site to serve as an online clearinghouse of information about joint purchasing programs between or among political subdivisions.

**Compressed natural gas study**

- Requires DAS to study the use of compressed natural gas in the state and political subdivision motor vehicle fleets and, not later than March 10, 2013, to report its findings and recommendations on using compressed natural gas to fuel the fleets, including any recommendation for funding the conversion to compressed natural gas.
DEPARTMENT OF AGING

Criminal records checks

- Revises the law governing criminal records checks for employment positions with the Office of the State Long-Term Care Ombudsperson Program.
- Permits the Director of Aging to adopt rules that require employees of the Office to undergo criminal records checks and database reviews.
- Creates a database review process regarding employment positions with the Office.
- Provides that a criminal records check for an employment position with the Office is not required for an applicant or employee found by a database review to be ineligible for the position.
- Revises the list of disqualifying offenses that may make an individual ineligible for an employment position with the Office.
- Revises the law governing criminal records checks for employment positions with community-based long-term care agencies.
- Permits the Director of Aging to adopt rules that require employees of community-based long-term care agencies to undergo criminal records and database reviews.
- Creates a database review process regarding employment positions with community-based long-term care agencies.
- Provides that a criminal records check for an employment position with a community-based long-term care agency is not required for an applicant or employee found by a database review to be ineligible for the position.
- Revises the list of disqualifying offenses that may make an individual ineligible for an employment position with a community-based long-term care agency.
- Provides that the criminal records check and database review requirements regarding community-based long-term care agencies do not apply to any individual who is subject to a database review or criminal records check under the law regarding home health agencies.
- Permits a community-based long-term care agency that also is a waiver agency providing home and community-based services under a Department of Job and Family Services-administered Medicaid waiver program to provide for its applicants and employees to undergo database reviews and criminal records checks in accordance with the law regarding such waiver agencies rather than the law regarding community-based long-term care agencies.
Legal representation

- Requires the Attorney General to provide legal counsel to the Office of the State Long-Term Care Ombudsperson Program and to represent any representative of the Office against whom any legal action is brought in connection with the representative's duties in place of the duties in prior law of the Department of Aging regarding legal counsel and representation.

- Requires the Attorney General to provide legal counsel to regional long-term care ombudsperson programs and to represent any representative of a regional program against whom any action is brought in connection with the representative's official duties.

PASSPORT

- Limits to 90 days, rather than three months, the time an individual may participate in the state-funded component of the PASSPORT program on the basis that the individual's application for the Medicaid-funded component of PASSPORT, or the potential replacement program called the Unified Long-Term Services and Support Medicaid waiver program, is pending while a determination is being made of whether the individual meets the financial eligibility requirements.

Assisted Living Program

- Limits to 90 days, rather than three months, the time an individual may participate in the state-funded component of the Assisted Living Program.

- Eliminates a provision under which an individual could potentially qualify for the Assisted Living Program's Home First component on the basis of residing in a residential care facility for at least six months before applying for the Assisted Living Program and being at risk of imminent admission to a nursing facility because the costs of residing in the residential care facility had depleted the individual's resources.

Aging in Place pilot program

- Would have required the Department of Aging to establish the Aging in Place pilot program in Butler, Clermont, Hamilton, and Warren Counties to provide for up to 180 eligible individuals to receive home repairs and modifications (VETOED).

DEPARTMENT OF AGRICULTURE

- States that with regard to fire prevention and safety, agriculture and agricultural structures are subject only to the State Fire Code and not to any other requirements governing fire prevention and safety.
• Eliminates various agriculture funds, including the Pilot Farmland Preservation Fund, and transfers any cash in those funds to the Indirect Cost Fund.

• Requires all members appointed by the Director of Agriculture to the continuing Ohio Grape Industries Committee to be Ohio residents.

• Eliminates the requirement that one member of the Committee appointed by the Director be a person the major portion of whose income was from the production of grape products other than wine such as juice, jams, or jellies.

• Retains the requirement that the Director appoint five members to the Committee, revises in part the qualifications of the members who must receive income from the production of grapes or wine, and allows the Director partial discretion in determining how many of the appointed members must receive income from either grapes or wine.

• Provides for the transition of members of the Committee to conform with the act’s requirements.

• Exempts the operation of a micro market from the licensure requirements for retail food establishments, food service operations, and vending machine locations established under the Retail Food Establishments and Food Service Operations Law until the Director of Agriculture adopts rules under that Law governing the licensure of micro markets, and defines "micro market."

• Requires the operator of a micro market, not later than 60 days following the adoption of the rules, to apply for a license.

DEPARTMENT OF ALCOHOL AND DRUG ADDICTION SERVICES

• Requires the Ohio Department of Drug and Alcohol Addiction Services (ODADAS) to develop, administer, and revise as necessary a comprehensive statewide gambling addiction services plan.

• Renames the Council on Alcohol and Drug Addiction Services the Council on Alcohol, Drug, and Gambling Addiction Services, and adds the following members: (1) an individual who has received or is receiving gambling addiction services, and (2) the executive directors of the Casino Control Commission, the Lottery Commission, and the State Racing Commission.

• Includes veterans among the other examples of underserved groups to be addressed when ODADAS fulfills its duty to develop a comprehensive statewide alcohol and drug addiction services plan.
• Would have required ODADAS to conduct a pilot program to provide to certain opioid-, alcohol-, or opioid- and alcohol-dependent offenders within the criminal justice system treatment that included nonabusable and nondependency forming medication to prevent relapse (VETOED).

• Would have established the Biometric Enrollment and Verification System Pilot Project to reduce activities known as drug diversion and doctor shopping (VETOED).

**ATTORNEY GENERAL**

• Eliminates requirements that: (1) a law enforcement agency that had any seized or forfeited property during any calendar year prepare and send to the Attorney General an annual report with respect to the agency’s acquisition and disposition of that property, and (2) the Attorney General send a notice to the President of the Senate and Speaker of the House of Representatives of the Attorney General’s receipt of the reports described in item (1) and of the access to and availability of those reports.

• Changes the date by which the Attorney General is required to report on the Attorney General’s operations with regard to the Consumer Sales Practices Act, and on violations of that Act, to the Governor and the General Assembly from January 1 to January 31 of each year.

**AUDITOR OF STATE**

• Requires the officers of a regional council of governments to notify the Auditor of State of its existence within ten business days after its formation and the officers of a continuing regional council of governments to notify the Auditor of State of its existence within 30 business days after the requirement takes effect.

• Requires the Auditor of State to issue a report to the Governor and the General Assembly regarding the number of regional councils of governments and their effectiveness.

• Requires the Auditor of State to establish, operate, and maintain one or more web sites to serve as an online clearinghouse of information about streamlining government operations, collaboration, and shared services to reduce the cost of government in Ohio.
OFFICE OF BUDGET AND MANAGEMENT

- Repeals a requirement that the Office of Internal Auditing in the Office of Budget and Management submit a report regarding the effectiveness and expenditure of federal stimulus funds to legislative leaders on August 1, 2012, February 1, 2013, and August 1, 2013.

CAPITOL SQUARE REVIEW AND ADVISORY BOARD

- Reduces membership on the Capitol Square Review and Advisory Board from 13 to 12 by removing the member who represented the Ohio Building Authority.
- Creates a custodial fund to be used by the Capital Square Review and Advisory Board to purchase the ATM quality dollar bills needed for operation of the parking garage automated equipment.

DEPARTMENT OF COMMERCE

Renaming Division of Labor

- Renames the Division of Labor, in the Department of Commerce, the Division of Industrial Compliance.

Debt cancellation or debt suspension products

- Defines "debt cancellation or debt suspension product" as a contractual agreement in which a retail seller, or its assignee, agrees for a separate charge to cancel or waive all or part of amounts due on a retail buyer's retail installment contract in the event of a total physical damage loss or unrecovered theft of the motor vehicle that is the subject of the contract.
- Provides that a debt cancellation or debt suspension product must be considered part of a related retail installment contract.
- Requires that the purchase price and terms of the debt cancellation or debt suspension product be disclosed to the buyer in writing.
- Requires the charge for a debt cancellation or debt suspension product to be listed as a specific good in a retail installment contract.
- Prohibits the extension of credit on the terms of a related motor vehicle sale or lease to be made contingent on the purchase of a debt cancellation or debt suspension product.
Securities Law

- Eliminates the $50 filing fee for registration of securities by description for an offering of $50,000 or less.
- Changes the penalty for failure to submit required filings regarding certain sales of securities to the Division of Securities due to excusable neglect to the greater of the required filing fee or $100, rather than the amount of the filing fee.

Liquor control funds and regulatory changes

- Requires that 45% of the money in the continuing Undivided Liquor Permit Fund be distributed to the State Liquor Regulatory Fund created by the act rather than to the General Revenue Fund as in former law, and requires the new Fund to be used to pay the operating expenses of the Division of Liquor Control and the Liquor Control Commission.
- Requires the Director of Budget and Management, whenever in the Director’s judgment the amount in the State Liquor Regulatory Fund exceeds the amount needed to pay those operating expenses, to credit the excess to the General Revenue Fund.
- Generally requires all B-2a and S liquor permit fees to be credited to the State Liquor Regulatory Fund rather than the continuing Liquor Control Fund.
- Requires payments from JobsOhio for the Division’s operation of the spirituous liquor merchandising operations to be credited to the Liquor Operating Services Fund created by the act rather than the Liquor Control Fund.
- Authorizes the D-5l liquor permit to be issued only to the owner or operator of a retail food establishment or a food service operation licensed under the Retail Food Establishments and Food Service Operations Law rather than to any business establishment as in former law.
- Adds a restriction that provides that a D-5l permit may only be issued to a premises that has gross annual receipts from the sale of food and meals that constitute not less than 75% of its total gross annual receipts.
- Extends the hours that a D-5g liquor permit holder may sell beer or intoxicating liquor for consumption on the premises.

Attorney exemption from Credit Services Organization Law

- Exempts from the law governing credit services organizations an attorney admitted to practice law in Ohio who offers, provides, or performs legal services if those services do not involve obtaining the extension of credit for a client or changing a client’s identity to avoid the client’s credit record, history, or rating.
Real Estate Brokers Law

- Removes the option for a person licensed under the Real Estate Brokers Law to place the person’s license in voluntary hold status, and provides procedures for a licensee whose license is in voluntary hold status on September 10, 2012.
- Specifies that placing a license in resigned status means that the license is permanently surrendered and may not be reactivated or renewed.
- Requires a licensee to notify the Superintendent of the Division of Real Estate and Professional Licensing of a change in personal residence address instead of the Ohio Real Estate Commission.

CONTROLLING BOARD

- Would have required a state agency, as part of a request to approve the making of a purchase, to provide to the Controlling Board certain information about a proposed supplier, or proposed subcontractor of that supplier, that was not headquartered in Ohio (VETOED).
- Would have required a state agency to contact each Ohio entity that the agency approached to fulfill a purchase or to whom the agency sent a request for proposals, but failed to respond, to determine why the entity failed to respond, and would have required the agency to report that information to the Controlling Board (VETOED).

COURT OF CLAIMS OF OHIO

Wrongful imprisonment

- Provides that a determination that a person is a wrongfully imprisoned individual must be made in a separate civil action in the court of common pleas in the county where the underlying criminal action was initiated, and requires that the Attorney General be served with a copy of the complaint and be heard.
- Provides that the court of common pleas in the county where the underlying criminal action was initiated has exclusive, original jurisdiction to hear and determine a civil action commenced by an individual seeking a determination that the individual satisfies the criteria to be considered a wrongfully imprisoned individual.
Civil action thresholds

- Increases the threshold below which the state is barred from filing a third-party complaint or counterclaim in a civil action that is filed in the Court of Claims from $2,500 to $10,000.
- Increases the threshold below which a civil action against the state must be determined administratively by the Clerk of the Court of Claims from $2,500 to $10,000.

DEVELOPMENT SERVICES AGENCY

- Authorizes the Agency to enter into cooperative or contractual agreements with any individual, organization, or business to create, administer, or otherwise be involved with Ohio tourism-related promotional programs.
- Creates the Economic Development Support Fund in the state treasury to be used to carry out economic development activities, and specifies that the Fund is to consist of excess liquor profits transferred to it.
- Requires approval by the Director of Development Services for duties and functions regarding project funding that are carried out by the Ohio Coal Development Office and its director.
- Requires a metropolitan housing authority (MHA) to make publicly available an annual report of an accurate account of its activities, receipts, and expenditures.
- Removes the requirement that an MHA make an annual report of its activities, receipts, and expenditures directly to the Director.
- Abolishes the Ohio Housing Study Committee on December 31, 2012.

DEPARTMENT OF DEVELOPMENTAL DISABILITIES

Criminal records checks

- Revises the law governing criminal records checks for employment positions with the Ohio Department of Developmental Disabilities (ODODD), county boards of developmental disabilities (county DD boards), and providers of specialized services.
- Requires a subcontractor that contracts with a provider or another subcontractor to comply with the criminal records checks requirements if the subcontractor employs a person in a direct services position.
• Permits the ODODD Director to adopt rules requiring employees to undergo criminal records checks and requiring ODODD, county DD boards, providers, and subcontractors to obtain the driving records of employees.

• Revises the list of disqualifying offenses for which a criminal records check is to search.

• Requires ODODD, county DD boards, providers, and subcontractors to request certain applicants' and, if rules so require, employees' driving records from the Bureau of Motor Vehicles.

• Establishes criminal records check requirements for the chief executive officers of businesses and independent providers seeking initial or renewed supported living certificates.

**Registry of MR/DD employees**

• Expands the list of offenses for which an MR/DD employee is to be included in the registry of MR/DD employees pertaining to abuse, neglect, or misappropriation of property.

• Provides that independent providers of supported living are MR/DD employees for the purpose of the law governing the registry.

• Requires ODODD or a county DD board to provide to an MR/DD employee who is an independent provider an annual notice regarding the conduct for which an MR/DD employee may be included in the registry.

**Ineligibility for board membership**

• Prohibits a former employee of a county DD board from serving as a member of the same county DD board within four years of the date on which employment ceases.

• Prohibits a former county DD board employee from serving as a member of another county DD board within two years of the date on which employment ceases.

• Modifies and clarifies other provisions of the law governing ineligibility to serve as a county DD board member based on having certain familial relationships or being a current or former employee.

**Employment-related provisions**

• Transfers to superintendents of county DD boards the responsibility, held under prior law by the ODODD Director, for certification or registration of persons to be employed, either by a county DD board or an entity contracting with a county DD board, in positions serving individuals with mental retardation or developmental disabilities.
• Maintains the ODODD Director’s responsibility to take such actions relative to county DD board superintendents and investigative agents.

• Permits a county DD board superintendent to contract with another entity to carry out all or part of the superintendent’s responsibilities for certification and registration of employees.

• Eliminates most of the statutory provisions establishing standards and procedures for the certification or registration of employees, and requires the standards and procedures to be established in rules adopted by the ODODD Director.

• Permits a county DD board superintendent to charge application fees to cover the costs of the board’s certification and registration program.

• Eliminates a requirement that a county DD board reemploy a management employee for one year if the board superintendent failed to give 90 days’ notice that the board did not intend to rehire the employee.

• Eliminates a provision specifying that a management employee's benefits included sick leave, vacation leave, holiday pay, and other benefits.

• Eliminates a provision prohibiting a teacher, professional employee, or management employee from terminating an employment contract with a county DD board without either receiving the board’s consent or giving 30 days' notice.

• Eliminates provisions specifying that: (1) an employee of a county DD board could be a member of the governing board of either a political subdivision, including a board of education, or an agency that did not provide specialized services to persons with developmental disabilities, and (2) the county DD board could contract with that governing board even though its membership included a county DD board employee.

• Eliminates a requirement that a service and support administrator employed by a county DD board ensure that each recipient of services had a designated person responsible for providing continuous representation, advocacy, advice, and assistance regarding the daily coordination of services.

• Eliminates a provision requiring ODODD, when directed to do so by a county DD board that was part of a regional council of governments, to distribute funds for that county DD board to the regional council’s fiscal officer.

**Licensure of ICFs/MR**

• Repeals a law that made an intermediate care facility for the mentally retarded (ICF/MR) subject to licensure by the Department of Health as a nursing home rather than subject to licensure by ODODD as a residential facility if the ICF/MR was
certified before June 30, 1987, or had an application to convert intermediate care facility beds to ICF/MR beds pending on that date.

- Requires a person or government agency that is operating an ICF/MR pursuant to a nursing home license, as a condition of continuing to operate the ICF/MR on and after July 1, 2013, to apply to the ODODD Director for a residential facility license not later than February 1, 2013, and to obtain the license not later than July 1, 2013.

Lists and choice of providers of ODODD programs

- Eliminates a requirement that county DD boards with Medicaid local administrative authority create lists of all persons and government entities eligible to provide habilitation, vocational, or community employment services under a Medicaid waiver administered by ODODD.

- Eliminates a requirement that ODODD monthly create a list of all persons and government entities eligible to provide residential services and supported living.

- Requires ODODD to make available on its web site an up-to-date list of all providers of home and community-based services available under a Medicaid waiver administered by ODODD and all providers of non-Medicaid residential services and non-Medicaid supported living.

- Revises the law governing the rights of individuals with mental retardation and developmental disabilities to choose providers of services by providing that: (1) an individual who is eligible for home and community-based services provided under an ODODD-administered Medicaid waiver has, except as otherwise provided by a federal Medicaid regulation, the right to obtain the services from a qualified and willing provider, and (2) an individual who is eligible for non-Medicaid residential services or supported living has the right to obtain the residential services or supported living from any qualified and willing provider.

Retention of institutional records

- Permits records kept by ODODD on residents of institutions to be deposited, after a period of time determined by ODODD, with the Ohio Historical Society.

- Generally prohibits the records or information in them from being disclosed by the Historical Society, except to the resident’s closest living relative on the relative’s request.

Other provisions

- Prohibits ODODD from charging a county DD board a fee for Medicaid paid claims for home and community-based services provided under the Transitions Developmental Disabilities Waiver.
• Eliminates a provision authorizing only the guardian of an individual with mental retardation or another developmental disability who had been adjudicated incompetent to make decisions regarding the individual’s receipt of services from a county DD board.

• Establishes the following decision-making procedures regarding an individual’s receipt of services or participation in a program provided for or funded by a county DD board or ODODD: (1) permits the individual to make such decisions unless a guardian has been appointed for the individual, (2) permits the individual to seek support and guidance from an adult family member or other person, (3) permits the individual to authorize (in writing) an adult to make such decisions so long as the adult does not have a financial interest in the decisions, and (4) requires an adult or guardian who makes such decisions to make them in the best interests of the individual and consistent with the individual’s needs, desires, and preferences.

• Eliminates the role of county DD boards regarding recommendations for plans to develop residential services for persons with mental retardation or developmental disabilities.

• Revises the law governing a county DD board’s responsibility under certain circumstances to pay the nonfederal share of Medicaid expenditures for an individual’s care in a state-operated ICF/MR by: (1) giving ODODD the option of collecting the amount that the county DD board owes by submitting an invoice for payment of that amount to the county DD board rather than using funds otherwise allocated to the county DD board, and (2) authorizing the ODODD Director to grant to a county DD board a waiver that exempts the county DD board from responsibility for the nonfederal share in an individual’s case.

**DEPARTMENT OF EDUCATION**

• Eliminates the 10% or 25% income-based reduction required by prior law for scholarships and tutorial assistance grants under the Cleveland Scholarship Program.

• Specifies, for purposes of the Cleveland Scholarship Program, that: (1) the scholarship amount is based on tuition minus financial aid or discounts to which the student is entitled, and (2) if discounts are offered for multiple students from the same family, the scholarship is based on the lowest tuition charged the family.

• Authorizes the Ohio Department of Education, upon approval by the U.S. Department of Education of the state’s application for a waiver from the federal
No Child Left Behind Act, to implement the changes contained in the application, except for changes related to the school district and building report cards.

- Waives the adoption and signing deadlines for sponsor contracts for new conversion community schools that open in the 2012-2013 school year, and requires instead that: (1) a copy of the adopted and signed sponsor contract be filed with the Superintendent of Public Instruction prior to the school’s opening, and (2) the school open not later than September 30, 2012.

- Extends the Ohio Digital Learning Task Force’s existence through June 30, 2012, and requires it to monitor implementation of its prior recommendations and to issue a report by June 30, 2012, on whether digital learning is advancing in Ohio and any recommendations to enhance digital learning.

- Requires each early childhood education program that receives state funding from the Department of Education to participate in the Step Up to Quality Program administered by the Department of Job and Family Services and to be rated in the Program by July 1, 2016.

- Requires school districts, educational service centers, and county DD boards serving preschool children with disabilities also to participate in the Step Up to Quality Program and to be rated in the Program by July 1, 2018.

- Until December 31, 2012, permits a school district board to offer real property to a state university, rather than first having to offer it to community schools located in the district as otherwise required by continuing law, if the university has a main campus in-state undergraduate enrollment between 17,000 and 22,000 and the property is within 100 yards of a university classroom or administrative building.

- Provides that a district’s offer to a state university may be either or both: (1) to exchange that property for in-kind services, educational programs, or other assistance valued in an amount reasonably related to the property's appraised fair market value, or (2) to sell the property for not more than its appraised fair market value.

- Authorizes entities that purchased school district real property in 2005 under the terms of Section 206.10.21 of H.B. 66 of the 126th General Assembly to use the property for residential, as well as commercial, development.
ENVIRONMENTAL PROTECTION AGENCY

Transfer of Division of Recycling and Litter Prevention

- Abolishes the Division of Recycling and Litter Prevention in the Department of Natural Resources, transfers its functions and responsibilities to the Environmental Protection Agency (EPA), and transfers applicable appropriations to the EPA.

- Transfers the authority to make grants from the Recycling and Litter Prevention Fund from the Chief of the Division of Recycling and Litter Prevention with the approval of the Director of Natural Resources to the Director of Environmental Protection.

- Generally prohibits information that is submitted to, acquired by, or exchanged with EPA employees in order to obtain a grant from the Fund from being used in any manner for the purpose of enforcement of any requirement established in an environmental law or used as evidence in any judicial or administrative enforcement proceeding.

- States that the above provision does not confer immunity on persons from enforcement that is based on information obtained by the Director of Environmental Protection or the Director’s authorized representatives who are not EPA employees who administer or provide services under the grant program.

- Transfers the authority to make grants from the Scrap Tire Grant Fund from the Chief of the Division of Recycling and Litter Prevention to the Director.

Clean Air Fund

- Eliminates the Clean Air Fund, which was used by EPA to administer Title V and non-Title V air pollution control programs, and replaces it with the Title V Clean Air Fund and the Non-Title V Clean Air Fund.

- Retains the fee structure that provided money to the former Clean Air Fund, but distributes the proceeds of those fees to either the new Title V Clean Air Fund or the new Non-Title V Clean Air Fund.

- Requires fees related to emissions from a Title V air contaminant source to be credited to the Title V Clean Air Fund and certain fees related to non-Title V air contaminant sources to be credited to the Non-Title V Clean Air Fund.

- Requires money in the Title V Clean Air Fund generally to be used to administer and enforce the Title V permit program.

- Specifies that a transfer from the former Clean Air Fund to the Small Business Assistance Fund be transferred instead from the Title V Clean Air Fund and that it be transferred via an interstate transfer voucher.
• Requires that, annually, money in the Title V Clean Air Fund be transferred to the Small Business Ombudsperson Fund in an amount that is necessary for the operation of the Office of Ombudsperson.

• Requires money in the Non-Title V Clean Air Fund generally to be used to administer and enforce laws pertaining to the prevention, control, and abatement of air pollution other than the Title V program and, as in law revised by the act, other than motor vehicle inspection and maintenance programs.

Consensual administrative order agreements

• Authorizes the Director of Environmental Protection to enter into consensual administrative order agreements in furtherance of the purposes of the state's environmental laws.

• Authorizes the Director to advise, consult, cooperate, and enter into contracts or agreements with persons, in addition to governmental entities, affected groups, and industries as in ongoing law, in furtherance of those purposes.

Operators of water supply and wastewater systems

• Establishes a new fee schedule for certification of operators of water supply and wastewater systems by consolidating the former application fee with the former fee schedule for examinations administered by the Director for each class of operator.

• Establishes all of the following fees:

  --$45 for certification as an operator of a water supply system or wastewater system for a person who has passed an examination administered by an approved examination provider;

  --$500 to apply to be a water supply system or wastewater system operator examination provider; and

  --10% annually of the fees assessed and collected by an approved examination provider for administering examinations to persons seeking certification in Ohio as water supply system or wastewater system operators.

Public water system licenses

• Requires the Director to adopt rules governing the issuance, conditioning, and denial of public water system licenses and license renewals in addition to rules governing the suspension and revocation of licenses as in ongoing law.

• Allows the Director to condition a license or license renewal in addition to suspending or revoking a license or license renewal as in ongoing law.

• With regard to an application for a new license, states that the Director has the authority to issue, issue with terms and conditions, or deny the license.
• Requires applications for initial licenses to be submitted at least 45 days prior to the commencement of the operation of a public water system.

ETHICS COMMISSION
• Modifies the filing fees for the disclosure statements required to be filed by certain public offices with the appropriate ethics commission.

EXPOSITIONS COMMISSION
• Adds the Director of Natural Resources or the Director's designated representative to the membership of the Ohio Expositions Commission.

DEPARTMENT OF HEALTH
Patient Centered Medical Home Education Program
• Establishes the Patient Centered Medical Home Education Program within the Ohio Department of Health (ODH).
• Requires the ODH Director, to the extent funds are available, to implement the continuing Patient Centered Medical Home Education Pilot Project.
• Authorizes the ODH Director to adopt rules defining what constitutes a "patient centered medical home" for purposes of an entity authorized to provide care coordination services rather than defining a "health home" as provided under prior law.
• Maintains, in part, the ongoing Patient Centered Medical Home Education Advisory Group, but specifies that the Advisory Group is to provide recommendations to the ODH Director rather than serve as a decision-making body.
• Removes the limit on the number of practices that may participate in the Pilot Project, and provides that a practice is ineligible to participate unless it had submitted an application by April 15, 2011.
• Eliminates the Advisory Group's authority to appoint an executive director and employ other staff and a requirement that, on securing funding, the Advisory Group provide participating practices in the Pilot Project reimbursement for up to 75% of the cost incurred in purchasing health information technology.
• Includes curricula for physician assistants in the patient centered medical home model of care curricula development program required by continuing law.
Informed consent brochures

- Requires ODH to publish on its web site instead of causing to be published materials that inform a pregnant woman seeking an abortion about family planning, pregnancy and childbirth assistance, adoption agencies, and probable anatomical and physiological characteristics of the zygote, blastocyte, embryo, or fetus at certain points during the pregnancy.

- Eliminates the duty of ODH to produce more than one copy of the materials described above to any person, hospital, physician, or medical facility that requested more than one copy.

- Eliminates the affirmative defense that was available to a physician or agent of the physician in a civil action that the physician or agent of the physician requested hard copies of the materials described above from ODH and ODH failed to produce them.

Abolishment of Public Health Council

- Abolishes the Public Health Council, and transfers its duties to the ODH Director.

Ohio Public Health Advisory Board

- Creates the Ohio Public Health Advisory Board, and requires it to review and make recommendations to the ODH Director on: (1) developing and adopting proposed rules concerning programs administered by ODH, (2) prescribing proposed fees in the Office of Vital Statistics and the Bureau of Environmental Health, (3) issues to improve public health and increase awareness of public health issues at state and local levels, and (4) other public health issues at the request of the Director.

- Generally requires the ODH Director to consider the Advisory Board’s recommendation regarding a proposed rule before the rule may be filed with the Joint Committee on Agency Rule Review.

Lupus Education and Awareness Program

- Authorizes ODH to establish, promote, and maintain a Lupus Education and Awareness Program and to establish both an intergovernmental council and an advisory panel to oversee the Program.

- Authorizes ODH to establish the following grant programs: (1) a grant program to support nonprofit health organizations with expertise in lupus, and (2) a grant program to educate and train health care professionals and service providers with the grants to be awarded to applicants affiliated with the Lupus Foundation of America.
Home health agency criminal records checks

- Revises the law governing criminal records checks for employment positions with home health agencies.
- Permits the ODH Director to adopt rules that require employees of home health agencies to undergo criminal records checks and database reviews.
- Creates a database review process regarding employment positions with home health agencies.
- Provides that a criminal records check for an employment position with a home health agency is not required for an applicant or employee found by a database review to be ineligible for the position.
- Increases from 30 to 60 the number of days that a home health agency may conditionally employ an individual before receiving the results of a criminal records check.
- Revises the list of disqualifying offenses that may make an individual ineligible for an employment position with a home health agency.

Ohio Violent Death Reporting System

- Requires the ODH Director to establish and maintain the Ohio Violent Death Reporting System to monitor the incidence and causes of various types of violent deaths in Ohio.
- Requires the ODH Director to adopt rules necessary to establish, maintain, and carry out the purposes of the Reporting System.
- Establishes confidentiality requirements for information, data, and records collected for use and maintained by, and all work products created in carrying out the purposes of, the Reporting System.

Certificate of Need Program

- Modifies terms used in the Certificates of Need Law to reflect changes from previous enactments that limited the Law to projects related to long-term care facilities.
- With respect to a certificate of need (CON) application, specifies that: (1) the application fee is nonrefundable unless the ODH Director determines that the application cannot be accepted, and (2) the Director's determination that a CON application is not complete is final and not subject to appeal.
- Eliminates a provision that allowed, and in some cases required, a community public informational hearing on a CON application.
• Eliminates a requirement that the ODH Director invite interested parties to a meeting requested by one or more people about a CON application.

• Requires the ODH Director to consider all written comments received regarding a CON application, but eliminates the requirement that an administrative hearing be conducted when written comments were received.

• Establishes requirements that must be met upon completion of a project under which beds are to be relocated after the granting of a CON, including a CON granted during the initial phase of a four-year review period.

• Eliminates requirements that the ODH Director (1) regularly conduct health system data collection and analysis for the CON program, prepare reports, and make recommendations, and (2) issue, and annually review and revise, a state health resources plan.

• Eliminates a provision requiring the Public Health Council to authorize the creation of one or more nursing home placement clearinghouses.

• Provides that the ODH Director’s determination that a CON has expired is final and not subject to appeal.

• Provides that persons whose sole involvement with a CON application is testifying or submitting written comments on the application are not affected persons and therefore are no longer permitted to appeal.

• Modifies the process for reviewing applications for replacement or relocation of long-term care beds from a county with excess beds to a county with fewer beds than needed.

• Modifies requirements for the review of applications for an increase in beds in an existing nursing home to limit the increase to a total of no more than 30 beds for all applications combined.

• Requires the ODH Director to accept applications for replacement CONs under certain conditions.

• Requires, as part of the ODH Director's determination of the long-term care bed supply, that the Director include beds in a hospital that are registered as special skilled nursing beds, long-term beds, or long-term care beds.

• Eliminates the requirement that the ODH Director designate health service areas and health service agencies for each area and all requirements related to health service areas and agencies.
Vital statistics fees

- Requires a local commissioner of health or a local registrar of vital statistics, not later than 30 days following the end of each calendar quarter, to forward to ODH, and not the Treasurer of State, the portion of the fees for certified copies of birth records, certifications of birth, and copies of death records that the local commissioner or local registrar collects, and does not retain, for the benefit of the Children’s Trust Fund and Family Violence Prevention Fund.

- Requires ODH, not later than two days after the fees are forwarded to ODH each calendar quarter, to pay to the Treasurer of State all fees it collects from a local commissioner of health or local registrar of vital statistics, as described above, and all fees the ODH Director charges and collects for the same purpose.

Other provisions

- Provides that rules governing nursing homes: (1) cannot prescribe the number of social workers that nursing homes with 120 or fewer beds must employ, (2) must require each nursing home with more than 120 beds to employ one social worker on a full-time basis, and (3) must require each nursing home to offer its residents medically related social services that assist the residents in attaining or maintaining their highest practicable physical, mental, and psychosocial well-being.

- Decreases the penalty for late payment of a fee charged by ODH under the Radiation Control Program to an additional 10% of the original fee when the fee remains unpaid on the 91st day after the invoice date in place of the previous fee assessments that were made as follows: (1) two times the original fee if not paid within 90 days, and (2) five times the original fee if not paid within 180 days.

- Establishes the Legislative Committee on Public Health Futures to review the expected report of the Futures Committee of the Ohio Association of Health Commissioners and to develop recommendations for legislative and fiscal policies that would improve local public health services in Ohio.

OFFICE OF HEALTH TRANSFORMATION

Health transformation initiatives and operating protocols for state agencies

- Authorizes the Executive Director of the Office of Health Transformation or the Executive Director’s designee to facilitate the coordination of operations and exchange of information between certain state agencies.

- Requires the Executive Director or designee to identify each health transformation initiative in Ohio that involves the participation of two or more state agencies and that permits or requires an interagency agreement to be entered into for purposes of
specifying each participating agency’s role in the initiative or facilitating the exchange of data or other information for the initiative.

- For each identified health transformation initiative, requires the Executive Director or designee to adopt, in consultation with each participating agency, one or more operating protocols for the initiative.

- Specifies that provisions in an operating protocol supersede any conflicting provisions in an interagency agreement.

- Specifies certain terms that an operating protocol is required and permitted to include.

- Specifies that an operating protocol has the same force and effect as an interagency agreement or data sharing agreement, and requires each participating agency to comply with it.

- Requires the Director of Job and Family Services to determine whether federal approval under the Medicaid program is necessary to fulfill the act’s requirements and to apply for the approval if necessary.

**Exchange of information by state agencies**

- Authorizes participating state agencies to exchange protected health information with each other relating to eligibility for or enrollment in a health plan or relating to participation in a government program providing public benefits if the exchange of information is necessary for operating a health plan or coordinating, or improving the administration or management of, the health care-related functions of at least one government program providing public benefits.

- Authorizes, during fiscal year 2013, a participating state agency to exchange personally identifiable information for purposes related to and in support of an identified health transformation initiative.

- Imposes certain conditions on a participating agency’s use or disclosure of personally identifiable information.

**Health information exchanges**

**Covered entities’ use and disclosure of protected health information**

- Establishes in state law certain requirements of federal regulations known as the HIPAA Privacy Rule regarding a covered entity’s use and disclosure of protected health information.

- Specifies that any state or local requirement that conflicts with the act’s requirements, or that conflicts with other provisions of the act pertaining to
confidentiality, privacy, security, or privileged status of protected health information, is generally unenforceable.

- Specifies that a covered entity may disclose protected health information to an approved health information exchange without valid authorization from the individual who is the subject of the information or the individual's personal representative only if certain conditions are satisfied.

- Specifies that a covered entity that accesses protected health information from or through an approved health information exchange or discloses protected health information to an approved exchange in a manner that complies with the act is not liable in a civil action and not subject to criminal prosecution for or professional disciplinary action arising out of or relating to the access or disclosure.

- Specifies that an approved health information exchange is immune from civil liability and not subject to criminal prosecution arising out of or related to a covered entity's disclosure of protected health information to the exchange, or use of protected health information accessed from the exchange, if the disclosure or use is in conformance with the act.

**Standard authorization form for information use and disclosure**

- Requires the Director of Job and Family Services, in consultation with the Office of Health Transformation, to adopt rules prescribing a standard authorization form meeting federal requirements for the use and disclosure of protected health information and substance abuse records.

- Requires that the standard authorization form be accepted by any person or governmental entity in Ohio as valid authorization for the use or disclosure of protected health information and substance abuse records to the persons or governmental entities specified in the form.

- Specifies that the act does not preclude a form other than a standard authorization form from being accepted as valid authorization for the use or disclosure of protected health information and substance abuse records in Ohio if the other form meets all federal requirements.

**Approval of exchanges**

- Authorizes the Director of Job and Family Services, in consultation with the Office of Health Transformation, to adopt rules establishing standards the Director must use to approve health information exchanges operating in Ohio and for other purposes related to approved health information exchanges.
• Requires the rules to be consistent with certification standards for health information exchanges established in federal statutes and regulations, including nationally recognized standards for interoperability.

• Delays adoption of the rules until the earlier of 60 days following the adoption of a federal certification process for health information exchanges or January 1, 2013.

DEPARTMENT OF INSURANCE

• Eliminates a requirement that employers who employed more than ten workers establish cafeteria plans to allow employees to pay for health insurance coverage by a salary reduction arrangement.

DEPARTMENT OF JOB AND FAMILY SERVICES

General

• Eliminates the requirement that the Ohio Department of Job and Family Services (ODJFS) report twice a year on the characteristics of individuals participating in or receiving services from programs that ODJFS operates.

• Eliminates provisions specifying certain procedures that ODJFS was permitted or required to follow in preparing and submitting reports on its programs.

• Requires ODJFS to prepare an annual rather than biennial Title XX social services plan and to report on the use of Title XX funds each federal fiscal year rather than each state fiscal year.

Child care

• Permits ODJFS to suspend a contract to provide publicly funded child care if: (1) ODJFS has evidence that the provider received an improper payment as a result of the provider’s intentional act, or (2) ODJFS receives notice that the provider has been charged with certain criminal offenses.

• Prohibits a suspended provider from providing publicly funded child care, and requires ODJFS to withhold payment for publicly funded child care provided by a suspended provider.

• Permits a child care provider to appeal a proposed suspension within 15 days of being notified of the suspension.
Child welfare

- Authorizes a public children services agency, pending a hearing of a complaint filed under juvenile law or a motion for temporary orders in a case with respect to an alleged or adjudicated abused, neglected, or dependent child, to request a criminal records check of a parent, guardian, custodian, prospective custodian, or prospective placement whose actions resulted in the juvenile court issuing a temporary disposition of the child.

- Authorizes a public children services agency, a prosecuting attorney, or an assistant prosecuting attorney, at any time after a child has been found in specified circumstances to be an abused, neglected, or dependent child, to request a criminal records check of a parent, guardian, custodian, prospective custodian, or prospective placement whose actions resulted in the finding.

- Requires the Bureau of Criminal Identification and Investigation to conduct the records check.

- Specifies that a person who is the subject of the request and who fails to complete the documentation necessary for the records check may be held in contempt of court.

Temporary Assistance for Needy Families

- Permits ODJFS to adopt rules specifying circumstances under which a county department of job and family services is not required to take action to recover erroneous payments made under Ohio Works First (OWF).

- Requires an OWF assistance group member who causes a sanction to complete all compliance activities, which are to be specified in rules, in order for the member’s failure or refusal to comply with a self-sufficiency contract to be considered to have ceased.

- Requires an assistance group to reapply for OWF as a condition of resuming participation following a sanction if a member’s failure or refusal to comply with a self-sufficiency contract is not considered to have ceased until after the minimum number of months the sanction must last.

- Requires an assistance group member who causes a sanction to enter into a new, or amend an existing, self-sufficiency contract as a condition of resuming participation in OWF following the sanction if required to do so by rules the ODJFS Director is to adopt.

Medicaid cost containment reports to General Assembly

- Requires the ODJFS Director to submit Medicaid reports to the General Assembly semiannually, rather than quarterly, on programs for cost containment, efficiency,
and health promotion, and eliminates provisions requiring that each report include information on specified topics.

**Medicaid provider criminal records checks**

- Revises the law governing criminal records checks of non-waiver Medicaid providers, applicants for non-waiver Medicaid provider agreements, and owners and prospective owners, officers and prospective officers, board members and prospective board members, and employees and prospective employees of the providers and applicants.

- Permits ODJFS to require a non-waiver Medicaid provider or applicant to determine whether an employee or prospective employee is included in databases specified in rules before requiring the provider or applicant to require the employee or prospective employee to undergo a criminal records check.

- Authorizes the ODJFS Director to adopt rules specifying the circumstances under which a non-waiver Medicaid provider or applicant is prohibited from employing a person who is found by a database review to be included in a database.

- Revises the list of disqualifying offenses that may make an individual ineligible to be a non-waiver Medicaid provider or employee, owner, officer, or board member of a provider or applicant.

- Permits a criminal records check to be made available to a non-waiver Medicaid provider or applicant that requires the criminal records check and to a court, hearing officer, or other necessary individual involved in a case dealing with a civil or criminal action regarding Medicaid.

**Medicaid waiver agency criminal records checks**

- Revises the law governing criminal records checks for employment positions that involve providing home and community-based services provided by waiver agencies under ODJFS-administered Medicaid waiver programs.

- Establishes a database review system to precede a criminal records check regarding such positions.

- Permits the ODJFS Director to adopt rules requiring employees to undergo database reviews and criminal records checks as a condition of continuing employment in such positions.

- Revises the list of disqualifying offenses for which a criminal records check regarding such a position is to search.
• Eliminates obsolete provisions regarding existing employees in such positions, but provides that the elimination does not preclude ODJFS from taking action against a person who failed to comply with the provisions.

**Independent provider criminal records checks**

• Revises the law governing criminal records checks of persons seeking or holding Medicaid provider agreements as independent providers under ODJFS-administered Medicaid waivers, including by revising the list of disqualifying offenses for which such a criminal records check is to search.

**Managed care**

• Extends the period during which certain aged, blind, or disabled individuals receiving services through the Bureau for Children with Medical Handicaps are excluded from being permitted or required to participate in the Medicaid care management system.

• Eliminates a provision that excluded the Medicaid managed care system in general from a requirement that ODJFS issue orders regarding Medicaid provider agreements and final fiscal audits pursuant to an administrative adjudication, and instead provides that the adjudication requirement does not apply to any action or decision by ODJFS regarding whether to contract with a Medicaid managed care organization.

**Hospital reimbursement**

• Requires the ODJFS Director to include quality factors and quality-based incentive payments in rules to be adopted under the Medicaid program that modify the hospital inpatient capital reimbursement methodology, establish new diagnosis-related groups, and implement other changes to hospital inpatient and outpatient reimbursement methodologies.

**Nursing facility level-of-care assessments**

• Permits, rather than requires, ODJFS to designate the Department of Aging to perform assessments of whether Medicaid applicants and recipients need the level of care provided by nursing facilities.

**Franchise permit fees**

• Requires ODJFS to recalculate franchise permit fees charged nursing homes, hospital long-term care units, and intermediate care facilities for the mentally retarded (ICFs/MR) when conditions of continuing law are met and 75% or more of the total number of nursing homes, hospital long-term care units, and ICFs/MR receive enhanced Medicaid payments or other state payments equal to 75% or more of their franchise permit fees.
Requires ODJFS, if during the period beginning May 1 and ending January 1 of the next year an ICF/MR converts one or more of its beds to providing home and community-based services, to: (1) terminate the ICF/MR's franchise permit fee if the ICF/MR's Medicaid certification is terminated because of the conversion, or (2) redetermine the ICF/MR's franchise permit fee for the second half of a fiscal year if the ICF/MR's Medicaid-certified capacity is reduced because of the conversion.

Provides for all of the ICF/MR franchise permit fees and associated penalties to be deposited into the Home and Community-Based Services for the Mentally Retarded and Developmentally Disabled Fund.

Requires ODJFS to certify quarterly to the Director of Budget and Management the amount in the Home and Community-Based Services for the Mentally Retarded and Developmentally Disabled Fund as of the last day of each quarter, and requires the Director to transfer the amount so certified to the Department of Developmental Disabilities Operating and Services Fund.

**Nursing facility and ICF/MR reimbursement**

Makes a nursing facility's wheelchair and resident transportation costs reimbursable under Medicaid as part of direct care costs rather than ancillary and support costs.

Clarifies that certain tax costs are a separate category for purposes of nursing facilities' Medicaid rates.

Provides that all days for which payments are made under the Medicaid program to reserve ICF/MR beds during Medicaid recipients' temporary absences are considered inpatient days and Medicaid days for the purpose of the formulas used to determine Medicaid rates for ICFs/MR.

Provides that 50% of the days for which payments are made under the Medicaid program to reserve nursing facility beds during Medicaid recipients' temporary absences are considered inpatient days and Medicaid days for the purpose of the formulas used to determine nursing facilities’ Medicaid rates.

Provides for qualifying nursing facilities to receive critical access incentive payments as part of their Medicaid rates.

Would have provided for a total of $30 million to be spent in fiscal year 2013 to pay quality bonuses under Medicaid to qualifying nursing facilities and provided for those quality bonuses to be in addition to the quality bonuses that qualifying nursing facilities may receive under continuing law (VETOED).

**ICF/MR conversion to home and community-based services**

Permits the ODJFS Director to seek federal approval for converting up to 500 beds from providing ICF/MR services to home and community-based services.
• Requires that such a conversion of beds be approved only by the Director of Developmental Disabilities rather than both that Director and the ODJFS Director.

**Individual Options reimbursement**

• Requires ODJFS, subject to federal approval, to increase the Medicaid rate paid to a provider under the Individual Options waiver by 52¢ for each 15 minutes of routine homemaker/personal care provided to an individual for up to a year if: (1) the individual was a resident of an ICF/MR, or former ICF/MR, that converted some or all of its beds to providing services under the Individual Options waiver immediately before enrolling in the waiver, (2) the provider begins serving the individual on or after July 1, 2011, and (3) the Director of Developmental Disabilities determines that the increased rate is warranted by the individual’s special circumstances and that serving the individual through the waiver is fiscally prudent for the Medicaid program.

**Home care programs and projects**

• Provides that an individual participating in the Money Follows the Person demonstration project may potentially qualify for the Home First component of the Ohio Home Care Program by residing, at the time the individual applies for the Program, in an institution for children certified by ODJFS.

• Expresses in statute the authority of the ODJFS Director to operate the continuing HOME Choice demonstration component of the Medicaid program to the extent that funds are available under a federal Money Follows the Person demonstration project, and authorizes the Director to adopt rules for the administration and operation of the component.

• Permits a contract between ODJFS and an entity regarding Ohio Access Success Project fiscal management services to provide for the contracting entity to receive a portion of a project participant’s benefits.

**Fund names and uses**

• Renames the Medicaid Revenue and Collections Fund the Health Care/Medicaid Support and Recoveries Fund.

• Provides for both of the following to be credited to the Health Care/Medicaid Support and Recoveries Fund: (1) federal reimbursement received for disproportionate share hospital payment adjustments made under Medicaid to state mental health hospitals, and (2) revenues that ODJFS receives from another state agency for Medicaid services pursuant to an interagency agreement other than revenues required to be deposited into the Health Care Services Administration Fund.
• Provides for the first $750,000 that ODJFS receives in a fiscal year for performing eligibility verification services necessary for compliance with a federal regulation regarding independent, certified audits for disproportionate share hospital payments to be credited the Health Care/Medicaid Support and Recoveries Fund and for the remainder to be credited to the Health Care Compliance Fund.

• Permits ODJFS, for fiscal years 2012 and 2013, to deposit into the OHP Health Care Grants Fund federal grants for the administration of health care programs that ODJFS receives under the federal health care reform laws enacted in 2010, and requires ODJFS to use the money in the Fund to pay for expenses incurred in carrying out duties that ODJFS assumes by accepting the federal grants.

**Office of Medical Assistance**

• Establishes the Office of Medical Assistance in ODJFS.

• Provides for the Governor to appoint the Medical Assistance Director and for the Director to serve at the Governor's pleasure.

• Transfers ODJFS's duties and authorities regarding Medicaid and the Children's Health Insurance Program to the Office of Medical Assistance.

**Unemployment compensation**

• Permits the ODJFS Director to file an action to collect unemployment compensation benefits that were procured by fraudulent misrepresentation in any court of competent jurisdiction instead of in any Ohio court as under former law.

• Requires that the time limit for filing to collect benefits that were procured by fraudulent misrepresentation and the time limit for recovering benefits to which the applicant was otherwise not entitled be extended by the period of any stay to the collection or any other period to which the parties mutually agree.

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**JOINT COMMITTEE ON AGENCY RULE REVIEW**

• Eliminates the exemption from the five-year cyclical rule review requirement for rules adopted, amended, or rescinded by the Department of Taxation.

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**JUDICIARY, SUPREME COURT**

• Modifies the experience qualification for a municipal judge, a judge of the court of common pleas, a judge of the court of appeals, and the Chief Justice and a justice of the Supreme Court to hold judicial office by requiring six or more years of prior
practice of law in Ohio or prior service as a judge of a court of record in any jurisdiction in the United States.

- Modifies the experience qualification generally for a county court judge to hold judicial office by requiring that the minimum of six years of prior practice of law be in Ohio.

- Eliminates references to shorthand reporters, stenographers, and stenographic records and notes, replaces the procedure for paying for transcribed records with a procedure for providing copies of records and electronic records, and adds references to electronic records, reporters, assistant reporters, and electronically recording actions in statutes relating to court reporters.

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**LEGAL RIGHTS SERVICE**

- Continues as members of the Public Employees Retirement System (PERS) employees of the Legal Rights Service (LRS) on September 30, 2012, which is the day before LRS is abolished, who continue as employees of the nonprofit entity that replaces LRS on October 1, 2012.

- Specifies that employees of the nonprofit entity whose employment begins on or after October 1, 2012, are not members of PERS.

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**LEGISLATIVE SERVICE COMMISSION**

- Authorizes the Director of the Legislative Service Commission to publish the Administrative Code.

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**LOCAL GOVERNMENT**

**Governance of municipal hospitals**

- Provides that the board of hospital commissioners of a municipal hospital must consist of the mayor and at least three mayor-appointed members rather than four mayor-appointed members.

- Provides that the municipal members of the board of governors of a municipal hospital must consist of the mayor and at least three mayor-appointed members rather than four mayor-appointed members.

- Eliminates a requirement that the mayor serve as the president of the board of hospital commissioners or board of governors of a municipal hospital.
• Establishes a process for filling vacancies on a municipal hospital’s board of hospital commissioners or board of governors.

County home reserve fund
• Increases from $400 to $5,000 the maximum amount that may be in a county home’s reserve fund at one time.

County investment authority
• Modifies the maturity-date restrictions of county investments.

Joint county departments of job and family services
• Permits the boards of county commissioners of two or more counties to enter into a written agreement to form a joint county department of job and family services.

Ethics Law financial disclosure statement filing fees
• Increases the general filing fee that a candidate or officer must pay when filing a financial disclosure statement under the Ethics Law.
• Increases the specially prescribed filing fee that a candidate for or member of the State Board of Education must pay when filing a financial disclosure statement under the Ethics Law.
• Clarifies that a member of the Ohio Livestock Care Standards Board is required to pay the general filing fee when filing a financial disclosure statement under the Ethics Law.

Other provisions
• Authorizes a board of library trustees to contract with an architect, professional engineer, energy services company, contractor, or other person experienced in the design and implementation of energy conservation measures for an energy conservation report and to proceed with energy conservation measures under certain specified methods.
• Authorizes a board of library trustees to contract for the purchase and installation of energy conservation measures.
• Authorizes the legislative authority of a municipal corporation in Stark County to conduct a pilot program whereby in fiscal years 2013 and 2014 the legislative authority may use up to 5% of the municipal corporation’s water and sewer funds for sewerage or water system extensions, as applicable, if: (1) the system is being extended for economic development purposes, and (2) the areas to which the system is being extended are the subject of a cooperative economic development agreement.
• Provides that, beginning on July 1, 2013, the city of Cincinnati’s fiscal year begins on July 1 of a calendar year and ends on June 30 of the following calendar year.

• Requires township representation on a county land reutilization corporation board of trustees only if the county that created the corporation has two or more townships with populations of at least 10,000 in their respective unincorporated territories.

• Declares that, for purposes of the County Sewer Districts Law and the Regional Water and Sewer Districts Law, a public exigency exists when an improvement is required as a result of a federally imposed or state-imposed consent decree that prohibits future sewer inflows, combined sewer overflows, or sewer back-ups.

• Authorizes a board of county commissioners of a county sewer district or board of trustees of a regional water and sewer district to appropriate and to take possession of land without a prior jury assessment of compensation and damages to the residue (quick-take) when such a public exigency exists.

OHIO LOTTERY COMMISSION

• Changes, from the Director of Budget and Management to the Director of the State Lottery Commission, the person who judges whether there are excess proceeds or net proceeds in the State Lottery Fund that may be transferred to the Lottery Profits Education Fund.

STATE MEDICAL BOARD

Certificates of conceded eminence

• Requires the State Medical Board to issue a certificate of conceded eminence to a physician licensed in another state or country who has been appointed to serve as a faculty member at a medical center in Ohio and demonstrates to the Board unique talents and extraordinary abilities.

• Permits a physician holding a certificate of conceded eminence to practice medicine as part of the physician's employment with the academic medical center or an affiliated physician group practice.

Treatment of chronic pain

• Narrows the class of drugs for which physicians are subject to certain conditions when treating chronic pain from all dangerous drugs to only controlled substances and products containing tramadol.
- Requires a physician’s plan of treatment for a patient diagnosed with chronic pain to be in writing and include specific items.
- Eliminates a requirement that a patient be evaluated by one or more other physicians with a certain expertise before being diagnosed as having chronic pain, and replaces it with a provision specifying that it is recommended that such an evaluation be done.
- Prohibits a physician from prescribing, administering, or personally furnishing a controlled substance or product containing tramadol to a patient without taking into account all of the following: (1) the potential for the drug to be abused, (2) the possibility the drug may lead to dependence, (3) the possibility the patient will obtain the drug for a nontherapeutic use or distribute it to other persons, and (4) the potential existence of an illicit market for the drug.
- Requires a physician to address with a patient whom the physician treats for chronic pain with a controlled substance or product containing tramadol the risks associated with protracted treatment with those drugs.
- Specifies that an advanced practice nurse or physician assistant who is authorized to prescribe controlled substances or products containing tramadol is subject to the same restrictions to which a physician is subject when treating chronic pain with those drugs.

**MANUFACTURED HOMES COMMISSION**

- Transfers regulatory authority related to manufactured home parks from the Department of Health and the Public Health Council to the Manufactured Homes Commission.
- Replaces the member of the Commission who represented the Department of Health with a member who is a registered sanitarian.
- Requires the local board of health to issue a report of the inspection of a flood event at a manufactured home park to the Commission.
- Creates the Manufactured Homes Commission Regulatory Fund, and requires certain fees to be deposited into that Fund.
- Diverts certain fees from the General Operations Fund to the Occupational Licensing and Regulatory Fund for the administration and enforcement of the Manufactured Home Park Law.
- Requires the Commission to develop a policy regarding the maintenance of records for any inspections, and specifies that those records are public records.
• Removes the requirement that a manufactured home owner and park operator jointly obtain the permit required for alterations, repairs, or changes to a damaged manufactured home in a flood plain.

• Establishes adjudication procedures for violations of the Manufactured Home Park Law.

• Allows licensed real estate brokers and salespersons to broker manufactured homes without a manufactured housing broker license.

• Prohibits a person who is not licensed as a manufactured housing dealer from purchasing a manufactured home directly from the manufacturer.

**DEPARTMENT OF MENTAL HEALTH**

**Adult care facilities and adult foster homes**

• Makes adult care facilities and adult foster homes types of residential facilities for purposes of licensure by the Ohio Department of Mental Health (ODMH) in place of prior law that provided for ODMH to license and certify them under separate statutes.

• Requires ODMH licensure as a residential facility in order to serve children with serious emotional disturbances or in need of mental health services.

• Adds certain provisions to the law governing ODMH-licensed residential facilities that are based on prior law governing adult care facilities.

• Requires the operator of a residential facility to be the applicant for an initial or renewed license to operate a facility and to pay a nonrefundable application fee.

• Permits, rather than requires, imposition of a monetary penalty against a person for violating any of the ODMH residential facility licensing laws, refers to the penalty as a fine rather than a civil penalty, and increases the monetary penalty from $100 to $500 for a first offense and from $500 to $1,000 for each subsequent offense.

• Grants qualified immunity from civil liability and criminal prosecution to a person making a complaint regarding the licensing or operation of an ODMH-licensed residential facility.

• Requires the ODMH Director to adopt additional rules regarding residential facilities that establish: (1) procedures for conducting criminal records checks for residential facility operators and staff, (2) fees for initial and renewed licenses, and (3) standards and procedures permitting the Director to waive any of the residential facility licensure rules.
Residential State Supplement Program

- Specifies that, if ODMH does not designate an entity to serve as an area’s residential state supplement administrative agency, ODMH is responsible for administering the Residential State Supplement (RSS) Program in that area.

- Makes clarifying changes regarding the process for approval of living arrangements under the RSS Program for persons with mental disabilities.

Exchange of confidential health information

- Authorizes ODMH to exchange psychiatric hospitalization records, other mental health treatment records, and other pertinent information with boards of alcohol, drug addiction, and mental health services and community mental health agencies to ensure continuity of care for inmates or offenders who are receiving mental health services in an Ohio Department of Rehabilitation and Correction (ODRC) institution and are scheduled for release within six months.

- Eliminates ODMH’s duty to notify an inmate and receive consent before disclosing the inmate’s psychiatric hospitalization records, other mental health treatment records, and other pertinent information to ODRC for purposes of ensuring the inmate’s continuity of mental health care.

- Eliminates a requirement that the custodian of records in an ODMH hospital, institution, or facility, a community mental health agency, or an ODMH-licensed hospital attempt to obtain patient consent before disclosing the patient’s records to a payer or health care provider if the purpose of the exchange was to facilitate continuity of care.

Contract dispute process

- Restores a law regarding the involvement of ODMH in a contract dispute between a board of alcohol, drug addiction, and mental health services and a community mental health agency or facility.

Commitment for treatment of defendants

- Eliminates the requirement that an examiner who was appointed to evaluate the mental condition of a defendant and who believed that the defendant was mentally ill or retarded and incapable of understanding the criminal proceedings or assisting in the defense make a recommendation as to whether the defendant was amenable to engagement in mental health treatment or developmental disability services.

- Authorizes additional commitment options for certain criminal defendants who are found incompetent to stand trial or not guilty by reason of insanity.
• Eliminates the prosecutor's authority, in the case of a defendant who was charged with a misdemeanor that was not an offense of violence and who was incompetent to stand trial, to hold the charges in abeyance while the defendant engaged in mental health treatment or developmental disability services.

• Requires the place of commitment to which certain persons found incompetent to stand trial or not guilty by reason of insanity are committed to provide to the board of alcohol, drug addiction, and mental health services or the local community mental health board information received from the prosecutor.

• Authorizes involvement of community mental health boards in the development of a plan to implement recommendations for a termination or change in conditions of commitment of certain persons found incompetent to stand trial or not guilty by reason of insanity, and requires ODMH to consult with the board of alcohol, drug addiction, and mental health services or the local community mental health board serving the area before the recommendation and plan are sent to the court.

DEPARTMENT OF NATURAL RESOURCES

• With respect to expenditures from the Oil and Gas Well Fund related to idle and orphaned wells, specifies that competitive bidding does not apply if the Chief of the Division of Oil and Gas Resources Management reasonably determines "that an emergency situation exists requiring immediate action for the correction of the applicable health or safety risk," rather than if the Chief "reasonably determined that correction of the health or safety risk required immediate action," as in prior law.

• Exempts contracts and purchases of material related to such an emergency situation from certain competitive bidding requirements and Controlling Board approval.

• Specifies that a requirement in continuing law related to the inspection of projects by a licensed professional engineer or professional surveyor does not apply to expenditures from the Oil and Gas Well Fund under contracts for plugging idle and orphaned wells or addressing imminent health or safety risks at such wells.

• Allows the Chief to engage in cooperative projects involving idle and orphaned wells with any agency of Ohio, another state, or the United States; any other governmental agency; or any state university or college.

• Specifies that a contract entered into for purposes of such a cooperative project is not subject to certain competitive bidding requirements or Controlling Board approval.

• Authorizes the Director of Natural Resources to request the Director of Budget and Management to transfer money from the Forestry Mineral Royalties Fund to the
Parks Mineral Royalties Fund, and requires the Director of Budget and Management to transfer the money if the Director consents to the request.

- Exempts maintenance of specified hiking and bridle trails in the Shawnee Wilderness Area from the continuing prohibition against the operation of motorized vehicles or motorized equipment in the Area, and subjects the Twin Creek Fire Tower to the continuing prohibitions against conducting specified activities in the Area.

- Requires a person operating an energy facility whose operation may result in the incidental taking of a wild animal to obtain a permit to do so from the Chief of the Division of Wildlife.

- Authorizes a resident of another state who owns real property in Ohio, and the spouse and children living with the property owner, to hunt on that property without a license if the person's state of residence allows Ohio residents who own real property in that state, and the spouse and children living with the property owner, to hunt without a license.

- Requires the Director of Natural Resources, in consultation with the Directors of Agriculture and Environmental Protection, to use money appropriated to the Healthy Lake Erie Fund for specified purposes, including encouraging farmers to adopt 4R nutrient stewardship practices.

**STATE BOARD OF PHARMACY**

- Eliminates a provision that prohibited the Drug Repository Program from accepting or dispensing drugs donated by individuals if the drugs had an expiration date less than six months from the date of donation.

**DEPARTMENT OF PUBLIC SAFETY**

**Homeland security changes**

- Repeals laws that: (1) required the Director of Public Safety to prepare a declaration of material assistance/nonassistance to a terrorist organization document to be used for the licensing, business, and employment purposes described in items (2) to (5), (2) required the state to identify state-issued licenses for which a holder with terrorist connections presented a potential risk, (3) generally required the denial of a state-issued license to a person who disclosed material assistance to a terrorist organization, (4) generally prohibited the state and political subdivisions from doing business with a person or entity unless it was certified as not providing material
assistance to a terrorist organization, and (5) generally prohibited the state, state instrumentalities, and political subdivisions from employing a person who disclosed the provision of material assistance to a terrorist organization.

- Repeals a law that required the Director to adopt rules that specified substances and agents used in the illegal manufacture of a chemical, biological, radiological, or nuclear weapon or an explosive device.

**Distribution of proceeds from sale of forfeited property**

- In regard to money from the sale of property forfeited under federal law: (1) codifies two continuing funds for the deposit of money received by the State Highway Patrol, and (2) creates two new funds for the deposit of money received by the Investigative Unit of the Department of Public Safety; and specifies that all such money, including any interest or other earnings, be used in accordance with any federal or other associated requirements.

**Driver’s license examinations**

- Transfers the driver’s license examination function from the State Highway Patrol, which is a division of the Department, to the Department, and makes the Director, rather than the Superintendent of the Highway Patrol, responsible for: (1) appointing examiners and clerical personnel, and (2) conducting training schools for prospective driver’s license examiners.

- In lieu of 24 hours of in-person classroom instruction for beginning drivers under 18, allows completion of the classroom portion by an optional, equivalent number of online hours of instruction provided via the Internet by an online driver training enterprise licensed by the Director, and authorizes the Director to adopt rules governing online driver education courses.

- Allows the Director to approve a course of remedial driving instruction that permits students to take the entire course, rather than only 50% of the course, electronically.

**Merging of funds**

- Eliminates the Elementary School Program Fund and the Trauma and Emergency Medical Services Grants Fund, and directs all state and local seatbelt violation fine money, and certain licensing and permit fees that the State Board of Emergency Medical Services collects from medical service providers, to the continuing Trauma and Emergency Medical Services Fund.

- Directs all other money that previously was deposited into the Trauma and Emergency Medical Services Grants Fund to the Trauma and Emergency Medical Services Fund instead.
Other provisions

- Makes clear that the State Highway Patrol has discretionary authority to enforce criminal laws in the Lake Erie Correctional Institution to the same extent as if the prison were owned by the state.
- Requires the Director of Rehabilitation and Correction, not later than September 10, 2013, after consultation with various entities, to submit a report to the General Assembly on the effectiveness of the Patrol’s authority to enforce criminal laws in the Lake Erie Correctional Institution.
- Requires the Capitol Square Review and Advisory Board and the Department jointly to contract for a study of the safety and security of the Ohio Statehouse complex.

PUBLIC UTILITIES COMMISSION

Motor-carrier regulation

Terminology and definitions

- Changes the term "motor transportation company” to "for-hire motor carrier."
- Removes a provision that defined "private motor carriers" as persons providing transportation "for hire."

Changes relating to federal-funding compliance

- Makes changes to certain motor-carrier laws to bring the laws into compliance with requirements for federal funding, including:
  --removing certain regulatory exemptions;
  --restricting other exemptions to intrastate commerce;
  --clarifying that public-utility exemptions do not extend to for-hire motor carriers or private motor carriers; and
  --increasing the cap on forfeitures from $10,000 to $25,000.

Exemptions

- Exempts from regulation as a for-hire motor carrier an entity operating motor vehicles for contractors on public road work.
- Explicitly states the manner in which certain exemptions for public utilities, for-hire motor carriers, and private motor carriers are to be construed.
- Permits the Public Utilities Commission (PUCO) to grant temporary, emergency, intrastate operation, and regulatory exemptions, and exemptions additional to those
specified in the act, for for-hire motor carriers or private motor carriers, but not persons who do not qualify as one of those types of carriers.

**PUCO rules**

- May broaden the scope of rules to be adopted by the PUCO governing the transportation of persons or property and the transportation or offering for transportation of hazardous materials by clarifying that the rules apply to interstate and intrastate commerce.

- Applies the rules governing the transportation of persons or property to for-hire motor carriers and private motor carriers, but likely applies the rules regarding hazardous materials more broadly to those carriers and to persons engaged in the transportation or offering for transportation of hazardous materials.

- Requires various rules of the PUCO governing transportation, including general liability insurance requirements, to be not incompatible with requirements of the U.S. Department of Transportation.

**Inspections**

- Requires inspectors and employees to conduct motor vehicle and driver inspections, and declare out-of-service violations, consistent with the North American Standard Inspection Procedure of the Commercial Vehicle Safety Alliance and the standards of the U.S. Department of Transportation.

- Eliminates caps on fees for roadside inspections and compliance reviews of $1,000 and $10,000, respectively.

**Household goods and carriers and freight cargo insurance**

- Eliminates a provision that required freight cargo insurance for the issuance of a certificate of public convenience and necessity to a for-hire motor carrier, but maintains the requirement for household goods carriers.

- Eliminates provisions that governed the cancellation or lapse of freight cargo insurance.

- Limits the laws governing the transportation of household goods to intrastate commerce, but maintains the PUCO’s authority to enforce federal consumer protection provisions related to the transportation of household goods in interstate commerce.

**Certificates, registration, permitting, and annual requirements**

- Requires the PUCO to adopt rules governing the suspension and revocation of certificates of public convenience and necessity for for-hire motor carriers, and requires suspension upon request of a for-hire motor carrier.
• Repeals a provision that required publication of notice of a for-hire motor carrier’s application for a certificate of public convenience and necessity, and repeals a requirement for hearings on those applications.

• Repeals public-highway-operation-permit requirements for private motor carriers and requirements that private motor carriers pay annual taxes to the PUCO and file liability insurance.

• Requires unified carrier registration fees to be identical to those established by the Unified Carrier Registration Act Board.

• Expressly requires the PUCO to adopt rules applicable to the filing of annual update forms by for-hire motor carriers.

• Limits the payment of annual taxes by for-hire motor carriers to those operating solely in intrastate commerce.

• Removes requirements regarding the PUCO’s determination of the amount of the apportioned per-truck registration fee for uniform registration for the transportation of hazardous materials.

**Funds**

• Abolishes and requires the transfer of balances from five funds, as well as $21 million from the Public Utilities Fund, into the Public Utilities Transportation Safety Fund created by the act.

• Requires most of the fees, taxes, fines, and forfeitures under the act to be deposited into the Public Utilities Transportation Safety Fund for the PUCO’s nonrailroad transportation activities.

• Requires that certain excess fees, taxes, fines, and forfeitures, after a point of parity is reached between the Public Utilities Transportation Safety Fund and the appropriation from the Fund, be deposited into the General Revenue Fund whereas some of those fees went to the Department of Public Safety under prior law.

**Regulatory scope**

• Removes the PUCO from the functions of regulating rates, routes, and territories of motor carriers, eliminates the requirement that applied to for-hire motor carriers, requiring them to file time and service schedules, and changes state policy accordingly.

• Provides that motor-carrier law no longer applies to railroads.

**Natural gas investments in gathering and storage facilities**

• Permits a regulatory exemption for natural gas companies’ investments in gathering facilities placed into service before 2010, and any related service.
• Requires, for an exemption for pre-2010 gathering facilities, a true-up if the prior-rate-case value of the investments to be exempted exceeds the value of nonexempt investments placed into service after the date certain used in the last rate case, such that the company’s gross-annual-revenue entitlement is reduced accordingly.

• Requires that a regulatory exemption for storage or gathering facilities placed into service at any time be sought as part of a rate case.

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**OHIO BOARD OF REGENTS**

• Eliminates several mandated reports by the Chancellor of the Board of Regents, and consolidates requirements for other reports into one statute.

• For purposes of the ongoing authority of a state institution of higher education to enter into an arrangement with a conduit entity and an independent funding source relative to the lease/leaseback of any of the institution’s auxiliary facilities, expands the definition of "conduit entity" to include any appropriate legal entity selected by the institution.

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**DEPARTMENT OF REHABILITATION AND CORRECTION**

**Deposit of service commissions into Prisoner Programs Fund**

• Requires the Director of Rehabilitation and Correction to deposit all moneys received from commissions on specified services provided to prisoners and all moneys received from commissions on all telephone systems into the continuing Prisoner Programs Fund.

**Community-based correctional facilities**

• Makes every person serving a term in a community-based correctional facility or district community-based correctional facility responsible for medical treatment and services that the person requests and receives.

• Eliminates a limitation of the fee for medical treatment and services in a community-based correctional facility or district community-based correctional facility to actual cost.

• Eliminates a requirement that any fee paid by an offender in a community-based correctional facility or district community-based correctional facility for treatment or services requested and received be deducted from medical or dental costs that the person was ordered to reimburse under a court-imposed financial sanction or to repay under a county policy that required repayment of the costs of confinement.
• Eliminates a requirement that the governing board of a community-based correctional facility or district community-based correctional facility establish a policy requiring non-indigent offenders to pay for any medical treatment or service requested by and provided to an offender.

**Early releases**

• Requires that a Department of Rehabilitation and Correction (DRC) prisoner who is released from prison early under a risk reduction sentence be placed after release under post-release control sanctions instead of on supervised release, and specifies that the Felony Sentencing Law definition of "stated prison term" includes any period of time by which a felon's prison term is shortened under a risk reduction sentence.

• Revises the procedures for the possible release of certain DRC prisoners who serve 80% of their stated prison term, and corrects erroneous cross-references in that mechanism to mandatory prison terms.

**Days of credit for time served**

• Requires a sentencing court to determine the days of credit that an offender receives for time served in relation to the offense, provides for the correction of errors in the determination, and requires DRC to adjust a prisoner's stated prison term or parole eligibility in accordance with the court’s determination.

• Specifies that DRC and the Adult Parole Authority are not liable for any claim for damages arising from the DRC's or Authority's issuance, denial, or revocation of a certificate of achievement and employability or for the DRC’s or Authority’s failure to revoke a certificate under required circumstances.

**Medical release, pardon, commutation, and reprieve**

• Eliminates the Authority's power to recommend to the Governor the medical release of a prisoner.

• Eliminates the requirement that the Authority use the procedures specified in continuing law for recommending a pardon, commutation, or reprieve or, under former law, a medical release prior to making a recommendation to the Governor regarding an inmate's release because the inmate was terminally ill, medically incapacitated, or in imminent danger of death if the Authority was directed to investigate the inmate prior to the Governor's ordering the release of the inmate.

**Rules for use of appropriations for licensed halfway house contracts**

• Requires the Director to adopt rules providing for the use of no more than 15% rather than 10% of appropriations for the Halfway House, Reentry Center, and Community Residential Center Program to pay for contracts with licensed halfway
houses for specified nonresidential services for offenders supervised by the Adult Parole Authority.

**Notice of transfer to transitional control**
- Specifies that DRC's Division of Parole and Community Services, instead of the Division's Adult Parole Authority, must notify the sentencing court of the pendency of a transfer to transitional control of a DRC prisoner and of the fact that the court may disapprove of the transfer.

**Probation improvement grants and incentive grants**
- Makes probation departments that supervise offenders sentenced by courts of common pleas or municipal courts, instead of just departments that supervise felons, eligible for probation improvement grants and probation incentive grants.

**Community-based correctional facility employees**
- Excludes specified community-based correctional facility employee residential and familial information from the application of the Public Records Law.
- Includes a community-based correctional facility employee among the group of persons whose personal residence address must be disclosed to a journalist so long as the journalist meets certain specified requirements.

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**REHABILITATION SERVICES COMMISSION**
- Grants exclusive authority to administer the daily operation and provision of vocational rehabilitation services to the administrator of the Rehabilitation Services Commission (RSC).
- Requires RSC to establish a fee schedule for vocational rehabilitation services.
- Authorizes, rather than requires, RSC to solicit funds from private or public entities for the purpose of receiving the maximum amount of federal funds possible to support RSC's activities.
- Replaces prior law permitting RSC to terminate a funding agreement with a third-party only with good cause and three months' notice with a provision permitting RSC to terminate such an agreement as follows: (1) for just cause at any time, or (2) for any other reason with 30 days' notice.
- Eliminates a requirement that the duration of each funding agreement be at least six months.
SCHOOL FACILITIES COMMISSION

- Would have revised the method of determining a school district’s priority for assistance, and local share, under the Classroom Facilities Assistance Program if the district was participating in the Expedited Local Partnership Program and its tangible personal property valuation (not including public utility personal property) made up 18% or more of its total taxable value for tax year 2005 (VETOED).

- Permits a school district segmenting its classroom facilities project or participating in the Exceptional Needs Program to prorate its maintenance obligation to cover only the facilities acquired under the segment or Program if the district can generate the amount to maintain those facilities by a means other than levying a maintenance tax.

- Specifies that a STEM school’s proposal for classroom facilities funding must indicate the amount requested from the School Facilities Commission instead of the amount of state funding requested as in prior law and the amount pledged from other sources rather than from nonstate sources as formerly required.

- Requires a STEM school to secure at least 50% of its classroom facilities funding from sources other than the Commission instead of from nonstate sources as in prior law.

RETIREMENT

- Makes the Ohio Board of Regents, rather than the Department of Insurance, responsible for designating vendors as eligible to provide investment options under alternative retirement plans (ARPs) for employees of public institutions of higher education.

- Adds several factors to those to be identified, considered, and evaluated when designating vendors.

-Eliminates as factors to be considered when designating vendors the relationship between the rights and benefits under the investment options and amount of contributions made under those options and the suitability of those rights and benefits to the needs and interests of employees eligible to participate.

- Requires, rather than authorizes, the Board to rescind the designation of a vendor that does not comply with law authorizing establishment of ARPs.

- Requires that public institutions of higher education be given notice and an opportunity to comment whenever an entity applies for vendor designation or a designated vendor is scheduled for review by the Board.
**SENATE**

- Establishes qualifications for service as the Senate Sergeant at Arms or as an assistant sergeant at arms for the Senate.
- Confers law enforcement authority to the Senate Sergeant at Arms and assistant sergeants at arms.

**SECRETARY OF STATE**

- Removes the requirement that a campaign committee include the name and address of its chairperson, treasurer, or secretary in printed political communications and public political advertisements.
- Requires instead that a campaign committee include its name in printed political communications and public political advertisements.

**DEPARTMENT OF TAXATION**

**Casino tax revenue**

- Creates the Peace Officer Training Academy Fund and the Criminal Justice Services Casino Tax Revenue Fund to receive the portion of casino tax proceeds, 2%, allocated under continuing law for the purpose of supporting law enforcement training efforts of the Peace Officer Training Academy and the Department of Public Safety’s Division of Criminal Justice Services.
- Specifies how the portion of casino tax proceeds allocated under continuing law to the Ohio State Racing Commission Fund and the Problem Casino Gambling and Addictions Fund is to be used.

**Sales and use taxes**

- Would have exempted from sales and use taxes the purchase of property or services used in research and development activities related to aerospace vehicles (VETOED).
- Removes the requirement that certain telecommunications equipment used in direct marketing be purchased by a direct marketing vendor in order for the equipment to be exempt from the sales tax.

**Enterprise zones**

- Extends the time during which local governments may enter into enterprise zone agreements to October 15, 2013.
Property taxation

- Would have allowed townships to exempt property consisting of at least four residential units pursuant to a tax increment financing resolution if construction of the property began between April 1, 2012, and December 31, 2013, and if the tax increment financing resolution was adopted before December 14, 2001 (VETOED).

- Authorizes county auditors to consider factors other than the sale price in assessing the true value of real property subject to a recent arm’s length sale, and specifies that the true value of property is to be based on the fee simple estate as if unencumbered by liens, easements, and other encumbrances.

- Requires county auditors to involve at least one qualified project manager in each county-wide reappraisal or triennial update that begins more than two years after September 10, 2012.

- Provides that a person qualifies as a qualified project manager if the person completes a 30-hour course in mass appraisal techniques approved by the Superintendent of Real Estate and Professional Licensing and meets continuing education requirements following completion of the course.

- Changes the time when a municipal corporation's or township's withdrawal from a regional transit authority (RTA) takes effect from six months after the withdrawal election to the last day of the year in which the election occurs.

- Specifies that RTA property taxes may not be levied in a subdivision for the year of an election that approves the question of the subdivision's withdrawal from the RTA.

- Authorizes a township or municipal corporation that withdraws from an RTA to place on the ballot the question of a property tax levy for the purpose of providing transportation services to the unincorporated area of the township or municipal corporation, respectively.

- Authorizes a township or municipal corporation to certify a single ballot question combining the questions of withdrawal from an RTA and a property tax levy to fund its own transportation services.

- Extends the tax exemption for a cultural center that is a historic structure under renovation and that is conveyed to a nonpublic, noncharitable organization to include the circumstances that the property is conveyed to any entity that contracts to have the renovations done and is at least partly owned by a 501(c)(3) federally tax-exempt organization.

- Authorizes a property tax exemption for a convention center owned by a convention facilities authority in a county with a population over one million.
• Authorizes the abatement of unpaid property taxes, penalties, and interest owed on property that is owned by a church or a township and that would have qualified for property tax exemption if not for a failure to comply with certain tax exemption procedures.

**Dealers in intangibles tax**

• Requires businesses that pay the dealers in intangibles tax to remit the tax to the Tax Commissioner instead of to the Treasurer of State.

• Provides that the Tax Commissioner, instead of the Treasurer, may bill such dealers for underpaid taxes or issue refunds for overpayments.

• Provides that dealers in intangibles may claim a refund of overpaid taxes by filing an application for final assessment instead of applying for a certificate of abatement.

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**DEPARTMENT OF TRANSPORTATION**

• Eliminates the statutory organization of the Department of Transportation (ODOT) into eight specified divisions, allows the Director of Transportation to organize ODOT, and replaces the Office of Public Transportation of the Division of Multi-modal Planning and Programs with the Office of Transit, which has responsibility for public transportation grants.

• Permits the Director to establish speed limits within construction zones that vary based on the type of work being conducted, the time of day, or any other criteria the Director may consider appropriate.

• Clarifies that the standards and specifications the Director must adopt for lighting on snow removal equipment and oversize vehicles operating under special permits may permit the use of flashing colored lights, other than blue or red lights, for purposes of identification.

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**TREASURER OF STATE**

• Authorizes the Treasurer of State to act as an eligible not-for-profit servicer of student loans owned by the federal government.

• Authorizes the Treasurer and the Superintendent of Insurance to agree that the Superintendent will collect the taxes levied on the gross premiums of unauthorized insurance companies, i.e. surplus lines, on the Treasurer's behalf.

• Clarifies that the proceeds of obligations issued by the Treasurer or the Ohio Public Facilities Commission to pay the costs of certain capital facilities may be used to pay
interest on the obligations, *including* interest from the date of their issuance to the time when interest is to be covered from sources other than the proceeds of obligations.

- Specifies that, unless otherwise authorized by the Tax Commissioner, the Treasurer may sell cigarette tax stamps only to licensed dealers, and authorizes the Treasurer to charge dealers for the cost of shipping the stamps.

- Eliminates the Office of the Treasurer of State as one office in which money or a surety or government-issued bond could be deposited to cover the repair or removal of abandoned service stations for owners or lessees who own, lease, or construct two or more service stations in Ohio.

- Requires the Treasurer to refund the money or release the bond to the owner or lessee, who, in turn, must file a bond with the municipal corporation or county in which each service station is located.

### OHIO TUITION TRUST AUTHORITY

- Requires that funds of the Ohio College Savings Program and the Variable College Savings Program not needed for immediate use are to be deposited by the Treasurer of State in the same manner provided under the Uniform Depository Law for public moneys of the state.

### BUREAU OF WORKERS’ COMPENSATION

- Permits eligible state institutions of higher education to include, rather than exclude, their hospitals when self-insuring against claims for workers’ compensation.

- Requires certain permanent partial disability payments to be paid in weekly installments, and specifies that those installments may only be commuted to lump-sum payments by the Administrator of Workers’ Compensation when special, continuing law circumstances exist.

- Permits the President of the Ohio Township Association, if unavailable to serve, to select a designee to serve on the Workers’ Compensation Board of Directors Nominating Committee.

- Permits the President of the Ohio County Commissioners Association, if unavailable to serve, to select a designee to serve on the Committee.

- Requires the Administrator of Workers’ Compensation to make available electronically the joint rules governing the operating procedures of the Bureau of
Workers’ Compensation (BWC) and the Industrial Commission and all rules adopted by BWC and the Commission rather than making those rules available in two separate printed publications as under former law.

- Requires the Administrator to make available electronically upon request the classifications, rates, rules, and rules of procedure of BWC rather than making those rules available in pamphlet form.
- Eliminates the requirement that the Administrator maintain a mailing list of persons who requested copies of the BWC and Commission rules.
- Permits certain employers, upon approval of the Administrator, to provide workers’ compensation coverage through a sports league policy to professional athletes and coaches.
- Prohibits a professional athlete or coach or the dependents of a professional athlete or coach who is or was an employee of such an employer from applying for or receiving compensation or benefits under Ohio law for an injury or occupational disease suffered in the course of employment.
- Makes the laws of the state where the league policy was issued the exclusive remedy for an injury or occupational disease.

**DEPARTMENT OF YOUTH SERVICES**

- Requires a criminal court that transfers jurisdiction of a specified type of case back to the juvenile court after a juvenile has been convicted of or pleaded guilty to an offense in the criminal court other than the offense that was the basis of the transfer, and all other agencies that have a record of the conviction or guilty plea, to expunge the criminal record and consider and treat the conviction or guilty plea as a delinquent child adjudication.
- Specifies that judicial release of a child after one year of an aggregate term of commitment to the Department of Youth Services (DYS) for specifications and underlying delinquent act is a possible alternative to other types of judicial release.
- Specifies that the training standards established by the Adult Parole Authority are for adult probation officers rather than all probation officers.
- Requires DYS to attempt to verify a youth’s identity with a birth certificate and Social Security number before the youth is released from a secure facility under the control of DYS and to issue the youth an identification card if able to so verify the youth’s identity.
• Specifies that an identification card issued by DYS is sufficient documentary evidence for the Registrar of Motor Vehicles or a deputy registrar to issue an identification card.

• Requires the Registrar or a deputy registrar to destroy an identification card issued by DYS upon the issuance of an identification card by the Registrar or deputy registrar.

• Modifies the method for determining the allocation of county juvenile program funds.

• Replaces a requirement that moneys in the Felony Delinquent Care and Custody Fund be prioritized to research-supported, outcome-based programs and services with a requirement that research-supported, outcome-based programs and services, to the extent they are available, must be encouraged.

**MISCELLANEOUS**

• Adds, as a condition under which the state or a political subdivision may use the abbreviated publication procedure for publishing notices or advertisements, that the second, abbreviated notice or advertisement must be published on the state public notice web site.

• Eliminates the requirement that the first publication of legal advertisements or notices be posted on the state public notice web site.

• Defines "state agency" and "political subdivision" for purposes of the abbreviated publication procedure.

• Changes the deadline for the Redistricting Reform Task Force to issue its report from June 30, 2012 to December 15, 2012.

• Requires the Departments of Aging, Alcohol and Drug Addiction Services, Developmental Disabilities, Education, Health, Job and Family Services, and Mental Health, the Development Services Agency, and the Rehabilitation Services Commission to collaborate to revise eligibility standards and eligibility determination procedures of programs they administer for the purpose of making the standards and procedures more uniform.

• Creates in the state treasury the SellOhio Global Initiative Fund.

• Repeals the statute authorizing the Legislative Committee on Education Oversight and the Legislative Office of Education Oversight, which ceased operations in 2005.

• Adds the State Fire Marshal, or the State Fire Marshal’s designee, to the Multi-Agency Radio Communications System Steering Committee.
• Requests the Congressional Joint Committee on the Library of Congress to approve the replacement of Ohio's statue of Governor William Allen in the National Statuary Hall Collection with a statue of Thomas Edison.

• Authorizes the Governor to convey any or all parcels of real estate held for the use and benefit of Youngstown State University in Youngstown in the area known as Smokey Hollow.

• Amends a previously authorized land conveyance, of property formerly used as Highway Patrol Post 23 in Fairfield County, to include a complete legal description of the property.

• Corrects the property description in a previously authorized state land conveyance to the Board of County Hospital Trustees of the MetroHealth System in Cuyahoga County.

• Releases use, ownership, and conveyance restrictions, and rescinds the state's right of reversion, with respect to real estate previously conveyed by the state to the city of Broadview Heights.

Sub. S.B. 312

(For details of fiscal provisions of the act, see LSC Fiscal Note, "As Enacted," available online at www.lsc.state.oh.us)

Sens. Widener, Balderson, Beagle, Eklund, Hite, Jones, Lehner, Manning, Niehaus, Sawyer, Turner


Effective date: June 29, 2012

• Makes capital reappropriations for the biennium ending June 30, 2014.

• Modifies the process under which money in the ongoing Adult and Juvenile Correctional Facilities Bond Retirement Fund may be transferred to the GRF, and additionally permits the transfer of that money to the Adult Correctional Building Fund and the Juvenile Correctional Building Fund.

• Revises the law on proposals for and approval of new science, technology, engineering, and mathematics (STEM) schools to require that proposals be based on submissions to the STEM Committee instead of through requests for proposals.

• Establishes a temporary subcommittee of the STEM Committee with the authority to consider and approve proposals for new STEM schools through July 31, 2012, in lieu of their consideration and approval by the whole Committee.
• Specifies that the whole STEM Committee will resume its duties to consider and approve STEM school proposals on August 1, 2012.

• Requires the Capitol Square Review and Advisory Board and the Ohio Arts Council to provide for the design and erection on the Capitol Square grounds of a memorial to victims of the Holocaust and to the Ohioans who participated in the liberation of the death camps during World War II.
Sub. H.B. 48


Sens. Wagoner, Bacon, Coley, Eklund, Hughes, Jones, Lehner, Manning, Patton, Seitz

Effective date: May 4, 2012

General Corporation Law

Dissenting shareholders

- Provides the circumstances in which no relief is available to a dissenting shareholder if an amendment to the articles of incorporation makes certain changes or in the event of an authorization to dispose of all or substantially all of the assets of a corporation.

- Specifies the following are not entitled under certain circumstances to relief as dissenting shareholders: (1) shareholders of a domestic corporation being merged or consolidated, (2) shareholders of the surviving corporation in a merger into a domestic corporation, and (3) shareholders of an acquiring corporation.

- Permits shareholder notice before the vote on the proposal that relief is available as dissenting shareholders.

- Requires a shareholder receiving notice and electing to be a dissenting shareholder to deliver to the corporation before the vote a written demand for payment of the fair cash value of the shares as to which the shareholder seeks relief.

- Provides that any premium associated with control of the corporation or any discount for lack of marketability or minority status is excluded from the computation of the fair cash value of the shares of a dissenting shareholder.

- Provides that the fair cash value of a share that was listed on a National Securities Exchange at any of specified times must be the closing sale price on the Exchange as of the applicable date.

Recording of corporate mortgages

- Applies to electric cooperatives continuing law’s provisions on the recording of mortgages of corporate property with the county recorder and the filing with the Office of the Secretary of State of such mortgages that include rolling stock, movable equipment, or machines.
Voluntary dissolution

- Permits a resolution of dissolution to also include the date on which the certificate of dissolution is to be filed or the conditions or events that will result in the filing of the certificate or authorization for the officers or directors to abandon the proposed dissolution before the filing of the certificate of dissolution.

- Requires the certificate of dissolution to provide the Internet address of each domain name held or maintained by or on behalf of the corporation instead of the names and addresses of its directors and officers or the incorporators, as applicable.

- Modifies prior law's requirements pertaining to certain types of evidence that must accompany a certificate of dissolution filed with the Secretary of State.

- Generally replaces prior law's public notice requirements following the filing of a certificate of dissolution.

- Provides that for purposes of winding up its affairs, a corporation that is dissolved voluntarily or had its articles of incorporation canceled, or whose period of existence has expired, must continue for five years from the dissolution, expiration, or cancellation, subject to extension by a court.

- Provides that dissolution of a corporation does not eliminate or impair any remedy available to or against the corporation or its directors, officers, or shareholders for any existing right, claim, or liability if the action is brought within the required limitations period.

- Authorizes the enforcement of any property right of a corporation that is discovered after the winding up of the corporation, the collection and division of the assets discovered among the persons entitled to those assets, and the prosecution of actions or proceedings in its corporate name.

- Enacts procedures for a corporation that has given notice of dissolution to reject any matured claim made by a claimant or to offer security to any claimant whose claim is contingent, conditional, or unmatured, including filing an application to the court with jurisdiction for a determination of the amount and form of security.

- Lists the duties of a dissolved corporation with respect to claims and offers of security.

- Specifies the circumstances in which a shareholder who has received a distribution of the assets may or may not be liable for a claim.
Judicial dissolution

- Modifies prior law that authorized a corporation to be dissolved judicially by an order of the court of common pleas of the county in which the corporation had its principal office.

General Corporation Law and Nonprofit Corporation Law

- Modifies the General Corporation Law and the Nonprofit Corporation Law by providing that a right to indemnification or to advancement of expenses arising under a provision of the articles or the regulations cannot be eliminated or impaired in certain circumstances.

- Requires that the number of directors fixed by the articles or regulations cannot be less than one, provides that the number may be fixed or changed to a number not less than one at a meeting of the shareholders under certain specified circumstances, and requires that the directors must be natural persons who are at least 18 years old.

Limited liability companies

- Provides that an operating agreement governs relations among members and between members, any managers, and the limited liability company and that a limited liability company is bound by the operating agreement whether or not the limited liability company executes the operating agreement.

- Specifies what the operating agreement cannot do.

- Provides that, upon a member's withdrawal from a limited liability company, the member's right to participate in the management and conduct of the limited liability company's business and the member's duty of loyalty under certain circumstances terminate.

- Specifies that an assignment of a membership interest entitles the assignee only to receive, to the extent assigned, the distributions of cash and other property and the allocations of profits, losses, income, gains, deductions, credits, or similar items to which the assignee's assignor would have been entitled.

- Provides that a substitute member of a limited liability company or an assignee of a membership interest is bound by the operating agreement whether or not the substitute member or assignee executes the operating agreement.

- Provides that an order charging the membership interest of a member of a limited liability company is the sole and exclusive remedy that a judgment creditor may seek to satisfy a judgment against the membership interest of a member or a member's assignee.
• States that the only fiduciary duties a member owes to a limited liability company are the duty of loyalty and the duty of care, and specifies what those duties are.

• Provides that a manager of a limited liability company who was appointed in writing and has agreed in writing to serve as a manager and who is also a member or who is serving as the representative of a member owes to the limited liability company and the other members the duties of a manager.

• Maintains the requirement that the manager act in good faith and in a manner the manager reasonably believes to be in or not opposed to the best interests of the company and to use care that an ordinarily prudent person would use, but specifies that those are the only fiduciary duties a manager owes to the limited liability company if the manager’s duties are not governed by a specified provision of law.

• Provides that a tribunal may declare a limited liability company dissolved, and specifies when the limited liability company’s business must be wound up.

Sub. H.B. 267


Sens. Beagle, Bacon, Coley, Eklund, Faber, Hite, Hughes, Jones, Obhof, Oelslager, Patton, Sawyer, Wagoner

Effective date: May 22, 2012

• Adopts the Revised Uniform Unincorporated Nonprofit Association Act.

• Permits Ohio nonprofit corporations to merge and consolidate with other types of domestic and foreign entities in a manner generally similar to mergers and consolidations authorized under continuing law for limited liability companies.

Sub. H.B. 275

Reps. Young and Slaby, Henne, Bubp, Combs, Hollington, Hackett, Thompson, J. Adams, R. Adams, Newbold

Sens. Schaffer, Hughes, Bacon, Balderson, Coley, Jordan, LaRose, Lehner, Niehaus, Seitz

Effective date: July 3, 2012

• Permits a supplier to offer a consumer a cure offer if the consumer files an action against the supplier for an alleged violation of the Consumer Sales Practices Act.
Establishes timelines and procedures for a supplier making a cure offer and a consumer accepting or rejecting a cure offer.

Requires a cure offer to contain a supplier's remedy consisting solely of monetary compensation to resolve the alleged violation of the Consumer Sales Practices Act, the amount of attorney's fees to be paid, not to exceed $2,500, court costs, and a prominent notice containing a disclosure in a form contained in the act.

Prohibits a consumer from being awarded treble damages, and court costs and attorney's fees after the cure offer is received, if the consumer does not accept a cure offer and a court or arbitrator awards the consumer actual economic damages that are less than or equal to the value of the remedy included in the cure offer.

Requires a consumer to request attorney's fees and court costs from a supplier and to submit documentation evidencing the requested amount upon acceptance of a cure offer.

Authorizes a supplier, if the supplier feels that the requested amounts are unreasonable, to seek a ruling from the appointed court related to attorney's fees and court costs requested by a consumer.

Requires the court to make an award of reasonable attorney's fees and court costs if such a ruling is sought.

Provides that the cure offer is not admissible as evidence in a jury trial of the consumer's action.

Requires a judge, after a verdict is rendered or if the action is tried to the judge, to consider a cure offer only if the offer was timely delivered and only for the purpose of determining whether treble damages may be awarded and the amount of attorney's fees and court costs to be awarded.

Provides that the act does not apply to claims for personal injury or death.

**Am. Sub. H.B. 383**

**Reps.** Slaby, Grossman, Combs, McGregor, Roegner, Bubp, Letson, Amstutz, Barnes, Blair, Blessing, Boose, Huffman, Milkovich, Rose, Sears, Stebelton, Winburn, Young, Batchelder

**Sens.** Bacon, Schaffer, Jones, Eklund, Faber, LaRose, Patton, Peterson, Seitz

**Effective date:** August 31, 2012

Specifically excludes from the definition of "consumer transaction" for purposes of the Consumer Sales Practices Act a transaction involving a home construction services contract regarding a one-, two-, or three-family dwelling.
• Generally prohibits a home construction service supplier from performing home construction services that cost $25,000 or more without entering into a written home construction services contract with the owner, and requires the contract to include all agreements and conditions related to the home construction service, including a copy of the supplier’s required liability insurance contract and specified information.

• Generally requires a home construction service supplier to provide notice that contains a written or oral estimate to the owner prior to performing work related to reasonably unforeseen, but necessary, costs that exceed $5,000 over the course of the entire home construction contract.

• Provides that a home construction service supplier does not have to comply with the above requirements or the requirements described below related to excess costs if the supplier enters into a cost-plus contract with an owner.

• Prohibits a home construction service supplier from doing specified acts in violation of the act’s provisions relating to contracts and excess costs, failing to perform the contract in a workmanlike manner, failing to make certain disclosures relating to excess costs or repair services, making certain types of false or misleading statements to the owner, and doing other specified acts related to the home construction services.

• Generally authorizes a home construction service supplier to take as a down payment not more than 10% of the contract price before the supplier’s performance under the contract begins and to accept payments from a construction loan.

• Grants to the Attorney General specified powers and remedies that are substantially similar to those available to the Attorney General under the Consumer Sales Practices Act.

• Prohibits the Attorney General from disclosing facts and identities discovered during an investigation unless specified circumstances exist.

• Permits an owner to bring a civil action for damages or other relief for a violation of the act, and authorizes an award of limited attorney’s fees to the prevailing party if the owner brought or maintained a groundless action in bad faith or if the supplier knowingly committed an act or practice in violation of the act.
Sub. S.B. 139

Sens. Hughes, Schaffer, Seitz, Patton, Bacon, Beagle, Daniels, Faber, Hite, Jones, Niehaus, Obhof, Tavares

Effective date: March 22, 2013; certain provisions effective April 1, 2013

PEO registration

- Allows multiple professional employer organizations (PEO) to register together as one entity, referred to as a "PEO reporting entity," instead of registering individually.

- Requires a PEO or a PEO reporting entity to submit its most recent audited or reviewed financial statement when initially registering or renewing registration.

- Requires a PEO or a PEO reporting entity to have positive working capital at initial or annual registration, and, if the PEO or PEO reporting entity does not have positive working capital, requires it to satisfy additional security and reporting requirements over the registration period.

- Allows a PEO to submit the financial statements of a PEO reporting entity, and vice versa, if the PEO or PEO reporting entity is a subsidiary of, or is related to, a variable interest entity.

- Requires the Bureau of Workers' Compensation to deny initial or annual registration to an applicant or PEO reporting entity that does not meet the act's requirements.

- Prohibits multiple, unrelated PEOs or multiple, unrelated PEO reporting entities from coming together for purposes of obtaining workers' compensation coverage or for forming any type of self-insurance arrangement available under the PEO Law.

- Allows the Administrator of Workers' Compensation to issue a limited registration to a PEO or PEO reporting entity if the PEO or PEO reporting entity provides specified information.

- Authorizes the Administrator to allow an independent assurance organization to act on behalf of a PEO or PEO reporting entity in complying with the PEO Law and any rules adopted under it.

Reports

- Requires a PEO to report any transfer of employees between related PEO entities or PEO reporting entities to the Administrator.
• Requires a PEO or PEO reporting entity to include client payroll and claim
information regarding the transferred employees and a notice of all workers'
compensation claims that have been reported to the PEO or PEO reporting entity.

• Requires every PEO and PEO reporting entity to file a report with the Tax
Commissioner that includes specified information about the client employers of the
PEO or PEO reporting entity.

Employer of record
• Requires every PEO and PEO reporting entity to update the report sent to the Tax
Commissioner on a calendar quarter basis.

• Prohibits a shared employee under a PEO agreement, solely as a result of being a
shared employee, from being considered an employee of the PEO for purposes of
general liability insurance, fidelity bonds, surety bonds, employer liability not
otherwise covered by Ohio's Workers' Compensation Law, or liquor liability
insurance carried by the PEO unless otherwise specified in the PEO agreement and
the financial document.

• Designates, for tax credits and other economic incentive programs, when a shared
employee is considered an employee of the client employer or the PEO.

• Requires the Director of Job and Family Services to adopt rules to address the
method by which a PEO or PEO reporting entity reports quarterly wages and
contributions to the Director for shared employees.

• Requires the rules (1) to recognize a PEO or PEO reporting entity as the employer of
record of the shared employees of the PEO or PEO reporting entity for reporting
purposes and (2) to require each shared employee of a single client employer be
reported as a separate and unique subaccount of the PEO or PEO reporting entity.

• Includes requirements to determine a client employer's unemployment
compensation experience.

• Requires a PEO or PEO reporting entity to provide a power of attorney or other
evidence completed by each client employer of the PEO or PEO reporting entity
authorizing the PEO or PEO reporting entity to act on behalf of the client employer
in accordance with the requirements of the Unemployment Compensation Law.

Duties and liabilities
• States that a client employer may retain sufficient direction and control over a
shared employee as is necessary to ensure the quality, adequacy, and safety of the
goods or services produced or sold in the client employer's business in addition to
the reasons a client employer retains direction and control listed in continuing law.
- Makes a PEO not liable for the acts, errors, and omissions of a client employer or a shared employee when those acts, errors, and omissions occur under the direction and control of the client employer.

- Makes a client employer not liable for the acts, errors, and omissions of a PEO or a shared employee when those acts, errors, and omissions occur under the direction and control of the PEO.

- Prohibits the PEO Law or a PEO agreement from interfering with contractual and other obligations.

**Am. Sub. S.B. 193**

**Sens.** Seitz, Patton, Hughes, Bacon, Balderson, Beagle, Brown, Burke, Cafaro, Eklund, Hite, Jones, Kearney, LaRose, Lehner, Manning, Niehaus, Oelslager, Sawyer, Schiavoni, Tavares, Turner, Wagoner


**Effective date:** September 28, 2012; certain provisions effective January 1, 2013

- Creates specific criminal penalties for the theft of special purchase articles and bulk merchandise containers.

- Requires a motor vehicle used in the theft of metal, special purchase articles, or bulk merchandise containers to be impounded for a specific period of time.

- Prohibits any person from receiving, purchasing, or selling a special purchase article or a bulk merchandise container except in accordance with the laws governing scrap metal dealers and bulk merchandise containers, and prescribes penalties for violating the prohibition.

- Expands the list in continuing law of special purchase articles to include railroad material, specified metal trays and containers, and burnt wire.

- Requires scrap metal dealers and bulk merchandise container dealers to register with the Director of Public Safety, and prescribes registration requirements.

- Revises the definition of "scrap metal dealer."

- Requires dealers to pay an initial registration fee of $200 and an annual renewal fee of $150.

- Requires the Director to develop and implement, by January 1, 2014, and maintain as a registry a secure database for use by law enforcement agencies regarding scrap
metal and bulk merchandise container transactions, and prescribes requirements for that registry.

- Requires dealers to transmit daily transaction reports to the Director for inclusion in the registry.
- Requires bulk merchandise container dealers to maintain records of transactions in accordance with the act, and subjects bulk merchandise container purchases and receipts to the same requirements with which scrap metal dealers must comply for special purchase articles.
- Requires both types of dealers to take photographs of the person from whom the dealer purchases or receives an article or container, and prohibits a dealer from purchasing or receiving an article or container from a person who refuses to have the person’s picture taken.
- Makes changes to the recordkeeping requirements for scrap metal dealers.
- Increases the penalties applicable to scrap metal dealers and secondhand dealers for failure to comply with the applicable duties in the law, and subjects bulk merchandise container dealers to those increased penalties.
- Requires the list provided by law enforcement agencies to scrap metal dealers to include only persons known to be thieves or receivers of stolen property instead of known or suspected as in former law, and authorizes law enforcement agencies to request the clerk of courts to provide that list.
- Requires that list to be provided in a searchable, electronic format and to also be provided to bulk merchandise container dealers and the Department of Public Safety.
- Creates a joint select committee to study the act’s effectiveness.

Sub. S.B. 196

Sens. Wagoner, Gillmor, Seitz, Bacon, Beagle, Coley, Daniels, Eklund, Hite, Hughes, Lehner, Obhof, Oelslager, Patton
Reps. Letson, R. Adams, Blair, Buchy, Carney, Combs, Dovilla, Duffey, Fende, Gardner, Garland, Goyal, Hackett, Hall, Johnson, Kozlowski, Martin, McClain, Milkovich, Newbold, O’Brien, Scherer, Schuring, Slesnick, Wachtmann, Young, Yuko
Effective date: September 28, 2012

- Modifies the definition of "business opportunity plan" by raising the upper threshold for the initial payment in a plan purchase to less than $100,000, as opposed to less than $50,000 under former law.
• Expands the definition of "initial payment" to include more initial payment situations and promissory note situations, and excludes from the definition goods or services purchased for resale or lease.

• Makes changes to the cancellation provisions of the Ohio Business Opportunity Plan Law, allows cancellation for up to 12 months if certain continuing law provisions are not fulfilled, and adds e-mail and fax to the methods for sending notice of cancellation.

• Changes certain exemptions from the Ohio Business Opportunity Plan Law.

• Adjusts the remedies available to purchasers when a seller violates the Ohio Business Opportunity Plan Law, and requires that a purchaser who rescinds an agreement give the seller written notice within three years of the date of the agreement.

• Modifies the time frame within which an action for recovery may be brought under the Ohio Business Opportunity Plan Law.

• Renders any venue or choice of law provision that deprives a purchaser who is an Ohio resident of the benefit of the Ohio Business Opportunity Plan Law void and unenforceable.

• Declares that the Ohio Business Opportunity Plan Law represents a fundamental public policy for Ohio.

• Voids any provision of a business opportunity plan contract that restricts the jurisdiction or venue of a claim otherwise enforceable under the Ohio Business Opportunity Plan Law to a forum outside of Ohio.

Sub. S.B. 208

Sens. Obhof and Kearney, Bacon, Beagle, Jones, Sawyer, Schiavoni, Wagoner, Coley, Daniels, Faber, Hughes, Lehner, Manning, Oelslager, Patton


Effective date: July 3, 2012; certain provisions effective July 3, 2012; certain provisions effective July 1, 2013

• Modifies the definitions of "authenticate," "certificate of title," "jurisdiction of organization," and "registered organization" and defines "public organic record" as used in the Secured Transactions Law.

• Modifies what is meant by a secured party’s control of electronic chattel paper by providing that a secured party has control if a system employed for evidencing the
transfer of interests in the chattel paper reliably establishes the secured party as the person to which the chattel paper was assigned.

- Provides that a registered organization that is organized under federal law and a branch or agency of a bank that is not organized under federal law or a state’s law are located in the state that the registered organization, branch, or agency designates, including its main office, home office, or other comparable office, if federal law authorizes it to designate its location.

- Provides rules that apply to collateral to which a security interest attaches within four months after the debtor changes its location to another jurisdiction, and provides rules for when a financing statement naming an original debtor is filed and the new debtor is located in another jurisdiction.

- Updates references to certain types of collateral regarding the basic priority of security interests.

- Modifies the scope of the rules on the sale of a payment intangible or promissory note under certain specified circumstances.

- Modifies the law regarding the name of the debtor on financing statements if the debtor is a registered organization or the collateral is held in a trust that is a registered organization or in a trust that is not a registered organization or is being administered by a decedent’s personal representative and the name of the debtor who is an individual.

- Provides that if the name that a filed financing statement provides for a debtor becomes insufficient as the name of the debtor so that the financing statement becomes seriously misleading, the financing statement is effective to perfect a security interest in collateral acquired by the debtor before, or within four months after, the filed financing statement becomes seriously misleading and the financing statement is not effective to perfect a security interest in collateral acquired by the debtor more than four months after the filed financing statement becomes misleading unless certain circumstances occur.

- Allows a person to file in the filing office an information statement with respect to a record if the person is a secured party of record with respect to the financing statement to which the record relates and believes that the person that filed the record was not entitled to do so under Ohio law.

- Requires the information statement discussed above to contain certain specified information.

- Requires that, under certain circumstances, the debtor’s name be inserted on a Uniform Commercial Code (UCC) financing statement or a UCC financing
statement exactly as it appears on the debtor's current driver's license or identification card issued by Ohio if one exists.

- Includes uncodified provisions regarding the effectiveness of certain provisions of the act, including perfected security interests and the filing of financing statements, before the act takes effect.

- Provides that the Joint Legislative Ethics Committee is the appropriate ethics commission under the Ethics Law for matters relating to the public members of the Ohio Constitutional Modernization Commission.

**Am. S.B. 245**

**Sens.**  Hughes, Beagle, Hite, Sawyer, Bacon, Balderson, Daniels, Jordan, Oelslager, Patton  
**Reps.**  Yuko, Brenner, Celebrezze, Lundy, Murray  
**Effective date:**  September 4, 2012

- Requires new applicants for a used motor vehicle dealer's license to complete training in order to be licensed.

- Exempts applicants that have held a used or new motor vehicle license in good standing during the two years prior to applying for the license and applicants who hold a salvage motor vehicle auction license or a motor vehicle auction license.

- Prescribes requirements for course providers to meet and basic qualifications for courses to be considered legitimate.
Sub. H.B. 27


Sens. Balderson, Beagle, Brown, Burke, Cafaro, Gentile, Hite, Hughes, Jones, Kearney, Lehner, Manning, Niehaus, Obhof, Oelslager, Patton, Peterson, Sawyer, Schiavoni, Seitz, Smith, Tavares, Wagoner

Effective date: March 22, 2013

- Authorizes a probate court to issue an emergency ex parte order freezing the financial assets of an individual for up to 72 hours if there is reason to believe the individual is missing or has gone or been taken to another state and if it is reasonably certain that the order is needed to prevent significant financial harm to the individual, and authorizes an extension of the order for up to 30 days following notice to the individual and a hearing.

- Requires that if, under Ohio's usual procedures for the appointment of a guardian, the person for whom the guardian is to be appointed is an adult, that adult must be a qualified respondent, that is, a respondent subject to the jurisdiction of the Ohio probate court under the act.

- In a case involving an out-of-state respondent, requires an applicant for the appointment of a guardian or for the issuance of a protective order for an adult to give notice of the application to persons who would be entitled to notice if a proceeding were brought in the respondent's home state.

- Establishes rules for deciding whether an Ohio probate court should proceed with, stay, or dismiss a proceeding for the appointment of a guardian or issuance of a protective order when a proceeding is also filed in another state.

- Authorizes an Ohio probate court to communicate with, request information or action from, and provide information to or take action at the request of a court of another state regarding adult guardianship and protective proceedings.

- Provides for the taking of testimony in another state and the use of that testimony in adult guardianship and protective proceedings in Ohio.

- Delineates the jurisdiction of an Ohio probate court in adult guardianship and protective proceedings when Ohio is not the respondent's home state, and permits
the court to decline jurisdiction if it determines that another state's court is a more appropriate forum.

- Spells out the probate court's options in cases in which it has acquired jurisdiction to appoint a guardian or issue a protective order because of unjustifiable conduct as described in the act.
- Establishes procedures for the transfer of guardianship of an adult from Ohio to another state and from another state to Ohio.
- Authorizes the registration of an out-of-state guardianship or protective order in Ohio so that the order may be enforced in Ohio.
- Defines "financial harm" for purposes of the laws dealing with decedent's estates, guardians and conservators, and related subjects.
- Repeals the statute that governed when a ward moved from Ohio to another state or territory and had a guardian appointed in that state or territory.

**Am. Sub. H.B. 197**

Reps.    Slesnick, Fende, Letson, Murray, O'Brien, Patmon, Yuko, Blair, Combs, Johnson, Milkovich, Terhar, Batchelder

Sens.    Wagoner, Bacon, Beagle, Coley, Eklund, Jordan, Kearney, LaRose, Lehner, Manning, Obhof, Patton, Sawyer, Schaffer, Schiavoni, Seitz, Tavares

**Effective date:** March 22, 2013

- Authorizes a municipal, mayor's, or county court to order community service in lieu of costs for an offender who is unable to pay costs.
- Authorizes a municipal, mayor's, or county court to order an offender to pay costs in installments if the offender will not be able to pay the costs in full when due.
- If a person is charged with an offense in a common pleas, municipal, mayor's, or county court and fails to appear to answer the charge or pleads guilty or is found guilty and fails to pay any fine or costs, requires the court to notify the person of the amount due, direct the person to contact the court clerk, and warn the person that a failure to respond may result in the blocking of the person's motor vehicle registration or transfer of registration.
- Authorizes a person who has received notice from a court of a balance due for unpaid fines or costs to enter into a written agreement with the court to pay the balance due in installments or to perform community service in lieu of payment, and requires the agreement to include a warning that failure to comply with the
agreement may result in the blocking of the person's motor vehicle registration or transfer of registration.

- If the person fails to enter into or comply with an agreement described above, authorizes the court to provide the Registrar of Motor Vehicles with information relative to the person's failure to pay the fines or costs, and prohibits the Registrar from accepting an application to register or transfer registration of any motor vehicle owned or leased by the defendant until the court notifies the Registrar that the fines or costs have been paid in full.

- Requires the Registrar to prescribe forms for the notices described above, authorizes the Registrar to approve the use of other forms, and authorizes the Registrar to require electronic transmission of the forms.

- Requires that municipal and county courts send certain fees and other money they collect to the treasurer of the appropriate political subdivision by the 20th day of the month following the month in which the money is collected.

- Increases from $3 to $6 the maximum fee that a court of common pleas may charge to obtain additional funds for computerizing the court and making available computerized legal research services.

- Increases from $10 to $20 the maximum fee that a court of common pleas may charge to obtain additional funds to computerize the clerk’s office, authorizes other additional fees of $1 for that purpose, and authorizes also using those fees to make technological advances to the clerk’s office.

- Requires a court, in determining the sentence for a felon or misdemeanor, to consider the offender's military service record and whether the offender has an emotional, mental, or physical condition that is traceable to the offender's military service and that was a contributing factor in the commission of the offense.

**Sub. H.B. 247**


**Sens.** Balderson, Lehner, Peterson, Seitz, Wagoner

**Effective date:** March 22, 2013
Courts

- Authorizes a court to cancel claims for amounts due the court if the amounts are uncollectible.
- Requires that a court give a criminal defendant notice of the consequences of a failure to pay a judgment for costs only if the court imposes a community control sanction or other nonresidential sanction.
- Gives a sentencing court continuing jurisdiction to waive, suspend, or modify the payment of the costs of prosecution by the defendant.
- Defines "case," for purposes of criminal costs statutes as the prosecution of all the charges that result from the same act, transaction, or series of acts or transactions and that are given the same case type designator and case number under Supreme Court rules.
- Abolishes the Felony Sentence Appeal Cost Oversight Committee.
- Redesignates the Chief Justice of the Court of Appeals as the Chief Judge of the Court of Appeals.
- Specifies that the Chief Justice and Judges of the Supreme Court must meet at Columbus in January of each year and at subsequent times throughout the year as determined by the Court.

Judicial consent to abortion

- Makes a conforming change to the law regarding a minor seeking judicial consent to an abortion, and provides that the Supreme Court instead of the Clerk of the Supreme Court must prescribe the forms used by a complainant in such a proceeding or an appeal from such a proceeding.

Self-service storage facilities

- Provides that an owner’s lien in personal property stored at a self-service storage facility is not effective against a person who has a valid security interest in a watercraft, whether or not the security interest in the watercraft is filed.
- Requires that all persons holding liens on any motor vehicle or watercraft among the property stored at a self-service storage facility be notified that a facility owner’s lien for a claim in that property has become due.
- Requires that all persons who have a filed security interest in the name of the occupant evidencing a security interest in the personal property with either the Secretary of State or the appropriate county recorder be notified that an owner's lien for a claim in that property has become due.
• Requires that the notice described above be sent by first-class mail with a certificate of mailing to the last known address of each person who is required to be notified.

• Provides that any notice sent by first-class mail with a certificate of mailing is presumed delivered when it is deposited with the U.S. Postal Service and properly addressed with proper postage prepaid.

• Provides that the required advertisement of the sale of the property may be published by any "commercially reasonable manner," rather than only by newspaper notice.

• Deems the manner of advertisement commercially reasonable if at least three independent bidders attend the sale at the time and place advertised.

• Removes the requirement that if there is no newspaper of general circulation in the county in which the self-service storage facility is located, the advertisement be posted at least ten days before the sale in at least six conspicuous places in the neighborhood where the facility is located.

• Authorizes any person who holds a lien against (in addition to persons with a legal or security interest in) any personal property other than a motor vehicle or watercraft to pay the amount necessary to satisfy the owner’s lien and the reasonable expenses incurred and remove the personal property in which the person has the interest or against which the person holds the lien.

• Provides that after removal of all the personal property, including any motor vehicle or watercraft, from the storage space, any person can enter into a rental agreement for the storage of personal property with the owner, and the owner has no obligation to the prior occupant of that storage space.

• Requires the owner to have any motor vehicle or watercraft towed from the storage space before entering into a new rental agreement.

• Removes the requirement that a person immediately remove personal property from the self-service storage facility if the person presents proof of a legal interest in the personal property, of a right to take possession of it, or a court order authorizing the person to take possession of it.

• Allows a person who has a security interest in, or who holds a lien against, a motor vehicle or watercraft to pay the amount necessary to satisfy the owner's lien and the reasonable expenses incurred and to enter into a new rental agreement for the storage of the motor vehicle or watercraft.

• Allows any person who presents proof of a security interest or a lien on a motor vehicle or watercraft or a court order authorizing the person to take possession of a motor vehicle or watercraft to immediately remove the motor vehicle or watercraft
from the self-service storage facility without satisfying the lien or expenses of the owner.

- Provides that if property on which there is an owner's lien is not sold at auction, but is claimed under the provisions described above, and the owner's lien is satisfied, then all legal or security interest in, or any other liens held against, the property remain intact.

- Specifies that a purchaser at auction takes the property free and clear of any rights of persons against whom the lien was valid or any persons who had an interest in, or who held, any other lien against the property.

- Provides that if the property upon which the owner's lien is claimed is a motor vehicle or watercraft, the owner must have the motor vehicle or watercraft towed from the premises under certain circumstances.

- Provides that the owner is not liable for the motor vehicle or watercraft or any damages to the motor vehicle or watercraft once the tower takes possession.

- Requires (1) that the notice delivered or sent to all persons holding a lien on the motor vehicle or watercraft include the name of the towing company and (2) that the name and address of the towing company be made available to the occupant or any lien holder upon presentation of a title or other document that confirms an interest in the motor vehicle or watercraft.

- Modifies the definition of "self-service storage facility," and defines "last known address."

**Power of attorney**

- Allows a principal to nominate a guardian of the person or estate, or both, of one or more of the principal's incompetent adult children, and removes references to guardians being nominated under a durable power of attorney from the power of attorney law.

**Limited liability companies**

- Makes changes regarding the operating agreement that governs relations among members and between members, any managers, and a limited liability company, including provisions regarding the duty of loyalty, the duty of care, the obligation of good faith and fair dealing, and the duties of a manager.

**Ohio Uniform Prudent Investor Act**

- Makes a clarifying change regarding the duties of a trustee regarding a life insurance policy as a trust asset under the Ohio Uniform Prudent Investor Act.
County prisoner work programs

- Allows the sheriff and board of county commissioners of any county to jointly establish a prisoner work program under which prisoners and adult offenders confined in a county correctional facility under control of the county work outside of the facility in a work detail.
- Requires that a prisoner work program must be separate and independent of any county rehabilitation work camp, county work-release program, or county jail program or under any other provision of law.
- Specifies what the rules established by the sheriff and board of county commissioners must include.

Licensing boards

- Authorizes the following to require license holders to complete corrective action courses as a form of disciplinary action: State Board of Cosmetology; Board of Embalmers and Funeral Directors; State Board of Optometry; Occupational Therapy Section and Physical Therapy Section of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board; and Counselor, Social Worker, and Marriage and Family Therapist Board.
- Requires numerous professional licensing agencies to: (1) suspend a licensee's license without a hearing for a conviction of, plea of guilty to, judicial finding of guilt of, or judicial finding of guilt resulting from a plea of no contest to the crime of trafficking in persons, (2) notify the licensee of the right to a hearing following suspension, and (3) revoke or permanently revoke the license following the hearing unless there was no such conviction, plea, or finding.

Sub. H.B. 268


Sens. Skindell, Jones, Obhof, Sawyer, Wagoner

Effective date: May 22, 2012

- Reorganizes the law governing jury service, and repeals or rewords obsolete provisions relating to jury wheels, data storage devices, and venires.
- Authorizes the judges of the general division of a common pleas court to appoint court employees as commissioners of jurors and to remove a commissioner without
showing good cause, eliminates the requirement that commissioners and deputy commissioners of jurors be paid monthly, and gives to commissioners certain powers formerly belonging solely to judges, court clerks, or sheriffs.

- Requires commissioners of jurors of a county to compile an annual jury source list from information provided by the board of elections and, at their discretion, from information provided by the Registrar of Motor Vehicles as well as an annual jury list from which the names of potential jurors are drawn.

- Permits the use of any manual, electronic, or automated method of drawing jurors that provides each person on the annual or supplemental jury source list with an equal, random probability of selection.

- Prohibits discrimination in compiling the jury source list or the annual jury list on the basis of race or color.

- Modifies the reasons for which jury service may be postponed and the commissioners' record-keeping requirements regarding postponements.

- Eliminates the requirement that a person who was not registered to vote had to have a valid driver's license to serve as a juror.

- Eliminates language governing jury challenges based on misnomers, and allows challenges to entire arrays based on violations of the nondiscrimination provision.

- Protects juror privacy during voir dire.

- Penalizes failure to appear for jury duty following a postponement of jury service in the same manner as an initial failure to appear.

- Requires each court of common pleas to determine, in accordance with the Supreme Court’s Rules of Superintendence, the retention period for all records filed with the commissioners of jurors.

- Authorizes each municipal court to establish juror fees in that court, and modifies juror fees in certain cases in the court of common pleas when jurors are drawn from an adjoining county.

- Modifies the taxation of juror fees as costs in civil cases, and includes the costs of summoning jurors in the costs of prosecution to be paid by defendants in certain criminal cases.
Am. Sub. H.B. 380

Sens.  Coley, Eklund, Jones, Schaffer, Seitz
Effective date:  March 27, 2013

- Establishes a procedure in asbestos tort actions for the discovery of asbestos trust claims for compensation submitted by a claimant to asbestos trust entities created pursuant to a bankruptcy court’s jurisdiction.

- Requires a claimant, after commencement of discovery in an asbestos tort action, to provide to all of the parties in the action a sworn statement identifying all existing asbestos trust claims made by or on behalf of the claimant and all trust claims material pertaining to each such identified claim.

- Requires a claimant to provide to all of the parties in the action an amendment updating the sworn statement that identifies additional asbestos trust claims made.

- Permits a defendant in the action to file, not less than 75 days prior to the commencement of trial, a motion for an order to stay the proceedings setting forth the identities of asbestos trusts not previously disclosed by the claimant against which the claimant has not made any asbestos trust claims, but against which the defendant in good faith believes the claimant may make a successful claim.

- Provides that if the claimant produces additional asbestos exposure information that supports the filing of an additional asbestos trust claim, the defendant may file a motion to stay the proceedings within seven days of receiving the additional asbestos exposure information.

- Permits a claimant to file a response to the defendant's motion asking the court to make a determination regarding the modification or sufficiency of the information required to make an asbestos trust claim identified in the defendant's motion, and specifies that the claimant has the burden of proof by a preponderance of the evidence of the allegations in the claimant's response.

- Permits a claimant to file a response to the defendant's motion asking the court to make a determination that the claimant's or attorney's fees and expenses to prepare the asbestos claim form and file or submit the asbestos trust claim identified in the defendant's motion for an order to stay exceed the claimant's reasonably anticipated recovery from the asbestos trust claim.

- Requires the court, if it determines that the claimant's or attorney's fees and expenses exceed the claimant's reasonably anticipated recovery, to require the
claimant to file with the court a verified statement of the claimant’s exposure history to the asbestos products covered by the asbestos trust.

- Provides that a submission by the claimant of certain specified information does not constitute a waiver of the attorney-client privilege or work product privilege.
- If the court determines that there is a good faith basis for filing a claim with the asbestos trust identified in the defendant’s motion, requires the court to stay the proceedings until the claimant files the claim.
- States that a noncancer asbestos trust claim and a cancer asbestos trust claim are based on distinct injuries caused by a person’s exposure to asbestos.
- Provides that if a claimant previously filed a noncancer asbestos trust claim with an asbestos trust and subsequently filed an asbestos tort action based on a cancer asbestos claim, a cancer asbestos trust claim that is subject to disclosure means both the earlier filed noncancer asbestos trust claim and the cancer asbestos claim that is the subject of the subsequent action.
- Generally permits the parties in the action to introduce at trial any trust claims material to prove alternative causation for the claimed injury, death, or loss, to prove a basis to allocate responsibility, and to prove issues relevant to an adjudication of the asbestos claim.
- Permits the parties to the action to seek additional discovery of relevant information by any mechanism provided for by law, rule, or case management order, and permits the defendant to seek discovery of the claimant’s asbestos trust claims directly from the asbestos trusts involved.
- Authorizes the court, upon a defendant’s or judgment debtor’s motion, to impose any lawful sanction for a claimant’s failure to comply with the disclosure requirements.
- Permits the court to reopen its judgment and adjust the amount of subsequent asbestos trust payments obtained by the claimant if the claimant, subsequent to obtaining the judgment, makes any additional asbestos trust claim to an asbestos trust that was in existence at the time of the judgment.
- Requires a defendant or judgment debtor to file a motion for sanctions or other relief within a reasonable time and not more than one year after the judgment was entered or taken.
- Provides that the act’s provisions apply to asbestos tort actions filed on or after the act’s effective date and to pending asbestos tort actions in which trial has not commenced as of that effective date.
Sub. H.B. 479


Sens. Bacon, Obhof, Wagoner, Burke, Eklund, Hite, Jordan, Kearney, LaRose, Lehner, Manning, Oelslager, Patton

Effective date: March 27, 2013

Ohio Legacy Trust Act

- Enacts the Ohio Legacy Trust Act.
- Defines "legacy trust" as a trust evidenced by a written trust instrument that essentially satisfies the following criteria: it has a "qualified trustee" in connection with property that is the subject of a "qualified disposition"; it incorporates Ohio laws to govern its validity, construction, and administration; it expressly states that it is irrevocable; and it has a spendthrift provision applicable to a beneficiary's interests, including a transferor's interests, in the trust property.
- Generally requires that the spendthrift provisions of a legacy trust restrain both voluntary and involuntary transfer of a transferor's interest in that trust, and provides that a spendthrift provision is enforceable under any applicable nonbankruptcy law.
- Permits a transferor's interest in property that is the subject of a qualified disposition to be attached or involuntarily alienated in connection with any debt owed by the transferor under an agreement or court order for spousal or child support or the division of property in favor of the transferor's spouse or former spouse.
- Provides that a transferor's interest in property transferred pursuant to a qualified disposition and the transferor's beneficial interest in a legacy trust is not subject to any claim for forced heirship or a distributive or similar award to any person other than the transferor's spouse or former spouse.
- Provides that a legacy trust may allow or provide for any or all of specifically listed rights, powers, or interests of a transferor, or provisions, none of which grants or is considered to be a right or power to revoke a trust or to voluntarily or involuntarily transfer an interest in that trust.
- Renders void any written, verbal, tacit, express, or implied agreement or understanding or other agreement or understanding purporting to grant, permit, or recognize any greater rights, powers, or interests than are provided in the act or the governing legacy trust instrument.
- Requires a transferor to sign a notarized "qualified affidavit" before or contemporaneously with making a qualified disposition, specifies the contents of the qualified affidavit, specifies the circumstances in which a qualified affidavit is not considered defective, and provides that a qualified affidavit is not required from a transferor who is not a beneficiary of the legacy trust that receives the disposition.

- Generally prohibits a creditor from bringing any action against any person who made or received a qualified disposition, against or involving any property that is the subject of a qualified disposition or is otherwise held by or for any trustee as part of a legacy trust, or against any trustee of a legacy trust.

- Allows a creditor to bring an action to avoid any qualified disposition of an asset on the ground that a transferor made the qualified disposition with the specific intent to defraud the specific creditor bringing the action.

- Provides that the claim for relief described above is extinguished if not brought within a specified period of time that relates to whether the creditor became a creditor before or after the qualified disposition.

- Provides that if more than one qualified disposition is made in connection with the same legacy trust, each qualified disposition will be separately evaluated to determine whether a creditor's claim regarding that particular qualified disposition is extinguished.

- Specifies rules in determining the order in which property is paid, applied, or distributed from a legacy trust.

- Provides that a specific qualified disposition is avoided only to the extent necessary to satisfy a transferor's debt to the creditor who brought the action to avoid the qualified disposition and that all other qualified dispositions to any trustee of the legacy trust remain valid and effective.

- Specifies the rights of a trustee with respect to property that is the subject of an avoided qualified disposition and the rights of a beneficiary to a distribution if a court is satisfied that the trustee or beneficiary has not acted in bad faith, and places on the creditor the burden of proving such bad faith by clear and convincing evidence.

- Requires a court to award reasonable attorney's fees and costs to the prevailing party in an action to avoid a qualified disposition.

- Prescribes the manner in which a successor or replacement trustee is determined or selected in cases in which a qualified trustee who is a party to an action involving a legacy trust or trustee ceases to be a trustee upon the court's action declining to apply Ohio law in determining any of the specified matters pertaining to the trust.
• Requires that in all cases other than the situation described above, a vacancy in the qualified trusteeship or trusteeship of a legacy trust must be filled in the same manner as provided in the Ohio Trust Code.

• Provides that a disposition by a nonqualified trustee to a qualified trustee is not treated as other than a qualified disposition solely because the nonqualified trustee is a trustee of a nonlegacy trust and a disposition to a nonqualified trustee of a legacy trust is treated as a qualified disposition if certain conditions exist at the time of the disposition.

• Generally provides that a disposition by a trustee of a nonlegacy trust to a trustee of a legacy trust is considered a qualified disposition for the benefit of all of the persons who are the beneficiaries of both the nonlegacy trust and the legacy trust.

• Specifies that any valid lien attaching to property before a disposition of that property to a trustee of a legacy trust survives the disposition and the trustee takes title to the property subject to the valid lien and to any agreements that created or perfected the valid lien.

• Subject to the Ohio and U.S. Constitutions, precludes Ohio courts from dismissing or declining to adjudicate any case pertaining to any legacy trust or qualified disposition on the ground that a court of another jurisdiction has acquired or may acquire proper jurisdiction or venue over the case or the parties.

• Permits any person to serve as an advisor of a legacy trust except that a transferor may act as an advisor only in connection with investment decisions, and generally considers an advisor as a fiduciary.

• Generally grants to each trustee and advisor of a legacy trust the greatest discretion permitted by law in connection with all matters of trust administration, all trust distributions, and all other trustee or advisor decisions.

• Applies the Ohio Legacy Trust Act to all qualified dispositions made on or after the act's effective date.

**Ohio Trust Code changes**

• Provides that the right of a creditor or assignee to reach a settlor's interest in an irrevocable trust is subject to the Ohio Legacy Trust Act to the extent that the Act applies to that trust.

• Specifies the trust property that could be but has not yet been distributed to or for the benefit of the settlor under specified circumstances and that would not be considered an amount that can be distributed to or for the benefit of the settlor for purposes of the maximum amount that a creditor or assignee of a settlor of an irrevocable trust may reach.
• Permits a trustee to pay any expense incurred by a beneficiary to the extent the payment is permitted by the trust instrument, permits the trustee to make those payments even if they exhaust the trust’s income and principal, and provides that the trustee is not liable to a beneficiary’s creditor for paying those expenses.

• Specifies the types of administrative duties and responsibilities that may be included in an instrument or agreement that describes, appoints, or directs a fiduciary to handle only the administrative duties and responsibilities of a trust.

• Generally precludes an administrative fiduciary from having any duties, responsibilities, or liabilities to the trust beneficiaries or other persons interested in a trust except for the administrative duties and responsibilities specifically described in the instrument or agreement.

• Provides that a disclaimer of testamentary or intestate succession to property is not considered a transfer or conveyance by the disclaimant, and precludes a creditor of a disclaimant from avoiding a disclaimer.

• Prescribes the requirements if any interest in real property held by a trustee of an express trust wholly or partially governed by an Ohio law or in real property located in Ohio and held by the trustee of a trust wholly governed by the law of another jurisdiction is temporarily conveyed to any beneficiary of that trust and reconveyed back to any trustee of the trust.

• Requires, among others, that a temporary conveyance of an interest in real property as described above be for the principal purpose of enabling some or all of that interest to be used as collateral in a loan transaction.

• Specifies the rights, duties, and obligations of a lender and a debtor that survive unimpaired after the interest in the real property that is temporarily conveyed to a beneficiary is reconveyed back to the trustee.

• Modifies the statute pertaining to the distribution of trust income or principal to the trustee of a second trust to conform the references in that statute to the statutes dealing with the rule against perpetuities and certain trusts exempt from that rule as modified by the act.

\textbf{Exempt rights and interests in property}

• Increases the maximum limit from $20,200 to $125,000 as the exempted interest in one parcel of property that a person or person’s dependent uses as a residence.

• Provides that the exempt interest does not extend to a judgment against a debtor for tortious operation of a motor vehicle if the resulting injury, death, or loss to person or property was caused when the debtor failed to maintain proof of financial responsibility.
• Expands the continuing exemption for certain payments under any individual retirement account, individual retirement annuity, Roth IRA, or education individual retirement account to include an exemption for certain payments or benefits under a 529 plan.

• Exempts a person’s rights or interests in assets held in, or to receive any payment or benefit under, any individual retirement account, individual retirement annuity, Roth IRA, 529 plan, or education individual retirement account that a decedent, upon or by reason of the decedent’s death, directly or indirectly left to or for the benefit of the person outright or in trust or otherwise.

**Rule against perpetuities**

• For purposes of the rule against perpetuities, specifies the time of the creation of an interest in property resulting from the exercise of a general power of appointment exercisable in a nonfiduciary capacity by deed or resulting from the termination, without exercise, of a general power of appointment exercisable in a nonfiduciary capacity by deed.

• Provides that continuing law’s requirements for exempting certain trusts from the rule against perpetuities generally are effective with respect to an interest in property in trust created by the exercise of a nongeneral power of appointment over any portion of a trust that meets those requirements, but only if the date of creation of that power of appointment is on or after the act’s effective date.

• Provides that interests created pursuant to the exercise of a nongeneral power of appointment that has a date of creation on or after the act’s effective date is required to vest not later than 1,000 years after the date of creation of that power.

• States that the provisions modifying continuing law pertaining to the exemption of certain trusts from the rule against perpetuities are intended to clarify the originally enacted provisions and apply to trust instruments that are in existence prior to, on, or after the act’s effective date.

**Transfer made or obligation incurred fraudulent as to creditor**

• Modifies the Ohio Uniform Fraudulent Transfer Act by providing that a transfer made or obligation incurred by a debtor is fraudulent as to a creditor, whether the claim arose before, or *within a reasonable time not to exceed four years* after, the transfer was made or the obligation was incurred if the debtor made the transfer or incurred the obligation in either of certain ways under continuing law.

**Records**

• Requires the county recorder to keep a separate set of records containing transfers, conveyances, or assignments of tangible or intangible personal property or rights or
interests in that property if any person wishes to record that personal property transaction, and requires these records to be maintained in or as part of the official records.

- Sets the fees for recording and indexing the records described above, and specifies that they are to be deposited in the county treasury to the credit of the special fund designated as "general fund moneys to supplement the equipment needs of the county recorder."

- Establishes a procedure for the county recorder to submit a proposal to the board of county commissioners to reserve funds for the office's future equipment needs and requesting that the above fees be placed in the county treasury and designated as "general fund moneys to supplement the equipment needs of the county recorder."

- Specifies that the recording with a county recorder of any document under continuing law and the act or the filing or recording with the Secretary of State of any document under the Secured Transactions Law is constructive notice to the world of the documents' existence and contents as a public record and of any transaction referred to in that record.

**Concurrent jurisdiction**

- Provides that a probate court has concurrent jurisdiction with, and the same powers at law and in equity as, the general division of the common pleas court to hear and determine any action with respect to a probate estate, guardianship, trust, or post-death dispute that involves certain specified circumstances.

**Nonrecourse mortgages**

- Provides that a postclosing solvency covenant may not be used, directly or indirectly, as a nonrecourse carveout or as the basis for any claim or action against a borrower or any guarantor or other surety on a nonrecourse loan.

**Applicability of amendments; statement of common law**

- Provides that the act's amendments to specified statutes apply to the transfers, claims, conveyances, or other acts relevant to those amendments that are made on or after the act's effective date.

- Provides that the act's amendments to specified statutes are intended to be a statement of the common law of Ohio.
Sub. H.B. 606

- Abolishes one of the three full-time judgeships of the Youngstown Municipal Court.
- Increases from more than 100 to more than 200 the population necessary for a municipal corporation to have a mayor's court and have jurisdiction over certain specified matters.
- Allows any municipal corporation located entirely on an island in Lake Erie to establish a mayor's court and to have jurisdiction over certain specified matters.
- Provides for the transfer to the appropriate municipal, county, or common pleas court of cases that prior to the act's effective date, were under the jurisdiction of a mayor's court of a municipal corporation with a population of 200 or less, except for any mayor's court of a municipal corporation located entirely on an island in Lake Erie.
- Provides that a conviction of or guilty plea to driving while writing, sending, or reading a text-based communication on a handheld electronic wireless communications device and a conviction of or guilty plea to a substantially equivalent municipal ordinance for the same conduct are allied offenses of similar import.
- Provides that an adjudication for the offense that prohibits a person under 18 from using in any manner an electronic wireless communications device while driving and an adjudication for violating a substantially equivalent municipal ordinance for the same conduct are allied offenses of similar import.

Sub. S.B. 19

- Establishes procedures and conditions under which a person who has been convicted or adjudicated of a specified repeat traffic-related violation committed prior to the person's 18th birthday may petition the court for, and the court may
issue, an order to waive an otherwise mandatory suspension of the person’s probationary driver’s license, restricted license, or temporary instruction permit.

- Requires as a condition for the order that the person's petition describe the reasons why, and the court find reasonable cause to believe that, the suspension would seriously affect the person’s ability to continue in employment, educational training, vocational training, or treatment.

- Stipulates as another condition for the order that the person submit to the court, prior to the date of sentencing or disposition, satisfactory proof that the person successfully completed by a specified time an advanced juvenile driver improvement program approved by the Director of Public Safety.

- Requires the Director of Public Safety to establish standards for advanced juvenile driver improvement programs and to approve any programs that meet the standards, specifies required content of the standards, and requires that a person who successfully completes a program that meets the standards receive a certificate of completion from the program.

- Transfers the authority to establish standards for juvenile driver improvement programs and to approve programs that meet the established standards from the Registrar of Motor Vehicles to the Director of Public Safety.

**Sub. S.B. 224**

**Sens.** Obhof, Balderson, Grendell, LaRose, Lehner, Patton, Wagoner, Eklund, Bacon, Faber, Hite, Hughes, Jones, Jordan, Peterson, Schaffer, Seitz, Widener


**Effective date:** September 28, 2012

- Generally shortens the period of limitations for actions upon an agreement, contract, or promise in writing from 15 years to eight years after the cause of action accrued.
Definitions

- Defines "nuisance dog" as a dog that, without provocation and while off the premises of its owner, keeper, or harborer, has chased or approached a person in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person.

- Defines "dangerous dog" as a dog that, without provocation, has caused injury, other than killing or serious injury, to any person; has killed another dog; or has been the subject of a third or subsequent violation of a prohibition regarding general confinement and control of dogs.

- Defines "vicious dog" as a dog that, without provocation, has killed or caused serious injury to any person, and repeals the automatic inclusion of a pit bull dog as a vicious dog.

- Specifies that "nuisance dog," "dangerous dog," and "vicious dog" do not include a police dog that engages in specified behavior and that "vicious dog" does not include a dog that engages in specified behavior against a trespasser.

Dogs considered vicious dogs prior to effective date

- Specifies that an owner, keeper, or harborer of a dog who was required to comply with the requirements pertaining to a vicious dog prior to the act's effective date will be required to comply with the requirements pertaining to a dangerous dog on or after the act's effective date, but specifies that the provision does not apply if the owner, harborer, or keeper was required with respect to that dog to comply with those vicious dog requirements solely because the dog was a pit bull dog.

Prima facie evidence rule – pit bulls

- Repeals the statement that the ownership, keeping, or harboring of a pit bull dog was prima-facie evidence of the ownership, keeping, or harboring of a vicious dog.

Confinement and control requirements

- Eliminates from the special confinement and control requirements that apply for a dangerous dog the option for a dangerous dog to be tied with a leash or tether so
that the dog was adequately restrained while that dog was on the premises of the owner, keeper, or harborer.

- Eliminates all references in the special confinement and control requirements to vicious dogs, but if a violation of those requirements involves a vicious dog that is not ordered to be destroyed, or if a dog is determined to be a vicious dog under the act's civil mechanism for classifying a dog, requires a court to order the offender or owner to comply with the dangerous dog confinement requirements as if the dog were a dangerous dog.

- Amends the penalties for violations of the confinement and control requirements if the dog is a nuisance dog, dangerous dog, or vicious dog, and requires that a dog that is subject to the violation as a dangerous dog or vicious dog be confined or restrained in accordance with the provisions describing confinement of dangerous dogs or at the county dog pound at the owner's expense until the court makes a final determination and during the pendency of any appeal of the violation.

**Liability insurance**

- Requires a person who has been convicted of or pleaded guilty to three or more violations of the confinement and control requirements involving the same dog and the owner, keeper, or harboring of a dangerous dog to obtain liability insurance with an insurer authorized to write liability insurance in Ohio providing coverage in each occurrence because of damage or bodily injury to or death of a person caused by the dangerous dog if so ordered by a court.

- Eliminates a prior requirement that an owner, keeper, or harboring of a vicious dog always obtain liability insurance, but if a violation of the confinement and control requirements involves a vicious dog and the sentencing court does not order the dog to be destroyed, or if a dog is determined to be a vicious dog under the act's civil mechanism for classifying a dog, requires a court to comply with the liability insurance provision described in the previous dotpoint as if the dog were a dangerous dog.

- Requires a person who is required to have the liability insurance described above to provide proof of the liability insurance upon request to any law enforcement officer, county dog warden, or public health official, and specifies that failure to do so is a minor misdemeanor.

**Notice to dog warden and county auditor**

- Requires a person who has been convicted of or pleaded guilty to three or more violations of the confinement and control requirements involving the same dog and the owner, keeper, or harboring of a dangerous dog to do the following:
(1) Notify the local dog warden immediately if the dog is loose or unconfined; the dog bites a person unless the dog is on the dog owner's property and the person who is bitten is unlawfully trespassing or committing a criminal act within the boundaries of that property; or the dog attacks another animal while the dog is off the dog owner's property.

(2) Notify the county auditor of the sale, transfer, or death of the dog.

- Requires a court to order an offender or owner to comply with the requirements described in the previous dotpoint if a violation of the confinement and control requirements involves a vicious dog and the sentencing court does not order the dog to be destroyed, or if a dog is determined to be a vicious dog under the act's civil mechanism for classifying a dog, but does not include a reference to vicious dogs in the requirement.

**Dangerous dog registration**

**Certificates and tags**

- Requires a person who has been convicted of or pleaded guilty to three or more violations of the confinement and control requirements involving the same dog and the owner, keeper, or harborer of a dangerous dog to obtain a dangerous dog registration certificate from the county auditor, affix a tag that identifies the dog as a dangerous dog to the dog's collar, and ensure that the dog wears the collar and tag at all times, specifies that failure to do so is a fourth degree misdemeanor.

- Requires a court to order an offender or owner to comply with the requirement described in the previous dotpoint if a violation of the confinement and control requirements involves a vicious dog and the sentencing court does not order the dog to be destroyed, or if a dog is determined to be a vicious dog under the act's civil mechanism for classifying a dog, but does not include a reference to vicious dogs in the requirement.

- Requires the county auditor to issue a dangerous dog registration certificate and a dangerous dog tag to a person who is the owner of a dog, who is 18 years of age or older, and who provides a fee of $50 and certain specified information.

**Renewal of certificates**

- Requires the owner of a dog who is issued a dangerous dog registration certificate to renew the dog’s registration certificate annually for the same fee and in the same manner as the initial certificate was obtained, and establishes notification procedures for owners who move to new addresses.
Failure to present certificate upon proper request

- Requires the owner of a dangerous dog to present the dangerous dog registration certificate upon being requested to do so by any law enforcement officer, dog warden, or public health official charged with enforcing the confinement and control requirements, and specifies that failure to do so is a minor misdemeanor.

Transfer of ownership or possession of dangerous dogs

- Eliminates the reference to vicious dogs in certain laws that require special information to be provided when ownership or possession of a dangerous dog or, prior to the act, a vicious dog is transferred, but if a violation of the confinement and control requirements involves a vicious dog and the sentencing court does not order the dog to be destroyed, or if a dog is determined to be a vicious dog under the act’s civil mechanism for classifying a dog, requires a court to order the offender or owner to comply with those requirements as if the dog were a dangerous dog.

Possession of dogs by felons

- Prohibits a person who has been convicted of or pleaded guilty to a felony offense of violence or a felony violation of the offenses relating to domestic animals; conspiracy, attempt, and complicity; weapons control; corrupt activity; or drug offenses from knowingly owning, possessing, having custody of, or residing in a residence with an unspayed or unneutered dog older than 12 weeks of age or any dog that has been determined to be a dangerous dog for a specified three-year period.

- Specifies that the prohibition does not apply to a person who is confined in a Department of Rehabilitation and Correction correctional institution or to a person with respect to any dog that the person owned, possessed, had custody of, or resided in a residence with prior to the act’s effective date; and specifies that a violation of the prohibition is a first degree misdemeanor.

- Requires a person described immediately above to microchip for permanent identification any dog owned, possessed by, or in the custody of the person, and specifies that failure to do so is a first degree misdemeanor.

Debarking or surgically silencing a dangerous dog

- Applies the continuing prohibitions against surgical silencing and debarking of dogs to dangerous dogs rather than to vicious dogs as in former law, and requires that a dog subject to the prohibitions be confined or restrained in accordance with the provisions describing confinement of dangerous dogs or at the county dog pound at the owner’s expense until the court makes a final determination and during the pendency of any appeal of any of those prohibitions.
• Eliminates the references to vicious dogs in the prohibitions and related provisions described in the previous dotpoint, but if a violation of the confinement and control requirements involves a vicious dog and the sentencing court does not order the dog to be destroyed, or if a dog is determined to be a vicious dog under the act’s civil mechanism for classifying a dog, requires a court to order the offender or owner to comply with those provisions as if the dog were a dangerous dog.

Security due for confinement

• Requires the owner of a dog that has been confined at the county dog pound, due to being the subject of a court determination on whether the dog has committed a violation of the confinement and control requirements involving a dangerous dog or a vicious dog or certain violations involving a dog that has been debarked or surgically silenced, to provide a security of $100 to the county dog warden to secure payment of all reasonable expenses incurred in keeping the dog during the proceedings or appeal, and specifies that failure to provide the security will result in forfeiture of the dog.

• Specifies that, at the end of the confinement period of a dog described above and upon the release of the dog to the owner, if applicable, the dog warden must provide the owner with the actual cost of the confinement; requires the owner, if the actual cost exceeds $100, to provide the difference to the dog warden; and requires the dog warden, if the actual cost is less than $100, to provide the difference to the owner.

Due process for designation of dogs

Notice to dog owner

• Requires a person who is authorized to enforce the Dogs Law and who has reasonable cause to believe that a dog in the person’s jurisdiction is a nuisance dog, dangerous dog, or vicious dog to notify the owner, keeper, or harborer of the dog, by certified mail or in person, that the person has designated the dog a nuisance dog, dangerous dog, or vicious dog and that the owner, keeper, or harborer may request a hearing regarding the designation.

Hearings

• Specifies that the municipal court or county court that has territorial jurisdiction over the residence of the owner, keeper, or harborer of a dog must conduct any hearing concerning the designation of the dog as a nuisance dog, dangerous dog, or vicious dog, and grants municipal and county courts original subject matter jurisdiction in proceedings of that nature.

• Grants the owner, keeper, or harborer of a dog that has been designated a nuisance dog, dangerous dog, or vicious dog a right to a hearing on the determination, and provides procedures for requesting the hearing and appealing a decision.
Confinement of dog prior to hearing and during appeal

- Permits a court, upon motion of an owner, keeper, or harbinger or an attorney representing the owner, keeper, or harbinger, to order that the dog designated as a nuisance dog, dangerous dog, or vicious dog be held in the possession of the owner, keeper, or harbinger until the court makes a final determination or during the pendency of an appeal.

Treatment of dogs determined to be vicious dogs

- Specifies that if a dog is finally determined under the provisions described above to be a vicious dog, the act's provisions that apply with respect to dangerous dogs generally apply with respect to the dog and its owner, keeper, or harbinger as if the dog were a dangerous dog.

Fees

- Increases the fee for replacement of a lost metal dog tag from 25¢ to $5, and eliminates the option of paying an alternate fee for a duplicate tag set by the board of county commissioners.
- Increases the fee for recording a transfer of ownership certificate for a dog with the county auditor from 25¢ to $5.
- Requires fees collected by the county auditor for dangerous dog registration certificates to be deposited in the dog and kennel fund of the county.

Sub. H.B. 20


Sens. Wagoner, Obhof, Bacon, Beagle, Brown, Coley, Daniels, Eklund, Faber, Hite, Hughes, Jones, Jordan, LaRose, Lehner, Manning, Oelslager, Patton, Schaffer, Schiavoni

Effective date: June 4, 2012

- Amends the first degree misdemeanor prohibition against intimidation of an attorney, victim, or witness in a criminal case so that a person is now prohibited from knowingly attempting to intimidate or hinder the victim of a crime or delinquent act in the filing or prosecution of criminal charges or a delinquent child
action or proceeding or knowingly attempting to intimidate a witness to a criminal or delinquent act by reason of the person's being a witness to that act.

- Amends the third degree felony prohibition against intimidation of an attorney, victim, or witness in a criminal case so that a person is now prohibited, knowingly and by force or by unlawful threat of harm to any person or property or by unlawful threat to commit any offense or calumny against any person, from attempting to influence, intimidate, or hinder any of the following persons: (1) the victim of a crime or delinquent act in the filing or prosecution of criminal charges or a delinquent child action or proceeding, (2) a witness to a criminal or delinquent act by reason of the person's being a witness to that act, or (3) an attorney by reason of the attorney's involvement in any criminal or delinquent child action or proceeding.

**Am. Sub. H.B. 62**


**Sens.** Wagoner, Oelslager, LaRose, Bacon, Balderson, Beagle, Brown, Eklund, Faber, Hite, Hughes, Kearney, Manning, Obhof, Patton, Peterson, Sawyer, Schaffer, Tavares, Widener

**Effective date:** March 22, 2013

- Authorizes a $5,000 fine for assault when the victim is a hospital health care professional, health care worker, or security officer whom the offender knows or has reasonable cause to know is such a professional, worker, or officer, the victim is engaged in the performance of the victim's duties, and the hospital offers de-escalation or crisis intervention training for such professionals, workers, and officers.

- Increases the penalty for assault to a fifth degree felony when committed against any of the specified hospital personnel in the circumstances described above, if the offender previously was convicted of a specified homicide or assault offense committed against any of the specified hospital personnel in those circumstances.

- Authorizes a $5,000 fine for assault when the victim is a judge, magistrate, prosecutor, or court official or employee whom the offender knows or has reasonable cause to know is a judge, magistrate, prosecutor, or court official or employee and the victim is engaged in the performance of the victim's duties.

- Increases the penalty for assault to a fifth degree felony when committed against any of the specified justice system personnel in the circumstances described above, if the offender previously was convicted of a specified homicide or assault offense
committed against any of the specified justice system personnel in those circumstances.

- Includes felony assault when committed against any of the above hospital personnel or justice system personnel in the circumstances specified above within the community control presumption of the Felony Sentencing Law.
- Makes clarifying changes in the community control presumption of the Felony Sentencing Law.
- Authorizes hospitals to post a warning sign indicating that abuse or assault of hospital staff will not be tolerated and might result in a felony conviction.

Am. Sub. H.B. 262


Sens.  Wagoner, Oelslager, LaRose, Obhof, Turner, Bacon, Balderson, Beagle, Brown, Burke, Cafaro, Gentile, Hite, Hughes, Jones, Jordan, Kearney, Lehner, Manning, Niehaus, Patton, Peterson, Sawyer, Schiavoni, Skindell, Tavares, Widener

Effective date:  Emergency, June 27, 2012

Delinquent child complaints

- Authorizes a juvenile court to hold a delinquent child complaint in abeyance if the alleged delinquent child is charged with prostitution-related offenses or if the court has reason to believe that the child is a victim of trafficking in persons and the allegedly delinquent conduct is related to the victimization.
- Establishes procedures for holding a delinquent child complaint in abeyance, including a hearing, participation by the prosecutor, appointment of a guardian ad litem, recommendations from the guardian ad litem that are in the best interests of the child, and expungement of the record if the child satisfactorily completes court-ordered diversion actions.

Criminal offenses and penalties

- Increases trafficking in persons to a first degree felony, and requires a mandatory prison term of 10, 11, 12, 13, 14, or 15 years for an offender.
• Raises obstruction of justice to a second degree felony if the person who is aided by the obstruction committed trafficking in persons or committed an act that would be trafficking in persons if the person were an adult.

• Increases the penalty for procuring under certain specified circumstances.

• Within the offense of importuning, prohibits a person from soliciting another, not the spouse of the offender, to engage in sexual conduct with the offender when the offender is 18 years of age or older and four or more years older than the other person, the other person is 16 or 17 years of age and a victim of trafficking in persons, and the offender knows or has reckless disregard of the age of the other person.

• Provides that if an offender is convicted of or pleads guilty to trafficking in persons and is also convicted of or pleads guilty to compelling prostitution based on the same conduct involving the same victim that was the basis of the trafficking in persons or is convicted of or pleads guilty to any other sex offense based on the same conduct involving the same victim that was the basis of trafficking in persons, the two offenses are allied offenses of similar import.

Expungement

• Creates a procedure through which a person may have the record of a conviction or delinquent-child adjudication expunged if the conviction or adjudication was for a prostitution-related offense or act and the person's participation in that offense or act was a result of the person's having been a victim of human trafficking.

Sex offender registration

• Requires offenders convicted of promoting prostitution or of trafficking in persons for sex-related purposes to register as sex offenders.

Civil cause of action

• Creates a civil cause of action for victims of trafficking in persons.

Financial assistance for victims

• Provides that nothing in the statute that lists persons who are ineligible for compensation from the Reparations Fund must be construed to prohibit an award to a claimant whose claim is based on the claimant's being a victim of trafficking in persons if the claimant was less than 18 years of age when the criminally injurious conduct occurred.

• Creates the Victims of Human Trafficking Fund with money obtained under forfeiture law to help fund services for victims of human trafficking.
Responsibilities of state agencies

- Requires the Attorney General to annually publish statistical data on trafficking in persons violations, and requires each state agency and each agency of each political subdivision that investigates trafficking in persons or acts of human trafficking to collect and submit to the Bureau of Criminal Identification and Investigation certain specified types of information.

- Requires the Ohio Peace Officer Training Commission to recommend rules to the Attorney General with respect to training in handling trafficking in persons violations in specified required training programs for peace officers.

- Requires the Attorney General to provide training for peace officers in investigating and handling trafficking in persons violations, and specifies required types of training.

- Permits the Attorney General to prepare public awareness programs designed to educate potential victims of trafficking in persons and their families of the risks of becoming a victim of trafficking in persons.

- Requires the Division of Criminal Justice Services to create a poster that provides information regarding the National Human Trafficking Resources Center Hotline, prescribes the information that must be included on the poster, and lists the types of places at which the Division must encourage the display of the poster.

- Recommends that agencies that regulate trades or professions in which individuals may encounter child human trafficking victims in the normal course of their work adopt rules requiring training in the recognition and handling of cases of human trafficking.

Sub. H.B. 334


Sens. Cafaro, Tavares, Brown, Balderson, Beagle, Burke, Eklund, Faber, Hite, Hughes, Jones, Kearney, LaRose, Lehner, Manning, Obhof, Oelslager, Patton, Peterson, Sawyer, Schaffer, Turner, Wagoner, Widener

Effective date: Emergency; provisions addressing controlled substances and controlled substance analogs effective December 20, 2012; provisions addressing pseudoephedrine and ephedrine products effective March 20, 2013
Pseudoephedrine products and ephedrine products

- Beginning June 1, 2013, generally requires retailers and terminal distributors of dangerous drugs to participate in electronically tracking over-the-counter pseudoephedrine and ephedrine product sales through the National Precursor Log Exchange.

- Exempts a retailer or terminal distributor from required participation in the Exchange if there is any charge for using the Exchange, there is any fee from the Exchange related to funding its operation or maintenance, or the equipment or software needed to use the Exchange is not technologically capable of interfacing with operational systems used by the retailer or terminal distributor.

- Authorizes the Attorney General to enter into a contract or memorandum of understanding governing access to the Exchange with the National Association of Drug Diversion Investigators and any individual administering the Exchange.

- Regulates over-the-counter sales of ephedrine in the same manner that over-the-counter sales of pseudoephedrine products have been regulated.

- Imposes daily limits consistent with federal law on the amount of pseudoephedrine products and ephedrine products that an individual may purchase or receive without a prescription.

- Grants qualified immunity from civil liability to retailers and terminal distributors regarding over-the-counter pseudoephedrine product and ephedrine product sales.

- Makes all products containing pseudoephedrine that are purchased or obtained without a prescription subject to the restrictions that apply under continuing law.

Controlled substance analogs

- Creates the criminal offenses of trafficking in and possession of controlled substance analogs, and specifies penalties for the offenses.

- Specifies that it is an affirmative defense to the charge of trafficking in a controlled substance analog that the person charged with the offense sold or offered to sell, or prepared for shipment, shipped, transported, delivered, prepared for distribution, or distributed any of the following: (1) a controlled substance, (2) any substance for which there is an approved new drug application, or (3) with respect to a particular person, any substance if an exemption is in effect for investigational use for that person pursuant to federal law to the extent that conduct with respect to that substance is pursuant to that exemption.

- Specifies that it is an affirmative defense to the charge of possession of a controlled substance analog that the person charged with the offense obtained, possessed, or used an item described above.
• Specifies that controlled substance analogs must continue to be treated for purposes of any provision of Ohio law as schedule I controlled substances, except as specified in the act’s provisions governing the offenses of trafficking in and possession of controlled substance analogs.

• Specifies that no "bulk amount" exists for a controlled substance analog.

• Specifies that an offender who pleads guilty to the possession of, sale of, or offer to sell any drug, compound, mixture, preparation, or substance that contains at least 50 grams of a controlled substance analog is a "major drug offender."

**Ohio's controlled substances schedules**

• Removes five synthetic cannabinoids, commonly referred to as "spice," from Ohio’s list of schedule I hallucinogenic substances and, in place of these, adds certain groups of synthetic cannabinoids to this schedule.

• Removes six synthetic derivatives of cathinone found in bath salts from Ohio’s list of schedule I hallucinogenic substances, and removes cathinone and methcathinone from Ohio’s list of schedule I stimulants.

• Associated with the removal of the substances described above, adds substituted cathinones to Ohio’s list of schedule I stimulants.

• Adds several compounds to Ohio's list of schedule I hallucinogenic substances that neither fall into the groups of synthetic cannabinoids described above nor are substituted cathinones.

• Adds methiopropamine to Ohio's list of schedule I stimulants.

• Associated with the removal of five synthetic cannabinoids from Ohio's list of schedule I hallucinogenic substances, eliminates the offenses of trafficking in and possession of spice.

**Definition of "standard pharmaceutical reference manual"**

• Specifies that only references approved by the State Board of Pharmacy are considered to be a "standard pharmaceutical reference manual" as that term is used in Ohio’s drug offense statutes.

**Am. Sub. H.B. 495**

Sens. Faber, Balderson, Beagle, Burke, Coley, Eklund, Hite, Jordan, Obhof, Patton, Peterson, Schaffer, Seitz, Wagoner

Effective date: March 27, 2013

- Consolidates and simplifies references to the different types of concealed carry licenses issued by Ohio, or issued by another state and recognized in Ohio, under the term "concealed handgun license," and eliminates certain obsolete or redundant language in the concealed carry law and in the law governing improper handling of a firearm in a motor vehicle.

- Defines "licensee" as used in the concealed carry law to include the holder of a standard concealed handgun license, the holder of a license issued on a temporary emergency basis, and the holder of a license issued by another state.

- Eliminates the requirement that an applicant for renewal of a concealed carry license present certification of competency.

- Specifies that any person may possess a firearm in a motor vehicle in the State House underground parking garage or the parking garage at the Riffe Center in Columbus, if the person's possession of the firearm in the vehicle is not in violation of the offense of improperly handling firearms in a motor vehicle or any other Revised Code provision.

- Specifies that any person may store or leave a firearm in a locked motor vehicle that is parked in the State House underground parking garage or the Riffe Center parking garage, if the person's transportation and possession of the firearm in the vehicle while traveling to the garage was not in violation of the offense of improperly handling firearms in a motor vehicle or any other Revised Code provision.

- Specifies that nothing in the Ohio statute that sets forth the offense of improperly handling firearms in a motor vehicle prohibits or restricts a person from possessing, storing, or leaving a firearm in a locked motor vehicle that is parked in the State House underground parking garage or the Riffe Center parking garage, if the person's transportation and possession of the firearm in the vehicle while traveling to the premises was not in violation of the offense of improperly handling firearms in a motor vehicle.

- Amends the definition of "unloaded" in the prohibition against improperly handling a firearm in a motor vehicle and in the similar vessel-based prohibition, with respect to the presence in the vehicle or vessel of a magazine or speed loader containing ammunition.
• Permits the county sheriff, with the approval of the board of county commissioners, to expend any county portion of the concealed handgun license fees for the costs of ammunition used in a training course.

Am. Sub. S.B. 70

Sens. Schaffer, Hughes, Manning, Bacon, Balderson, Burke, Faber, Hite, Jones, Kearney, LaRose, Lehner, Oelslager, Patton, Peterson, Widener
Effective date: July 1, 2013

• Requires arson offenders and out-of-state arson offenders (that is, persons convicted in another jurisdiction of an offense substantially equivalent to aggravated arson or arson) to register personally with the sheriff of the county in which the offender resides or that sheriff’s designee.

• Specifies the time periods in which an arson offender who has received notice as described below of the duty to register, and an out-of-state arson offender, must register personally with the sheriff or designee.

• Requires a person who has a duty to register to obtain from the sheriff or designee a copy of a registration form prescribed by the Attorney General (AG), complete and sign the form, and return to the sheriff or designee the completed and signed form and specified identification records, and specifies the information that must be included on the form.

• Requires each arson offender or out-of-state arson offender to reregister annually, in person, within ten days of the anniversary of the offender’s initial registration date.

• Requires the Bureau of Criminal Identification and Investigation (BCII) to establish and maintain a Registry of Arson Offenders and Out-Of-State Arson Offenders for public safety purposes.

• Provides that the Registry is not a public record.

• Requires a sheriff or sheriff’s designee to collect a registration fee of $50 and an annual reregistration fee of $25 from each arson offender or out-of-state arson offender, allows for waiver of the fee if the offender is indigent, and requires that the fee be sent to the AG to be used for the maintenance of the Registry.

• Provides that a person who fails to register or reregister as required by the act is guilty of a fifth degree felony.
• Requires the AG (1) to prescribe the forms to be used by arson offenders and out-of-state arson offenders to register, reregister, and provide a notice of a change of address and (2) to adopt procedures for sheriffs to use to forward the registration information, photographs, fingerprints, palm prints, and other materials to BCII.

• Requires that each arson offender be provided notice of the duty to register personally with the sheriff or the sheriff’s designee, identifies by position the person who is to provide the notice, and establishes the time frame for when those offenders are to receive that notice.

• Specifies that the judge, official, or official's designee providing the notice must require the arson offender to read and sign a form stating that the arson offender has received and understands the notice.

• Provides that if the arson offender is unable to read, the judge, official, or official's designee must inform the arson offender of the duties as set forth in the notice, and certify on the form that the judge, official, or designee informed the arson offender of the duties and that the arson offender indicated an understanding of those duties.

• Requires the AG to prescribe the notice and form described above, and requires that it include notice of the arson offender's duties to reregister annually.

• Requires the person providing the notice of the duty to register to provide a copy of the notice and signed form to the arson offender, to determine the county in which the offender intends to reside, and to provide a copy of the signed form to the sheriff of that county in accordance with rules adopted by the AG.

Am. Sub. S.B. 160

Sens. Bacon and Hughes, Patton, Wagoner, Faber, Balderson, Beagle, Brown, Burke, Cafaro, Coley, Eklund, Gentile, Hite, Kearney, Lehner, Manning, Niehaus, Obhof, Oelslager, Peterson, Sawyer, Schaffer, Seitz, Turner, Widener


Effective date: March 22, 2013

Judicial release

• Requires that any judicial release hearing be held not less than 30 days or more than 60 days after the motion is filed.
• Generally requires a prosecuting attorney who receives notice that a court has scheduled a judicial release hearing with respect to a first, second, or third degree felony offense of violence to notify the victim or the victim’s representative of the hearing, regardless of whether the person requested notification, unless the victim or representative opts out of the mandatory notice.

• Requires that an institutional summary report with respect to the offender be provided to the prosecuting attorney or a law enforcement agency upon request.

• Requires the court to notify the prosecuting attorney of any judicial release.

• Requires the prosecuting attorney to provide notice of any judicial release to the victim or the victim’s representative.

**Victims' opting out of notices**

• Permits a victim who does not wish to receive any of the notices that the act generally requires to be provided even when a victim has not requested the notice to opt out of the notices by requesting the prosecutor or custodial agency that is to provide the notice not to provide the notice to the victim.

• Provides for notice of the opportunity to opt out of such notices.

• Specifies that the opt out provision also applies to a victim’s representative or a member of a victim’s immediate family that is authorized to receive any of the notices.

**Crime Victims Rights Law**

• Provides that, if a defendant is incarcerated for aggravated murder, murder, or a first, second, or third degree felony offense of violence or under a life sentence, or a juvenile offender has been charged with such an act, the notices that a prosecutor must give to a victim regarding a hearing for judicial release or under the Sexually Violent Predator Sentencing Law and the notices that a custodial agency must give to a victim generally must be given regardless of whether the victim requested notice, unless the victim opts out of the notices.

• Requires the custodial agency to give similar notice to the prosecutor, the sentencing court, the law enforcement agency that arrested the defendant or juvenile offender if any of its officers was a victim, and any member of the victim’s immediate family.

• Requires a custodial agency to give the victim some of the notices it must provide under that Law at least 60 days before the event about which the notice is given.

**Change of name proceedings**

• Permits a court to waive the requirement that an application for a change of name be published in a newspaper at least 30 days before the hearing if the applicant submits
satisfactory proof that it would jeopardize the applicant's personal safety, and requires the court in such a case to order the records of the change of name proceeding to be sealed and opened only by order of the court for good cause shown or at the applicant's request.

**Adult Parole Authority**

- Requires the Adult Parole Authority (APA) to adopt rules providing for a victim conference, upon request of the victim, a member of the victim's immediate family, or the victim's representative, prior to a parole hearing for a prisoner incarcerated for aggravated murder, murder, or a first, second, or third degree felony offense of violence or under a life sentence.

- Changes the time at which the APA must provide notices to a prosecuting attorney, judge, and victim or victim's representative of its recommendation of a pardon or commutation of sentence, or its granting of a parole, so that the notice must be given at least 60 days before the event, and requires the APA to provide to the prosecuting attorney or any law enforcement agency, upon request, an institutional summary report with respect to the person.

- Specifies (1) that the notices to a victim or victim's representative described above generally must be given regardless of whether the victim or representative has requested them, unless the victim opts out, if the offender is incarcerated for aggravated murder, murder, or an offense of violence that is a first, second, or third degree felony or under a life sentence, and (2) that the notices need not be given to a victim or representative if notice was given with respect to at least two prior considerations of pardon, commutation, or parole and the victim or representative did not respond.

- Specifies that the notices to a victim or victim’s representative described above must inform the victim, the victim's representative, or a member of the victim's immediate family that the victim, representative, and immediate family have the right to give testimony at a full board hearing of the parole board and that the victim or representative may contact the office of victims’ services for further information if the person being considered for parole was convicted of or pleaded guilty to aggravated murder or murder, an offense of violence that is a first, second, or third degree felony, or an offense punished by a sentence of life imprisonment (language in italics added by the act).

- Requires the APA to notify the prosecutor at least two weeks prior to the release of a convict serving a sentence for aggravated murder or a sentence of life imprisonment from confinement in any state correctional institution pursuant to a pardon, commutation of sentence, parole, or completed prison term, and requires notice to
the prosecutor of the actual release pursuant to a pardon, commutation, parole, or completed prison term of a convict serving a sentence for aggravated murder, murder, or a first, second, or third degree felony or serving a sentence of life imprisonment.

**80%-of-sentence release mechanism**

- Requires that, if the Director of the Department of Rehabilitation and Correction (DRC) submits a petition to the sentencing court for release of an offender under the 80%-of-sentence-served release mechanism, and if the offender is incarcerated for aggravated murder, murder, or an offense of violence that is a first, second, or third degree felony, or under a life sentence, DRC generally must notify the victim or victim’s representative of the filing of the petition, regardless of whether the victim or representative requested the notification, unless the victim or representative opts out of the mandatory notice.

- Specifies that, when DRC provides the prosecutor with a copy of the petition, it also must provide a copy of the institutional summary report to any law enforcement agency that requests it.

**Transitional control program**

- Changes the period of time for APA notice to a court of the pendency of the transfer of a prisoner to transitional control, notice to a victim prior to transferring a prisoner to transitional control, and posting on its Internet database of a pending transfer of a prisoner to transitional control so that the notices must be given at least 60 days prior to the event.

- Specifies that, if a prisoner is incarcerated for aggravated murder, murder, or a first, second, or third degree felony offense of violence or under a life sentence, the notices to a victim of the upcoming transfer of a prisoner to transitional control generally must be given regardless of whether the victim requested notice unless the victim or victim’s representative opts out of the mandatory notice.

**Post-release control**

- Expands the categories of prisoners convicted of a third degree felony for whom post-release control is mandatory.

- Provides that at least 30 days before a prisoner is released from imprisonment, DRC generally must notify the victim and the victim’s immediate family of the date the prisoner will be released, the period for which the prisoner will be under post-release control supervision, and the terms and conditions of the prisoner’s post-release control, regardless of whether the victim or immediate family requested the
notification, unless the victim or victim’s representative opts out of the mandatory notice.

- Provides that at least 30 days before a prisoner is released from imprisonment, and regardless of whether the victim or victim’s immediate family has opted out of the notice, DRC also must provide similar notice to the prosecuting attorney in the case and the law enforcement agency that arrested the prisoner if any of its officers was a victim.

**Fourth and fifth degree felony sentencing**

- Expands the discretion of a court to impose a prison term on an offender who is convicted of or pleads guilty to a fourth or fifth degree felony that is not an offense of violence if the court finds specified additional factors.

- Eliminates the factors that a court had to consider when sentencing an offender for a fourth or fifth degree felony that is an offense of violence or sentencing an offender for a fourth or fifth degree felony that is not an offense of violence and the court found that any of certain specified factors applied.

- Requires a court determining whether to impose a prison term on an offender described immediately above, after considering the sentencing factors set forth in the Felony Sentencing Law, to comply with the purposes and principles of sentencing under that Law.

**Sexually violent predator sentencing**

- With respect to a prisoner serving an indefinite prison term consisting of a specified minimum term and maximum term under the Sexually Violent Predator Sentencing Law, provides that upon request of the prosecuting attorney or of any law enforcement agency: (1) before the Parole Board may terminate its control over the offender's service of the term, it must provide to the requesting prosecuting attorney and law enforcement agencies an institutional summary report, and (2) after the Board has transferred control over the prisoner’s service of a term to the sentencing court, before the court may consider whether the prisoner should be permitted to serve the term outside of a prison or whether to terminate the term, DRC must provide to the requesting prosecuting attorney and law enforcement agencies an institutional summary report.

**DRC Internet database**

- Changes the period of time within which DRC must include on its Internet database information regarding an upcoming APA recommendation of a pardon or commutation of sentence for an inmate, parole hearing for an inmate, or transitional
control hearing for an inmate, so that the information must be included at least 60
days before the recommendation or hearing.

- Expands the information that must be included on the database for each inmate to
require that the database indicate whether any victim of the offense was a law
enforcement officer if that fact is known.

**DRC parole reports**

- Requires DRC: (1) at the end of each quarter, to submit to the chairpersons of the
Senate and House committees that consider criminal justice legislation a report on
the number and results of parole hearings conducted during the quarter and a list of
persons incarcerated for offenses of violence who were granted parole and a
summary of the terms and conditions of their parole, and (2) upon request, to
provide a detailed statement of the reasons a particular prisoner was granted parole
to the law enforcement agency that arrested the prisoner, the prosecuting attorney,
or any member of the General Assembly.

**Parole Board hearings**

- Regarding hearings of the full Parole Board:

  (1) Permits a victim of aggravated murder, murder, a first, second, or third
degree felony offense of violence, or an offense punishable by life
imprisonment, the victim's representative, or the spouse, parents, sibling, or
children of the victim to request the Parole Board to hold a full Board hearing
regarding the proposed parole or re-parole of the offender;

  (2) Specifies that the Board generally must give notice of the date, time, and
place of the hearing to the victim regardless of whether the victim requested
the notification unless the victim opts out of the mandatory notice;

  (3) Provides that, at least 30 days before the full Board hearing and regardless
of whether the victim has opted out of the notice, the Board also must notify
the prosecuting attorney in the case, the law enforcement agency that arrested
the prisoner if any of its officers was a victim, and, if different from the victim,
the person who requested the full Board hearing;

  (4) Specifies that if the prosecuting attorney has not previously been sent an
institutional summary report with respect to the prisoner, upon the request of
the prosecuting attorney, the Board must include it with the notice sent to the
prosecuting attorney;

  (5) Specifies that, upon the request of a law enforcement agency that has not
previously been sent an institutional summary report with respect to the
prisoner, the Board also must send a copy of the report to the agency; and
(6) Specifies that, if the victim died as a result of the original offense and the offense was aggravated murder, murder, a first, second, or third degree felony offense of violence, or an offense punished by life imprisonment, the victim's family may show at a full Board hearing a video recording memorializing the victim.

"Roberta's Law" designation

- Specifies that the act's victim notice-related provisions regarding judicial release, in the Crime Victims Rights Law, regarding a pending commutation of sentence, parole, or transitional control, regarding the 80%-of-sentence-served release mechanism, regarding post-release control, and regarding full Board hearings of the Parole Board are to be known as "Roberta's Law."

Voluntary manslaughter with sexual motivation

- Expands the offense of voluntary manslaughter to prohibit a person from engaging with a sexual motivation in any conduct prohibited under the offense.

- Provides that: (1) voluntary manslaughter when committed with a sexual motivation is a sexually oriented offense for purposes of the Sex Offender Registration and Notification Law, (2) an offender who commits, attempts or conspires to commit, or engages in complicity in committing voluntary manslaughter with a sexual motivation is a Tier III sex offender/child-victim offender, and (3) a delinquent child who commits, attempts or conspires to commit, or engages in complicity in committing voluntary manslaughter with a sexual motivation is a public registry-qualified juvenile offender registrant if the juvenile court imposes a serious youthful offender dispositional sentence on the child, the child was 14, 15, 16, or 17 years of age at the time of committing the act, and the court classifies the child a juvenile offender registrant.

**Am. Sub. S.B. 223**

**Sens.** Bacon, Wagoner, Faber, Turner, Kearney, Obhof, Balderson, Beagle, Burke, Cafaro, Coley, Daniels, Eklund, Hite, Hughes, Jones, Lehner, Manning, Niehaus, Oelslager, Sawyer, Schaffer, Schiavoni, Seitz, Smith, Tavares, Widener


**Effective date:** June 8, 2012

- Regarding the offense of telecommunications fraud:
--Changes the increased penalties so that: (1) if the value of the benefit obtained by the offender or of the detriment to the victim of the fraud is $1,000 or more, but less than $7,500, telecommunications fraud is a fourth degree felony, (2) if the value of the benefit or detriment is $7,500 or more, but less than $150,000, it is a third degree felony, (3) if the value of the benefit or detriment is $150,000 or more, but less than $1 million, it is a second degree felony, and (4) if the value of the benefit or detriment is $1 million or more, it is a first degree felony.

--Provides that, if an offender commits the offense as part of a course of conduct involving other specified theft-related or fraud-related offenses, the court, in determining the degree of the offense, may aggregate the value of the benefit obtained by the offender or of the detriment to the victim of the fraud in the offenses involved in that course of conduct.

• Specifies that, if the Attorney General has reasonable cause to believe that a person or enterprise has engaged in, is engaging in, or is preparing to engage in telecommunications fraud, unauthorized use of property, unauthorized use of computer, cable, or telecommunications property, unauthorized use of the law enforcement automated data system, or unauthorized use of the Ohio law enforcement gateway, the Attorney General may investigate the alleged violation.

• Provides the Attorney General with investigative powers regarding such an investigation, and specifies that information that the Attorney General gathers during the course of such an investigation is a confidential law enforcement investigatory record for purposes of the Public Records Law.

• Provides that a subpoena or subpoena duces tecum issued by the Attorney General to a provider of electronic communication services or remote computing services is subject to the limitations specified in the Electronic Communications Privacy Act of 1986.

• Changes the required uses of the moneys in the Telemarketing Fraud Enforcement Fund so that moneys in the Fund must be used to pay for expenses reasonably related to the administration of the Telephone Solicitors Law, the investigation or prosecution of crimes investigated by the Attorney General’s Consumer Protection Section, or educational activities that advance the specified purposes of that Law.
Am. S.B. 258

Sens. Manning and Patton, Balderson, Hite, Hughes, LaRose, Widener, Eklund, Gentile, Burke, Schiavoni, Turner, Bacon, Beagle, Brown, Cafaro, Coley, Daniels, Faber, Jones, Kearney, Lehner, Obhof, Oelslager, Sawyer, Schaffer, Skindell, Smith, Tavares, Wagener

Effective date: June 8, 2012

- Creates the Statewide Blue Alert Program to rapidly disseminate information related to the killing of or serious injury to law enforcement officers and to aid in the location of missing law enforcement officers.
- Establishes criteria for activating an alert under the program.
- Grants immunity to a broadcaster with regard to alerts.

Sub. S.B. 268

Sens. Eklund, Seitz, Patton, LaRose, Jones, Wagoner, Bacon, Coley, Hite, Hughes, Lehner, Niehaus, Widener

Effective date: August 6, 2012

- Provides for the taking of a DNA specimen from a person charged with a felony who is not arrested for the offense or whose DNA specimen related to a felony offense was not taken when otherwise required.
- Provides that if a person is charged with a criminal offense and is found not guilty in the case or the charges are dismissed, if the person files an application with the court for an order sealing the official records in the case, and if the court determines that the person was found not guilty in the case, that the charges in the case were dismissed with prejudice, or that the charges in the case were dismissed without prejudice and the relevant statute of limitations has expired, the court must issue an order to the Superintendent of the Bureau of Criminal Identification and Investigation directing that the Superintendent seal or cause to be sealed the official records in the case consisting of DNA specimens that are in the Bureau’s possession and all DNA records and DNA profiles.
• Specifies that any DNA specimens, DNA records, and DNA profiles ordered to be sealed under the sealing mechanism described above or the official records sealing mechanism as modified by the act are not to be sealed if the person with respect to whom the order applies is otherwise eligible to have DNA records or a DNA profile in the national DNA index system.

• Extends provisions that continue to apply with respect to the sealing of official records of a person who is charged with a criminal offense and is found not guilty in the case or has the charges dismissed, including provisions with respect to the limited keeping of records and indexes of the sealed records, to inquiries regarding the sealed records, and to the limited use of the sealed records for law enforcement purposes and in legal proceedings, so that they also apply with respect to an order for the sealing of DNA specimens, DNA records, and DNA profiles issued under the provision described above.

• Amends the definition of "official records" that continues to apply with respect to the sealing of official records of a person who is charged with a criminal offense and is found not guilty in the case or has the charges dismissed to clarify that the term includes all DNA specimens, DNA records, and DNA profiles.

Am. Sub. S.B. 305

Sens. Hughes, Patton, Turner, Bacon, Eklund, Jones

Reps. Ashford, Fedor, Letson, O'Brien, Batchelder

Effective date: September 28, 2012

• Prohibits a person from knowingly designing, building, constructing, or fabricating a vehicle with a hidden compartment, or modifying or altering any portion of a vehicle to create or add a hidden compartment, with the intent to facilitate the unlawful concealment or transportation of a controlled substance.

• Prohibits a person from knowingly operating, possessing, or using a vehicle with a hidden compartment with knowledge that the hidden compartment is used or intended to be used to facilitate the unlawful concealment or transportation of a controlled substance.

• Prohibits a person who has been convicted of or pleaded guilty to the offense of aggravated trafficking in drugs when the offense is a first or second degree felony from operating, possessing, or using a vehicle with a hidden compartment.

• Provides exemptions from the above prohibitions, in specified circumstances, for: (1) law enforcement officers, (2) licensed motor vehicle dealers or manufacturers that
repair, purchase, receive in trade, lease, or sell a motor vehicle, and (3) a box, safe, container, or other item added to a vehicle for securing valuables, electronics, or firearms that does not contain a controlled substance or controlled substance residue that is visible.

**Am. Sub. S.B. 337**

**Sens.**  Seitz and Smith, Wagoner, Lehner, LaRose, Turner, Brown, Burke, Hite, Niehaus, Sawyer, Schiavoni, Skinell, Tavares


**Effective date:** September 28, 2012

**Certificate of qualification for employment**

- Creates a mechanism by which an individual who is subject to a collateral sanction – that is, a penalty, disability, or disadvantage related to employment or occupational licensing 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 – may obtain a certificate of qualification for employment that will provide relief from certain bars on employment or occupational licensing.

- Requires the Division of Parole and Community Services of the Department of Rehabilitation and Correction (DRC), not later than December 27, 2012, to adopt rules for the implementation and administration of the certificate of qualification for employment mechanism, and specifies that, upon adoption of the rules, the mechanism becomes operative.

**Petitions**

- Permits an individual who is subject to collateral sanctions to file a petition requesting a certificate of qualification for employment with the designee of the Deputy Director of the Division if the individual has been in prison or a DRC-funded program or with the court of common pleas of the county in which the individual resides or the designee of the Division in all other cases, and provides that the court of common pleas makes the decision whether to issue the certificate.

- Directs that a petition requesting a certificate of qualification for employment may be filed:
(1) 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 the individual’s release from any period of incarceration imposed for that offense and all periods of supervision imposed after release from the 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 sanctions imposed for that offense, including any period of supervision; or

(2) 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 the individual’s release from any period of incarceration imposed for that offense and all periods of supervision imposed after release from the 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.

- Requires the designee to review a petition filed with the designee to determine whether it is complete and, if complete, to forward the petition 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.

**Decision**

- Requires a court in which a petition is filed or forwarded to determine all other Ohio courts in which the individual was found guilty of an offense other than the offense from which relief is sought and notify those courts of the filing, notify the prosecuting attorney of the county in which the individual resides that the individual has filed the petition, and review the petition, the individual’s criminal history, all filings submitted by the prosecutor or the victim, and all other relevant evidence.

- Requires a court that receives or is forwarded a petition to decide whether to issue the certificate within 60 days after the court receives or is forwarded the completed petition and all information requested by the court, and authorizes the court, upon request of the individual who filed the application, to extend the 60-day period that otherwise applies.

- Provides that a court that receives or is forwarded an individual’s petition may issue the requested certificate if it finds that the individual has established by a preponderance of the evidence that granting the petition will materially assist the individual in obtaining employment or occupational licensing, the individual has a substantial need for the relief requested in order to live a law-abiding life, and
granting the petition will not pose an unreasonable risk to the safety of the public or any individual.

- Prohibits a court from issuing a certificate of qualification for employment that grants relief from any of a list of certain specified collateral sanctions.

- Provides that a court that receives an individual's petition and denies the petition may place conditions on the individual regarding the filing of any subsequent petition for a certificate, and authorizes the individual to appeal a denial to the court of appeals only if the individual alleges that the denial was an abuse of discretion by the court of common pleas.

**Effects of certificate**

- Specifies that a certificate of qualification for employment issued to an individual lifts the automatic bar of a collateral sanction and that a decision-maker, as defined by the act, must 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 as described above.

- Specifies that a certificate of qualification for employment does not grant relief from any of a list of certain specified mandatory civil impacts.

- Permits a certificate of qualification for employment to be introduced in a judicial or administrative proceeding alleging negligence or other fault 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 order of limited relief was issued if the person knew of the certificate at the time of the alleged negligence or other fault.

- Provides that: (1) in a proceeding on a negligent hiring claim, a certificate of qualification for employment issued to an individual provides the employer with immunity as to the claim if the employer knew of the certificate at the time of the hiring, and (2) if an employer hires an individual who has been issued a certificate of qualification for employment, if the individual subsequently demonstrates dangerousness or is convicted of or pleads guilty to a felony, and if the employer then retains the individual as an employee, in a proceeding on a negligent retention claim, the employer may be held liable 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.
Presumptive revocation

- Specifies that a certificate of qualification for employment is presumptively revoked if the individual to whom the certificate was issued is convicted of or pleads guilty to a felony offense committed subsequent to the issuance of the certificate.

DRC

- Specifies that a designee's forwarding of, or failure to forward, a petition for a certificate of qualification for employment to a court or a court's issuance of, or failure to issue, a petition to an individual under the act's mechanism does not give rise to a claim for damages against DRC or the court.

- Requires DRC to conduct a study to determine the manner for transferring the act's mechanism for issuing a certificate of qualification for employment to an electronic database established and maintained by DRC, specifies certain provisions that must be included in the database, and requires DRC to submit to the General Assembly and the Governor by September 28, 2013, a report containing the results of the study and recommendations for transferring the mechanism.

- Requires DRC, in conjunction with the Ohio Judicial Conference, to conduct a study to determine whether the application process for certificates of qualification for employment created by the act is feasible based on DRC's caseload capacity and the courts of common pleas and, not later than September 28, 2013, to submit to the General Assembly a report of the results of the study and any recommendations for improvement of the application process.

Sealing of criminal records

- As it relates to the procedure for sealing criminal records, replaces the term "first offender" with the term "eligible offender," and defines the new term as anyone who has been convicted of an offense in Ohio or any other jurisdiction and who has not more than one felony conviction, not more than two misdemeanor convictions if the convictions are not of the same offense, or not more than one felony conviction and one misdemeanor conviction in Ohio or any other jurisdiction.

- Requires the probation officer or county department of probation that the court directs to make the required inquiries concerning an applicant for the sealing of a criminal record to contact the child support enforcement agency enforcing the applicant's obligations under a child support order to inquire about the offender's compliance with that order if the applicant was convicted of or pleaded guilty to a violation of nonsupport of dependents.

- Provides an exception to the prohibition against sealing the records of an offender's conviction in cases in which the victim of the offense was under 18 years of age and
the offense is a first degree misdemeanor or a felony violation, to allow for sealing of records relating to the offense of nonsupport of dependents.

**Drug paraphernalia**

- Revises the law with respect to the use or possession of drug paraphernalia when marihuana is involved by:

  1. Prohibiting a person from knowingly using, or possessing with purpose to use, drug paraphernalia that is equipment, a product, or material of any kind that is used by the person, intended by the person for use, or designed for use in storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body marihuana, violation of which is a minor misdemeanor; and

  2. Specifying that the prohibition against knowingly using, or possessing with purpose to use, drug paraphernalia, violation of which is a fourth degree misdemeanor, does not apply to a person’s use, or possession with purpose to use, any drug paraphernalia that is equipment, a product, or material of any kind that is used by the person, intended by the person for use, or designed for use in storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing marihuana into the human body.

**Order of community service – failure to pay cost judgment in criminal case**

- With respect to continuing provisions that require a judge or magistrate to notify a criminal defendant at the time of sentencing that, if the defendant fails to pay the cost judgment imposed on the defendant, the court may order the defendant to perform community service credited toward payment of the judgment, specifies that a judge’s or magistrate’s failure to so notify the defendant does not negate or limit the authority of the court to order the defendant to perform community service if the defendant fails to pay the judgment or to timely make payments toward that judgment under an approved payment plan.

**Ex-offender Reentry Coalition**

- Adds a member to the Ex-offender Reentry Coalition, who must be an ex-offender appointed by the Director of Rehabilitation and Correction.

**Juvenile law**

  **Juvenile court jurisdiction after adjudication**

- Provides that if a juvenile court makes a disposition of a delinquent child or juvenile traffic offender after the child attains 21 years of age, the child may be held in places other than places solely for confinement of children.
• Specifies that the juvenile court has jurisdiction over any person whose case is transferred for criminal prosecution solely for the purpose of detaining the person under certain specified circumstances unless the person is convicted of or pleads guilty to a felony in the adult court.

**Places of detention**

• Modifies the exceptions to the list of places in which, generally, a child alleged to be or adjudicated a delinquent child or a juvenile traffic offender may be held.

• Creates a procedure whereby a person whose case is transferred to adult court for criminal prosecution or any person who has attained 18 years of age, but has not attained 21 years of age and who is being held in a detention facility for delinquent children may be held under that disposition or charge in places other than those generally considered to be for the placement of children if the juvenile court, upon motion of the prosecutor or its own motion and after notice and a hearing, establishes by a preponderance of the evidence and makes written findings that the youth is a threat to the safety or security of the facility, which may include whether the youth has done any of the following:

  --Injured or created an imminent danger to the life or health of another youth or staff member in the facility or program by violent behavior;

  --Escaped from the facility or program in which the youth is being held on more than one occasion; or

  --Established a pattern of disruptive behavior as verified by a written record that the youth's behavior is not conducive to the established policies and procedures of the facility or program in which the youth is being held.

• Requires the juvenile court to consider certain specified factors when considering a motion as described above.

• Permits a person for whom a juvenile court has determined that a place other than those generally considered to be for the placement of children is the appropriate place for confinement to petition the court for a review hearing 30 days after the initial confinement decision, 30 days after any subsequent review hearing, or at any time after the initial confinement decision upon an emergency petition by the youth due to the youth's facing an imminent danger from others or self.

• Requires a facility to advise the person of the person's right to request a review hearing as described above upon the admission of a person whose case has been transferred to adult court for criminal prosecution to a place other than those generally considered to be for the placement of children.
Jail time and prison time credits – transfer from juvenile facility

- Requires the jailer in charge of a jail or DRC to additionally reduce the sentence or stated prison term of a person sentenced to the jail or to prison by the number of days the person was confined in a juvenile facility.

DYS institutionalization credits – number of days previously held

- Modifies the provision requiring the Department of Youth Services to reduce the minimum period of institutionalization ordered for a delinquent child committed to it by the number of days the child has been held in detention as specified by the committing court and the number of additional days that the child has been held in detention subsequent to the order of commitment, but prior to transfer to the Department so that: (1) the committing court must specify the number of days the child has been confined, rather than held in detention, pending a court adjudication, disposition, or execution of a court order and the Department must use that number in reducing the minimum period, and (2) in determining the number of days that the child has been confined pending a court adjudication, disposition, or execution of a court order, the court cannot include days that the child has been under electronic monitoring or house arrest or has been confined in a halfway house.

Sealing of juvenile records – sexual battery and gross sexual imposition

- Removes sexual battery and gross sexual imposition from the list of offenses for which juvenile records may not be sealed.

Sealing of juvenile records – application process

- Permits a motion or application for the sealing of juvenile records to be made at any time after six months after any of certain specified events occurs, including the date on which the court enters an order after a hearing or a petition upon the classification of a child as a juvenile offender registrant under the Sex Offender Registration and Notification Law that contains a determination that the child is no longer a juvenile offender registrant.

- Prohibits the court from charging a fee for the filing of an application for the sealing of juvenile records.

Sealing of juvenile records – determination procedures

- Adds an additional factor that the court must consider in determining whether the person has been rehabilitated to a satisfactory degree for the purposes of sealing juvenile records: the granting of a new tier classification or declassification from the Juvenile Offender Registry under the Sex Offender Registration and Notification Law, except for public registry-qualified juvenile offender registrants.
Confidentiality of juvenile records – criminal records checks

- Specifies that all information that the Superintendent of the Bureau of Criminal Identification and Investigation (BCII) provides pursuant to a criminal records check conducted for any reason prescribed by the Revised Code must relate to a criminal conviction or guilty plea, but specifies that the provision does not limit, restrict, or preclude the Superintendent's release of information that relates to an adjudication of a child as a delinquent child or that relates to a criminal conviction of a person under 18 years of age if the person's case was transferred back to a juvenile court under the reverse bindover provisions and the juvenile court imposed a disposition or serious youthful offender disposition on the person if the adjudication or conviction was for an aggravated murder or murder violation or 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 continuing law, and that classification has not been removed.

- Regarding conviction and delinquency adjudication information that the BCII collects from courts, law enforcement agencies, and other sources pursuant to continuing law, specifies that a rule adopted by the Attorney General generally may provide only for the release of information gathered under that provision that relates to the conviction of a person, or a person's plea of guilty to, a criminal offense, and specifies that BCII's Superintendent cannot release, and the Attorney General cannot adopt any rule that permits the release of, any information gathered under that provision that relates to an adjudication of a child as a delinquent child or that relates to a criminal conviction of a person under 18 years of age if the person's case was transferred back to a juvenile court under the reverse bindover provisions and the juvenile court imposed a disposition or serious youthful offender disposition on the person unless the adjudication or conviction was for an aggravated murder or murder violation or 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 continuing law, and that classification has not been removed.

Transfer of case of alleged delinquent child for criminal prosecution

- Requires the juvenile court to order an investigation into the child's social history, education, family situation, and any other factor bearing on whether the child is amenable to juvenile rehabilitation as added by the act, including a mental examination of the child by a public or private agency or a person qualified to make the examination, when determining whether to transfer a child to adult court.

- Requires the investigation to be completed and a report on the investigation submitted to the court as soon as possible, but not more than 45 calendar days after
the court orders the investigation, and permits the court to grant one or more extensions for a reasonable length of time.

- Prohibits any report on an investigation as described above from including details of the alleged offense as reported by the child.

**Transfer of case back to juvenile court after conviction in adult court**

- Modifies the mechanism by which the case of an alleged delinquent child that was transferred to adult court is transferred back to juvenile court after the child is convicted in an adult court in three ways:

  1. Requires the court and all other agencies that have any record of the conviction of the child or the child’s guilty plea to expunge the conviction or guilty plea and all records of it, requires the conviction or guilty plea to be considered and treated for all purposes other than as provided in the mechanism to have never occurred, and requires the conviction or guilty plea to be considered and treated for all purposes to have been a delinquent child adjudication of the child;

  2. Requires an objection by the prosecuting attorney to be filed within 14 days after the filing of the journal entry regarding the transfer, instead of upon the transfer; and

  3. If the juvenile court imposes a serious youthful offender disposition on the child after the transfer back to the juvenile court, clarifies that the expungement of the conviction or guilty plea and all records of it applies with respect to all agencies that may have any record of the child’s guilty plea as well as to the court and all agencies that have any record of the child’s conviction.

**Juvenile competency**

- Modifies the juvenile competency determination mechanism and procedures in the following ways:

  1. Specifies that the mechanism and procedures do not apply to a proceeding under the Delinquent Children and Juvenile Traffic Offenders Law that involves an unruly child in addition to not applying to a proceeding under that Law that involves a juvenile traffic offender;

  2. Modifies the required content of the competency assessment report of an evaluator who completes an evaluation of a subject child when the evaluator concludes that the child is so impaired as to not be able to understand the nature and objectives of the proceedings or to assist in the child’s defense; and

  3. Specifies that, when a subject child is found to be incompetent and the provider that provides the child’s competency attainment services pursuant to
a competency attainment plan submits a required report on the child’s progress, which reports are required every 30 calendar days and on the termination of services, the report cannot include any details of the alleged offense as reported by the child.

**Prohibitions regarding licensing preclusions**

- In general, requires the following entities to prohibit the preclusion of individuals from obtaining or renewing licenses, certifications, or permits due to any past criminal history, unless the individual had committed a crime of moral turpitude or a disqualifying offense: the Ohio Optical Dispensers Board; the Registrar of Motor Vehicles with regard to motor vehicle salvage dealers, motor vehicle auctions, and salvage motor vehicle pools; the Construction Industry Licensing Board; the Hearing Aid Dealers and Fitters Licensing Board; and the Director of Public Safety with regard to private investigators and security guards.

- Specifies that:

  1. If an individual applying for a license, certification, or permit has been convicted of or pleaded guilty to a misdemeanor that is not a crime of moral turpitude or a disqualifying offense less than one year prior to making the application, any licensing entity listed above may use its discretion in granting or denying the individual a license, certification, or permit;

  2. If an individual applying for a license, certification, or permit has been convicted of or pleaded guilty to a felony that is not a crime of moral turpitude or a disqualifying offense less than three years prior to making the application, any licensing entity listed above may use its discretion in granting or denying the individual a license or registration; and

  3. The provisions described in items (1) and (2) do not apply with respect to any offense unless the licensing entity, prior to the act’s effective date, was required or authorized to deny the application based on that offense.

- Prohibits any licensing entity listed above that is considering a renewal of an individual’s license, certification, or permit from considering any conviction or plea of guilty prior to the initial licensing or certification; authorizes the licensing entity to grant an individual a conditional license, certification, or permit that lasts for one year, and provides that after the year period, the license, certification, or permit no longer is considered conditional and the individual is to be considered fully licensed or certified; and requires the licensing entity, if it denies an individual a license, certificate, permit, or renewal, to put in writing the reasons for the denial.

- Defines "moral turpitude" and "disqualifying offense" for purposes of the above provisions.
State Board of Cosmetology

- Requires the State Board of Cosmetology to assist ex-offenders and military veterans who hold licenses to find employment.
- Prohibits the Board from denying a license based on prior incarceration for or conviction of a crime.

Casino Control Commission

- Requires the Casino Control Commission to provide to each applicant who is denied a license under the Casino Control Law a written statement that describes the reasons for which the applicant was denied the license.
- Requires the Commission, not later than January 31 each year, to provide the General Assembly and the Governor a report that, for each type of license issued under the Casino Control Law, specifies the number of applications made in the preceding calendar year, the number of applications denied in the preceding calendar year, and the reasons for those denials, with the information regarding the reasons for the denials specifying each reason that resulted in, or was a factor resulting in, denial for each type of license and, for each of those reasons, the total number of denials for each license type that involved that reason.

Licensing of trainees

- Specifies that, subject to the exception discussed below, if any of the following agencies issues trainee licenses, an applicant for a trainee license, in addition to any other eligibility requirements for the license, must submit a request to BCII for a criminal records check of the applicant: the Accountancy Board; the Board of Embalmers and Funeral Directors; the State Board of Optometry; the Ohio Optical Dispensers Board; the State Board of Pharmacy; the State Medical Board; the State Board of Psychology; the State Chiropractic Board; the Ohio Construction Industry Licensing Board; the State Veterinary Medical Licensing Board; the Occupational Therapy Section, Physical Therapy Section, and Athletic Trainers Section of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board; the Counselor, Social Worker, and Marriage and Family Therapist Board; the Ohio Board of Dietetics; the Ohio Respiratory Care Board; the State Board of Orthotics, Prosthetics, and Pedorthics; the Casino Control Commission; the Registrar of Motor Vehicles regarding certain motor vehicle salvage licenses; the Hearing Aid Dealers and Fitters Licensing Board; or the Director of Public Safety regarding private investigators and security guard providers.
- Specifies that the requirements for a criminal records check of applicants for trainee licenses do not apply with respect to any person who is participating in an apprenticeship or training program operated by or under contract with DRC.
• Prescribes the procedures that apply with respect to a criminal records check of an applicant for a trainee license.

• Prohibits an agency listed above from issuing a trainee license if the agency determines that the applicant would not be eligible for a license, certificate, registration, permit, card, or other authority to engage in the profession, occupation, or occupational activity for which the trainee license would apply, or for a license, certificate, registration, permit, card, or other authority to operate certain specific equipment, machinery, or premises with respect to which the trainee license would apply.

• Provides that: (1) the results of a criminal records check conducted pursuant to a request made under the provisions described above and any report containing those results are not public records under the Public Records Law and generally cannot be made available to any person or for any purpose, and (2) BCII’s Superintendent must make the results available to the involved agency for use in determining whether the applicant should be granted a trainee license, and the agency must make the results available to the applicant who is the subject of the criminal records check.

• Defines "trainee license" as a license, certificate, registration, permit, card, or other authority that is issued or conferred by any agency listed above that authorizes the holder to engage as a trainee in a profession, occupation, or occupational activity, or to operate as a trainee certain specific equipment, machinery, or premises, over which the agency has jurisdiction.

**Child support determination**

• Prohibits a court or child support enforcement agency (CSEA) from determining that a parent who is incarcerated or institutionalized for 12 or more months with no other available assets is voluntarily unemployed or underemployed for the purposes of imputing income when calculating child support, unless the offense that led to the incarceration involved abuse or neglect of the child or the subject of the support order is a victim of that offense.

• Revises the law with respect to a court or CSEA determining imputed income with respect to a parent who is receiving recurring monetary income from means-tested public assistance benefits, including cash assistance payments under the Ohio Works First Program, financial assistance under the Disability Financial Assistance Program, Supplemental Security Income, or means-tested veterans' benefits.

• Permits a court or CSEA to disregard a parent’s additional income from overtime or additional employment in appropriate circumstances, such as when the income was generated primarily to support a new or additional family member.
• Requires a court or CSEA to collect information about preexisting child support orders for other children of the same parents when calculating a child support order to ensure that the total of all orders for the children of both parents does not exceed the amount that would have been ordered in a single order.

Driver’s license suspensions and motor vehicle equipment violations

• Generally reduces the penalties for driving under suspension if the suspension was imposed as a penalty for one of a number of specified offenses in which the operation of a motor vehicle is not one of the main elements of the offense or for violating the state financial responsibility law, and states that the provision also applies in limited circumstances to a comparable municipal offense.

• For a number of specified offenses in which the operation of a motor vehicle is not one of the main elements of the offense, but for which upon conviction one of the penalties the court is permitted or required to impose is the suspension of the person’s driver’s license: (1) for the offenses with a mandatory license suspension, changes the suspension to a discretionary suspension, and (2) for all of the offenses, provides that the court, in lieu of suspending the license, instead may require the offender to perform community service for a number of hours determined by the court.

• Modifies the driver’s license suspension sanction for the offense of failure to comply with an order or signal of a police officer by requiring the imposition of a Class 5 suspension when it is a misdemeanor and the offender has not previously been convicted of that offense.

• Authorizes the sentencing court to grant limited driving privileges to an offender on a suspension imposed for failure to comply with an order or signal of a police officer when it is a misdemeanor.

• Permits a court, pursuant to a request made in a contempt action, to grant limited driving privileges to a person whose driver’s license is suspended because the person is in default or noncompliance under a child support order.

• Permits the Registrar of Motor Vehicles, with the approval of the Director of Public Safety, to adopt rules that permit a person to pay reinstatement fees in installments.

• Eliminates the requirement that the Registrar suspend the driver’s license of any person who (1) was named in a motor vehicle accident report that alleged that the person was uninsured at the time of the accident and (2) then failed to give to the Registrar acceptable proof of financial responsibility.

• Changes the period of suspension and the conditions for granting limited driving privileges to a person whose driver’s license has been suspended for a violation of
the state financial responsibility law, and permits a court to grant limited driving privileges to a person whose driver's license has been suspended a third or subsequent time within a five-year period for violating that law, but provides that the privileges cannot take effect until after the first 30 days of the suspension have elapsed.

- Provides that a person whose driver's or commercial driver's license has been suspended for life or has been suspended for a period in excess of 15 years and who files a motion with the sentencing court for modification or termination of the suspension may be granted the modification or termination if the person demonstrates in addition to existing conditions that at least five years have elapsed since the suspension began and, for the past five years, the person has not been found guilty of any offense involving a moving violation under state law, the law of any Ohio political subdivision, or federal law; aggravated vehicular homicide, vehicular homicide, vehicular manslaughter, aggravated vehicular assault, or vehicular assault; or any violation of a suspension under the Driver's License Suspension, Cancellation, and Revocation Law or a substantially equivalent municipal ordinance.

- Establishes as a minor misdemeanor in all circumstances most motor vehicle equipment violations.

- Requires the Department of Public Safety to study the advisability and feasibility of establishing a one-time amnesty program for payment of fees and fines owed by persons who have been convicted of traffic and motor vehicle equipment offenses or have had their driver's license, commercial driver's license, or temporary instruction permit suspended for any reason and to issue a report on the study.

**Community alternative sentencing centers**

- Corrects two incorrect references to community alternative sentencing centers, and corrects one provision that indicates which offenders may be sentenced to those centers to make it consistent with other provisions that indicate which offenders may be sentenced to them.

**Probation officers**

- Permits a court of common pleas that has established a county probation department or has entered into an agreement with the Adult Parole Authority to receive supplemental investigation or supervisory services from the Authority to request the board of county commissioners to contract with any nonprofit, public or private agency, association, or organization for the provision of probation services and supervisory services, including the preparation of presentence investigation
reports to supplement the probation services and supervisory services provided by the county probation department or the Authority.

- Permits the courts of common pleas of two or more adjoining counties that have jointly established a probation department or have entered into an agreement with the Authority to receive supplemental investigation or supervisory services from the Authority to jointly request the board of county commissioners of each county to enter into the same types of contracts under the same conditions as described above.

- Requires the Department of Youth Services to develop minimum standards for training probation officers who supervise juvenile offenders, requires probation officers in a juvenile division of a court of common pleas to have such required training, and requires the Department to make copies of those minimum standards available to courts and probation departments within six months after the act’s effective date.

**Fifth degree felony drug offenses with a presumption for a prison term**

- Modifies the penalties for the offenses of trafficking in drugs, trafficking in cocaine, trafficking in L.S.D., and trafficking in heroin by providing that the statute establishing conditions regarding community control sanctions and possible imposition of a prison term applies when a court determines whether to impose a prison term on the offender.

**Notice of possible eligibility to earn days of credit**

- Repeals provisions, enacted in 2011 by H.B. 86 of the 129th General Assembly, that required a court that imposed a prison term for a felony to include in the sentence a statement notifying the offender that the offender might have been eligible to earn days of credit under the earned credits mechanism.

**Determination of credit for time served**

- Requires a sentencing court to determine the days of credit that an offender receives for time served in relation to the offense, provides for the correction of errors in the determination, and requires DRC to adjust a prisoner’s stated prison term or parole eligibility in accordance with the court’s determination.

**Risk reduction sentencing**

- Modifies the law governing risk reduction sentencing to specify that the provision that requires that a felon sentenced to prison be notified at the time of sentencing that the felon, depending on the felony, either will be or may be subject to supervision under one or more post-release control sanctions upon being released from prison expressly applies to risk reduction sentences.
Alternative residential facilities

- Removes the option of a term in an alternative residential facility from the list of possible community residential sanctions that may be imposed for a misdemeanor other than a minor misdemeanor.

Concurrent supervision offenders

- Specifies that a concurrent supervision offender is to be supervised by the court of conviction that imposed the longest possible sentence of incarceration and cannot be supervised by any other authority, and that the judges of the various courts of this state having authority to supervise a concurrent supervision offender may by local rule authorize the chief probation officer of that court to manage concurrent supervision offenders in accordance with continuing law.

- Specifies that any unpaid financial obligation of a concurrent supervision offender is a judgment in favor of the state or a political subdivision in which the court that imposed the financial sanction is located and the concurrent supervision offender subject to the financial sanction is the judgment debtor.

Certificates of achievement and employability

- Specifies that DRC and the Adult Parole Authority are not liable for any claim for damages arising from DRC's or the Authority's issuance, denial, or revocation of a certificate of achievement and employability or for DRC's or the Authority's failure to revoke a certificate of achievement and employability if the person who received the certificate is convicted of or pleads guilty to any offense other than a minor misdemeanor or a traffic offense.

Recommendation for medical release

- Eliminates the Adult Parole Authority's authority to recommend to the Governor the medical release of a prisoner.

Transitional control program

- Transfers the duties of the Adult Parole Authority regarding the transitional control program to DRC's Division of Parole and Community Services.

Probation improvement and probation incentive grants

- Modifies the probation improvement grant and the probation incentive grant such that municipal and county court probation departments, in addition to common pleas court probation departments, that supervise offenders, regardless of whether the offenders have been convicted of or pleaded guilty to a felony, are eligible for the grants.
Task Force report

- Extends to September 30, 2012, the deadline for the Ohio Interagency Task Force on Mental Health and Juvenile Justice to submit the report required by H.B. 86 of the 129th General Assembly.
Economic Development

Sub. H.B. 18


Sens.  Schaffer, Patton, Bacon, Balderson, Beagle, Brown, Burke, Eklund, Faber, Hite, Hughes, LaRose, Lehner, Manning, Niehaus, Ohhof, Oelslager, Peterson, Schiavoni, Seitz, Smith, Turner, Wagoner, Widener

Effective date:  August 6, 2012; Section 2 effective May 4, 2012

- Authorizes a $500 per-employee grant for a business that occupies a facility that has been vacant for 12 months, increases its payroll by hiring new full-time employees, and employs either 50 employees or 50% of its Ohio employees at the vacant facility.
- Permits an employer to receive no more than one grant.
- Limits availability of grants to three years after the act takes effect.
- Creates the Vacant Facilities Grant Fund, and requires that all money in the new Fund be used for the purposes of the grant program.
- Makes an appropriation.

Am. H.B. 331


Sens.  Schaffer, Balderson, Beagle, Burke, Coley, Faber, Hite, Hughes, Jones, Kearney, Lehner, Manning, Obhof, Oelslager, Peterson, Sawyer, Schiavoni, Tavares, Turner, Wagoner

Effective date:  September 28, 2012

- Creates the Cybersecurity, Education, and Economic Development Council for the purpose of studying the state's cybersecurity operations and means of accelerating growth of the cybersecurity industry.
• Requires the Office of Information Security and Privacy Management in the Department of Administrative Services to provide staff and administrative support to the Council.

• Requires the Council to issue a report of its findings and recommendations to the Governor, Lieutenant Governor, and members of the General Assembly.

**Am. H.B. 436**


**Sens.** Beagle, Burke, Faber, Hughes, Jones, Obhof, Oelslager, Peterson, Wagoner, Widener

**Effective date:** September 4, 2012

• Creates the SiteOhio Certification Program within the Development Services Agency to certify and market eligible commercial, industrial, and manufacturing sites and facilities.

• Requires the Director of Development Services to prescribe the criteria for eligibility for certification.

• Establishes the SiteOhio Administration Fund to pay the Agency's administrative expenses associated with the Program.
Sub. H.B. 116


Sens. Sawyer, Beagle, Coley, Hite, Brown, Cafaro, Gentile, Kearney, Lehner, Manning, Obhof, Patton, Schiavoni, Skindell, Smith, Tavares, Turner, Wagoner

Effective date: May 4, 2012; anti-bullying provisions effective November 4, 2012

- Requires school districts, community schools, and STEM schools to expand their existing student anti-bullying policies to cover incidents of harassment, intimidation, or bullying that occur on school buses.

- Requires the anti-bullying policies to prohibit harassment, intimidation, or bullying by electronic means (cyberbullying).

- Specifies that anti-bullying policies must include: (1) a statement providing for possible suspension of students who engage in cyberbullying, (2) means for making anonymous reports of incidents, (3) disciplinary procedures for students who make false reports, and (4) strategies for protecting other persons, in addition to the victim as in continuing law, from harassment or retaliation after a report has been made.

- Specifies that the process a school district, community school, or STEM school must develop for educating students about its anti-bullying policy, if state or federal funds are appropriated for that purpose, must consist of annual, age-appropriate instruction that includes a discussion of consequences for violating the policy.

- Requires school districts, community schools, and STEM schools to: (1) make available to students and parents an explanation of the seriousness of cyberbullying, and (2) annually issue a written anti-bullying policy statement to be sent home to parents.

- Specifies that it is a student’s custodial parent or guardian who must be notified of and have access to reports of a bullying incident.

- Requires school districts, community schools, STEM schools, and educational service centers to provide training on their anti-bullying policies as a part of the inservice training required for all teachers, administrators, counselors, nurses, and school psychologists.

- Grants residency status, for purposes of in-state tuition, to students who completed their homeschooling in Ohio and re-establish domicile in Ohio to enroll in a state institution of higher education regardless of their residence prior to enrollment.
Sub. H.B. 143


Sens. Tavares, Bacon, Beagle, Brown, Cafaro, Eklund, Faber, Gentile, Hite, Hughes, Jones, Kearney, LaRose, Lehner, Manning, Niehaus, Obhof, Oelslager, Patton, Peterson, Sawyer, Schaffer, Seitz, Skindell, Turner, Wagoner, Widener

Effective date: April 26, 2013; requirements that Department of Health post information sheet and links to online training effective March 27, 2013

- Prohibits a school authority from allowing a student to practice for or compete in interscholastic athletics until the student has submitted a signed form stating that the student and the student’s parent or other guardian have received a concussion and head injury information sheet created by the Department of Health.

- Requires a youth sports organization to provide to the parent or other guardian of an individual who wishes to practice for or compete in an athletic activity the Department’s concussion and head injury information sheet.

- Prohibits a school authority from allowing an individual to coach interscholastic athletics without holding a pupil-activity program permit for coaching interscholastic athletics from the State Board of Education.

- Prohibits a school authority from allowing an individual to referee interscholastic athletics without holding a pupil-activity program permit or successfully completing a specified training program.

- Prohibits an individual from acting as a coach or referee for a youth sports organization without holding a pupil-activity program permit or successfully completing a specified training program.

- Requires a coach or referee of interscholastic athletics or a coach, referee, or official of a youth sports organization to remove from practice or competition a student or individual exhibiting signs, symptoms, or behaviors consistent with having sustained a concussion or head injury.

- Prohibits a coach or referee of interscholastic athletics or a coach, referee, or official of a youth sports organization from allowing a student or individual to return to the practice or competition from which the student or individual was removed, or to participate in any other practice or competition for which the coach, referee, or official is responsible, until the student or individual has been assessed and cleared for return by a physician or by any other licensed health care provider authorized by the school authority or youth sports organization.
Provides that a school authority that is subject to the rules of an interscholastic conference is considered to be in compliance with the act, as long as the requirements of those rules are substantially similar to the act’s requirements.

Provides qualified immunity from a civil action for injury, death, or loss to person or property allegedly arising from providing services or performing duties required by the act for (1) a public or nonpublic school, board member, employee, or volunteer, including a coach or referee, and (2) a youth sports organization, official, employee, or volunteer.

Requires the State Board of Education to: (1) require each individual applying for a pupil-activity program permit to coach interscholastic athletics to successfully complete training on brain trauma and brain injury management, and (2) require each individual renewing a pupil-activity program permit to coach interscholastic athletics to successfully complete a specified training program.

Requires the Department of Health to create a concussion and head injury information sheet for participants in interscholastic activities and youth sports organizations.

Requires the Department to provide a link on its web site to one or more free online training programs in recognizing the symptoms of concussions and head injuries that are appropriate for coaches or referees of schools or youth sports organizations.

**H.B. 437**


**Sens.**  Sawyer, Turner, Coley, Obhof, Bacon, Hite, LaRose, Lehner, Manning, Oelslager, Patton, Peterson, Schaffer, Seitz, Wagoner

**Effective date:**  September 28, 2012

- Increases the maximum distance that school board-owned motor vehicles may travel on out-of-state trips from 240 miles to 1,000 miles.
Sub. H.B. 525


Sens. Lehner, Turner, Eklund, Hite, Jones, LaRose, Niehaus, Obhof, Wagoner

Effective date: October 1, 2012

Teacher contracts

- Requires a teacher who is employed by a municipal school district and who meets the requirements for tenure to provide notice of the teacher's eligibility by September 15 of the year in which the teacher becomes eligible.
- Lowers from five years to two years the maximum length of an initial limited contract for employment entered into between a municipal school district and a teacher on or after the act's effective date.
- Revises the procedures for a municipal school district to grant an extended limited contract to a teacher who is eligible for tenure.
- Exempts municipal school districts from the requirement to enter into supplemental contracts with teachers who teach courses for high school credit outside the normal school day.

Assigning teachers to school buildings

- Prescribes procedures for assigning teachers to school buildings of a municipal school district whereby the decisions of the district CEO or designee are guided by the recommendations of building-level interview teams.
- Prescribes credential factors that a building-level interview team must consider in making its recommendations to the CEO or designee.

Teacher evaluations

- Requires a municipal school district to include review of a teacher's work samples as part of the teacher evaluations mandated by continuing law, and specifies that: (1) the required observations may be announced or unannounced, and (2) multiple measures must be used in determining student academic growth.
- Requires a municipal school district to conduct one annual evaluation instead of two for a teacher whom the district is considering not reemploying.
- Changes the deadline for a municipal school district to complete teacher evaluations from April 1 to June 1.
• Requires evaluators in a municipal school district to be trained in accordance with criteria developed by the district CEO and teachers’ union.

• Requires a municipal school district to use evaluations in decisions about compensation and layoffs in addition to promotion and retention decisions as in continuing law.

• Specifies that teachers in a municipal school district may use the collective bargaining agreement’s grievance procedure to challenge violations of the evaluation procedures, but limits the violations that may be corrected to those that cause substantive harm to the teacher.

**Teacher salaries**

• Requires a municipal school district to adopt a performance-based salary schedule for teachers in the same manner required by continuing law for school districts that receive federal Race to the Top funds.

• Requires a municipal school district to place newly hired teachers on the salary schedule based on years of experience, area of licensure, and other factors determined by the district.

• Requires a municipal school district to initially place veteran teachers on the salary schedule so that their salary is comparable to their pay under the previous salary schedule.

• Requires a municipal school district to consider specialized training and experience in the assigned position, in addition to the performance metrics in continuing law, when measuring a teacher’s performance.

• Adds teaching in a school with an extended school day or school year to the duties for which a municipal school district may provide additional compensation.

• Allows a municipal school district to decrease a teacher’s salary during the term of the employment contract if the teacher will perform fewer or different duties.

**Nonrenewal of teacher contracts**

• Extends from April 30 to June 1 the deadline for a municipal school district to notify teachers that their contracts will not be renewed for the following school year.

• Revises the procedures for holding a hearing on the nonrenewal of a teacher’s contract in a municipal school district.

• Exempts a municipal school district from most provisions requiring the automatic reemployment of a teacher when the district fails to comply with nonrenewal procedures.
• Specifies that the decision of a municipal school district to not renew a teacher’s contract is not subject to appeal.

• Exempts a municipal school district from the requirement to notify employees by April 30 that their contracts will not be renewed in order for the employees to qualify for unemployment benefits.

Teacher terminations and disciplinary suspensions

• Permits a municipal school district to place a teacher on an unpaid disciplinary suspension for a definite period of time for good and just cause.

• Specifies that good and just cause for a municipal school district to terminate a teacher’s contract includes receiving an evaluation rating of ineffective for two consecutive years.

• Establishes new due process procedures, including a fact-finding hearing, for teacher terminations and disciplinary suspensions in municipal school districts.

• Prohibits an arbitrator from overturning the termination or disciplinary suspension of a teacher by a municipal school district for failure of the district to comply with the act’s procedures or a collective bargaining agreement unless the failure results in substantive harm to the teacher.

Teacher layoffs

• Modifies the reasons for which a municipal school district may lay off teachers by: (1) omitting suspension of schools as a reason, and (2) allowing layoffs for academic reasons resulting in the consolidation of teaching positions, duties, or functions or in changes in educational programs.

• Requires a municipal school district to lay off teachers in order of their evaluation ratings, starting with teachers with the lowest rating, and to lay off nontenured teachers before tenured teachers within each group of teachers with the same rating.

• Requires a municipal school district to recall laid-off teachers in the reverse order of the tenure and evaluation rating categories used in the layoffs.

• Requires a municipal school district to give teachers preference in layoffs or rehiring based on seniority when deciding between teachers with the same evaluation rating and tenure status.

• Specifies that the municipal school district and the teachers’ union must negotiate how specialized training and experience will be factored into layoff and recall decisions.
• Specifies that laid-off tenured and nontenured teachers of a municipal school district have the right of restoration only to positions for which they qualify within three years after the date on which their contracts were suspended.

**Collective bargaining**

• Specifies that the act’s requirements regarding teacher employment in municipal school districts, including requirements related to contracts, building assignments, evaluations, salaries, contract nonrenewals, terminations and disciplinary suspensions, and layoffs, generally prevail over collective bargaining agreements entered into on or after the act’s effective date.

**Employment of principals**

• Requires a municipal school district to pay principals based on performance, generally in the same manner required by the act for the district’s teachers.

• Changes the procedures for a municipal school district to notify a principal before taking action to renew or not renew the principal’s contract.

• Exempts a municipal school district from the requirement to automatically reemploy a principal for a specified period of time when the district fails to comply with nonrenewal procedures.

• Specifies that, in a municipal school district, the failure of a principal’s building to meet academic performance standards established by the district CEO is grounds for termination.

• Requires the CEO of a municipal school district to give a principal a copy of the principal’s evaluation at least five days before the CEO recommends the principal’s termination to the school board.

**Academic performance plan**

• Requires that the district CEO’s academic performance plan include provisions requiring parents or guardians of students in the district’s schools to attend, prior to December 15 each year, at least one parent-teacher conference or similar event.

• Adds adjustment of the length of the school year or school day to the items that may be included in the corrective actions specified in the plan.

• Prescribes procedures for development of the CEO’s corrective plan for a particular school whereby the CEO and labor union presiding officer must appoint corrective action teams to make recommendations regarding implementation of the plan.

• Specifies that the content and implementation of a corrective plan and any actions taken to implement the plan prevail over collective bargaining agreements entered into on or after the act’s effective date.
Additional accountability measures

- Requires the board of education of an existing municipal school district to develop, subject to approval by the Superintendent of Public Instruction, an array of measures to evaluate the academic performance of the district, and to use those measures to report annually to the General Assembly, Governor, and state Superintendent.

- Requires the state Superintendent, by November 15, 2017, to evaluate the district’s performance based on the district board’s approved array of measures and to issue a report to the General Assembly and Governor.

Student advisory committees

- Requires a municipal school district and each of its partnering community schools to establish a student advisory committee at each of their schools offering grades 9 to 12 to make regular, at least semiannual, recommendations for improving the academic performance of the school.

School calendars

- Declares that the board of a municipal school district has final authority to establish a school calendar for the district’s school buildings that provides for additional student days or hours beyond the state minimum.

- Specifies that the school calendar adopted by the board prevails over collective bargaining agreements entered into on or after the act’s effective date, but requires the board and the teachers’ union to negotiate regarding any additional compensation for working an extended school day or school year.

Municipal School District Transformation Alliance

- Allows the mayor of the city containing the greatest portion of a municipal school district to initiate the establishment of and appoint the board of directors of a Municipal School District Transformation Alliance as a nonprofit corporation under the Nonprofit Corporation Law.

- Requires the Alliance, if created, to: (1) confirm and monitor a transformation alliance education plan prepared by the mayor, (2) suggest national education models for and provide input in the development of new district schools and partnering community schools, (3) report annually on the performance of all municipal school district schools and all community schools located in the district, and (4) make recommendations to the Department of Education on the approval of sponsors of new community schools located in the district.

- Sunsets the authority to create an Alliance on January 1, 2018, and terminates any Alliance created under the act on that date.
Exempts the Alliance and its directors, officers, and employees from the state Public Ethics Law, Open Meetings Law, Public Records Law, Civil Service Law, Public Employees Retirement System Law, and Public Employee Collective Bargaining Law, but stipulates that board meetings must be open to the public, that records must be maintained as though they were public records, and that the board must establish a conflicts of interest policy.

Specifies that membership on the Alliance board does not constitute an incompatible holding of public office.

Expands the offense of bribery, a third degree felony, to include: (1) promising, offering, or giving any valuable thing or valuable benefit, with purpose to corrupt or improperly influence, to a director, officer, or employee of the Alliance, or (2) knowingly soliciting or accepting for one's self or another, by a director, officer, or employee of the Alliance, any valuable thing or valuable benefit to corrupt or improperly influence the discharge of duties.

**Framework to assess district and community schools**

Requires the Department of Education, the Transformation Alliance, if created, and a statewide nonprofit community school sponsor organization, by April 30, 2013, jointly to establish a framework to assess the efficacy of district schools and community schools located in the municipal school district.

**Community school sponsorship in a municipal school district**

Requires the Department of Education, the Transformation Alliance, if created, and a statewide nonprofit community school sponsor organization, by December 31, 2012, jointly to establish criteria for both: (1) sponsors to use to determine if they will sponsor new community schools in the municipal school district, and (2) the Department and the Alliance to use in assessing the ability of a sponsor to successfully sponsor schools in the district.

Beginning with any community school that opens after July 1, 2013, requires each sponsor to use the criteria developed jointly by the Department, Alliance, and statewide sponsor organization to determine whether it will sponsor a new community school in the municipal school district.

**Combining community school and district report card data**

Authorizes a municipal school district, with the approval of the community school governing authority, to elect to have the student performance data of a community school located in the district combined with the district's data on the district's annual state report card if the district either sponsors the community school or has entered into an agreement with the school to endorse each other's programs.
• Authorizes a municipal school district, at its own discretion, to elect to have the number of students enrolled in a community school located in the district noted separately on the district’s report card if the district either sponsors the community school or has entered into an agreement with the school to endorse each other’s programs.

• Requires the district, by October 1 each year, to submit documentation to the Department of Education indicating eligibility for the election to include a community school’s data on its report card.

**Deposit of proceeds from the sale of real property**

• Permits a municipal school district that sells any parcel of real property to deposit the proceeds into the district’s general fund as long as: (1) the district has owned property for at least ten years, (2) any securities or other obligations issued to pay for the real property or improvements to it are no longer outstanding at the time of the sale, and (3) the deposit is not prohibited by any agreements the district has with the School Facilities Commission.

**Tax levy**

• Authorizes the school board of a municipal school district to propose a levy for current operating expenses, a portion of which would be allocated to partnering community schools and distributed among those schools on a per-pupil basis.

**Other**

• Specifically authorizes the board of education of a municipal school district to request exemptions from education-related statutes and administrative rules through a continuing law that permits any district to request such exemptions for an innovative education pilot program.

**H.B. 543**

Sens. Turner, Beagle, Sawyer, Obhof, Hite, Bacon, Balderson, Brown, Burke, Cafaro, Coley, Eklund, Faber, Gentile, Hughes, Jones, Jordan, Kearney, LaRose, Lehner, Manning, Niehaus, Oelslager, Patton, Peterson, Schaffer, Schiavoni, Skindell, Smith, Tavares, Wagoner, Widener

Effective date: March 22, 2013

- Requires school districts, community schools, STEM schools, and educational service centers to train teachers and certain other staff in youth suicide awareness and prevention.
- Identifies the act as the "Jason Flatt Act, Ohio, in honor of Joseph Anielski."

Am. Sub. H.B. 555


Sens. Eklund, Jones, Lehner, Niehaus, Sawyer, Wagoner

Effective date: March 22, 2013; one provision effective January 1, 2015

Academic performance ratings

- Creates a new, phased-in academic performance rating system for school districts, individual buildings of districts, community schools, STEM schools, and college-preparatory boarding schools under which each district or school is assigned a letter grade of "A," "B," "C," "D," or "F" to reflect its performance.
- Establishes 15 separate performance measures to measure the performance of districts and schools.
- Creates six component classifications in which the 15 separate performance measures are grouped.
- Requires the Department of Education to assign a grade for each component to be used to assign an overall grade to a district or school.
- Requires the Department to assign letter grades to districts and schools not later than September 15 each year or, in certain cases, on the preceding Friday.
- Requires the State Board of Education, not later than March 31, 2013, to submit to the General Assembly recommendations to create a one-year safe harbor for districts and schools for the first year the new assessments developed by the Partnership for *The list of House sponsors is taken from the House Journal for November 29, 2012, p. 2760. The signature page of the Act as it was presented to the Governor contains a different list of House sponsors, as follows: Stebelton and Butler, Slaby, Hackett, McGregor, J. Adams, Amstutz, Buchy, Wachtman, Batchelder
Assessment of Readiness for College and Careers (PARCC) are administered as state achievement assessments.

- Requires the State Board to develop an alternative academic performance rating system for community schools serving primarily students enrolled in dropout prevention and recovery programs.
- Establishes criteria for closing dropout prevention and recovery community schools based on their academic performance.
- Requires the Department, by December 31, 2013, to review additional information included on report cards and submit to the Governor and the General Assembly recommendations for revisions.
- Abolishes the Ohio Accountability Task Force.
- Requires the State Board, by August 31, 2013, to submit to the General Assembly recommendations for a comprehensive statewide plan to intervene in and improve the performance of persistently poor performing schools and school districts.

**Achievement assessments**

- Moves administration of the state achievement assessments in social studies from grades five and eight to grades four and six.
- Reinstates the permanent requirement for five scoring ranges on the state achievement assessments.

**Diagnostic assessments; third-grade guarantee**

- Eliminates the requirement that a district failing to make "adequate yearly progress" for two or more consecutive years administer diagnostic assessments.
- Requires administration of diagnostic assessments to each student in third grade, as well as kindergarten through second grade as under continuing law.
- Permits a school district that received an excellent or effective rating, or the equivalent as determined by the Department, for the immediately preceding school year to use different diagnostic assessments than those provided by the State Board.
- Replaces the requirement for a single diagnostic assessment for English language arts with a requirement for separate diagnostic assessments in reading and writing.
- Requires a school district to provide immediate services and regular diagnostic assessments for a student found to have a reading deficiency, pending development of the student’s reading improvement and monitoring plan required under the third-grade reading guarantee.
• Requires a teacher who provides reading instruction services under the third-grade reading guarantee to be actively engaged in the reading instruction of students for the previous three years and to satisfy other specified criteria.

Community schools
• Establishes a new evaluation process for determining which community school sponsors may sponsor additional schools.
• Permits the Department’s Office of School Sponsorship to sponsor a community school if the school’s sponsor has been prohibited from sponsoring additional schools.
• Delays implementation of the new community school sponsor evaluation system until the 2015-2016 school year.
• Permits an educational service center to sponsor a new start-up community school in any challenged district in the state, instead of just its service territory, so long as it receives approval to do so from the Department.
• Requires that the designated fiscal officer of a community school be licensed as a school treasurer.
• Requires the adoption of standards the Superintendent of Public Instruction must consider before approving new Internet- or computer-based community schools (e-schools).
• Delays the authorization of new e-schools until July 1, 2013.
• Permits a community school to operate facilities in more than one location in a single county if it is sponsored by a school district having territory in the same county where the facilities are located, regardless of whether the school has an operator.
• Specifies that a community school that operates a drug recovery program in cooperation with a court must be considered a dropout prevention and recovery program for purposes of the Community School Law.

Teacher evaluations
• Provides that certain statutory deadlines regarding teacher evaluations prevail over any conflicting provisions of a collective bargaining agreement entered into on or after the act’s effective date.
• Modifies the method in which the value-added progress dimension or student academic growth measure must be used to evaluate teachers.
• Exempts instructors of adult education from performance evaluation requirements for public school teachers.

• Exempts substitute teachers and instructors of adult education from teacher evaluations conducted by state agencies that employ teachers.

Other provisions

• Specifically permits educational service centers to partner in the development of STEM schools.

• Requires the Department to conduct a second application period each year for the Educational Choice Scholarship Program.

• Qualifies for a War Orphans Scholarship children of military veterans who participated in an operation for which the Armed Forces Expeditionary Medal was awarded.

• Authorizes the administrators of the Ohio National Guard Scholarship Program and the Ohio War Orphans Scholarship Program to apply for and receive grants; to accept gifts, bequests, and contributions from public and private sources; and to deposit contributions into the National Guard Scholarship Reserve Fund or the Ohio War Orphans Scholarship Fund, the latter of which is created by the act.

Am. Sub. S.B. 165

Sens. Obhof and Grendell, Faber, Hughes, Jones, Jordan, Schaffer, Seitz, Sawyer, Hite, Bacon, Beagle, Brown, Coley, Daniels, LaRose, Lehner, Manning, Niehaus, Oelslager, Patton, Wagoner, Widener, Wilson


Effective date: June 29, 2012

State standards

• Requires the State Board of Education to incorporate into the state social studies standards, for grades 4 to 12, academic content regarding the original texts of the Declaration of Independence, Northwest Ordinance, U.S. Constitution, and Ohio Constitution by July 1, 2012.

• Requires the State Board to revise the state model curricula and achievement assessments in social studies to include the new academic content.

• Requires the State Board to make available a list of suggested grade-appropriate supplemental readings that place the documents in their historical context that
teachers may use as a resource to help students in reading the documents within that context.

- Specifies that a valid educator license in social studies is sufficient to teach the additional American history and American government content required by the act.

**High school study**

- Specifies that the study of American history and American government as required in the high school curriculum must include study of the Declaration of Independence, Northwest Ordinance, U.S. Constitution, and Ohio Constitution.

- Eliminates the social studies end-of-course examination, and replaces it with separate history and government end-of-course examinations as components of the college and work-ready assessments that are being developed to replace the Ohio Graduation Tests as a requirement for a high school diploma.

- Not later than July 1, 2014, requires the Superintendent of Public Instruction and Chancellor of the Board of Regents to select end-of-course examinations for history and government that demonstrate mastery of American history and American government standards, and requires at least 20% of the government examination to address the historical documents specified by the act.

- Not later than July 1, 2013, requires each school district board of education, each community school, and each STEM school to adopt interim end-of-course examinations in history and government to be used by public high schools until the Superintendent and Chancellor adopt the examination described above.

**Social studies prerequisites**

- Revises the law requiring basic instruction in geography and U.S. and Ohio history and government before a student may study other social studies topics by permitting demonstrated mastery of geography and U.S. and Ohio history and government as an alternative to basic instruction.

**State Board legislative recommendations**

- Requires the State Board of Education to review the Revised Code for any provisions that may impede the implementation of the American history and government content requirement and to recommend legislation to the General Assembly to address any issues it finds not later than July 1, 2012.
Am. Sub. S.B. 316

Sens. Lehner (by request), Bacon, Eklund, Hite, Jones, LaRose, Niehaus, Sawyer, Turner, Wagoner
Reps. Stebelton, Roegner, Newbold, Amstutz, Beck, Brenner, Buchy, Hayes, Maag, Terhar, Uecker, Batchelder

Effective date: September 24, 2012; type B day-care provisions effective January 1, 2014

Third-grade reading guarantee

Retention

• Directs the State Board of Education to determine, and annually raise until at the proficient score, the score on the third-grade English language arts achievement assessment below which third-grade students generally must be retained in grade level.

• Beginning with the 2013-2014 school year, generally prohibits school districts and community schools from promoting to fourth grade a student scoring in the range designated by the State Board on the third-grade English language arts achievement assessment, but makes exceptions for students in specific circumstances.

Diagnostic and intervention services

• Beginning in the 2012-2013 school year, requires each district and community school annually to assess the reading skills of each student in grades K to 3 by September 30 and identify students reading below grade level.

• Requires each district and community school to develop a reading improvement and monitoring plan for each student in grades K to 3 who is identified as reading below grade level.

• Requires each district and community school to report to the Department of Education any information requested by the Department about the reading improvement and monitoring plans.

• Requires each district and community school to assign each student who has a reading improvement and monitoring plan, and who enters third grade in the 2013-2014 school year or later, to a teacher who either: (1) has received a passing score on a rigorous test of principles of scientifically based reading instruction, or (2) has a reading endorsement on the teacher’s license.

• Specifies services that districts and community schools must provide for each student retained in third grade, including not less than 90 minutes of reading daily, a high-performing teacher, and the option to receive services from other providers screened by the district, school, or Department.
• Includes summer reading camps as an option for services offered to retained third graders, but eliminates the requirement of prior law that summer remediation be provided in a school or community center and not on an at-home basis.

• Requires districts and community schools to provide retained third graders with instruction in other specific academic fields that is commensurate with their achievement levels.

**Reports**

• Explicitly requires districts and community schools to submit results of the K-3 diagnostic assessments in English language arts and math to the Department, and allows the Department to issue a report on the data collected.

• Requires each district and community school annually to report to the Department on its implementation of and compliance with the third-grade reading guarantee requirements.

• Requires the Superintendent of Public Instruction annually to report to the Governor and General Assembly the number and percentage of students in grades K to 4 reading below grade level, the types of intervention services provided, and an evaluation, if available, of the efficacy of those services.

• Requires the Superintendent of Public Instruction and the Governor’s Director of 21st Century Education, by December 31, 2012, to report on the Department’s ability to reprioritize state and federal funds to support the assessments and interventions associated with the third-grade reading guarantee.

• Requires the State Board and the Early Childhood Advisory Council, in consultation with the Governor’s Office of 21st Century Education, jointly to submit legislative recommendations on the state's policies on literacy education of children from birth to third grade by February 28, 2013.

• Requires the State Board to recommend to the General Assembly by December 31, 2013, changes to the scoring ranges of the state achievement assessments necessary for successful implementation of the common core curriculum and assessments in the 2014-2015 school year.

**Promotion and retention policy**

• Requires community schools, in the same manner required of school districts, to adopt a promotion and retention policy that, at a minimum, generally prohibits the promotion of a student who has been truant for more than 10% of the school year and has failed at least two required subjects.
Digital and blended learning

- Requires the State Board of Education to revise its minimum operating standards to include standards for the operation of blended learning by school districts and chartered nonpublic schools.
- Requires school districts, community schools, STEM schools, public college-preparatory boarding schools, and chartered nonpublic schools that operate a blended learning school, or plan to cease operating one, to notify the Department of Education by July 1 of the school year for which the change is effective.
- Permits a school district, community school, or STEM school already operating a blended learning program to notify the Department by December 23, 2012, and request classification as a blended learning school.
- Specifies that an e-school is not a blended learning school.
- Requires the Department, whenever the State Board adopts new state academic standards or model curricula, to provide information on the use of blended or digital learning in the delivery of the standards or curricula to students.
- Expands eligibility to receive a fee waiver for an advanced placement or postsecondary course taken through the OhioLearns Gateway to include students of chartered nonpublic schools and students who are instructed at home in addition to public school students.

Academic content standards and model curricula

- Requires the Superintendent of Public Instruction to present updated academic standards and model curricula in English language arts, math, science, and social studies to the House and Senate Education Committees at least 45 days before their adoption by the State Board of Education.
- Directs the State Board, by June 30, 2013, and in consultation with the Governor’s Office of Workforce Development, to adopt model curricula for grades K to 12 that embed career connections learning strategies into regular classroom instruction.

Career-technical report cards and rankings

- Requires the State Board of Education, in consultation with the Chancellor of the Board of Regents, the Governor’s Office of Workforce Development, and several associations, to develop a report card for joint vocational school districts and career-technical planning districts that is separate from those for city, exempted village, and local school districts.
- Removes joint vocational school districts from the Department of Education’s annual ranking of public schools.
- Removes measures related to career-technical education from the criteria with which the Department ranks public schools performance.

**Reports of district and school spending**

- Moves from July 1, 2012, to December 31, 2012, the deadline for the State Board of Education to adopt standards for determining and comparing district and school operating expenditures for classroom instructional purposes with those for nonclassroom purposes.
- Establishes July 1, 2013, as the date that school districts, community schools, and STEM schools must begin reporting data in accordance with the State Board’s standards.
- Requires the Department of Education, when developing the expenditure standards, to align them with the expenditure categories required for reporting to the U.S. Department of Education under federal law.
- Eliminates a requirement that the first report, ranking school districts and schools according to classroom and nonclassroom operating expenditures, cover fiscal years 2008 through 2012.

**School restructuring**

- Requires that a parent trigger restructuring petition under the Columbus pilot program be filed by December 31 of the school year in which a school qualifies for restructuring.
- Specifies that the provisions of a parent restructuring petition prevail over the statutory restructuring provisions for low-performing schools, if a Columbus school district school becomes subject to both, unless the parent petition is rejected for certain reasons.
- Specifies that federal law prevails if either the parent restructuring petition or the state’s general restructuring plan for a public school conflicts with federal law.
- Specifies that if a school is restructured under a parent restructuring petition, under the general restructuring plan, by a district academic distress commission, or under federal law, the school does not have to restructure again under state law for three years after implementation of the prior restructuring.

**Teacher evaluations**

- Specifies that the public school teachers who are subject to the requirement in continuing law to undergo evaluation by their employers are those teachers who: (1) are employed under a teacher license, (2) spend at least 50% of their time employed providing student instruction, and (3) are not substitute teachers.
• Authorizes to conduct teacher evaluations: (1) administrative specialists, (2) persons designated by an agreement entered into by the teacher’s employer, and (3) persons employed by an entity hired by the employer to conduct evaluations and who are a superintendent, assistant superintendent, principal, vocational director, supervisor, or administrative specialist or are qualified to do evaluations.

• Requires all authorized evaluators to obtain a credential established by the Department of Education before doing teacher evaluations.

• Reduces from two to one the number of annual evaluations an employer must conduct for a teacher who does not have a continuing contract, i.e. tenure, and whom the employer is considering not rehiring for the next school year.

• Requires a minimum of three classroom observations instead of two, as formerly required, as part of the evaluation process for nontenured teachers who are under consideration for contract nonrenewal.

• Permits an employer to require only one classroom observation of a teacher rated as accomplished on the teacher’s most recent evaluation if the teacher completes a project approved by the employer to demonstrate continued growth and practice at the accomplished level.

• Specifies that, when calculating student academic growth for the purpose of evaluations, students who have 60 or more unexcused absences for the school year must be excluded from the calculation.

• Extends from April 1 to May 1 the deadline for employers to complete teacher evaluations.

• Specifies that the statutory requirements regarding teacher evaluations prevail over collective bargaining agreements entered into on or after the act’s effective date.

• Allows the State Board of Education to periodically update its state framework for evaluating public school teachers.

• Directs the State Board, by June 30, 2013, to develop a standards-based teacher evaluation framework for state agencies, and requires each state agency that employs teachers to adopt a teacher evaluation policy that conforms to the framework.

• Requires each school district’s evaluation procedures for assistant principals to be based on principles comparable to the district’s teacher evaluation policy, but tailored to the duties and responsibilities of assistant principals.

• Requires the Chancellor of the Board of Regents annually, beginning in 2014, to report the number and percentage of graduates of each Ohio teacher preparation
program who were rated at each of the four performance levels on evaluations conducted by their employers in the previous school year.

- Requires each employer to report to the Department of Education, for purposes of the Chancellor’s report, the number of teachers receiving each evaluation rating, aggregated by the teacher preparation program from which they graduated and graduation year.

Testing teachers

- Revises the circumstances triggering the requirement that certain teachers of core subject areas take examinations to prove their knowledge so that it applies to teachers employed by school districts when a teacher has been rated ineffective on evaluations for two of the three most recent years, and retains the law applying the requirement to teachers employed by community schools and STEM schools when a teacher’s building is ranked by performance index score in the lowest 10% of all public schools.

- Eliminates the exemption from the examination requirement for teachers employed by joint vocational school districts.

- Specifies that the examination requirement first applies in the 2015-2016 school year.

- Applies the examination requirement to teachers who are currently teaching a core subject when they become subject to the provision.

- Specifies that the examinations that teachers must take are content knowledge examinations selected by the Department of Education to determine expertise to teach a teacher’s subject area and grade level rather than content knowledge and pedagogy examinations needed for licensure in that subject area and grade level as in prior law.

- Requires school district teachers who pass the examinations to pay for professional development targeted at their deficiencies, and permits districts to terminate teachers for: (1) failure to complete the professional development, or (2) receipt of an ineffective rating on the next evaluation after the professional development.

Teacher and administrator contracts and benefits

- Extends the deadlines for a school district or educational service center (ESC) to notify a teacher or administrator that the person’s contract will not be renewed for the following school year from: (1) April 30 to June 1, in the case of teachers, and (2) March 31 to June 1, in the case of most administrators.

- Extends from June 1 to June 15 the deadline for a teacher or administrator to notify a school district or ESC that the person is declining reemployment in cases where the
person is automatically reemployed due to the district’s or ESC’s failure to comply with the statutory nonrenewal procedures.

- Extends from April 30 to June 1 the deadline by which a school district employee must be notified of nonrenewal in order for the person to qualify for unemployment benefits.

- Exempts school district employees from accruing sick leave under the Public Employee Personnel Law if they are: (1) substitutes, (2) adult education instructors scheduled to work less than 120 days in the school year, or (3) employed on an as-needed, seasonal, or intermittent basis.

**Scholarship programs**

- Requires the State Board of Education to adopt rules establishing procedures for awarding Educational Choice (Ed Choice) scholarships to students already attending a nonpublic school at the time the school is granted a charter.

- Qualifies a student in a newly chartered school for a scholarship if the student: (1) either currently would be assigned to a district school whose students qualify for Ed Choice scholarships or attended, or would have been assigned to, such a school immediately prior to enrolling in the newly chartered school, and (2) was not enrolled in another nonpublic school immediately prior to enrolling in the newly chartered school.

- Requires the Department of Education to hold a second Ed Choice application period for the 2012-2013 school year to enable students enrolled in nonpublic schools that received a charter in the 2011-2012 school year to apply.

- Specifies that, in the case of a child placed in the custody of either a government agency or a person other than the child’s parent, the school district that includes the child in its average daily membership, for funding purposes, is the district from which Ed Choice scholarship payments must be deducted.

- Requires the Department, when publishing achievement assessment data for students participating in the Ed Choice or Cleveland Scholarship Program, to disaggregate that data by grade instead of age as in prior law.

- Specifies that, whenever a school district evaluates a child with a disability or develops, reviews, or revises the child’s individualized education program, the district must notify the child’s parent about the Autism Scholarship Program and the Jon Peterson Special Needs Scholarship Program.

**Closure of dropout recovery community schools for poor performance**

- Specifies that, unless the General Assembly enacts by March 31, 2013, performance standards, a report card rating system, and closure criteria for community schools
that operate dropout prevention and recovery programs, those schools are subject to permanent closure under the continuing criteria that apply to other community schools.

- Specifies that only the performance ratings issued to schools that operate dropout programs for the 2012-2013 school year and later count in determining if a school meets the closure criteria.

**Community school sponsorship**

- Specifies that the Department of Education's Office of Ohio School Sponsorship must be included in the annual rankings of community school sponsors, which is used to determine if entities may sponsor additional schools, but excludes the Office from the prohibitions on sponsoring additional schools based on the rankings.

- Makes permanent the exclusion from the sponsor ranking calculations of community schools that primarily serve students with disabilities.

- Excludes from the sponsor ranking calculations any community school that has been in operation for less than two full school years.

- Replaces the prior conditional exclusion from the sponsor ranking calculations of community schools that operate dropout prevention and recovery programs with a new requirement that the Department include those schools in the calculation of sponsor rankings, if the schools become subject to the involuntary closure criteria, in the event that the General Assembly does not enact performance standards, a report card rating system, and closure criteria for those schools by March 31, 2013.

- Requires the Department to publish the annual sponsor rankings between October 1 and October 15.

- States the General Assembly's intent to enact a law by December 31, 2012, that establishes a battery of measures to rate the performance of the sponsors of community schools and to determine whether an entity may sponsor additional community schools.

- Updates the definition of "sponsor," for purposes of the community school laws, to explicitly include: (1) boards of school districts and educational service centers that agree to the conversion of a school or building, and (2) grandfathered sponsors, which are exempt from having to obtain the Department's approval to sponsor community schools.

- Authorizes the Department to deny an application for direct authorization submitted by an existing community school if the school's previous sponsor had elected not to renew the school's sponsorship contract.
• Designates the Office of Ohio School Sponsorship as the entity within the Department that may assume sponsorship of a community school whose sponsor is found noncompliant with state rules or its contract with the community school.

**Community school enrollment verification**

• Requires school districts to conduct monthly enrollment reviews for community school students who are entitled to attend school in the district to verify the community school in which the student is enrolled and that the district is the student's resident district.

• Authorizes a community school, for purposes of its initial reporting of students' resident school districts, to adopt a policy prescribing the number of documents required to verify a student's residency, and specifies that the policy supersedes any similar policy of the student's resident district.

• Specifies the documents that may serve as proof of a parent's or student's primary residence.

• Codifies Department of Education policy that the school district in which a parent or child resides is the location the parent or student has established as the primary residence and where substantial family activity takes place.

• Requires a community school, in the event of a dispute with a school district over where a student resides, to provide the district with documentation of the student's residency and to make a good faith effort to identify the student's correct residence.

• Allows a community school to appeal to the Superintendent of Public Instruction to resolve a dispute under certain conditions.

**Other community school provisions**

• Increases from two to five the number of governing authorities of start-up community schools on which a person may serve at the same time.

• Authorizes the governing authority of a community school to establish a single-gender school without establishing a comparable school for the other gender.

• Revises an uncodified law to permit, rather than prohibit, a community school from operating from or in a residential care facility.

• Requires the Department of Education to make available on its web site a copy of every approved community school contract filed with the Superintendent of Public Instruction.
Access to school district real property

- Expands the right of first refusal to purchase real property that a school district is disposing of to include a public college-preparatory boarding school located in the district in addition to community schools in the district under continuing law.

- Extends to a public college-preparatory boarding school, in addition to community schools under continuing law, the opportunity to purchase or lease unused real property of the school district in which it is located.

- Permits, but does not require, a school district when it offers unused real property for sale or lease to community schools located in the district also to make that offer to community schools with plans: (1) to relocate operations to the district, or (2) to add facilities that will be located in the district.

- Specifies that if a district must conduct an auction or lottery to select a community school or public college-preparatory boarding school to purchase or lease its property, the auction or lottery must be conducted only among the parties that notified the district of their interest instead of among all eligible parties as required under prior law.

- Stipulates that the fair market value of real property that a district offers for sale or lease to community schools or a public college-preparatory boarding school must be based on an appraisal that is not more than one year old.

- Authorizes school districts to sell real and personal property directly to private, nonprofit institutions of higher education and to chartered nonpublic schools, in addition to public colleges and universities and other public entities under continuing law, without holding a public auction, subject to the right of first refusal of community schools and a public college-preparatory boarding school.

College-preparatory boarding school governance

- Allows a member of the board of a public college-preparatory boarding school to be removed from the board at any time by the person or body (the Governor, the school’s operator, or another person or body) that appointed the member.

- Requires members of the board of a public college-preparatory boarding school to file disclosure statements with the Ohio Ethics Commission.

STEM schools

- Authorizes the STEM Committee to approve the establishment of a group of STEM schools to operate from separate facilities in one or more school districts under the direction of a single governing body that is not a school district board of education.
• Allows the governing body of a group of STEM schools to employ a single chief administrative officer for multiple schools in the group and to employ a single treasurer for the entire group of schools.

• Requires the Department of Education to calculate state funding for each STEM school within the group separately and to pay that funding directly to the schools.

• Requires the Department to issue a report card for the group of STEM schools as a whole in addition to individual report cards for each school in the group as required by continuing law.

• Specifies that, for state classroom facilities funding from the Ohio School Facilities Commission, the governing body of a group of STEM schools must submit a proposal for each school in the group separately and the Commission must consider each proposal individually.

• Authorizes the STEM Committee to approve the establishment of STEM schools to serve only gifted students.

• Permits STEM schools, and STEM programs awarded grants by the STEM Committee, to restrict student participation based on intellectual ability or other measures of achievement or aptitude if the schools or programs serve only gifted students.

**Educational service centers**

• Permits a school district with more than 16,000 students that enters into an agreement with an educational service center (ESC) for services for which the state provides per-pupil funding to opt out of receiving and paying for supervisory teachers.

• Eliminates the annual July 1 deadline by which a fee-for-service agreement between an ESC and a school district had to be filed with the Department of Education.

• Permits an ESC providing services for a child in the custody of a county or district juvenile detention facility to submit the bill directly to the school district responsible for paying the cost of educating that child instead of first billing the district in which the facility is located.

**Early admittance to kindergarten or first grade**

• Replaces the statutory standards governing early admittance to kindergarten and first grade with a general requirement that school districts admit younger students to those grades in accordance with their own, state-approved acceleration policies.
• Authorizes community schools to admit students younger than age five in accordance with the act's new standard for early admittance to kindergarten and first grade by school districts.

• Prohibits a school district from denying a transferring student admission based on the student's age if the student had been admitted to kindergarten by another school district or a chartered nonpublic school.

**Licensing of preschool and latchkey programs**

• Eliminates the requirement that a school district, county developmental disabilities board, or chartered nonpublic school operating a preschool or latchkey program renew its license every two years.

• Specifies that a preschool or latchkey program's license remains valid until revoked by the Department of Education or the program ceases operations.

• Extends the length of the provisional license issued to a new preschool or latchkey program from six months to one year.

• Requires the Department to inspect each preschool and latchkey program annually to determine if it is in compliance with applicable laws and rules and to notify the program of the inspection results.

• Eliminates the requirement that a preschool or latchkey program's license contain the name of the program's administrator, the program's address of operation, and the toll-free number to report suspected violations of the law by the program.

**Reporting data of young children**

• Requires each state agency that administers programs for children younger than compulsory school age to obtain for each child receiving services a student data verification code (also called a Statewide Student Identifier or SSID) issued under the Department of Education's Education Management Information System (EMIS).

• Requires the EMIS contractor to submit to the Department of Education the SSID code of a child younger than compulsory school age receiving services from another state agency.

• Requires state agencies to submit to the Department of Education information regarding children younger than compulsory school age receiving services from the agency using their SSID codes.

• Provides that personally identifiable information of children younger than compulsory school age maintained in EMIS or an agency's files is not a public record.
Body mass index screening; sale of beverages

- Makes optional the screening of students for body mass index and weight status category in school districts, community schools, STEM schools, and chartered nonpublic schools, eliminating the requirement that districts and schools obtain a state waiver to opt out of conducting the screening.

- Exempts the sale of milk from the requirement that at least 50% of beverages available for sale from school food service programs, vending machines, or school stores consist of water or other beverages that contain no more than 10 calories per 8 ounces.

School facilities programs

- Requires that each segment of a school district’s project under the Classroom Facilities Assistance Program (CFAP) be of such size that the district’s portion of the cost of that segment is at least 2% of its tax valuation instead of 4% as under prior law.

- Removes conditions of land-area size (300 square miles) and wealth (75th percentile or lower) for participation in the Exceptional Needs School Facilities Assistance Program, thus permitting all districts to receive funding under the Program.

- Authorizes the School Facilities Commission to offer early CFAP funding to Expedited Local Partnership school districts.

Miscellaneous education provisions

- Specifies that a school district’s state education aid for fiscal years 2012 and 2013 includes both its supplemental guarantee payment and its payment for high academic performance if either is paid to the district.

- States that the legislative authority enacting a tax increment financing (TIF) resolution must notify a joint vocational school district of the pending TIF legislation according to the same time requirements that apply to other school districts.

- Requires the Department of Education annually to notify each school district and community school of the requirement of continuing law that students with disabilities undergo a comprehensive eye exam, and requires the Department to issue a report by December 31, 2013, on districts’ and community schools' compliance with that requirement.

- Requires each school district, community school, STEM school, and public college-preparatory boarding school, during the admissions process, to provide the parent of a student a copy of the school’s most recent report card.
• Includes law enforcement emergencies within the description of a calamity day for which a school may be closed.

• Allows college and university students under age 21 to possess or consume beer or intoxicating liquor in a culinary, food service, or hospitality course under the supervision of the course instructor if the students are required to taste and expectorate the beer or intoxicating liquor.

• Directs the Department of Education, by June 20, 2013, to conduct a study of the licensure requirements for media specialists and to use the study to make necessary revisions to those requirements.

• For the 2012-2013 school year, extends from 60 to 75 days after administration of the state achievement assessments the deadline to report individual scores to school districts, but specifies that scores must be reported by June 15, 2013.

• Repeals the requirement that the State Board of Education hold regular meetings every three months, and instead: (1) requires the Board to adopt a calendar for regular meetings annually by March 31 for the following fiscal year, and (2) allows the President or the President's designee to notify Board members of special meetings via electronic or regular mail.

**Child care**

• Replaces the voluntary child day-care center rating program known as Step Up to Quality with a tiered quality rating and improvement system, and extends the system to all child care providers.

• Requires all publicly funded child care providers to participate in the tiered quality rating and improvement system by July 1, 2020.

• Modifies the requirements that a person must meet to be a child day-care center administrator.

• Requires, beginning January 1, 2014, that a type B family day-care home seeking to provide publicly funded child care be licensed by the Director of Job and Family Services rather than be certified by the county department of job and family services, and requires that rules be adopted establishing a plan to facilitate the transition from county certification to state licensure.

• Beginning January 1, 2014, eliminates the process of issuing limited certification to type B family homes and in-home aides.

• Beginning January 1, 2014, requires that an in-home aide undergo a background check as part of the certification process.

• Eliminates obsolete statutory references to type C family day-care homes.
• Relocates, but does not substantively change, various provisions of the law governing child day-care.

**Developmental disabilities**

• Declares the state’s policy to be that employment services for individuals with developmental disabilities be directed at placement in the community in positions in which those individuals are integrated with other workers.

• Requires state agencies that provide employment services to individuals with developmental disabilities to implement the employment policy, and requires the Department of Developmental Disabilities to coordinate implementation.

• Requires, starting at age 14, that the individualized education program for a child with a disability include goals related to employment in a competitive environment in which workers are integrated regardless of disability.

• Restores provisions, which were repealed by previously enacted legislation, specifying that: (1) an employee of a county board of developmental disabilities may be a member of the governing board of either a political subdivision or an agency that does not provide specialized services to persons with developmental disabilities, and (2) the county board may contract with the governing board even though its membership includes a county board employee.

**State Workforce Policy Board**

• Changes the composition and structure of the State Workforce Policy Board.

• Transfers supervision and administration of the state workforce development system from the Director of Job and Family Services to the State Workforce Policy Board.

• Transfers the authority to allocate and pay funds to local administration of workforce development activities from the Director of Job and Family Services to the State Workforce Policy Board.

• Allows the State Workforce Policy Board to assess fees for specialized services requested by an employer.

• Requires every state agency, board, or commission to provide the State Workforce Policy Board with any information or assistance the Board requests in furtherance of workforce development activities.

• Requires local workforce development plans to be approved by the State Workforce Policy Board.

• Expands the purposes that local workforce development plans must accomplish.
• Eliminates certain requirements of the workforce development system regarding locally designed family services systems and counties and municipalities.

• Permits boards of county commissioners to provide workforce development activities in a local area under the One-stop System through electronic means.

• Eliminates the requirement that at least one representative from a county department of job and family services staff a One-stop System for workforce development.

• Eliminates certain state law limits on the Governor’s allocation of money received under the federal Workforce Investment Act of 1998.

**Registered apprenticeships**

• Increases the minimum age at which an individual may be an apprentice to include an individual above 16 years of age when a higher minimum age standard is otherwise fixed by law.

• Permits the Ohio Apprenticeship Council to recommend, rather than establish as under prior law, minimum standards for apprenticeship programs and rules as may be necessary to carry out the Ohio Apprenticeship Law.

• Eliminates the Council’s authority to terminate registered apprenticeship agreements that were not in compliance with the applicable standards, and instead requires the Council to consult with the Executive Secretary regarding termination.

• Separates the Executive Secretary from the Council by placing the Executive Secretary in the Council Office, and modifies the Executive Secretary’s duties to reflect that separation.

• Eliminates the Executive Secretary’s duty to issue certificates of completion of apprenticeship in accordance with the Council’s standards.

**Workers’ compensation and learn to earn**

• Allows an otherwise eligible learn to earn program participant to receive unemployment compensation benefits while participating in the program.

• Requires a learn to earn program participant to comply with the Department of Job and Family Services’ registration requirements, and permits participation in the program for a period not to exceed 24 hours a week for a maximum of six weeks.

• Allows a learn to earn program participant who suffers an injury or contracts an occupational disease in the course of and arising out of participation in the program to receive compensation and benefits under the Workers’ Compensation Law.
• Exempts from liability for an injury suffered or occupational disease contracted, except with respect to intentional torts, the Department of Job and Family Services, any established learn to earn program, or any entity conducting the training under that program.

• Permits the Department of Job and Family Services to establish a separate workers' compensation coverage policy for learn to earn participants.

Office of Workforce Transformation

• Authorizes the Office of Workforce Transformation to create a web site to help link energy companies with trained workers and to provide information on industry compatible curriculum and training.

• Authorizes the Office of Workforce Transformation to work with veterans to match training and skills to needed jobs in industries, including the oil and gas industry.
Sub. S.B. 295

Sens. Coley, Eklund, Faber, Hite, Jones, Jordan, Niehaus, Obhof, Seitz, Wagoner
Reps. Brenner, Huffman, Batchelder
Effective date: August 15, 2012

Repeals the provisions of H.B. 194 of the 129th General Assembly, which had not taken effect because it was pending a referendum vote on November 6, 2012.

Specifies that it is the General Assembly’s intent to continue in operation the provisions of the Revised Code that were already in effect, including the provisions of election law affected by that act.

Spells out the provisions of that already effective law in full.
Sub. H.B. 152


Sens. Brown, Tavares, Coley, Bacon, Balderson, Beagle, Burke, Cafaro, Eklund, Gentile, Hite, Hughes, Jones, LaRose, Lehner, Manning, Niehaus, Obhof, Oelslager, Patton, Schaffer, Schiavoni, Seitz, Turner, Wagoner

Effective date: August 6, 2012

- Exempts from regulation an amateur boxing, kickboxing, karate, or wrestling event or exhibition conducted under the supervision of the Fraternal Order of Police of Ohio, the Ohio Association of Professional Firefighters, or the Northern Ohio Fire Fighters if the proceeds of the event or exhibition benefit a charitable organization.

Am. H.B. 244


Sens. Tavares, Bacon, Balderson, Brown, Coley, Hughes, Kearney, LaRose, Lehner, Obhof, Oelslager, Patton, Schaffer, Schiavoni, Seitz, Turner, Widener

Effective date: August 15, 2012

- Permits an emergency medical service organization to authorize its paramedics to administer influenza immunizations to firefighters or emergency medical technicians.

- Requires each of the organizations to establish written protocols and training that a paramedic must follow when administering an influenza immunization.

- Requires a paramedic, within 30 days after administering an influenza immunization, either to notify the local board of health or submit information to the state immunization registry.
**Am. Sub. H.B. 292**


**Sens.** Jones, Tavares, Brown, Hite, Hughes, Kearney, Lehner, Manning, Niehaus, Oelslager, Sawyer

**Effective date:** September 6, 2012; certain provisions effective June 6, 2012, and September 6, 2013

**Genetic counselors**

- Creates licensing requirements for the practice of genetic counseling, and requires the State Medical Board to implement and administer the licensure process.

- Authorizes a licensed genetic counselor to: (1) provide medical, genetic, and counseling information to patients, their families, and other health care professionals, and (2) order genetic or other diagnostic tests under a collaborative agreement with a physician.

**Visiting physicians**

- Establishes a visiting clinical professional development certificate, to be issued by the Medical Board, authorizing a physician licensed in another country to practice medicine in Ohio as part of participating in a clinical professional development program.

- Replaces provisions for issuing a visiting medical faculty certificate with provisions for issuing a clinical research faculty certificate, which authorizes a physician licensed in another state or country to practice medicine in Ohio as incidental to the physician's research duties, in addition to teaching duties as authorized under continuing law, at a medical school or affiliated teaching hospital.

**Sub. H.B. 481**


**Sens.** Hughes, Jordan, LaRose, Patton, Seitz, Wagoner

**Effective date:** March 22, 2013

**Embalmers and funeral homes**

- Permits embalmers and funeral directors to place their licenses on inactive status.
• Authorizes funeral directors in bordering states to conduct limited funeral-related activities in Ohio.

• Authorizes out-of-state funeral directors who are unlicensed in Ohio to work with Ohio-licensed funeral directors during a declared disaster or emergency.

• Eliminates the requirement that funeral homes be the guarantor of the identity of decedents, and instead requires funeral homes to complete only visual identification of remains.

• Clarifies that, if there is a sale or change in location of a funeral home, the home may remain operating if a new license application has been submitted to the Board of Embalmers and Funeral Directors.

• Adds to the list of prohibited activities under the Embalmers, Funeral Directors, and Crematories Law a prohibition against holding a dead human body, before final disposition, for more than 48 hours after the time of death unless the body is embalmed or refrigerated at a constant temperature of less than 40 degrees.

• Clarifies that a crematory facility may be located in a funeral home, embalming facility, cemetery building, or other building in which operation of a crematory is lawful.

• Clarifies that a license to operate a crematory facility must be issued to the person actually in charge of the facility.

• Requires a limited liability company (LLC), when submitting an application to operate a funeral home, embalming facility, or crematory facility, to submit the same information that a corporation must submit with respect to the corporation's or LLC's statutory agent.

Deferred compensation authority

• Authorizes employees of joint county departments of job and family services and any detention facility district to be eligible for the additional deferred compensation programs that governing boards are allowed to offer their employees under continuing law in addition to the Ohio Public Employees Compensation Program.

• Includes joint county departments of job and family services and detention facility districts of any kind among the specified entities whose governing board is allowed to offer up to two additional deferred compensation programs.

• Provides that the "governing board" of a joint county department of job and family services is the department's board of directors and that the board or joint board of county commissioners is the governing board of a detention facility district.
Political subdivision insurance reporting

- Exempts certain insurance agreements, reports, and financial records from the Public Records Law.

- Specifies that certain political subdivision insurance reporting requirements pertain to "aggregate" amounts reserved and "aggregate" amounts disbursed from funds reserved to cover health care costs of officers and employees of political subdivisions.

- Provides that political subdivision reporting requirements pertaining to individual and joint self-insurance programs are in lieu of records otherwise required under a provision of law concerning services provided to governmental entities that requires accurate and complete financial records and makes them public records under the Public Records Law.

Am. Sub. S.B. 83

**Sens.** Oelslager and Tavares, Cafaro, Brown, Coley, Daniels, Hughes, Niehaus, Sawyer, Schiavoni, Turner, Wilson


**Effective date:** June 8, 2012

Schedule II controlled substances prescribed by advanced practice nurses

- Eliminates restrictions on the authority of an advanced practice nurse (APN) to prescribe schedule II controlled substances, but only when the drugs are prescribed from specified locations.

- Provides immunity from civil liability, criminal prosecution, and professional disciplinary action to a pharmacist who relies in good faith on the APN’s prescription.

- Prohibits an APN from prescribing schedule II controlled substances in a convenience care clinic.

- Eliminates a provision prohibiting an APN from prescribing schedule II controlled substances in collaboration with a podiatrist.
Study in advanced pharmacology

- Requires an APN applying for a certificate to prescribe to complete at least 45 contact hours in advanced pharmacology and related topics, of which at least 36 hours, instead of 30, must be instruction in such areas as the use of drugs in maintaining health.

- Requires that the course of study include instruction specific to schedule II controlled substances.

Reasons for Board of Nursing disciplinary actions

- Permits the Board of Nursing to take professional disciplinary action against a nurse or dialysis technician who self-administers any schedule I controlled substance.
Commercial nuisance wild animal control operators

- Requires a person who provides nuisance wild animal removal or control services for hire to obtain an annual license from the Chief of the Division of Wildlife.
- Requires money collected from license fees to be credited to the Wildlife Fund.
- Requires a commercial nuisance wild animal control operator or an individual providing nuisance wild animal removal or control services for hire to obtain a certification of completion of a course of instruction.
- Requires an individual to be licensed under the Pesticides Law if a pesticide is used in the removal or control of a nuisance wild animal.
- Requires the Chief, with the approval of the Director of Natural Resources, to adopt rules necessary to implement the act.

Hunting and bird shooting preserves

- Allows a person to hunt game and nonnative wildlife in a licensed wild animal hunting preserve without obtaining a hunting license or a deer permit otherwise required by continuing law.
- Allows a person to hunt game birds, other than wild turkeys, in a licensed commercial bird shooting preserve without obtaining a hunting license otherwise required by ongoing law.

Hunting, trapping, and fishing by nonresident landowners

- Authorizes a nonresident owner of property in Ohio, and that owner's children, to hunt deer or wild turkey or hunt or trap fur-bearing animals on the owner's property without a deer, wild turkey, or fur taker permit, if the owner is exempt from obtaining an Ohio hunting license under continuing law.
- Authorizes a nonresident owner of land in Ohio through or along which water flows or stands, and the spouse and children living with the owner, to take or catch frogs,
turtles, or fish without obtaining an Ohio fishing license if the owner's state of residence provides a similar exemption for Ohio residents.

**Anhydrous ammonia**

- Revises the Director of Agriculture's rule-making authority regarding fertilizers, including separating that authority regarding anhydrous ammonia from other fertilizers and specifying that the rules governing the storage and handling of anhydrous ammonia apply to anhydrous ammonia that is used for agricultural purposes.

- Expands the Director's authority regarding stop-use orders for anhydrous ammonia by authorizing the Director to issue orders for anhydrous ammonia systems, in addition to anhydrous ammonia equipment as under ongoing law, and defines those terms.

**Am. H.B. 473**

Reps.  Wachtman, Boose, Brenner, Buchy, Damschroder, Hall, Huffman, Johnson, Lynch, McClain, Sears, Stebelton, Thompson

Sens.  Hite, Jordan, Niehaus, Seitz

Effective date: September 4, 2012

- For purposes of implementing the Great Lakes-St. Lawrence River Basin Water Resources Compact (Compact), establishes a withdrawal and consumptive use permit program and diversion permit program in the Lake Erie watershed.

**Withdrawal and consumptive use permits**

- Requires the Chief of the Division of Soil and Water Resources in the Department of Natural Resources to establish a program for issuing permits for withdrawals and consumptive uses of water from the Lake Erie watershed.

**Thresholds**

- Requires an owner or operator of a facility in the Lake Erie watershed that is not otherwise exempt under the act to obtain a withdrawal or consumptive use permit if the facility meets any of the following threshold criteria:

  --The facility has a new or increased capacity for withdrawals or consumptive uses from Lake Erie or a recognized navigation channel of at least 2.5 million gallons per day;
--The facility has a new or increased capacity for withdrawals or consumptive uses from any river or stream or from ground water in the Lake Erie watershed of at least 1 million gallons per day; or

--The facility has a new or increased capacity for withdrawals or consumptive uses from any river or stream in the Lake Erie watershed that is a high quality water of at least 100,000 gallons per day.

• Specifies that the threshold applicable to high quality water does not apply to withdrawals and consumptive uses from outstanding state waters that are designated as such by the Environmental Protection Agency due to their exceptional recreational values.

• Specifies that if a river or stream or segment thereof is designated as a high quality water as of the act's effective date, the high quality water threshold applies to the river or stream or segment and the entire watershed upstream of it.

• Specifies that if a river or stream or segment thereof is designated as a high quality water after the act's effective date, the high quality water threshold applies only if the Director of Environmental Protection and the Director of Natural Resources, or their designees, jointly determine that the proposed withdrawal or consumptive use would cause the high quality water to lose that designation.

• Specifies that if the Directors determine that the proposed withdrawal or consumptive use would not cause the high quality water to lose that designation, the 1 million gallon per-day threshold applies to the withdrawal and consumptive use under specified circumstances.

• Specifies that the owner or operator of a non-exempt facility that is subject to a non-high quality water threshold may commence installation of the withdrawing facility or equipment after submitting an application for a permit, but prior to issuance of the permit.

• Prohibits the owner or operator of a facility that is subject to the high quality water threshold from installing or operating the withdrawing facility or equipment until permit issuance.

• Specifies that a withdrawal and consumptive use permit must be issued only for the amount of withdrawal or consumptive use capacity of a facility that meets or exceeds the threshold amounts, not amounts below those threshold amounts.

**Permit applications and requirements**

• Establishes permit application requirements, including a requirement that the applicant submit a description of environmentally sound and economically feasible water conservation methods to be utilized.
• Specifies that a permit is valid until a facility that is the subject of the permit is the subject of facility abandonment.

• Requires a certification of compliance with a permit every five years.

• Specifies that a permit must include terms and conditions restricting the withdrawal and consumptive use by a facility to amounts not exceeding the capacity of the facility.

• Requires the Chief to issue a withdrawal and consumptive use permit for a facility only if the Chief determines that the facility meets all of the criteria established in the Compact's decision-making standard.

• Requires the Chief, in applying the decision-making standard, to require that a withdrawal or consumptive use will be implemented so as to ensure that the withdrawal or consumptive use will result in no significant individual or cumulative adverse impacts on the quantity or quality of the waters and water dependent natural resources of the Great Lakes basin considered as a whole or of the Lake Erie watershed considered as a whole.

• Requires the Chief to consider certain factors when applying the portion of the Compact's decision-making standard that requires no significant and cumulative adverse impact to the waters of the Lake Erie watershed.

• Prohibits the Chief from submitting an application for a withdrawal and consumptive use permit for regional review under the Compact unless regional review is agreed to by the permit applicant.

• Requires an owner or operator of a facility who is applying for a withdrawal and consumptive use permit to submit a facility water conservation plan that incorporates environmentally sound and economically feasible water conservation measures in accordance with the Compact.

• Requires the Chief to keep confidential portions of the plan that are trade secrets, and establishes procedures for requesting confidentiality.

**Exemptions**

• Establishes 13 categories of withdrawals and consumptive uses that are exempt from the act’s permitting requirements, including:

  -- Withdrawals and consumptive uses below threshold amounts;

  -- Withdrawals and consumptive uses above threshold amounts if the maximum daily withdrawal is less than the threshold when averaged over a 90-day period or a 45-day period for certain high quality waters, provided that with
respect to certain high quality waters with a limited drainage area, the exemption does not apply;

--Withdrawals and consumptive uses from a baseline facility, which is a facility that was in the baseline report created on December 8, 2009, or is added to the report not later than March 3, 2013;

--Withdrawals and consumptive uses for emergency or humanitarian situations;

--Withdrawals and consumptive uses by certain utilities and public water systems;

--Withdrawals and consumptive uses regulated under the Industrial Minerals Mining Law; and

--Other specified withdrawals and consumptive uses.

**Facility abandonment and transfer; baseline report**

- Establishes requirements governing baseline facility abandonment and facility abandonment, and defines both terms.

- Authorizes the sale or transfer of a withdrawal and consumptive use permit for a facility or the baseline withdrawal and consumptive use capacity of a baseline facility so long as the location of the facility, the source of water, and the withdrawal and consumptive use capacities do not change.

- Declares that transferred capacity of a baseline facility does not require a withdrawal and consumptive use permit.

- Establishes procedures for the sale of a portion of a facility for which a withdrawal and consumptive use permit has been issued and for a portion of a baseline facility.

- Requires the Chief to deny a transfer if the Chief determines that the transfer will result in noncompliance with the Compact, the act, rules adopted under it, or the terms and conditions of a withdrawal and consumptive use permit.

- Establishes procedures for a person to petition the Chief for inclusion in the baseline report and the amendment of the amount of a withdrawal and consumptive use or other information included in the baseline report.

**Experimental use permits**

- Authorizes the Chief to issue an experimental use permit in lieu of a withdrawal and consumptive use permit as determined appropriate by the Chief.

- States that the purpose of experimental use permits is to encourage the development of innovative water use practices and technologies that ensure sustainable water use for industrial, commercial, residential, agricultural, or public purposes, including
recreational and cultural resources, as a means to facilitate sustainable economic growth and job creation.

- Establishes the parameters under which an experimental use permit may be issued.

### Diversion permits

- Requires the issuance of a diversion permit with respect to any diversion of water out of the Lake Erie watershed to another watershed, and authorizes the Chief to issue a diversion permit only if the diversion qualifies as one of the exceptions to the prohibition against diversions in the Compact.

### Enforcement

- Authorizes the Chief to investigate or make inquiries into any alleged failure to comply with the act and to issue orders concerning violations.

- Establishes procedures for suspension or revocation of permits, entrance on lands to mitigate conditions caused by a violation, the issuance of injunctions, and hearings and appeals regarding orders of the Chief.

- Specifies that a person who commits a violation is liable to the Chief for any costs incurred by the Division of Soil and Water Resources in investigating, mitigating, minimizing, removing, or abating the violation and conditions caused by it.

### Advisory group

- Establishes an advisory group to make legislative recommendations for the application of the Compact's provisions related to the decision-making standard.

### Continuing diversion permit program

- Applies Ohio's diversion permit program established in continuing law only to diversions from the Ohio River watershed.

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**Sub. S.B. 294**

**Sens.** Schaffer, Balderson, Hite, Jones, Eklund, Bacon, LaRose, Beagle, Coley, Lehner, Manning, Niehaus, Patton, Peterson, Seitz


**Effective date:** September 5, 2012

### Construction and demolition debris disposal fees

- Applies the continuing construction and demolition debris disposal fees of 30¢ per cubic yard or 60¢ per ton, 12½¢ per cubic yard or 25¢ per ton, and 37½¢ per cubic
yard or 75¢ per ton to the disposal of asbestos or asbestos-containing materials or products at a licensed construction and demolition debris facility or at a licensed solid waste facility.

- Requires that the calculation of the amount of money from the levying of the fees be based on the construction and demolition debris and, under the act, asbestos-containing materials or products disposed of, rather than the construction and demolition debris transported to a construction and demolition debris facility or to a solid waste facility as in former law.

- Makes other clarifying changes to the provisions governing the levying and collection of money from construction and demolition debris disposal fees.

**Infectious wastes**

- Revises the definitions of "treat" or "treatment," "infectious wastes," "infectious agent," and "zoonotic agent" for purposes of the regulation of infectious wastes in the Solid, Hazardous, and Infectious Wastes Law.

- Eliminates a requirement that one-half of the registration and renewal fees from generators and transporters of infectious wastes credited to the Infectious Waste Management Fund be remitted to the health district in which the registered premises or the principal place of business of a transporter of infectious waste is located.

- Applies continuing exemptions from infectious waste treatment facility permitting and licensing requirements to generators of infectious wastes that conduct any of several specified activities, rather than to infectious waste treatment facilities that conduct any of those activities as in former law, and changes one of the specified activities.

- Requires infectious wastes to be in part managed, rather than packaged, in accordance with rules adopted under the Solid, Hazardous, and Infectious Wastes Law.

- Eliminates all of the following from the list of rules that must be adopted concerning infectious wastes:
  
  --The requirement that all generators had to place sharp wastes in rigid, tightly closed, puncture-resistant containers on the premise where they were generated and associated labeling requirements;
  
  --The specification of the types of facilities that had to be used for the treatment of all specimen cultures and cultures of viable infectious agents to render them noninfectious prior to their disposal;
--The specification that wastes consisting of dead animals or parts of them generally could not be considered when determining the quantity of infectious wastes produced if the animals or parts were not intentionally exposed to infectious agents, were produced by a licensed veterinarian, or were treated or disposed of by a person licensed under the Rendering Plants Law; and

--The specification that blood, blood products, other body fluids, or embalming fluids that are discharged on the site of their generation into a disposal system by a facility licensed under the Embalmers, Funeral Directors, and Crematories Law could not be considered when determining the quantity of infectious wastes produced by that generator.

- Revises the definition of "generator" for purposes of the statute and rules governing infectious wastes to mean a person who produces infectious wastes at a specific premises, rather than a person who produces infectious wastes as in prior law.

- Authorizes a generator of fewer than 50 pounds of infectious wastes during any one month that are subject to federal requirements to transport and dispose of them in the same manner as solid wastes.

- Revises the statute governing the rules that the Director of Environmental Protection must adopt concerning generators of 50 pounds or more of infectious wastes during any one month by doing all of the following:
  --Reducing from $300 to $140 the fee for an infectious waste generator registration certificate that applies to all the premises owned or operated by a generator in Ohio;
  --Eliminating the requirements concerning the types of packaging required for purposes of storage, handling, and transportation of infectious waste; and
  --Prohibiting the compaction or grinding of any type of infectious wastes prior to treatment, rather than prohibiting the grinding of sharp wastes, the compaction of sharp wastes until after they had been treated, and the compaction and grinding of any other types of infectious wastes until after the wastes had been treated as in prior law.

- Eliminates the regulation of infectious wastes transporters by the Environmental Protection Agency, including rulemaking authority for the establishment of standards for transporters and requirements for the registration of transporters with the Agency, and makes necessary conforming changes.

- Amends rulemaking authority regarding the system of shipping papers that must accompany shipments of infectious wastes, including removing requirements related to shipping papers for compacted infectious waste.
• Eliminates the requirement that the Director’s rules concerning owners and operators of infectious waste treatment facilities establish methods, techniques, and practices for treatment of sharp wastes that could be used to substantially reduce or eliminate the potential of lacerations or puncture wounds during handling, transportation, and disposal.

• Eliminates a prohibition against issuing a variance from the infectious wastes rules, instead requires the Director to adopt rules governing the issuance of variances, and establishes requirements and procedures in accordance with which variances may be issued.

• Revises the fee schedule for an infectious waste treatment facility license by basing the amount of the license fee on the maximum daily waste receipt in tons rather than on the average daily waste receipt in tons as in former law.

Notification of variances from solid waste rules
• Authorizes the Director to provide notice by any type of mail that is accompanied by a receipt, rather than only by certified mail as in prior law, for purposes of variances from the Director’s rules governing solid wastes.

Commingling of aluminum production wastes
• Prohibits the owner or operator of a sanitary landfill from disposing of municipal solid waste that has been commingled with secondary aluminum waste.

• Authorizes the owner or operator of a sanitary landfill to dispose of secondary aluminum waste, but only in a monocell or monofill that has been permitted for that purpose in accordance with the Solid, Hazardous, and Infectious Wastes Law and rules adopted under it.

• Defines "secondary aluminum waste" to mean waste material or byproducts, when disposed of, containing aluminum generated from secondary aluminum smelting operations and consisting of dross, salt cake, baghouse dust associated with aluminum recycling furnace operations, or dry-milled wastes.

Low-level radioactive waste
• Authorizes the owner or operator of a solid waste, infectious waste treatment, or hazardous waste facility to accept low-level radioactive waste if authorized to do so by the Director of Health under the Radiation Control Program Law and rules adopted under it.

Hazardous waste rules
• Expands the rulemaking authority of the Director of Environmental Protection regarding hazardous waste and, in certain circumstances, solid waste to include any
requirements, standards, or criteria consistent with and equivalent to the federal Resource Conservation and Recovery Act that are not specifically addressed in continuing law.

Biennal list of hazardous waste generators

- Requires the Environmental Protection Agency’s list of hazardous waste generators to be compiled biennially each even-numbered year, rather than annually.

Consent to jurisdiction by out-of-state solid waste transporters

- Repeals a provision that prohibited a person from transporting any solid wastes from outside Ohio to a solid waste facility in Ohio unless that person first irrevocably consented in writing to the jurisdiction of Ohio courts and service of process in Ohio.

Background checks under Solid, Hazardous, and Infectious Wastes Law

- For purposes of the statutes governing background checks of permit applicants, revises the definition of "permit" to include only permits for new off-site solid waste, infectious waste treatment, and hazardous waste treatment, storage, or disposal facilities, rather than also subsequent modifications and, with regard to hazardous waste facilities, renewals as in prior law.

- Specifies that the requirement to file a disclosure statement for background check purposes when there is a change of ownership applies only with regard to an operating off-site solid waste facility, infectious waste facility, or hazardous waste facility.

- Requires the submission of a disclosure statement when there is a change in ownership of an operating on-site solid waste facility, infectious waste facility, or hazardous waste facility and the prospective owner intends to operate the facility as an off-site facility by accepting wastes other than wastes generated by the facility owner.

- Specifies that such disclosure statements must be filed at least 180 days prior to the change in ownership.

- Alters the definition of "change of ownership" to include a change of individuals or entities who own a solid waste facility, infectious waste facility, or hazardous waste facility, and specifies that it does not include a legal change in a business concern’s name when its ownership otherwise remains the same.

Solid waste disposal and generation fee exemptions

- Exempts from solid waste management district generation fees coal combustion wastes regardless of whether the disposal facility is located on the premises where
the wastes were generated, rather than specifying as in prior law that the wastes had to be disposed of at facilities that exclusively disposed of coal combustion wastes and that were owned by the generator.

- Regarding the act's fee exemption for coal combustion waste and an identical exemption in continuing law from district disposal fees, eliminates a provision that rendered the exemption inapplicable to coal combustion wastes that are combined with anything other than scrap tires, but retains the requirement that the combined wastes be primarily made up of coal combustion wastes.

- Exempts from solid waste management district disposal and generation fees solid wastes that are asbestos or asbestos-containing materials or products disposed of at a licensed construction and demolition debris facility or a licensed solid waste facility.

**Scrap tire enforcement and removal actions**

- Increases from 2,000 to 5,000 the number of tires accumulated at a property for which the owner of the property is not liable for the cost of the removal of the tires and on which no lien can attach to the property, provided that certain conditions in continuing law are satisfied.

**Bureau of Underground Storage Tank Regulations Law**

- Revises the definition of "major repair" in the Bureau of Underground Storage Tank Regulations Law.

- Expands the types of properties that are eligible for a voluntary action under the Voluntary Action Program by authorizing a person who is not a responsible person, as determined by the Fire Marshal, to conduct a voluntary action for any release that is subject to corrective action rules of the Fire Marshal, provided that both of the following apply:

  (1) The voluntary action also addresses hazardous substances or petroleum that is not subject to those corrective action rules; and

  (2) The Fire Marshal has not issued an administrative order concerning the release or referred the release to the Attorney General for enforcement.

**Compliance and pollution prevention assistance program**

- Authorizes the Director of Environmental Protection to establish within the Environmental Protection Agency a program for providing compliance and pollution prevention assistance to regulated entities.
• Specifies the services that may be provided under the program, and authorizes the Director to assign employees of the Agency to administer the program and assist in providing the services.

• Requires information obtained or created by Agency employees who administer the program to be held confidential unless certain conditions apply.

• States that information submitted by a regulated entity to a division or office of the Agency as part of a permit application, required report, or notification or to comply with any other regulatory reporting requirement cannot be considered confidential by other divisions or offices of the Agency unless it is determined to be a trade secret.

• Prohibits information that has been submitted to, acquired by, or exchanged with the employees of the Agency who administer the program and that is confidential from being used in any manner for the purpose of the enforcement of any requirement established in an environmental law or used as evidence in any judicial or administrative enforcement proceeding.

• States that the above provisions do not confer immunity on persons from enforcement that is based on information obtained by the Director or the Director's authorized representatives who are not employees of the Agency who administer or provide services under the program.

**Water supply system and wastewater system operator certification fees**

• Establishes a new fee schedule for certification of operators of water supply and wastewater systems by consolidating the prior application fee of $45 with the prior fee schedule for examinations administered by the Director for each class of operator of a water supply system or a wastewater system.

• Establishes all of the following fees:
  
  --$45 for certification as an operator of a water supply system or wastewater system for a person who has passed an examination administered by an approved examination provider;

  --$500 for an application to be a water supply system or wastewater system operator examination provider; and

  --10% annually of the fees assessed and collected by an approved examination provider for providing examinations to persons seeking certification in Ohio as water supply system or wastewater system operators.
Statute of limitations for environmental civil actions

- Includes the Construction and Demolition Debris Law in the statute that generally establishes a five-year statute of limitations for civil actions for civil or administrative penalties of any kind brought under specified environmental laws.

Safe Drinking Water Law enforcement

- Prohibits a person from making false material statements or representations in information required under the Safe Drinking Water Law; altering, substituting, falsifying, concealing, or purposefully omitting samples that are required to be collected under that Law; and tampering with, altering, or interfering with the operation of a public water system without the authorization of the owner or operator of the system or of the Director.

- Requires the Attorney General, upon the written request of the Director, to bring an action for an injunction or other appropriate civil action or criminal prosecution, rather than just an injunction or other appropriate action as in prior law, against any person violating or threatening to violate the Safe Drinking Water Law, including the new prohibitions discussed above, a rule adopted under it, or any order or term or condition of a license, license renewal, variance, or exemption granted under it.

- Establishes criminal penalties for violations of that Law, including the new prohibitions discussed above, a rule adopted under it, or any order or term or condition of a license, license renewal, variance, or exemption granted under it.

In-lieu fee mitigation for impacts to isolated wetlands

- Defines "in-lieu fee mitigation" to mean a payment made by an applicant for an isolated wetlands permit to satisfy a wetland mitigation requirement established in the statutes governing isolated wetlands.

- Allows the payment of a fee under an in-lieu fee mitigation program to compensate for losses of isolated wetlands in place of other mitigation for those wetlands.

- With respect to mitigation for impacts to an isolated wetland requiring level one review or a category one isolated wetland requiring level two review, specifies that in-lieu fee mitigation is lower in preference than continuing allowable forms of mitigation.

- Alters the preferential order for mitigation with respect to impacts to a category two or category three isolated wetland requiring level two or level three review by removing certain formerly preferred forms of mitigation, adding additional forms of mitigation, and including in-lieu fee mitigation as one of the preferred forms of mitigation.
• Requires an applicant for an isolated wetland permit who intends to use in-lieu fee mitigation to provide documentation to the Director of Environmental Protection that demonstrates that the applicant has evaluated all other mitigation alternatives.

• Allows the Director, at the Director’s discretion, to allow an applicant for an isolated wetland permit to deviate from the preferred preferential mitigation order.

• Authorizes the Department of Natural Resources, the Division of Wildlife in that Department, or any other division in that Department that is designated by the Director of Natural Resources to establish and operate a wetland mitigation bank.

• Authorizes the Environmental Protection Agency, the Department of Natural Resources, the Division of Wildlife in that Department, or any other division in that Department that is designated by the Director of Natural Resources to establish and operate an in-lieu fee mitigation program.

• Specifies that the act’s provisions do not preclude any other private or public entity from developing an in-lieu fee mitigation program, provided that the program is approved by the Director of Environmental Protection.

• Requires the Director of Environmental Protection in consultation with the Director of Natural Resources, rather than vice versa as in prior law, to approve a list of approved wetland mitigation banks and, under the act, approved in-lieu fee mitigation programs, and prohibits applicants for isolated wetland permits from using mitigation from a bank or program that has not been approved.

• Amends the isolated wetland mitigation ratios established in continuing law to allow for the use of mitigation under an in-lieu fee mitigation program.

**Verification of isolated wetland categories**

• Specifies that any wetland category that is determined through the use of the appropriate Ohio Rapid Assessment Method and verified by the Environmental Protection Agency for purposes of an isolated wetland permit is valid for a period of five years following verification.

**Annual report governing impacts to wetlands**

• Alters the scope of the annual report governing isolated wetlands that the Director of Environmental Protection must submit to the General Assembly by requiring the report to address impacts to all wetlands and streams rather than solely isolated wetlands and to address all mitigation conducted in Ohio rather than solely mitigation of isolated wetlands as in former law.
Surface Water Improvement Fund

• Creates in statute the Surface Water Improvement Fund consisting of specified payments and funds, including payments made under an in-lieu fee mitigation program.

• Requires money in the Fund to be used by the Director to complete water quality protection and restoration projects, and allows the Director to enter into contracts and agreements for purposes of those projects.

Mitigation under federally required 401 water quality certification

• Specifies that mitigation required by a section 401 water quality certification may be accomplished by: (1) purchasing credits at a mitigation bank approved under federal regulations, (2) participating in an in-lieu fee mitigation program approved under federal regulations, or (3) constructing individual mitigation projects.

• Generally requires mitigation under a section 401 water quality certification to be conducted in accordance with federal mitigation hierarchy requirements, and requires the Director to adopt rules consistent with those requirements.

Water pollution control permit renewals

• Alters the requirements related to National Pollutant Discharge Elimination System (NPDES) permit renewals by requiring the Director to consider the compliance history of a permit holder and authorizing the Director to deny a permit if the permit holder has not complied with the terms and conditions of the existing permit, rather than specifying that a permit renewal was subject to the Director's finding that the permit holder was making satisfactory progress toward achievement of all applicable standards and had complied with all terms and conditions of the permit as in former law.

Coal mining and reclamation general NPDES permit

• Requires a person seeking coverage under an NPDES general permit for coal mining and reclamation to submit a notice of intent to be covered by the general permit and to be subject to the terms and conditions of the general permit, and establishes procedures to be followed by the Director of Environmental Protection when granting or denying the notice of intent.
Sub. S.B. 302

Sens. Manning, Coley, Patton, Seitz, Balderson, Beagle, Eklund, Faber, Hite, Jones, Lehner, Niehaus, Peterson, Schaffer


Effective date: September 6, 2012

- Alters the procedures for updating information concerning background information submitted via a disclosure statement by permit applicants, permittees, and prospective owners under the Solid, Hazardous, and Infectious Wastes Law.

- Requires the Attorney General to enter specified information in the state fingerprint database concerning each officer, director, partner, or key employee of an applicant, permittee, or prospective owner of a facility regulated under that Law.

- Requires an applicant, permittee, or prospective owner to annually provide the Attorney General with an active roster of personnel and a list of the personnel who have left employment in the immediately preceding year, and requires the Attorney General to annually update the fingerprint database to reflect that information.

- Requires the Attorney General, every three years, to request from the Federal Bureau of Investigation any information regarding a criminal conviction with respect to each officer, director, partner, or key employee of an applicant, permittee, or prospective owner.

- Requires an applicant, permittee, or prospective owner, every three years, to submit an affidavit listing information related to administrative, civil, and criminal actions regarding a business concern required to be listed on the disclosure statement.

- Requires the Attorney General to notify the Director of Environmental Protection of any crime ascertained under the act that would disqualify the applicant, permittee, or prospective owner from licensure or permitting under the Solid, Hazardous, and Infectious Wastes Law.

- Specifies that, whenever there is a change in ownership of any operating on-site solid waste facility, any operating on-site infectious waste facility, or any operating on-site hazardous waste facility and the prospective owner intends to operate the facility as an off-site facility by accepting wastes other than wastes generated by the facility owner, the prospective owner must file a disclosure statement with the Attorney General and the Director of Environmental Protection.

- Clarifies that the change in ownership provisions in continuing law apply only to operating facilities.
• Defines "change in ownership" to include a change of the individuals or entities who own a solid waste facility, infectious waste treatment facility, or hazardous waste facility.

• Excludes from the term "change in ownership" a legal change in a business concern’s name when its ownership otherwise remains the same or a personal name change of officers, directors, partners, or key employees contained in a disclosure statement.

• Eliminates a provision in the definition of "disclosure statement" that required the disclosure statement to include any other information that the Attorney General or the Director of Environmental Protection required that related to the competency, reliability, or good character of an applicant.

• Expands the definition of "applicant" by specifying that it means any person or business concern operating an off-site facility for an applicant in addition to any person seeking a permit or license for an off-site facility as in continuing law.

Am. Sub. S.B. 315

Sens. Jones (by request), Coley, Bacon, Balderson, Beagle, Eklund, Lehner, Niehaus, Peterson, Schaffer


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DEPARTMENT OF ADMINISTRATIVE SERVICES

Review of cogeneration in life-cycle cost analysis

- Requires, for state projects with an estimated construction cost exceeding $50 million, a review of cogeneration as an energy source to be included in the life-cycle cost analysis provided to the Office of Energy Services.

- Defines "cogeneration" as the simultaneous production of thermal energy and electricity for use primarily within a building or complex of buildings.

Conservation measures at state buildings

- Modifies the "energy conservation measure" definition in the law governing energy and water conservation for state buildings to include:
  --trigeneration systems;
  --systems that harvest solar, wind, water, biomass, bio-gas, or geothermal energy;
  --retro-commissioned or recommissioned energy-related systems; and
  --the consolidation, virtualization, and optimization of computer servers, data storage devices, or other information technology hardware and infrastructure.

- Modifies both the "energy conservation measure" and "water conservation measure" definitions in that law to include any energy or water conservation measure approved by, and implemented in consultation with, the Director of Administrative Services for property owned by state higher education institutions.

- Modifies the "water conservation measure" definition in that law to include such a measure approved by the Director for property owned by the state.

- Allows the Director to contract with a water services company, architect, professional engineer, contractor, or other person experienced in the design of water conservation measures for a report that provides an analysis and recommendations pertaining to the implementation of water conservation measures at state buildings.

- Permits the Director to advertise by electronic means, in addition to the newspaper, the Director's intent to request proposals for implementing energy or water saving measures.

- Specifies that installment contracts for projects under the law governing energy and water conservation for state buildings are eligible for financing through the Ohio Air Quality Development Authority.

- Extends the payback period from 15 to 20 years for installment contracts for energy conservation measures that are cogeneration systems.
• Makes conforming changes between the laws governing energy and water conservation for state buildings and for state higher education institutions.

• Requires the Departments of Administrative Services and Transportation to analyze their motor vehicle fleets to determine whether it is beneficial to establish standards for vehicle replacement to increase the efficiency of the state fleet, and to submit a joint report to legislative leaders and the Governor not later than September 1, 2012.

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**DEPARTMENT OF AGRICULTURE**

• Prohibits a person from constructing a storage facility for anhydrous ammonia that is used for agricultural purposes on and after September 10, 2012, without obtaining approval from the Director of Agriculture, and requires an applicant for approval to notify specified local officials of the application.

• Requires, rather than authorizes as in former law, the Director to adopt rules regarding fertilizers and anhydrous ammonia.

• Specifically requires the Director to adopt rules that establish requirements governing the design and construction of anhydrous ammonia storage facilities, and requires the rules to establish standards and procedures for the approval or disapproval of the design and construction of such facilities and procedures for applying for that approval.

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**DEPARTMENT OF COMMERCE**

• Grants the State Fire Marshal and the Board of Building Standards exclusive authority to adopt fire safety standards relating to construction at a shale oil processing premise of any structure subject to the Nonresidential Building Code.

• Grants the State Fire Marshal exclusive authority to adopt all other fire safety standards relating to those premises, and requires the standards established by the State Fire Marshal to be part of the State Fire Code.

• Grants the State Fire Marshal exclusive authority to enforce all fire safety standards applicable to shale oil processing premises.

• Permits the State Fire Marshal to establish and collect reasonable permit and inspection fees for the regulation of a shale oil processing premise.
DEVELOPMENT SERVICES AGENCY

Alt enative Fuel Transportation Program

- Renames the Alternative Fuel Transportation Grant Program the Alternative Fuel Transportation Program, permits loans as well as grants to be made under the Program, and permits rules governing the Program to include fees, charges, interest rates, and payment schedules.

Advanced Energy Program

- Requires the Director of Budget and Management, as soon as possible after September 10, 2012, to transfer any unexpended and unencumbered amounts in the Advanced Energy Research and Development Taxable Fund and the Advanced Energy Research and Development Fund to the Advanced Energy Fund for purposes of the Advanced Energy Program.

- Specifies that the transferred funds are not required to be distributed to utilities in amounts proportionate to the territorial requirements for advanced energy project or economic development assistance under the Advanced Energy Program.

- Permits the Director of Development Services to adopt rules prescribing fees, charges, interest rates, payment schedules, and local match requirements of any grants, contracts, loans, loan participation agreements, linked deposits, and energy production incentives awarded under the Program.

Transfer of funds to Alternative Fuel Transportation Fund

- Requires that any repayment of loans made from money in the Advanced Energy Research and Development Taxable Fund be credited to the Alternative Fuel Transportation Fund rather than the Facilities Establishment Fund.

- Requires the Director of Budget and Management, as soon as possible after September 10, 2012, to transfer to the Alternative Fuel Transportation Fund any unexpended and unencumbered amounts received from the repayment of those loans that are not in the Facilities Establishment Fund.

ENVIRONMENTAL PROTECTION AGENCY

- Requires the Director of Environmental Protection, in coordination with the Department of Natural Resources, the U.S. Environmental Protection Agency, and other entities as determined appropriate by the Director, to coordinate the evaluation of emerging wastewater treatment and recycling technologies that may reduce reliance on underground injection wells and assist in the advancement of industry in Ohio, including the exploration and production of oil and gas.
• Authorizes the Director, as part of the evaluation, to initiate, participate in, oversee, or consult on pilot projects regarding wastewater treatment and recycling technologies.

• Requires the Director, in coordination with the Public Utilities Commission of Ohio, the U.S. EPA, and other entities as determined appropriate by the Director, to conduct a study that identifies current and future environmental regulatory requirements and how those requirements may impact current and future power generation and transmission in Ohio.

DEPARTMENT OF JOB AND FAMILY SERVICES

• Requires the Office of Workforce Development to comprehensively review the direct and indirect economic impact of businesses engaged in the production of horizontal wells in Ohio, prepare an annual Ohio workforce report based on its findings, submit the report to the General Assembly, and post the report on its web site.

DEPARTMENT OF NATURAL RESOURCES

Unitization order application fee

• Requires applicants for an order for the unit operation of a pool to include with the submission of the application a nonrefundable fee of $10,000, which is credited to the Oil and Gas Well Fund.

Drilling permits

• Revises the application requirements for an oil and gas drilling permit by requiring an applicant to include with the application the following additional information:

  --For an application for a permit for a horizontal well, a copy of an agreement between the applicant and the public official of each local government who has legal authority to enter into an agreement concerning maintenance and safe use of the roads, streets, and highways in the political subdivision that will be used for access to and egress from a well site, or an affidavit attesting that the applicant attempted to enter an agreement in good faith;

  --An identification of each proposed source of ground water and surface water that will be used in the production operations of the well and of the applicable watershed and the estimated rate and volume of the water withdrawal for the production operations;

  --The estimated volume of recycled water to be used if recycled water will be used in the production operations;
--For an application to drill a new well that is not a horizontal well within an urbanized area, the results of sampling of water wells within 300 feet of the proposed well prior to commencement of drilling, which distance may be revised by the Chief of the Division of Oil and Gas Resources Management; and

--For an application to drill a new horizontal well, the results of sampling of water wells within 1,500 feet of the proposed wellhead prior to commencement of drilling, which distance may be revised by the Chief.

- Requires the Directors of Natural Resources and Transportation, not later than March 10, 2014, to jointly prepare a report that analyzes the effectiveness of the agreements required by the act between local governments and applicants for horizontal well permits regarding the use and maintenance of roads to and from horizontal well sites.

- Requires the Directors to prepare the report with input from statewide organizations representing county commissioners, county engineers, township trustees, municipal corporations, and the oil and gas industry, and to provide the report to each member of the General Assembly and the Governor.

- Requires the Division of Oil and Gas Resources Management to conduct a review to identify site-specific terms and conditions that may be attached to a permit for a proposed well that will be located in a 100-year floodplain or within the five-year time of travel associated with a public drinking water supply.

- Requires the Chief of the Division to post notice of each oil and gas permit that has been approved by the Chief on the Division’s web site not later than two business days after the application has been approved.

- Defines "horizontal well" for purposes of the Oil and Gas Law.

**Nonapplicability of Administrative Procedure Act regarding drilling permits**

- Provides that an order to issue, deny, or modify a permit to drill a new well, drill an existing well deeper, reopen a well, or convert a well is not subject to the Administrative Procedure Act.

**Notification prior to well pad construction**

- Requires a permittee to notify an inspector from the Division within a specified time period prior to the commencement of well pad construction.

- Defines "well pad" for purposes of the Oil and Gas Law.
Site review prior to well pad construction and permit issuance

- Requires the Division to conduct a site review prior to commencement of well pad construction and prior to issuance of a permit to drill a proposed horizontal well.

Insurance coverage for horizontal wells

- Requires an owner of a horizontal well to obtain liability insurance coverage of at least $5 million to pay damages for injury to persons or damage to property caused by the production operations of all the owner’s wells in Ohio.
- Requires the insurance policy to include a reasonable level of coverage available for an environmental endorsement.

Rules governing horizontal wells

- Requires rules adopted by the Chief to include identification of the subjects that the Chief must address when attaching terms and conditions to a permit with respect to a horizontal well and production facilities associated with such a well, and requires the subjects to include protection of the amount of water used and the source or sources of the water.

Horizontal well statement of production

- Applies requirements in continuing law governing statements of production to horizontal wells.
- Authorizes the Department of Taxation to disclose to the Department of Natural Resources oil and gas severance tax information to verify a taxpayer's compliance with the Severance Tax Law.
- Prohibits the Chief from disclosing oil and gas severance tax information received from the Department of Taxation until the owner of the well files the related statement of production with the Chief.

Well completion record – reporting of fluids in drilling and stimulation

- Requires a well completion record to include, if applicable, the trade name and total amount of all products, fluids, and substances, not including cement and its constituents and lost circulation materials, intentionally added to facilitate the drilling of any portion of the well until the surface casing is set and properly sealed.
- Requires a well completion record to include, if applicable, the trade name and total volume of all products, fluids, and substances used to stimulate a well.
- Requires an owner to identify in the well completion record each additive used for drilling or stimulation, provide a brief description of the purpose for which the additive is used, and, in the case of stimulation, provide the maximum concentration of the additive.
• Requires an owner to include in the well completion record for drilling or stimulation both of the following:

   -- A list of all chemicals, not including any information that is designated as a trade secret, intentionally added to all products, fluids, or substances and each chemical’s corresponding Chemical Abstracts Service number and the maximum concentration of each chemical; and

   -- The total volume of recycled fluid if recycled fluid was used and a designation of the well or the centralized facility that is the source of the recycled fluid.

• Requires the owner of a well to submit to the Chief the information designated on the well completion record concerning products, fluids, or substances used to stimulate the well using one of the following three methods: (1) on a form prescribed by the Chief, (2) through the chemical disclosure registry otherwise known as FracFocus, or (3) any other means approved by the Chief.

• Requires a well completion record to be on a form prescribed by the Chief rather than approved by the Chief as in former law.

**Trade secrets**

• Authorizes the owner of a well, or a person that provides chemical information to the owner for purposes of the well completion record regarding well drilling or stimulation, to designate without disclosing on a form prescribed by the Chief and to withhold from disclosure to the Chief the identity, amount, concentration, or purpose of a product, fluid, or substance or a chemical component in a product, fluid, or substance as a trade secret.

• Authorizes such an owner or person to pursue enforcement of any rights or remedies established under the Uniform Trade Secrets Act for misappropriation with respect to the identity, amount, concentration, or purpose of a product, fluid, or substance or a chemical component in a product, fluid, or substance that is so designated as a trade secret.

• Prohibits the Division from disclosing the identity, amount, concentration, or purpose of any product, fluid, or substance or chemical component in a product, fluid, or substance that is so designated as a trade secret.

**Civil action challenging trade secret**

• Authorizes a property owner, an adjacent property owner, or any person or state agency that has an interest that is or may be adversely affected by a product, fluid, or substance or by a chemical component in a product, fluid, or substance to commence a civil action in the Franklin County Court of Common Pleas challenging the validity of trade secret protection for the identity, amount, concentration, or
purpose of the product, fluid, or substance or of the chemical component in a product, fluid, or substance.

- Requires the person commencing the civil action to provide notice of the action to the Chief in a manner prescribed by the Chief.

- Requires the court to conduct an in camera review of information submitted in a civil action to determine if the identity, amount, concentration, or purpose of a product, fluid, or substance or of a chemical component in a product, fluid, or substance is entitled to trade secret protection.

**Reporting of materials to refracture, restimulate, or newly complete well**

- Requires the owner of a well, after the well is initially completed and stimulated and until the well is plugged, to report on a form prescribed by the Chief all materials placed into the formation to refracture, restimulate, or newly complete the well.

- Requires the owner to report such materials within 60 days after completing the refracturing, restimulation, or new completion and include the information that is required in the well completion record concerning disclosure of chemicals for the stimulation of a well and in a manner that is consistent with the act.

**Posting of chemical information on Division’s web site**

- Requires the Chief to make available through the Division's web site chemical information pertaining to drilling and stimulation of a well and chemical information pertaining to the reworking, refracturing, restimulation, or new completion of a well.

**Chemical record retention**

- Requires the owner of a well to maintain records of all chemicals, not including information that is designated as a trade secret, placed in a well for a period of not less than two years after the date on which each such chemical was placed in the well, and authorizes the Chief to inspect the records at any time.

- Requires an owner or person who has designated the identity, amount, concentration, or purpose of a product, fluid, or substance or of a chemical component in a product, fluid, or substance as a trade secret to maintain the records for two years after it is placed in a well.

- Requires the owner or person, upon the request of the Chief, to disclose the records to the Chief if the information is necessary to respond to a spill, release, or investigation, and prohibits the Chief from disclosing information so received that is designated as a trade secret.
Provision of exact chemical composition to medical professionals

- Requires a person claiming trade secret protection for a product, fluid, or substance used in the production operations of a well, upon request of a medical professional, to provide the exact chemical composition of each product, fluid, or substance and of each chemical component in a product, fluid, or substance that is designated a trade secret in order to assist in the diagnosis or treatment of an individual who was affected by an incident associated with the production operations of the well.

- Requires a medical professional who receives trade secret information to keep the information confidential and not to disclose the information for any purpose not related to diagnosis or treatment of an individual who was affected by an incident associated with the production operations of a well.

- Provides that, notwithstanding the requirement to keep trade secret information confidential, a medical professional is not precluded from making any report required by law or professional ethical standards.

Injection wells

- Authorizes the Chief to issue an order to the owner of an injection well that is in existence on September 10, 2012, to make changes in the operation of the well in order to correct problems or address safety concerns.

- Requires the rules that the Chief must adopt concerning injection wells to include both of the following:
  
  --Quarterly electronic submission by the injection well owner to the Chief of information concerning each shipment of brine or other waste substances received by the owner for injection into the well; and

  --Provision and electronic reporting quarterly of information concerning brine and other waste substances from a registered brine transporter prior to the injection of the transported brine or other waste substances.

- Authorizes the Chief to adopt rules that do both of the following:
  
  --Establish the total depth of an injection well; and

  --Establish procedures and requirements in accordance with which the Chief may address threats to public health and safety.

Registration requirements for brine transporters

- Revises the information that must be included with an application submitted by a brine transporter for a registration certificate by requiring the application to include a list that identifies each vehicle, vessel, railcar, and container that will be used in the transportation of brine.
Procedures for submitting brine transporter log information

- Allows the Chief, by rule, to establish procedures for the electronic submission to the Chief of the information that is required to be included in the daily log that each registered transporter must keep on each vehicle used to transport brine under continuing law.

Cooperative agreements

- Authorizes the Chief, in furtherance of the Division's sole and exclusive authority, to enter into cooperative agreements with other state agencies for advice and consultation, including visits at the surface location of a well on behalf of the Division.

- States that the cooperative agreements do not confer on other state agencies authority to administer and enforce the Oil and Gas Law and cannot be construed to dilute or diminish the Division's sole and exclusive authority established in that Law.

Fresh water impoundments

- Authorizes the Chief to specify requirements in rules governing the location and construction of fresh water impoundments that are part of an oil and gas production operation.

Enforcement

- Establishes procedures by which a person may request an extension, not exceeding 60 days, to submit a report, test result, fee, or document to the Chief prior to the date on which it is due, and authorizes the Chief to grant an extension of up to an additional 60 days from the original due date.

- Requires the Chief to make reasonable attempts to notify an owner or other person who was not granted such an extension and who failed to timely submit a required report, test result, fee, or document.

- Authorizes the Chief to issue an order finding that an owner or other person committed a material and substantial violation if the owner or other person fails to submit a report, test result, fee, or document within 30 days after being so notified by the Chief.

- Revises the definition of "material and substantial violation" for purposes of the Oil and Gas Law.

- With regard to civil and criminal penalties assessed for violations of the Oil and Gas Law and rules adopted and orders issued under it, specifies that each day of violation constitutes a separate offense.
Miscellaneous oil and gas provisions

- Relocates to the statute governing injection wells the levying of oil and gas injection well disposal fees from the statute governing wells for the exploration for or extraction of minerals or energy other than oil or natural gas as in former law.

- Revises the definition of "condensate" for purposes of the Oil and Gas Law.

State Land Royalty Fund

Expands the purposes for which a state college or university may use money allocated to it from the State Land Royalty Fund to include operating expenses associated with any property owned by the college or university that is at least partially used for the exploration, development, and production of oil or gas, if:

-- The state college or university is engaged in research at the property or in education or outreach regarding the property; and

-- 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 Ohio’s natural resources.

Renewal of surface or in-stream mining permit

- Requires the submission of a notice of intent to renew in order to initiate the surface or in-stream mining permit renewal process under the Industrial Minerals Mining Law, rather than requiring the submission of a complete application to initiate the process as in former law.

- Requires the submission of a complete renewal application package subsequent to the submission of a notice of intent to renew, and requires the package to include the information required to be submitted in applications for renewal under law revised in part by the act.

- Establishes new time periods for submitting a complete renewal application package and for correcting deficiencies in a renewal application package.

- Allows the Chief of the Division of Mineral Resources Management to authorize a permit holder instead to file updated information through a surface mining permit modification process for a renewal requiring minor or minimal updates.

In-stream mining permit requirements

- Extends from two years to five years the validity of an in-stream mining permit.

- With respect to an application for an in-stream mining permit, specifies that a hydraulic evaluation must be submitted only if required by the Division of Mineral Resources Management.
• Authorizes the Chief to allow an applicant for an in-stream mining permit to deviate from the statutory requirements pertaining to hydraulic evaluations.

• With respect to the annual report that is required regarding an in-stream mining operation, requires the permittee to update the map included with the report only if there have been specified changes since submission of the most recent approved map.

**Exemption for conservancy districts**

• Exempts from the Industrial Minerals Mining Law certain flood control activities conducted by or on behalf of a conservancy district that are exempt from permitting requirements under section 10 of the federal Rivers and Harbors Act.

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**PUBLIC UTILITIES COMMISSION**

**Power Siting Board certification**

• Changes the Power Siting Board (PSB) certification requirements regarding gas transmission and distribution lines to require certification for a gas pipeline that is greater than 500 feet in length, and its associated facilities, that is more than nine inches in outside diameter and designed for transporting gas at a maximum allowable operating pressure in excess of 125 pounds per square inch.

• Excludes from PSB certification requirements: gathering lines, gas gathering pipelines, and processing plant gas stub pipelines and associated facilities; any gas processing plant; natural gas liquids finished product pipelines; pipelines from gas processing plants to an interstate or intrastate gas pipeline or to a natural gas liquids fractionation plant; any natural gas liquids fractionation plant; an oil, gas, or other production operation regulated by the state, including pipelines upstream of any gathering lines; and certain compressor stations.

• Requires the PSB to adopt rules for an accelerated review of an application for a construction certificate for any of the following:

  -- An electric transmission line that is not more than two miles in length, is primarily needed to attract or meet the needs of a specific customer or specific customers, is necessary to maintain reliable electric service as a result of the retirement or shutdown of a generating facility, or is a rebuilding of an existing transmission line;

  -- An electric generating facility that uses waste heat or natural gas and is primarily within the current boundary of an existing industrial or electric generating facility; or
--A gas pipeline that is not more than five miles in length or is primarily needed to meet the requirements of a specific customer or specific customers.

- Requires the PSB to adopt rules for the automatic certification of those entities subject to the accelerated review when an application is not suspended by the PSB, an administrative law judge, or the chairperson or executive director of the PSB.

- Requires an application for a PSB certificate to be filed not more than five years prior to the planned date of commencement of construction instead of not less than one year nor more than five years prior to that date.

- Permits the PSB to approve, disapprove, or modify and approve an application for a PSB certificate instead of approve or disapprove, and permits an applicant to withdraw an application if the PSB grants a certificate on terms, conditions, or modifications other than those proposed in the application.

- Requires the PSB to grant, deny, or modify an economically significant wind farm’s application and certification under rules that use the same process that is applicable to certification of major utility facilities.

**PUCO general authority**

- Exempts from regulation as a public utility an entity engaged in the business of the transport associated with gathering lines, raw natural gas liquids, or finished product natural gas liquids.

- Exempts from regulation as a public utility certain natural gas gatherers and producers that are engaged in the business of supplying natural gas for lighting, power, or heating purposes to Ohio consumers and that deliver or sell Ohio-produced raw natural gas liquids.

**PUCO authority over intrastate pipeline safety**

- Exempts from Ohio's pipeline safety law, specifically, requirements on operators, an entity engaged in the business of the transport associated with gathering lines, raw natural gas liquids, or finished product natural gas liquids.

- Adds to the PUCO’s duties in continuing law regarding intrastate pipeline safety the requirement that the PUCO perform all regulatory and enforcement duties required under Ohio's pipeline safety law.

- Permits the PUCO, for the purpose of protecting the public safety regarding intrastate pipelines, to enter into a cooperative agreement or memorandum of understanding with another state agency for consultation services and the exchange of advice and technical expertise to assist the PUCO in exercising its regulatory authority over public utilities.
• Prohibits the agreement or memorandum from:
  --Conferring on the state agency any regulatory authority over the activities under Ohio’s pipeline safety law; and
  --Diminishing the sole and exclusive authority of the PUCO to supervise and regulate public utilities.

Safety standards – gas gathering pipelines and processing plant gas stub pipelines

• Subjects operators of either of the following types of pipelines that (1) were completely constructed on or after September 10, 2012, and (2) transport gas produced by a horizontal well to various pipeline safety standards:
  --Gas gathering pipelines; and
  --Processing plant gas stub pipelines.

• Requires operators of those gas gathering pipelines and processing plant gas stub pipelines to comply with the applicable pipe design requirements under the minimum federal safety standards for the transportation of natural and other gas by pipeline.

• Requires those operators to engage in various other activities in accordance with federal standards regarding the pipelines, including:
  --Designing, constructing, inspecting, and testing;
  --Controlling corrosion;
  --Carrying out a damage prevention and public education program;
  --Establishing the maximum allowable operating pressure;
  --Installing and maintaining pipeline markers; and
  --Performing and maintaining records of leakage surveys.

• Declares that gas gathering pipelines and processing plant gas stub pipelines are not subject to the Natural Gas Pipeline Safety Act, the resultant U.S. Department of Transportation rules, or the PUCO’s continuing safety and other regulations over gathering lines.

Definitions

• Defines "gas gathering pipeline" as a gathering line not regulated by the Natural Gas Pipeline Safety Act and resultant federal rules, and specifies that it includes a pipeline used to collect and transport raw natural gas or transmission quality gas to
the inlet of a gas processing plant, the inlet of a distribution system, or a transmission line.

- Defines "processing plant gas stub pipeline" as a gas pipeline that transports transmission quality gas from the tailgate of a gas processing plant to the inlet of an interstate or intrastate transmission line and that is considered an extension of the gas processing plant and is not for public use.

- Defines "operator," for purposes of the gas gathering pipeline and processing plant gas stub pipeline safety standards, as any person that owns, operates, manages, controls, or leases either type of pipeline.

- Defines "horizontal well" as a well that is drilled for the production of oil or gas in which the wellbore reaches a horizontal or near horizontal position in the Point Pleasant, Utica, or Marcellus formation and the well is stimulated.

**Filing of pipeline information with PUCO**

- Requires any person who plans to construct a gas gathering pipeline or a processing plant gas stub pipeline subject to the act’s safety standards to file a form with the PUCO Division of Pipeline Safety, not later than 21 days after the commencement of construction, that specifies certain information, including, for example, the pipeline's route and maximum allowable operating pressure.

- Requires the operator of such a pipeline to file with the Division an explanation of the constructed pipeline's route and operating information not later than 60 days after the completion of construction.

**Aggregate forfeiture for pipeline safety violation or noncompliance**

- Increases, from $500,000 to $1 million, the maximum aggregate forfeiture that the PUCO may assess on certain pipeline operators for violations of or noncompliance with the pipeline safety law.

**Advanced energy resource definition change**

- Includes, as an advanced energy resource for purposes of alternative energy requirements imposed on electric distribution utilities (EDUs) and electric services companies (ESCs), and for purposes of the Advanced Energy Program relating to certain research and educational outreach, either of the following:
  
  --Any new, retrofitted, refueled, or repowered generating facility located in Ohio; and

  --Any uprated capacity of an existing electric generating facility resulting from the deployment of advanced technology.
Storage facilities that are renewable energy resources

- Repeals the requirement that a renewable energy resource primarily had to generate off peak in order for a storage facility that promoted the resource's better utilization to be considered a renewable energy resource.

Waste energy recovery and combined heat and power systems

- Permits certain waste energy recovery systems placed into service in 2002, 2003, or 2004 at state institutions of higher education to qualify as energy efficiency, for the requirement that EDUs achieve 22% efficiency savings by 2025, or as a renewable energy resource, for the renewable energy resource requirements on EDUs and ESCs.

- Permits certain other waste energy recovery systems that are placed into service or retrofitted on or after September 10, 2012, to qualify for the energy efficiency requirements or the renewable energy resource requirements.

- Prohibits a waste energy recovery system that is or has been included in an energy efficiency program from counting toward the advanced energy resource requirement.

- Prohibits a waste energy recovery system that is or was, on or after January 1, 2012, included in an energy efficiency program from counting toward the renewable energy resource requirements.

- Permits a combined heat and power system, designed to achieve at least 60% thermal efficiency, with at least 20% of the total useful energy in the form of thermal energy, and placed into service or retrofitted on or after September 10, 2012, to qualify for the energy efficiency requirements.

- Prohibits an EDU from applying more than its total annual percentage of industrial load to the annual energy efficiency savings requirements for purposes of a waste energy recovery or combined heat and power system.

- Adds to continuing state policy the encouragement of innovation and market access for waste energy recovery systems.

Smart grid programs

- Adds, within the state’s policy for competitive retail electric service, a provision that the state encourage innovation and market access for cost-effective smart grid programs.

- Defines "smart grid" within the competitive retail electric service law to mean capital improvements to an EDU's distribution infrastructure that improve reliability,
efficiency, or resiliency or reduce energy demand or use, including, but not limited to, advanced metering and automation of system functions.

- Adds cost-beneficial smart grid investment programs to those programs that a utility may include to meet energy efficiency and peak demand reduction requirements.

**Alternative energy resources compliance report**

- Requires the PUCO's annual EDU and ESC alternative energy resource compliance report to the General Assembly to include a description of the average annual cost of renewable energy credits purchased by EDUs and ESCs.

- Requires the PUCO to begin including the credit purchase information in each report submitted after September 10, 2012.

**Distribution and transmission infrastructure review and upgrades**

- Requires the PUCO to review the distribution and transmission infrastructure in this state.

**CAT tax and electric distribution utility phase-in-recovery property**

- For the purposes of the law governing an EDU's authority to recover certain uncompensated costs by securitizing the costs, states that the tax exemption for phase-in-recovery property and phase-in-recovery revenues does not prohibit the state from levying the commercial activity tax (CAT).

- Expressly exempts from the CAT a person that solely facilitates or services securitizations of phase-in-recovery property.

**Green pricing program review**

- Permits the PUCO to periodically review any green pricing program offered in Ohio as part of competitive retail electric service and make recommendations for improving or expanding the program.

**PUCO study of opportunities for customer choice**

- Requires the PUCO to study whether certain aspects of electric service provide increased opportunities for customer choice, prepare a report of its findings, and make the report available on its web site.

**Compressed natural gas**

- Permits the PUCO, in cooperation with the Department of Transportation (ODOT), to work with other states to develop a multi-state study on the development of compressed natural gas (CNG) infrastructures for transportation.
• Requires ODOT and PUCO to cooperatively analyze the cost effectiveness of purchasing vehicles that operate on CNG and the conversion of certain state motor vehicles to operate on CNG and to submit a joint report regarding CNG vehicle purchases or a conversion to legislative leaders and the Governor not later than January 30, 2013.

**Long-term forecast report**

• Requires a description of the resource planning projections, rather than the resource plan, within the long-term forecast reports that each major utility facility must furnish to the PUCO.

**SCHOOL FACILITIES COMMISSION**

• Reduces, from the preceding five years to the preceding three years, the period of actual energy consumption data for the baseline analysis included in a school district-requested report pertaining to installations or remodeling that would reduce energy consumption in district-owned buildings.
Financial Institutions and Consumer Finance

Sub. H.B. 322

Sens. Coley, Seitz, Niehaus
Effective date: September 4, 2012

- Permits Ohio-chartered banks, savings banks, savings and loan associations, and credit unions to charge the same or lower rates or amounts of interest, fees, and other charges under a revolving credit agreement that respective out-of-state financial institutions may charge Ohio revolving credit customers.

Sub. S.B. 333

Sens. Obhof, Beagle, Coley, LaRose, Seitz, Bacon, Peterson, Brown, Balderson, Burke, Hughes, Jones, Lehner, Manning, Wagener, Widener
Effective date: March 22, 2013

Temporary licenses

- Permits the Superintendent of Financial Institutions to issue two types of temporary licenses: a temporary loan originator license and a temporary mortgage loan originator license.

- Permits an out-of-state loan originator to be issued a temporary loan originator license and, similarly, an out-of-state mortgage loan originator to be issued a temporary mortgage loan originator license.

- Enables a temporary licensee to engage in the loan origination business for which the licensee holds the temporary license while the licensee completes the requirements necessary to obtain the appropriate annual license.

- Requires a licensee to have a sponsor who meets certain criteria, employs or is associated with the licensee, and covers the licensee under its corporate surety bond during the term of the temporary license or to obtain and maintain such a bond.

- Creates identical processes by which each temporary license may be issued.

- Requires the Superintendent to adopt rules to issue a temporary license to a registered loan originator or registered mortgage loan originator upon modification
of the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008 allowing states to do so.

- Permits the Superintendent to adopt rules in accordance with the Administrative Procedures Act for the implementation and operation of the act’s temporary license provisions.

**Bank lending limits – derivative transactions**

- Requires any credit exposure arising from a derivative transaction to be included in the calculation of a bank’s total outstanding loans and extensions of credit to a person for the purpose of the lending limits imposed under continuing law.

- Adds limited liability companies to the definition of "person" for the purpose of the lending limits law.

- Permits the Superintendent to adopt rules: (1) relating to credit exposure arising from derivative transactions, and (2) that expand or limit the definition of "person" used for the purposes of the lending limits law.

**Remittance transfers**

- Makes a remittance transfer (i.e., a fund transfer to a recipient in a foreign country), as defined in the federal Electronic Fund Transfer Act (EFTA), subject to the portion of Ohio’s version of the Uniform Commercial Code (UCC) governing funds transfers, unless the remittance transfer is also an electronic fund transfer under the EFTA.

**Funds transfers**

- Specifies that in the event of an inconsistency between Ohio’s UCC and the EFTA regarding a funds transfer, the EFTA is to govern to the extent of the inconsistency.
Gambling

Am. Sub. H.B. 386

Reps. Blessing, Gerberry, Combs, Letson, Barnes, Boyd, Mallory, O'Brien, Weddington, Williams, Yuko

Sens. Coley, Eklund, Niehaus, Seitz

Effective date: Emergency, June 11, 2012; one provision effective July 1, 2015; contains item vetoes

Casino Law

- Defines "corrupt activity" for purposes of criminal law to include certain gaming conduct and bribery crimes under the Casino Law.
- Increases criminal penalties for bribery under the Casino Law.
- Includes the act's corrupt activity felonies in the list of designated offenses for which a prosecuting attorney may obtain an interception warrant to intercept wire, oral, or electronic communications.
- Requires the Inspector General to investigate employees of the Attorney General’s Office who are contractually performing duties to enforce the Casino Law.
- Authorizes the Inspector General to enter into contracts necessary to complete those investigations.
- Modifies the definition of "holding company" under the Casino Law.
- Modifies the definition of "institutional investor" under the Casino Law to mean an entity owning 5% or more, but less than 15%, of an ownership interest in a casino facility, casino operator, management company, or holding company.
- Eliminates the requirement that securities be publicly traded in the qualifications for an institutional investor.
- Requires the Casino Control Commission to notify an institutional investor that it finds unsuitable or unqualified and the casino operator, holding company, management company, or gaming-related vendor licensee in which the investor invested, and allows a reasonable amount of time to cure the conditions.
- Requires the Casino Control Commission to adopt rules related to investors and holding companies that fall below the threshold needed to be considered an institutional investor or holding company.
- Modifies the provisions regarding payment of fees related to criminal records checks related to licensure.
• Refers to the Casino Control Commission as a law enforcement agency, and extends to its gaming agents status as law enforcement officers as defined in the Crimes and Procedure Law.

• Modifies and consolidates the adjudication procedure applicable to Casino Law licensees, and expands the factors the Casino Control Commission may consider in disciplining a licensee.

• Permits the Casino Control Commission’s Executive Director to issue an emergency order regarding certain licenses, registrations, approvals, or certificates issued, approved, granted, or otherwise authorized by the Commission.

• Modifies what information is considered confidential with regard to information submitted, collected, or gathered as part of a license application to the Casino Control Commission.

• Specifies that the $50 million upfront license fee to obtain a casino operator license must be paid upon each casino operator’s application filing.

• Permits, under certain conditions, an intracorporate license transfer without the paying of an additional license or application fee.

• Permits the increase of the casino operator, management company, or holding company license application fee to the extent that the actual review and investigation costs exceed the application fee.

• Permits a licensed casino operator to enter into one or more debt transactions with affiliated companies, provided that the aggregate amount of all such debt transactions at any one time does not exceed $10 million.

• Requires a key employee of a gaming-related vendor to file a notification of employment with the Casino Control Commission at least five business days before the first day worked and to file a license application with the Commission within the first 30 days of employment.

• Requires a key employee license applicant to complete a cover sheet with the license application, and provides that the cover sheet is not confidential.

• Clarifies that skill-based amusement machines are not slot machines.

• Restricts the use of the term "casino" in advertising.

• Would have specified that penalties for the use of the term "casino" could not have been levied against and collected from a person operating a facility operating video lottery terminals that used that term in any advertisement before November 3, 2009 (VETOED).
• Clarifies that the criminal penalties under the Casino Law apply to wagers of a person at a casino facility.

• Permits the guidelines for the establishment and maintenance of the Statewide Education Management Information System to require school districts to provide a student's county of residence.

• Specifies that the Tax Commissioner must serve as an agent of the counties only for the purposes of the gross casino revenue tax and solely to make payments directly to municipal corporations and school districts on the counties' behalf.

• Requires a school district to report twice annually the student population of the district for purposes of calculating the gross casino revenue tax portion to go to the counties.

• Requires the Tax Commissioner to provide for payment of certain casino-related funds to each county, municipal corporation, and school district.

• Establishes jurisdiction for claims regarding the Casino Law.

**State Lottery Law**

*Lotteries*

• Would have required the Permanent Joint Committee on Gaming and Wagering to review the fees each applicant pays for a lottery sales agent license, for administering and processing changes to an application, or for a license renewal (VETOED).

• Permits the Director of the State Lottery Commission to establish an alternative program or policy for establishing the financial responsibility of a lottery sales agent license applicant, with State Lottery Commission approval by rule adopted under the Administrative Procedure Act, that ensures the lottery's financial interests are adequately protected.

• Modifies the length of time a lottery sales agent license and the renewal of a license is effective to at least one year, but not more than three years.

• Sets the lottery prize award value that triggers certain reporting requirements at the reportable winnings amounts established by the Internal Revenue Code.

• Allows certain debts owed to a political subdivision to be satisfied from lottery winnings, and establishes priority for satisfaction of debts.

**Video lottery terminals**

• Requires the State Lottery Commission, in conjunction with the State Racing Commission, to include in any rules adopted concerning video lottery terminals (VLTs) the required level of minimum investments.
• Requires video lottery terminals to be at facilities with a horseracing permit.

• Requires VLT sales agents to develop internal guidelines and controls for the purpose of giving minority business enterprises the ability to compete for the awarding of contracts to provide goods and services to those sales agents.

• Eliminates the Supreme Court's exclusive jurisdiction over claims arising from the State Lottery Commission's rules or actions, and instead requires such claims to be brought in the Franklin County Court of Common Pleas.

• Permits licensed video lottery sales agents to provide VLT promotional gaming credits to patrons for VLT gaming.

• Authorizes the Director of the State Lottery Commission to license, and to suspend or revoke the license of, video lottery technology providers, independent testing laboratories, and gaming employees and to promulgate related rules.

• Specifies what information submitted, collected, or gathered as part of an application for a video lottery-related license is confidential and not subject to disclosure by a state agency or political subdivision as a public record.

• Requires video lottery terminal licensees to develop guidelines and controls giving minority business enterprises the ability to compete for contracts with those licensees.

• Prohibits the Liquor Control Commission's rules from prohibiting the operation of video lottery terminal games at a commercial race track.

• Requires that each VLT sales agent receive the commission established in a State Lottery Commission rule, and permits a percentage of that commission to be paid to the State Racing Commission for the benefit of breeding and racing according to its rules.

• Requires the State Lottery Commission to adopt a rule to require such a video lottery sales agent to disperse ½ of 1% of the commission for support for gambling and other related addiction services, and allows the Commission to require an additional amount up to ½ of 1% for that purpose.

Horse Racing Law

• Authorizes a land conveyance from the state to the Lebanon Trotting Club, Inc., and Miami Valley Trotting, Inc., in certain real estate situated in Turtlecreek Township, City of Lebanon, Warren County.

• Permits the racing secretary of a permit holder, after consulting a horsemen's association, to reduce the number of live races if, during the course of a racing meeting, the racing secretary determines that there is an insufficient number of
entries to have a full field of eight horses for each of nine races on a live racing program.

- Sets the minimum number of required live racing days and simulcast racing programs, and requires simulcasts to be available at the same signal rate for all permit holders.

- Allows a permit holder that is not transferring its horse racing track and is remaining at its permitted location and that is a video lottery sales agent to operate a temporary facility at its permitted location while constructing or otherwise preparing its permanent VLT facility.

- Creates certain funds related to racetrack relocation, establishes the purposes of the funds, and makes appropriations from the Racetrack Facility Community Economic Redevelopment Fund and the Casino Operator Settlement Fund.

- Describes what information submitted, collected, or gathered as part of an application to the State Racing Commission for a license or permit is confidential and not subject to disclosure by a state agency or political subdivision as a public record.

- Allows a permit holder to take responsibility for handling any payments and distributions required of a collection and settlement agent for any or all related permits under common ownership in lieu of making the required payments and distributions through the collection and settlement agent designated by the State Racing Commission.

- Requires fees to be paid to thoroughbred jockeys according to a certain schedule.

**Gambling Law**

- Revises and simplifies the definition of a "charitable organization" that may conduct certain games of chance and conduct and advertise bingo, instant bingo at a bingo session, and instant bingo other than at a bingo session.

- Changes the existence requirement for some charitable organizations by applying a two-year continuous existence requirement to all charitable organizations.

- Expands by two hours the time period during which a charitable organization may conduct a bingo session.

- Permits payments of allowable expenses incurred in conducting a bingo session or game to be made by electronic fund transfer.

- Decreases the allowable age at which participants may participate in a bingo game at a senior center.

- Revises the definition of "instant bingo."
• Eliminates a requirement that a charitable organization could conduct instant bingo other than at a bingo session at not more than five separate locations.

• Requires a charitable instant bingo organization to pay 6% of the total gross receipts of any deal of instant bingo tickets for the purpose of reimbursing the owner or lessor of the location for expenses.

• Allows a veteran's, fraternal, or sporting organization to deduct from gross profit the payment by that organization of real property taxes and assessments levied on a premises at which instant bingo is conducted when determining net profit from the proceeds of the sale of instant bingo.

• Increases from one to three per calendar week the maximum number of charitable organizations to which a charitable organization may lease or sublease premises it owns or leases for conducting bingo sessions on the premises.

• Mandates that a charitable organization is not required to pay property taxes or assessments on premises that it leases from another person to conduct bingo sessions.

• Revises the number of days that games of chance may be held at a festival.

• Changes a reference in the definition of "sporting organization" to reflect the correct title of an organization.

**Income tax withholding**

• Requires lottery sales agents to withhold income taxes from VLT prize awards that exceed $3,000.

• Provides that lottery sales agents must comply with requirements for remitting withheld taxes and filing returns similar to those imposed on casino operators that withhold taxes from casino winnings.

• Lowers the percentage of a person's lottery prize award and casino winnings that must be withheld for income tax purposes from 6% to 4%, and specifies that the lower percentage also applies to the withholding of taxes from VLT awards.

• Allows the Department of Taxation to release certain information about a lottery sales agent to the State Lottery Commission when necessary to ensure the agent's compliance with tax withholding requirements.

• Makes changes to the type of information a casino operator must provide when filing tax withholding returns and to the manner in which casino operators must retain or provide records relating to casino patrons who are subject to tax withholding.
• Provides that, when the Tax Commissioner applies an income tax refund to satisfy taxpayer debts, any debt arising out of the taxpayer's failure to pay the withholding tax on casino winnings or VLT awards must be satisfied first.

• Allows a municipal corporation to require a casino facility or a casino operator, or a lottery sales agent conducting VLTs, on behalf of the state to withhold and remit tax with respect to amounts other than qualifying wages.

**Miscellaneous**

• Requires the Director of Alcohol and Drug Addiction Services to complete a study to identify the current status of gaming addiction problems within Ohio.

• Establishes a moratorium on sweepstakes establishments.

• Requires the Attorney General to issue a report about usage of the Ohio Law Enforcement Training Fund.

• Requires a report on the processes and procedures necessary to allow the state to establish a data match and prize and winnings intercept program to identify obligors who are subject to a final and enforceable determination of default for child support in relation to lottery and casino prizes and winnings.

• States that the items of law contained in the act, and their applications, are severable.
Health

Sub. H.B. 32

Reps. Amstutz, Burke, Carey, Slaby, Derickson, Patmon, Henne, Hackett, Wachtman, Barnes, Gerberry, Letson, Mallory, Newbold, Weddington, Winburn, Batchelder
Sens. Coley, Hite, Lehner, Patton, Seitz
Effective date: May 22, 2012

- Exempts certain plans and measurements relating to household or small flow on-site sewage treatment systems from the Professional Engineers and Surveyors Law.
- States that the act does not eliminate the requirement established under that Law that only a professional surveyor may establish land boundaries.
- Authorizes boards of health to enforce rules governing household sewage disposal systems in effect on the act’s effective date by utilizing enforcement authority in the Household and Small Flow On-Site Sewage Treatment Systems Law that generally would not apply to those rules.

Sub. H.B. 251

Sens. Oelslager, Tavares, Wagoner
Effective date: March 22, 2013

Regulation of Oriental medicine

- Requires the State Medical Board to regulate the practice of Oriental medicine, which includes the practice of acupuncture and may also include the use of herbal therapy.
- Provides for regulation of Oriental medicine practitioners in generally the same way as acupuncturists by creating prohibitions against unauthorized practice and extending the continuing certificate application process, supervisory period requirements, and certificate renewal process to Oriental medicine practitioners.

Regulation of acupuncturists

- Makes changes to the regulation of acupuncturists relating to scope of practice, eligibility for a certificate to practice, disciplinary actions, and patient records.
State Medical Board secretary and meetings

- Modifies the law governing the State Medical Board by providing that: (1) the Board's secretary must be a Board member, (2) the secretary is no longer to be reimbursed for expenses, (3) Board meetings are to occur at least four times each year, rather than specifically in March, June, September, and December, and (4) Board-approved minutes constitute official records of its proceedings.

Am. Sub. H.B. 284


Sens. Bacon, Balderson, Beagle, Brown, Burke, Cafaro, Eklund, Hite, Hughes, LaRose, Lehner, Manning, Oelslager, Peterson, Schiavoni, Seltz, Smith, Tavares, Turner, Wagoner

Effective date: March 22, 2013

Physician assistant medical services

- Authorizes a physician assistant to perform the following medical services:
  --Fit, insert, or remove birth control devices;
  --Issue do-not-resuscitate (DNR) orders and take any other action that may be taken by an attending physician under the law governing DNR orders;
  --Determine and pronounce death in specified locations and circumstances;
  --Insert or remove chest tubes;
  --Prescribe or make referrals for physical therapy; and
  --Order or make referrals for occupational therapy.

Certificate with qualifying military experience

- Allows an individual to qualify for a certificate to practice as a physician assistant without holding the otherwise required master's or higher degree if the individual has: (1) a degree from an accredited educational program for physician assistants, and (2) at least three years of active duty experience practicing as a physician assistant in the U.S. armed forces or the national guard of any state.

Authority to prescribe drugs

- Eliminates the requirement that the State Medical Board adopt and modify through rulemaking procedures the formulary that identifies the drugs that a physician assistant may be authorized to prescribe.
• Authorizes the Board to make changes to the physician assistant formulary every six months, rather than every 12 months.

• Allows a physician assistant to qualify for a certificate to prescribe in Ohio without participating in the otherwise required provisional period of physician-delegated prescriptive authority if the physician assistant either: (1) practiced in another state or was credentialed or employed by the federal government, or (2) obtained a certificate to practice in Ohio by qualifying under the act's provisions regarding military experience.

• Eliminates a prohibition on physician assistants prescribing to patients schedule II controlled substances, but limits the locations from which such substances may be prescribed without restrictions.

• Prohibits a physician assistant from prescribing any schedule II controlled substance to a patient in a convenience care clinic.

Emergency medical services

• Adds physician assistants to the list of health care professionals from which emergency medical service (EMS) personnel may obtain required authorization through a direct communication device to perform certain services or to perform emergency services in a hospital.

• Extends the immunity from civil liability that applies under continuing law with regard to a student enrolled in an EMS training program to those occasions when the student is under the direct supervision and in the immediate presence of a physician assistant.

• Specifies that nothing in the law governing EMS personnel prevents or restricts the practice, services, or activities of any physician assistant.

Medical care in disasters or emergencies

• Provides that a physician assistant, including a physician assistant licensed in another state or credentialed or employed by the federal government, is not prohibited from providing medical care in response to a need precipitated by a disaster or emergency.

• Specifies that, when a physician assistant is providing this care, the physician who supervises the physician assistant pursuant to a physician supervisory plan approved by the State Medical Board is not required to meet the supervision requirements of Ohio law.

• Permits the physician designated as the medical director of the disaster or emergency to supervise the medical care provided by an Ohio physician assistant.
Nurses – determination and pronouncement of death

- Authorizes certified nurse practitioners, clinical nurse specialists, and registered nurses to determine and pronounce death if an individual's respiratory and circulatory functions are not being artificially sustained.

- Relative to certified nurse practitioners and certified nurse specialists, limits that authority to the same circumstances under which the act authorizes physician assistants to determine and pronounce death, that is: (1) the individual was receiving care in a specified facility, or (2) the nurse is providing or supervising the individual's care through a licensed hospice program or another entity that provides palliative care.

- Relative to registered nurses, limits that authority to those circumstances under which the nurse is providing or supervising the individual's care through a licensed hospice program or another entity that provides palliative care.

Chemical dependency counseling; alcohol and drug prevention

- Provides for the Chemical Dependency Professionals Board to license independent chemical dependency counselor-clinical supervisors.

- Provides for the Board to certify prevention specialist assistants.

- Revises one of the sets of requirements to qualify for an independent chemical dependency counselor license and the scope of practice of independent chemical dependency counselors.

- Revises one of the sets of requirements to qualify for a chemical dependency counselor III license and the scope of practice of chemical dependency counselors III.

- Revises one of the sets of requirements to qualify for a chemical dependency counselor II license.

- Revises the scope of practice of chemical dependency counselor assistants and the law governing the renewal and restoration of their certificates.

- Revises one of the sets of requirements to qualify for a prevention specialist II certificate.

- Revises one of the sets of requirements to qualify for a prevention specialist I certificate.

- Establishes requirements for qualifying for a registered applicant certificate, and provides for the certificate to expire two years after it is issued.

- Eliminates requirements regarding a registered applicant working toward obtaining a prevention specialist II or prevention specialist I certificate.
• Prohibits the Board from renewing or restoring a registered applicant certificate or issuing a new registered applicant certificate to an individual whose previous registered applicant certificate has been expired for less than a period of time to be specified in rules.

• Revises the list of professionals authorized to supervise a registered applicant.

• Permits the Board to administer examinations for individuals seeking to act as substance abuse professionals in a transportation workplace drug and alcohol testing program regulated by the U.S. Department of Transportation.

• Eliminates obsolete laws governing the transfer of duties regarding the certification of chemical dependency professionals from the Department of Alcohol and Drug Addiction Services to the Board.

• Eliminates obsolete laws regarding chemical dependency counselors I.

• Includes refusal to restore a license or certificate among the disciplinary actions the Board may take.

• Specifies that the law governing the practice of chemical dependency counseling and alcohol and other drug prevention services does not authorize an individual to engage in the practice of marriage and family therapy except to the extent of providing services authorized by that law.

Sub. H.B. 303


Sens. Beagle, Hughes, Lehner, Manning, Oelslager, Widener

Effective date: Emergency; provisions pertaining to methadone facilities, instruction on controlled substances for advanced practice nurses, and assessments of ICF/IID residents effective December 20, 2012; provisions pertaining to Medicaid payment rates effective July 1, 2013; all other provisions effective March 20, 2013

Ohio Board of Nursing

• Modifies laws administered by the Ohio Board of Nursing, including laws governing Board procedures and the professionals the Board regulates: nurses, dialysis technicians, dialysis technician interns, medication aides, and certified community health workers.
Pediatric respite care programs

- Requires the Department of Health to regulate pediatric respite care programs, which are programs that provide services to patients under age 27 who have been diagnosed before age 18 with life-threatening diseases or conditions that shorten life expectancy.
- Designates the licensing provisions as "Sarah's Law."

Methadone treatment programs

- Modifies licensure requirements for methadone treatment programs to specify that treatment cannot be maintained within a 500-foot radius of a public or private school, licensed day-care center, or other child-serving agency.
- Permits the Department of Alcohol and Drug Addiction Services to waive the proximity requirement if it receives, from each affected school, day-care center, or other child-serving agency, a letter of support for the location.

Dietitian professional associations

- Replaces references to the American Dietetic Association and Ohio Dietetic Association with references to the Academy of Nutrition and Dietetics and Ohio Academy of Nutrition and Dietetics, respectively, to reflect recent changes in the names of these professional organizations and to recognize successor organizations.

Medicaid payment rates for nursing facility services

- Continues a 5.08% increase to nursing facilities' costs per case-mix units and rates for ancillary and support costs, tax costs, and capital costs until the Office of Medical Assistance first redetermines such costs and rates in a rebasing process.
- Maintains the Medicaid payment rate for nursing facility services provided to low resource utilization residents at $130 per Medicaid day.
- Requires a managed care organization to pay a skilled nursing facility the continuing Medicare fee-for-service rate, without deduction for coinsurance, for skilled nursing facility services provided to an individual who is eligible for Medicare and Medicaid (a dual eligible individual) and participating in the Integrated Care Delivery System, if specified conditions are met.

ICF/IID resident assessments

- Permits the Department of Developmental Disabilities to conduct, or contract with another entity to conduct, for the first quarter of calendar year 2013, assessments of all residents of each intermediate care facility for individuals with intellectual disabilities (ICF/IID).
• Provides for the resident assessments to be used in determining ICFs/IID’s case-mix scores, which are a factor in calculating their Medicaid rates, for the first quarter of calendar year 2013.

Qualified immunity for volunteer behavioral health professionals

• Extends to the following health care professionals the continuing law provisions granting qualified immunity from civil liability for providing health care services on a volunteer basis: professional clinical counselors, professional counselors, independent social workers, social workers, independent marriage and family therapists, marriage and family therapists, psychologists, independent chemical dependency counselors, and chemical dependency counselors III, II, and I.

Sub. H.B. 417


Sens.  Brown, Bacon, Beagle, Hite, Hughes, Jones, Manning, Sawyer, Seitz, Tavares, Wagoner

Effective date:  March 22, 2013

• Requires a health care entity that terminates a physician’s employment to send notice to the physician’s patients or have the physician send the notice.

• Permits a health care entity to require a physician to send notice of the physician’s termination only if the entity provides the physician a list of the patients and their contact information.

• Exempts from the act’s requirements physicians providing episodic or emergency services, medical students, physicians working in a community mental health agency, physicians working in a federally qualified health center or a federally qualified health center look-alike, and hospice medical directors.

Am. S.B. 40

Sens.  Kearney, Cafaro, Brown, Sawyer, Smith, Wagoner, Manning, Tavares, Bacon, Balderson, Beagle, Burke, Daniels, Faber, Hite, Hughes, Jones, LaRose, Lehner, Obhof, Oelslager, Patton, Schaffer, Schiavoni, Skindell, Turner

Effective date: March 13, 2013; requirement to post information online effective June 11, 2013

- Requires the Department of Health, through its web site, to promote education on complex regional pain syndrome.
- Designates November as "Complex Regional Pain Syndrome Awareness Month."
- Specifies that the act is to be known as the "Complex Regional Pain Syndrome Education Act."

Sub. S.B. 141


Effective date: March 27, 2013

- Generally exempts a physician, chiropractor, or physical therapist for an out-of-state athletic team from Ohio laws governing those professionals when the professional provides health services to team members and specified individuals while the team is traveling to or from or participating in a sporting event in Ohio.

Sub. S.B. 301


Effective date: March 13, 2013

- Modifies the professional disciplinary actions that may be taken by the State Board of Pharmacy, State Medical Board, and State Dental Board.
• Modifies the Dental Board's authority to suspend without a prior hearing a license or certificate.

• Authorizes the Medical Board to inspect a pain management clinic or facility suspected of operating as a pain management clinic without a license.

• Expands the types of controlled substances that are not included in determining whether a prescriber has personally furnished more than the permitted amount.

• Changes the criteria for determining whether a facility is subject to licensure as a pain management clinic.

• Modifies the laws governing submission to and requests for information from the Ohio Automated Rx Reporting System.
Highways and Transportation

Sub. H.B. 99


Sens.  Bacon, Beagle, Hite, Hughes, Lehner, Manning, Oelslager, Patton, Smith, Tavares

Effective date:  August 31, 2012

- Prohibits driving a vehicle while using a handheld electronic communications device to write, send, or read a text-based communication, and makes the violation a secondary traffic offense with ten exemptions, including using the device for emergency purposes, a person driving a public safety vehicle who uses such a device in the course of the person's duties, and using a device for navigation purposes.

- Prohibits a person under 18 from using, in any manner, an electronic wireless communications device while driving with three exemptions: (1) use in an emergency, (2) when the person's vehicle is stationary and is outside a lane of travel, and (3) using a hands-free navigation device if the person does not manipulate the device while driving.

- Provides that for the first six months after the act's effective date no ticket, citation, or summons may be issued for a violation of either prohibition established by the act, only a warning that provides information about the prohibition.

- Requires the classroom portion of driver's education to include instruction in the dangers of driving while using an electronic communications device to write, send, or read a text-based communication.

Am. Sub. H.B. 325

Phillips, Pillich, Ramos, Roegner, Rosenberger, Ruhl, Scherer, Schuring, Sears, M. Slaby, Smith, Sprague, Stautberg, Stibelton, Stinziano, Sykes, Szollosi, Terhar, Thompson, Uecker, Wachtman, Williams, Winburn, Young, Yuko, Batchelder

Sens. Bacon, Balderson, Beagle, Brown, Burke, Cafaro, Coley, Eklund, Faber, Gentile, Hite, Hughes, Jones, Jordan, Kearney, LaRose, Lehner, Manning, Niehaus, Obhof, Oelslager, Patton, Peterson, Sawyer, Schaffer, Schiavoni, Seitz, Skindell, Smith, Tavares, Turner, Wagoner, Widener

Effective date: March 22, 2013

- Designates the following 53 memorial highways:
  - Staff Sergeant Christopher L. Brown Memorial Highway;
  - Warren County Veterans Highway;
  - Lance Corporal Daniel Nathan Deyarmin, Jr., Memorial Highway;
  - Staff Sergeant Howard E. Woodford Medal of Honor Recipient Memorial Highway;
  - Lance Cpl. Aaron Reed Memorial Highway;
  - U.S. Army Staff Sergeant Lester O. Kinney II Memorial Highway;
  - Sergeant Dennis E. Kancler Memorial Highway;
  - Sergeant David Kreuter Memorial Highway;
  - Staff Sgt. Jesse Ault Memorial Highway;
  - First Lieutenant John M. Runkle, Jr. Memorial Highway;
  - Master Sergeant Shawn T. Hannon Memorial Highway;
  - Army PFC Robert S. Sombati, Vietnam BSM and OLC PH, Memorial Highway;
  - Sheriff’s Lieutenant John P. Gisclon Memorial Highway;
  - Army Specialist Gavin Colburn Memorial Highway;
  - Air Force Master Sergeant Brad Clemmons Memorial Highway;
  - Lance Corporal Peter James Clore Memorial Highway;
  - U.S.M.C. Sgt. Daniel J. Patron Memorial Highway;
  - Staff Sergeant Joshua Gire Memorial Highway;
  - U.S.M.C. LCpl. Jonathan Etterling Memorial Highway;
  - Master Sergeant Adam F. Benjamin Memorial Highway;
  - Corporal Lucas C. Scott Memorial Highway;
  - Specialist William Seth Blevins Memorial Highway;
First Lt. Ashley White-Stumpf Memorial Highway;
Sgt. Michael Barkey Memorial Highway;
Captain Daniel Stiles Memorial Highway;
Sgt. James L. Smith Memorial Highway;
Army Specialist Jesse Adam Snow Memorial Highway;
Pfc. Douglas E. Dickey Memorial Highway;
Deputy Suzanne Hopper Memorial Highway;
Specialist Damon G. Winkleman Memorial Highway;
Patrolman David L. Sterner Memorial Interchange;
Sergeant Brian Dulle Memorial Highway;
U.S. Army Cpl. Zachary Grass Memorial Highway;
Lt. Jason S. Manse Memorial Highway;
Tuskegee Airmen Memorial Trail;
78th Ohio Veteran Volunteer Infantry Highway;
Captain Nicholas J. Rozanski Memorial Highway;
Master Sergeant Jeffrey J. Rieck Memorial Highway;
Sgt. Mark T. Smykowski Memorial Highway;
Sgt. David J. Luff, Jr. Memorial Highway;
Sgt. James C. Robinson, Jr. Memorial Highway;
LCpl. Billy D. Spencer Memorial Highway;
Cpl. Lucas T. Pyeatt Memorial Highway;
PFC Timothy J. Hines, Jr. Memorial Highway;
SFC Gregory S. Rogers Memorial Highway;
SFC William B. Woods, Jr. Memorial Highway;
Sgt. John P. Huling Memorial Highway;
Staff Sgt. Robert A. Massarelli Memorial Highway;
Cpl. Nickolas H. Olivas Memorial Highway;
PFC Marlin T. Rockhold Memorial Highway;
PFC James Miller, IV Memorial Highway;
SFC Ricky L. McGinnis Memorial Highway; and
Chief Warrant Officer 2 Jody L. Egnor Memorial Highway.

Sub. H.B. 337


Sens.  Bacon, Hughes, Patton, Sawyer, Tavares

Effective date:  Emergency, January 27, 2012

Commercial driver's licensing

• Beginning January 30, 2012, phases in requirements based on federal law for commercial driver's license (CDL) holders to verify and maintain medical certification based on the nature of the person's operation of a commercial motor vehicle.

• Creates the CDL restriction "V," which indicates the existence of a medical variance on the driver's CDL Information System driver record.

• In regard to a CDL hazardous materials endorsement, requires the Registrar of Motor Vehicles to take specified actions based on a federal Transportation Security Administration determination indicating whether the individual poses a security risk warranting denial of the endorsement.

• Expands the types of acts that a CDL holder or covered vehicle operator is prohibited from committing to include failing to stop after an accident, driving a motor vehicle in violation of the OVI statute or municipal ordinance, and refusing to submit to a test under the CDL implied consent law.

• Expands the causes for disqualification of any CDL holder or commercial motor vehicle operator from operating a commercial motor vehicle to include a license suspension for operating a vehicle under the influence of alcohol or drugs.

• Lengthens the period of disqualification for a driver upon a conviction for a first violation of an out-of-service order from 90 to 180 days and for a second violation in a ten-year period of an out-of-service order from one to two years.

• Generally prohibits a court from modifying any record, or consent to the modification of any record, relating to an offense involving the operation of a commercial motor vehicle if the resulting record would no longer reflect the operation of a commercial motor vehicle.
Establishes guidelines relating to pre-trial diversion programs and intervention in lieu of conviction for CDL holders who commit certain motor vehicle-related offenses.

Prohibits any person from retaining a CDL if the retention of the CDL would violate federal law.

Establishes texting while driving, when prohibited either on the state or local level, as a serious traffic offense.

Establishes a waiver for the skills component of the CDL examination for certain drivers with military commercial vehicle experience.

Expands the exceptions to the maximum motor vehicle lengths prescribed for vehicles operated on the public roads to include nonproperty carrying devices or components that do not extend more than 24 inches beyond the rear of the vehicle and are needed for loading or unloading.

**Job and family services**

Temporarily changes the formula used to trigger state extended unemployment benefits based on the total unemployment rate for the current time period the federal government is fully paying for those benefits for claimants of most private sector employers.

Eliminates the 30-day period during which certain members of an Ohio Works First (OWF) assistance group could receive assistance before entering into a self-sufficiency contract.

Eliminates a provision prohibiting a county department of job and family services from delaying an assistance group’s OWF eligibility determination because certain members of the group failed to enter into a self-sufficiency contract.

Eliminates an exemption under which a minor head of household participating in the Learning, Earning, and Parenting Program was excused from entering into a self-sufficiency contract.

Eliminates requirements that a person be authorized to practice law in Ohio in order to: (1) be employed by or under contract with the Ohio Department of Job and Family Services (ODJFS) to issue the decision in a state hearing regarding provision of benefits under a family services program, or (2) make a decision on behalf of the ODJFS Director in an administrative appeal regarding a family services program.
Am. H.B. 349


Sens. LaRose, Balderson, Obhof, Patton, Wagoner

Effective date: April 20, 2012

- Makes changes to certain highway-related definitions and provisions relating to traffic control devices, including traffic and pedestrian control signals, signs designating special parking spaces for persons with a disability that limits or impairs the ability to walk, signs for the Tourist-Oriented Directional Sign program, and signs at highway railroad grade crossings, in order to make those definitions and provisions conform to recent changes to the federal "Manual on Uniform Traffic Control Devices."

Sub. S.B. 114

Sens. Seitz, Kearney, Patton, Wilson, Bacon, Beagle, Burke, Daniels, Hite, Hughes, LaRose, Sawyer, Schiavoni, Smith, Tavares, Turner

Reps. Ruhl, Kozlowski, Letson, Murray, Phillips, Rosenberger, Uecker, Winburn, Batchelder

Effective date: March 22, 2013; provisions relating to specialized motor vehicles effective January 1, 2017

Specialized motor vehicles

- Establishes the conditions for operation of low-speed vehicles, and generally prohibits low-speed vehicles from being operated on a street or highway with a speed limit greater than 35 mph.

- Establishes the conditions for operation of under-speed and utility vehicles and mini-trucks when authorized by a local ordinance or resolution, and generally prohibits them from being operated on a street or highway unless locally authorized and then only on a street or highway with a speed limit of 35 mph or less.

- Authorizes the operation of mini-trucks on farms under specified circumstances and on the property of a mini-truck dealer.

- Generally prohibits operation of a motor scooter on a street or highway with a speed limit greater than 45 mph.

- Establishes a motor scooter temporary instruction permit and license or endorsement for the operation of a motor scooter only.
• Codifies pre-existing limitations and restrictions that apply to the operation of a motorcycle by a person who holds a motorcycle temporary instruction permit.

**Height of motorcycle handlebars**
• Prohibits motorcycle handlebars from rising higher than the shoulders of the operator when the operator is seated in the operator’s seat or saddle.

**Motor vehicle window tinting**
• Prohibits a motor vehicle manufacturer, remanufacturer, or distributor from providing to a licensed motor vehicle dealer a motor vehicle that violates window-tinting standards.
• Increases the penalty for installing nonconforming glass or other material.
• Establishes civil liability for installing nonconforming glass or other material, including costs and attorney fees.
• Exempts motor vehicles used by law enforcement from window tinting standards under specified circumstances.
• Expands the jurisdiction of the Board of Motor Vehicle Collision Repair Registration to include motor vehicle window tint operators, and renames it the Motor Vehicle Repair Board.
• Requires window tint operators to register with the Motor Vehicle Repair Board.
• Gives the Franklin County Court of Common Pleas exclusive jurisdiction over motor vehicle repair operator registration violations.
• Imposes a registration or license suspension of up to 180 days on a registered motor vehicle repair operator or licensed motor vehicle dealer upon a second or subsequent violation for installing nonconforming glass or other material, based on court abstracts sent to the Motor Vehicle Dealers Board or Motor Vehicle Repair Board.
• Alters certain powers and administrative functions of the renamed Motor Vehicle Repair Board.

**Joint self-insurance pool subdivision costs and deductibles**
• Permits a joint self-insurance pool formed under political subdivision sovereign immunity law to require payment of deductibles from accounts or funds in the treasury of a political subdivision from which a loss was directly attributable.
• Provides a procedure for a political subdivision in a joint self-insurance pool to transfer the deductible and the costs from the appropriate funds or accounts to the subdivision’s general fund.
Sub. S.B. 179

Sens. Wilson, Sawyer, Tavares, Kearney, Schaffer, Coley, Eklund, Faber, Gentile, Hite, Hughes, Manning, Obhof, Patton, Seitz, Turner, Wagoner


Effective date: July 3, 2012

- Creates "Ohio Geology" license plates, with a $15 contribution to be paid to the Ohio Geology Advisory Council of the Department of Natural Resources and used primarily for grants for graduate level research at locations of geological interest.

- Eliminates the ability of owners of certain off-highway motorcycles and all-purpose vehicles, generally those purchased before October 1, 2005, for which no certificate of title has been issued, to register the motorcycles or vehicles by presenting an affidavit of ownership, thereby requiring the owners to obtain certificates of title when initially registering the off-highway motorcycles or all-purpose vehicles.

- Requires the Director of Transportation to comply with the Administrative Procedure Act when adopting rules to establish a business logo sign program for limited access highways and when establishing a required fee for participation in the program.

- Relocates the Cpl. Kenneth Tyler Butler Memorial Highway.

Am. S.B. 222

Sens. Burke, Patton, Widener, Bacon, Balderson, Beagle, Brown, Cafaro, Coley, Daniels, Eklund, Faber, Gentile, Hite, Hughes, Jones, Kearney, Lehner, Niehaus, Obhof, Oelslager, Sawyer, Schaffer, Smith, Tavares, Wagoner


Effective date: March 22, 2013

- Requires the display of the United States flag, the Ohio flag, and the POW/MIA flag at each rest stop along an interstate highway and along the Ohio Turnpike.

- Requires the Director of Transportation and the Turnpike Commission to comply with the continuing system of preferences for products made in Ohio and the United States when purchasing the flags.
Am. S.B. 300

Sens. Manning and Wagoner, Brown, Hughes, Seitz, Cafaro, Bacon, Balderson, Beagle, Burke, Coley, Eklund, Faber, Gentile, Hite, Jones, Kearney, LaRose, Lehner, Niehaus, Obhof, Oelslager, Patton, Peterson, Sawyer, Schaffer, Schiavoni, Tavares, Widener


Effective date: March 13, 2013

• Designates the bridge spanning the Vermillion River that is part of State Route 113 in the community of Birmingham in Erie County as the Staff Sgt. James P. Hunter Memorial Bridge.

• Designates part of State Route 800 in Harrison County as the Trooper George Conn Memorial Highway.
Sub. H.B. 274

- Provides that a transfer fee for purposes of a transfer fee covenant, which is not binding on or enforceable against a subsequent owner, purchaser, or mortgagee of real property, does not include any payment required pursuant to a conservation easement or agricultural easement.

- Authorizes the Governor to execute a deed conveying water rights in real property to the Wayne County Board of County Commissioners.

- Provides that the conveyance of the premises to the Wayne County Board of County Commissioners is upon such consideration as is determined by the Director of Administrative Services to be fair and reasonable.

- Provides that the deed may contain any terms and conditions the Director determines to be in the best interest of the state and restrictions that the Director determines are reasonably necessary to protect the state's interest in any of its remaining interests in the premises, including its gas and mineral rights.

- Authorizes the Governor to execute a deed conveying state owned land to the Mansfield Reformatory Preservation Society.

- Provides that the conveyance by the grantee to the state of two parcels of land situated in the City of Mansfield, Madison Township, Richland County, is the consideration to the state for the state premises being conveyed.

- Requires the grantee to use, develop, and occupy the state premises being conveyed for historic preservation purposes only, and provides that the state maintains a right of reversion in the event the grantee ceases to so use the state premises and the grantee similarly retains a right of reversion for the two parcels conveyed as consideration if the state premises reverts back to the state.
Sub. S.B. 202

Sens. Seitz, Patton, Grendell, Eklund, LaRose, Bacon, Balderson, Beagle, Burke, Coley, Faber, Hite, Hughes, Jones, Jordan, Lehner, Manning, Niehaus, Schaffer, Widener

Effective date: September 6, 2012

- Generally provides that a possessor of real property does not owe a duty of care to a trespasser on the property except to refrain from willful, wanton, or reckless conduct that is likely to cause injury, death, or loss to the person of the trespasser.

- Provides that a possessor of real property is liable in damages to a trespasser on the property or to any other person for injury, death, or loss to the person of the trespasser that allegedly is caused by the possessor if the possessor knows or should know or believe that the trespasser is in a position of peril and the possessor fails to exercise ordinary care to avoid the injury, death, or loss.

- Provides that a possessor of real property is liable in damages to a trespasser who is a child, to a parent, guardian, or custodian of the child, or to any other person for injury, death, or loss to the person of the child that allegedly is caused by an artificial condition on the property if certain conditions apply.

- Provides that the possessor of real property is liable in damages to an adult person who trespasses on the property or to any other person for injury, death, or loss to the person of that person that allegedly is caused in an attempt to rescue a child who trespasses on the property under the conditions specified above.

- States that the act's provisions do not create a new cause of action or substantive legal right against the possessor of real property and do not affect any civil liability under another Ohio statute or common law of a possessor of real property with respect to trespassers under certain circumstances.

- Provides that the act does not affect any immunities from or defenses to tort liability or civil liability established by another Ohio statute or available at common law to which a possessor of real property may be entitled under certain circumstances with respect to trespassers.

- Provides that the act does not affect any criminal liability that the possessor of real property may have for injury, death, or loss to the person or property of a trespasser on the property.

- Specifies that in enacting the act, it is the intent of the General Assembly to declare that the American Law Institute's finalized "Restatement Third of Torts: Liability for
Physical and Emotional Harm (Section 51)" does not constitute the public policy of the state of Ohio and to codify the law of Ohio established by the Ohio Judicial Conference and in Ohio Supreme Court holdings regarding the duties owed to trespassers by those who own, occupy, or control premises.
Am. Sub. H.B. 278


Sens. Bacon, Balderson, Eklund, Hughes, Jones, Kearney, Lehner, Niehaus, Oelslager, Peterson, Sawyer, Schiavoni, Seitz, Turner, Wagoner

Effective date: March 22, 2013; certain provisions effective September 22, 2013, and December 22, 2013

- Increases, effective December 22, 2013, the minimum dollar amounts of motor vehicle liability insurance coverage (or other accepted proof) required for a driver to have a valid proof of financial responsibility.

- Makes it an unfair and deceptive act or practice in the business of insurance to charge excessive, inadequate, or unfairly discriminatory premium rates in private passenger automobile insurance based solely on the insured’s residence location.

- Revises the definition of "automobile insurance policy."

- Reduces from two years to one year the minimum policy period for automobile insurance policies.

- Adds fraud, concealment, and license revocation to the list of reasons why an insurer may cancel an automobile insurance policy.

- Makes several changes to the process by which the Superintendent of Insurance reviews the cancellation of an insured’s automobile insurance policy upon written notice by the insured.

- Restricts the enforcement of intrafamily exclusions in automobile insurance policies.

- Requires an insurer that has obtained original title to a wrecked motor vehicle and the motor vehicle to apply for a salvage title to the vehicle within 30 business days, instead of 30 days as under prior law.

- Enables an insurer and a salvage motor vehicle auction to obtain a salvage title for a wrecked vehicle that the insurer or salvage motor vehicle auction possesses without holding the original title.

- Applies the salvage title and "FOR DESTRUCTION" title provisions to all-purpose vehicles and off-highway motorcycles.
• Creates a study committee to study the feasibility of requiring insurance companies issuing motor vehicle insurance to report certain policy information to the Registrar of Motor Vehicles.

Sub. H.B. 341

Sens. Hite, Beagle, Bacon, Brown, Hughes, Lehner, Peterson, Seitz
Effective date: September 6, 2012; certain provisions effective January 1, 2013

Fraternal benefit societies

• Adds fraternal benefit society to the definition of "life or health insurer" for the purpose of the law regarding risk-based capital for insurers, and subjects fraternal benefit societies to risk-based capital requirements in continuing law.

• Requires a fraternal benefit society to provide evidence specifically related to its compliance with surplus requirements when applying for a certificate of authority from the Superintendent of Insurance.

• Specifies surplus requirements for fraternal benefit societies offering various contractual benefits, but delays implementation of those requirements until January 1, 2016.

• Requires a fraternal benefit society that provides certain medical coverage and has assets of less than $5 billion to reinsure at least 50% of the risk arising from the offered coverage if the society’s risk-based capital is less than 300%.

• Requires the board of directors or other corresponding body of a fraternal benefit society to provide 30 days notice to the Superintendent if the society plans to impose indebtedness on any of its members upon deficiency of funds.

• Requires that a fraternal benefit society provide a disclosure statement at the time of application, and specifies what information must be included in that disclosure.

• Expressly subjects the authority of a fraternal benefit society to open one or more separate accounts and issue contracts on a variable basis to the law applying to contracts providing variable or variable and fixed or contractual payments.

• Makes a fraternal benefit society liable for the payment of any additional expense resulting from unreasonable delays by the society in fulfilling a request for documents or information by a financial examiner during a financial examination.
- Provides that any agent of a fraternal benefit society who sells an annuity contract is subject to the licensing requirements of insurance company agents under continuing law.

- Allows a domestic fraternal benefit society to choose its legal agent as long as certain criteria are met, and does not require the society to retain the Superintendent as its appointed legal agent.

- Replaces the requirement for a foreign or alien fraternal benefit society to file a power of attorney to the Superintendent with a requirement that the society file a written appointment of an agent.

- Replaces the prior process for notice and correction of a deficiency by a domestic fraternal benefit society with the continuing process for notice, hearing, rehabilitation, and liquidation of a domestic insurance company.

- Replaces the prior process for notice and correction of a deficiency by a foreign or alien fraternal benefit society with the continuing process for notice and hearing on a deficiency for a foreign or alien insurance company.

**Investments**

- Expands the type of ownership interest an insurance company may purchase in another company to include limited partnership interests and limited liability partnership interests in specified types of entities.

- Adds to the types of companies in which an insurance company may hold ownership interest an entity created for the purpose of acquiring or holding an asset or liability for bankruptcy remoteness or limitation of liability.

- Increases from 10% to 15% the amount of the admitted assets of an insurance company, other than a life insurance company, that the company may invest in investments denominated in foreign currency.

**Adverse benefit determinations**

- Removes Medicare supplements, Medicare, and Tricare from those types of benefit plans excluded from the definition of "health benefit plan" for the purposes of adverse benefit determinations.

- Excludes from the definition of "health benefit plan" for the purposes of adverse benefit determinations supplemental coverage as described in the continuing statute that describes a supplemental sickness and accident policy.

- Replaces the definition of "rescission" with a definition of "rescind."

- Clarifies that a request for a standard external review may be made electronically.
• Removes the requirement that a written confirmation of an oral request for an expedited external review be submitted to a health plan issuer within five days after the oral request was made.

• Specifies that a person whose ability to regain maximum function could be jeopardized by the time required to complete an internal appeal is eligible for an external review prior to completing the internal review.

• Requires that an expedited external review be completed within 72 hours after the request for the review has been received rather than after the external review has been assigned.

• Restricts the requirement that a clinical reviewer assigned to an external review be an expert in the requested treatment to those requests for an experimental or investigational review.
Am. H.B. 212


Sens. Wagoner, Faber, LaRose, Obhof, Turner, Skindell, Bacon, Balderson, Beagle, Brown, Coley, Eklund, Hite, Hughes, Jones, Kearney, Lehner, Manning, Niehaus, Oelslager, Patton, Sawyer, Schiavoni, Seitz, Tavares, Widener

Effective date: May 22, 2012

- Extends to a legal custodian the exemption from certain requirements for adoption placement.

Am. Sub. H.B. 279


Sens. Bacon, Brown, Burke, Cafaro, Eklund, Hite, Hughes, Kearney, Lehner, Manning, Niehaus, Oelslager, Patton, Sawyer, Schiavoni, Seitz, Smith, Tavares, Turner, Wagoner, Widener

Effective date: Emergency; Autism Scholarship provisions effective December 20, 2012; other provisions effective March 20, 2013

Child custody law

- Requires a public children services agency or private child placing agency that receives temporary custody of a child in a proceeding brought upon a complaint or other document filed in a juvenile court concerning that child to exercise due diligence to identify and provide notice to all adult grandparents and other adult relatives of the child, including any adult relatives suggested by the parents, within 30 days of the child’s removal from the custody of the child's parents.

- Eliminates the automatic termination of a power of attorney granting parental rights and responsibilities to a grandparent that occurred when one year elapsed from the date the power of attorney was notarized or when the child ceased to live with the grandparent.
• Eliminates the automatic termination of a caretaker authorization affidavit, by which a grandparent assumes parental rights and responsibilities, that occurred when one year elapsed from the date the affidavit was notarized.

• Repeals provisions relating to second or subsequent powers of attorney and caretaker authorization affidavits.

• Creates a procedure by which a grandparent who has physical custody and care of a child may petition a juvenile court for custody when the child's parent revokes a power of attorney or terminates a caretaker authorization affidavit that gives the grandparent parental rights and responsibilities.

• Allows a putative father of a minor to put his name on the Department of Job and Family Services' putative father registry at any time, and requires that registration must occur not later than 30 days after the child's birth in order to preserve the requirement of the putative father's consent to the child's adoption.

• Specifies the types of agencies (a public children services agency, a private noncustodial agency, or a private child placing agency) that may request search of the putative father registry, and makes clear that the right of a mother or agency to make a request is not limited to situations involving adoptions.

• Encourages any public children services agency that obtains custody of a child as part of a sibling group or after the previous placement of a sibling to make reasonable efforts to place the siblings together or, if siblings are not placed together, to ensure the siblings maintain frequent connections, unless contrary to the siblings' placement or well-being.

• Requires a public children services agency to file a missing child report with a local law enforcement agency upon becoming aware that a child in the custody of the agency is or may be missing.

• Allows a public children services agency to provide care for an abused, neglected, or dependent child in the home of a nonrelative adult whom a child or the child's current custodial caretaker identifies as having a familiar and longstanding relationship or bond with the child or the child's family that will ensure the child's social and cultural ties.

• Requires the Department of Job and Family Services to develop recommendations for implementation of a subsidized relative guardianship program in accordance with federal law and to submit to the Governor, the Speaker of the House of Representatives, and the President of the Senate a preliminary report of its work by December 31, 2013, and a final report within 12 months of the act's effective date.
Autism Scholarship Program

- Creates an instructional assistant permit for individuals that provide services to a child under the Autism Scholarship Program.
- Makes changes regarding the administration of the Autism Scholarship Program.

Am. Sub. H.B. 461


Sens. Wagoner, Skindell, Obhof, Oelslager, Bacon, Turner, Balderson, Burke, Coley, Eklund, Hite, Hughes, Jones, Kearney, Lehner, Manning, Patton, Peterson, Seitz

Effective date: March 22, 2013

- Establishes a voluntary collaborative family law process to aid in the resolution of family law disputes without court intervention.
- Provides that a collaborative family law process commences by the signing of a participation agreement, sets forth the formal requirements of a participation agreement, and permits a court to treat as valid an agreement that fails to meet the formal requirements if it finds that the parties intended to enter into a participation agreement, signed a record indicating that intention, and reasonably believed they were participating in a collaborative family law process.
- Provides for the conclusion of a collaborative family law process by the parties' negotiated settlement or termination of the process upon the occurrence of specified actions by a party or a party's attorney.
- Limits the right of an attorney who is representing a party in a collaborative family law process to represent a party in a proceeding related to the collaborative family law matter.
- Requires full and informal disclosure of information by parties to a collaborative family law process, provides for confidentiality of collaborative family law communications, and creates a testimonial privilege for collaborative family law communications.
- Modifies, supersedes, and limits the federal Electronic Signatures in Global and National Commerce Act as it relates to a collaborative family law process.
- Authorizes spouses who have successfully completed a collaborative family law process to file a petition for a dissolution of marriage and to make their appearance and acknowledgements in the proceeding at any time that is not more than 90 days after the dissolution petition is filed.
• Modifies the meaning of "change in circumstances" in regards to modifying an order of spousal support.

• Provides that if a client voluntarily reveals the substance of attorney-client communications in a nonprivileged context (instead of voluntarily testifies) the attorney may be compelled to testify on the same subject.

• Requests the Ohio Supreme Court to amend the Rules of Professional Responsibility to require a collaborative family lawyer to disclose to clients in writing certain specified information.
Liquor Control

Sub. H.B. 491


Effective date: September 6, 2012

• Designates the month of June as "Ohio Wines Month."

• Allows certain agency liquor stores to sell beer, wine, or mixed beverages for on- or off-premises consumption rather than only tasting samples of those alcoholic beverages as in former law.

Sub. S.B. 298

Sens. Cafaro, Brown, Seitz, Kearney, Beagle, Hughes, Hite, Turner, Bacon, Balderson, Burke, Eklund, Gentile, Hite, Jones, Jordan, Kearney, LaRose, Lehner, Manning, Niehaus, Obhof, Oelslager, Peterson, Schiavoni, Seitz, Tavares, Turner, Wagoner, Widener

Reps. Barnes, Boyce, Driehaus, Hackett, Letson, McGregor, Milkovich, Murray, O'Brien, Reece, Terhar, Thompson, Young

Effective date: March 22, 2013

• Allows a D-5L liquor permit, which is applicable to revitalization districts, to be issued to the owner or operator of a retail food establishment or food service operation that is located in a municipal corporation that: (1) is wholly located in a county, and (2) has the largest population in that county when the county has a population between 140,000 and 141,000 or between 215,000 and 225,000.

• Revises the law governing the issuance of F-2 liquor permits, including prohibiting:
  --a permit from being effective for more than four consecutive days rather than 48 consecutive hours as under prior law; and
  --more than one permit from being issued in a 30-day period rather than two permits in a calendar year as under prior law.

• Allows an F-2 liquor permit to be issued for the same location that an F-8 liquor permit is issued, provided that certain criteria apply.
Sub. H.B. 158

Reps.  Stebelton and Okey, Gardner, Grossman, Hackett, Huffman, Letson, Murray, Schuring, Yuko, J. Adams, Beck, Blair, Carney, Combs, Damschroder, Fedor, Gerberry, Hottinger, Johnson, Kozlowski, Luckie, McClain, Milkovich, Young, Batchelder

Sens.  Jordan, Balderson, Beagle, Burke, Hite, Hughes, Manning, Oelslager, Patton, Peterson

Effective date:  August 15, 2012

- Codifies federal restrictions into Ohio law by declaring that local government zoning laws do not confer authority on the legislative authority of a county, township, or municipal corporation to preclude amateur radio service communications.
- Defines "legislative authority" to include a zoning or planning commission or board of zoning appeals.
- Requires that local zoning regulations not restrict the height or location of amateur station antenna structures in such a way as to prevent effective amateur radio service communications.
- Places the burden of proof on the legislative authority, upon a denial of an application for an amateur station antenna structure and an appeal, to show compliance with the law.

Sub. H.B. 347

Reps.  Anielski, Hall, Huffman, Stebelton, Baker, Barnes, Beck, Blair, Blessing, Buchy, Combs, Grossman, Hackett, Matheney, Newbold, Roegner, Rose, Ruhl, Sears, Slaby

Sens.  Eklund, Hughes, Jones, Manning, Patton, Seitz, Wagoner

Effective date:  March 22, 2013

Nonchartered villages

- Authorizes the legislative authority of a nonchartered village to be composed of five rather than six members.
- Authorizes the terms of office of all members of the legislative authority of a nonchartered village to be concurrent rather than staggered.
Township insurance premiums

- Authorizes a township to reimburse its officers and employees for insurance premiums attributable to coverage for the officers' and employees' immediate dependents when the officers or employees are denied coverage under the township plan or elect not to participate in such a plan.

State grants for sports events

- Restricts the types of sports events eligible for state grants based on projected incremental increases in sales tax receipts to national or international competitions of football, auto racing, rugby, cricket, horse racing, mixed martial arts, or any sport included in the Olympic, Pan American, or Commonwealth Games.

- Revises the process by which the Director of Development Services estimates the projected increase in sales tax revenue resulting from a major sporting event.

- Requires that sports event grants equal at least 50% of the estimated increase in sales tax revenue resulting from the event.

- Decreases the time a grant recipient has to file a report on the economic impact of the sporting event from 60 days after the game to 30 days after the game.

- Permits local organizing committees to apply for a sports event grant on behalf of a county or municipal corporation.

Am. H.B. 408

Reps. Terhar, Grossman, Blessing, Slaby, Thompson, Stautberg, Stebelton, Batchelder
Sens. Niehaus, Seitz
Effective date: September 6, 2012

- Changes the composition of certain metropolitan housing authorities.

- Staggers the initial terms of the members of the affected metropolitan housing authorities.

H.B. 423

Effective date: March 13, 2013

- Provides for the dissolution of a joint recreation district.
• Requires the county auditor to ascertain, apportion, and order a division of the funds on hand, moneys and taxes in the process of collection, credits, and real and personal property when a subdivision withdraws from a joint recreation district.

Am. Sub. H.B. 509


Sens. LaRose, Coley, Eklund, Hite, Jones, Niehaus, Patton, Seitz, Wagoner

Effective date: September 28, 2012; emergency for Section 4, effective June 26, 2012

Subdivision spending

• Increases the competitive bidding thresholds for villages, city directors of public service or of public safety, specified boards, and sanitary districts.

• Raises the county and county contracting authority competitive bidding threshold from $25,000 to $50,000.

• Increases from $10,000 to $50,000 the county competitive bidding threshold when renewing a lease for electronic data processing equipment, services, or systems or a radio communications system.

• Makes the submission by a county or county contracting authority of a bond, certified check, cashier’s check, or money order with bids for certain contracts permissive for bids in excess of $50,000.

• Expands, for a county or county contracting authority, the threshold for exempting a bid from certain bid guaranty requirements from $25,000 or less to $100,000 or less.

• Increases to $50,000 the competitive bidding thresholds for township park districts and metropolitan park districts.

• Increases from $25,000 to $50,000 the competitive bidding threshold for the purchase of supplies or materials, or for labor, for a regional water and sewer district.

• Revises the competitive bidding procedure for regional airport authorities, and increases the threshold at which competitive bidding is required from $15,000 to $50,000.

• Exempts the board of trustees of a regional airport authority from all competitive bidding requirements for specific types of purchase contracts or under certain emergency circumstances.
• Requires the effective period of a county quarterly spending plan for a county office to expire the earlier of two fiscal years or until the elected official administering the office is no longer the administrator of the office.

Local boards of health

• Clarifies that local boards of health may contract with each other for the provision of either some or all public health services rather than only for all services.

• Specifies that the effectiveness of a contract in which one local board of health agrees to provide some, but not all, public health services on behalf of another local board of health is not dependent on a determination by the Director of Health that the board is organized and equipped to provide services or approval by certain local government officials.

• Specifies that local boards of health are bodies corporate and politic and have all rights and responsibilities inherent with that designation.

General health districts

• Exempts a general health district from certain requirements governing the submission of an appropriation measure and revenue estimate for a fiscal year if the district will not receive an appropriation for that fiscal year from the municipal corporations or townships that comprise the district.

• Provides that, for the purpose of calculating the amount to be appropriated to a general health district, the district’s revenue for an upcoming year includes any money in the District Health Fund carried forward from the previous appropriation after considering and allowing for funds needed to fund ongoing operations in the ensuing fiscal year.

Political subdivision officers, employees, and departments

• Specifies that the joint county department of job and family services formed under a pilot project is a public office and therefore is subject to audit by the Auditor of State.

• Eliminates provisions prohibiting boards of county commissioners and boards of township trustees from contracting for or purchasing group health insurance, coverage, or benefits once the Department of Administrative Services implemented for counties and townships best practices health care insurance plans that included or addressed those benefits.

• Authorizes a county auditor, if authorized by a resolution of the board of county commissioners, to serve as the fiscal officer of any department, office, or agency of the county, but not without the written agreement of a county elected officer or agency governed by an appointed board or commission.
• Authorizes individual or joint self-insurance program contracts awarded to a nonprofit corporation or a regional council of governments also to cover the employees of other nonprofit corporations that employ 50 or fewer employees and that have been organized for the primary purpose of representing the interests of political subdivisions.

• Authorizes a member of a board of township trustees to be elected or appointed to serve on the governing body of any district that is organized or created by the board of township trustees.

• Provides for the manner of giving public notice of the public meeting that is required before the organization of a regional water and sewer district.

• Authorizes the board of trustees of a regional water and sewer district to include one or more elected officials from any political subdivision that is signatory to the district’s petition for organization.

• Includes a regional water and sewer district among the entities authorized to hold and acquire conservation easements.

• Eliminates the requirement that county commissioners had to adopt resolutions to sell personal property by Internet auction.

• Eliminates the requirement that county commissioners annually had to adopt resolutions to exempt county purchases of $1,000 or less from a specific certificate attachment requirement.

• Increases from age 30 to age 40 the maximum age at which an individual may receive an original appointment as a firefighter in a fire department that is subject to the state civil service laws.

• Requires county auditors to report to the Auditor of State, by November 1, 2012, their formula for allocating the county undivided local government fund and the dollar amount distributed in 2012.

Creation of Sandusky County Municipal Court

• Abolishes the Sandusky County County Court, and replaces it, effective January 1, 2013, with the Sandusky County Municipal Court, which will be a county-operated municipal court.

• Creates a full-time municipal court judgeship for the Sandusky County Municipal Court, with the judge to be nominated by petition and elected in 2013 for a six-year term of office, beginning January 1, 2014.

• Requires the two part-time judges of the defunct Sandusky County County Court to serve as part-time judges of the Sandusky County Municipal Court until December
31, 2013, and states that if a judgeship vacancy occurs on or before that date, the person who is the remaining judge serves as the full-time judge until that date.

- Designates the Sandusky County Clerk of Courts as the clerk of the Sandusky County Municipal Court.

**Subdivision fiscal watch or fiscal emergency**

- Requires a county, township, municipal corporation, or school district under a fiscal watch or fiscal emergency to identify in its financial plan the actions to be taken to enter into shared services agreements with other political subdivisions if they are so authorized by statute.

- Requires notification to be sent to the Office of Budget and Management by the Financial Planning and Supervision Commission in order to withhold state funding when a county, township, or municipal corporation under fiscal watch fails to submit a financial plan as required by law or fails to substantially comply with a submitted plan.

- Specifies that the legal action that is required to dissolve a municipal corporation or township under fiscal emergency and meeting certain conditions must be filed in the court of common pleas and that the court must hold a hearing within 90 days after the date on which the Attorney General files the action, and specifies the entities to receive notice of the hearing.

**Criminal provisions**

- Requires the arresting authorities or a court, upon the request of the prosecutor or victim, to cause a defendant charged with specified sexual offenses to undergo testing for sexually transmitted diseases within 48 hours after the date on which the complaint, information, or indictment in the case is filed against or served on the accused.

- Allows a court to impose a term of up to 180 days in a community-based correctional facility on an offender for a misdemeanor or a term not to exceed the longest jail term available for the offense if the political subdivision that is responsible for paying for the confinement has entered into a contract with the facility to use the facility for misdemeanor offenses.

- Increases from 60 to 90 days the maximum time an offender may be sentenced to a community correctional center pursuant to certain OVI terms of confinement.

**Indigent defense; legal aid**

- Modifies the distribution of the money in the Indigent Defense Support Fund by reducing to at least 88% the amount of the Fund that must be used to reimburse counties for providing counsel for indigent defendants.
• Increases to not more than 12% the amount of the Indigent Defense Support Fund that may be used for other specified purposes and for providing training, developing and implementing electronic forms, or establishing and maintaining an information technology system.

• Allows the State Public Defender to use some of the 88% amount in the Indigent Defense Support Fund for the purpose of operating its system under which the State Public Defender provides legal representation to indigent persons by contract with a county public defender commission, joint county public defender commission, or board of county commissioners.

• Specifies the source of data that identify the number of indigent residents in a county and that are to be used for allocating financial assistance to legal aid societies from the Ohio Legal Aid Fund.

**Workers' compensation costs**

• Permits the legislative body of any county, district, district activity, or institution to engage in cost allocation for workers' compensation payments to the Public Insurance Fund that are required by a rating plan.

• Allows certain county boards to continue to engage in cost allocation of workers' compensation payments if they were doing so on or before the act’s effective date.

• Permits cost allocation of direct administrative costs and certain indirect costs incurred under workers’ compensation, but not for county boards of developmental disabilities, boards of mental health services, or boards of alcohol, drug addiction, and mental health services.

**Property taxes**

• Specifies, for property valuation and other property tax complaints filed by mail or certified mail, that county auditors must treat the date of the U.S. postmark as the date of filing.

• Adds a signature requirement for the written application, that is, complaint, to the county board of revision that a person must submit when seeking a decrease in property valuation.

• Authorizes a property owner to refile a complaint with the Board of Revision within the same interim period if the owner voluntarily withdrew the complaint before the complaint was heard by the Board.

• Expressly defines which property is considered to be residential property for the purpose of distinguishing the kinds of parcels that may or may not be exempted from taxation under certain provisions of the tax increment financing law.
Other provisions

• Exempts a county or independent agricultural society or the Ohio Expositions Commission that operates a fair and holds a license under the Vehicle Parks Law from complying with the license requirements during the time period when the preparation for, operation of, and dismantling of the fair occurs.

• Creates the Statewide Emergency Services Internet Protocol Network Steering Committee to advise the state on the implementation, operation, and maintenance of a statewide emergency services internet protocol network to support state and local government next-generation 9-1-1 and the dispatch of emergency service providers.

• Repeals an obsolete law regarding fiscal records to be incorporated by a township fiscal officer into the board of township trustees' minutes.

• Requires, when a village is dissolved, that all resolutions of the township in which the village was located apply to the territory that was once the village.

• Changes the deadline for certifying presidential and vice-presidential names on the official ballots for the 2012 general election, and requires the major political parties to certify to the Secretary of State the names of candidates for President and Vice-President nominated at their national conventions as soon as possible, but not later than 4 p.m. on the 60th day before the 2012 general election.

Am. S.B. 321

Sens. Beagle, Patton, LaRose, Seitz, Bacon, Balderson, Burke, Coley, Eklund, Faber, Hite, Hughes, Jones, Kearney, Lehner, Manning, Niehaus, Sawyer, Schiavoni, Tavares, Wagoner


Effective date: Emergency, June 26, 2012; certain provisions effective January 1, 2013

Library boundaries

• Authorizes the State Library Board to define the territories of association libraries to prevent or eliminate overlapping property taxes levied to fund library systems, but only upon request of an association library.

• Changes the authority of the State Library Board to adjust boundaries of library districts by allowing it to do so on its own initiative and in accordance with the Administrative Procedure Act.

• Allows a private corporation or a library association, in addition to the ongoing authority for boards of library trustees to seek boundary changes, to apply for
boundary changes of a library district for the private corporation or library association for the sole purpose of preventing or eliminating areas of overlap with other library districts that levy a tax for library purposes.

**Library tax levies**

- Prospectively permits a subdivision to levy a tax for an association library only if the association library has had its territory defined by the State Library Board and the subdivision's and association library's territory overlaps to some degree.

- Requires property tax levy questions proposing to fund any kind of public library system, including association libraries, to be submitted to the voters of the territory of the library system to the extent that the territory differs from the subdivision's territory, and permits the tax to apply only in the library system's territory.

**County budget commission filings**

- Permits a county budget commission to waive the filing of a tax budget or other information by a library board to the subdivision funding the library even if more than one library system in the county is entitled to receive distributions from the county public library fund.

**Branch library services**

- Terminates on January 1, 2014, the ability for certain library boards to seek approval from the State Library Board to provide services through branches, library stations, or traveling library service, and provides that the State Library Board cannot approve such requests after January 1, 2015.

**Library governance**

- Increases the number of board members from six to seven for the board of library trustees of county free public libraries, municipal free public libraries, and library districts created by resolution of a legislative authority, and removes the requirements for half of the members to be from different political parties.

- Provides that the seventh member's term for a county free public library must be set by the court of common pleas, not to exceed six years.

- Removes the mayor as the appointing authority for board members of a municipal free public library, replaces the mayor with the legislative authority of the municipal corporation, and allows terms of members to be set by the legislative authority, not to exceed four years.

- Changes the requirement for certain board of library trustees to meet in January to a requirement that they meet not later than January of each year with authority to meet in December of the preceding year, and designates that terms of office of such
board members and the fiscal officer commence on the first day of January or a later date selected by the board of library trustees.

- Changes the requirement for library boards to set aside any unencumbered surplus remaining in the library’s general fund, at the end of any fiscal year, for any purpose by removing the requirement for a two-thirds vote of the full membership in order to do so and by adding similar authority to set aside unencumbered surplus remaining in any fund, not just the general fund, unless doing so would be contrary to law.

- Increases the competitive bidding threshold for a board of library trustees from $25,000 to $50,000.

**Association library conversion to school district public library**

- Allows, until January 1, 2014, the board of education of a school district that does not have a free public library to receive a bequest, gift, or endowment of a building, money, or property from an incorporated or unincorporated library association whose main library is located in the school district and that receives funding from the county public library fund and has had a library district defined for it by the State Library Board, and requires the gift, bequest, or endowment to be used to construct a building for, or to furnish, equip, or operate, a school district free public library.

- Authorizes such a board of education, until January 1, 2014, to accept by resolution the bequest, gift, or endowment and agree to establish, provide, and maintain a school district free public library on behalf of the school district, and provides that library associations making such gifts, bequests, or donations will no longer receive funding from the county public library fund or any funds appropriated or taxes levied for the provision of library services.

- Provides that the library district for a newly established school district free public library will be the library district previously established by the State Library Board for the library association.
Qualifies for a War Orphans Scholarship children of military veterans who participated in an operation for which the Armed Forces Expeditionary Medal was awarded.

Authorizes the administrators of the National Guard Scholarship Program and the War Orphans Scholarship Program to apply for, and receive and accept, grants, and to receive and accept gifts, bequests, and contributions, from public and private sources.

Appropriates $3.2 million from the General Revenue Fund for fiscal year 2013 to reimburse certain school districts for money deducted from their state education payments under the Jon Peterson Special Needs Scholarship Program.
Sens.  LaRose, Brown, Bacon, Balderson, Beagle, Burke, Cafaro, Coley, Eklund, Faber, Gentile, Hite, Hughes, Jones, Jordan, Lehner, Manning, Niehaus, Obhof, Oelslager, Patton, Peterson, Schaffer, Schiavoni, Skindell, Smith, Tavares, Wagoner, Widener

**Effective date:** March 22, 2013

- Declares that Ohio is a "Purple Heart State."

**Am. Sub. H.B. 490**


Sens.  LaRose, Tavares, Brown, Bacon, Balderson, Beagle, Burke, Coley, Faber, Gentile, Hite, Hughes, Jones, Jordan, Kearney, Lehner, Manning, Niehaus, Obhof, Oelslager, Peterson, Sawyer, Schiavoni, Seitz, Turner, Wagoner, Widener, Patton

**Effective date:** September 28, 2012

**Uniform Code of Military Justice**

- Expressly includes National Guard dual-status technicians during their normal duty hours as persons subject to the Uniform Code of Military Justice (UCMJ).
- Transfers certain rulemaking and other powers relating to the organized militia from the Governor to the Adjutant General.
- Modifies the nonjudicial and judicial punishments that may be imposed by commanding and warrant officers and by courts-martial.
- Expands the list of persons who may convene courts-martial.
- Elaborates upon pretrial, trial, and post-trial procedures in court-martial cases, and specifies in more detail the qualifications required of military judges, prosecutors, and defense counsel.
- Permits a plea of not guilty by reason of insanity, and requires the court-martial to notify the accused of the consequences of guilty pleas.
- Establishes procedures for determining whether an accused is competent to stand trial and for the disposition of persons who are found incompetent to stand trial or not guilty by reason of insanity.
- Establishes more detailed procedures for the review of a court-martial determination by the authority that convened the court-martial.
• Creates the Court of Military Appeals and procedures for taking, waiving, withdrawing, and determining appeals.

• Modifies provisions relating to the commutation or suspension of sentences.

• Replaces offenses under the UCMJ relating to the use of alcohol and drugs and to sexual assaults with more detailed provisions, and modifies or repeals statutes creating other offenses.

• Clarifies and modernizes the language of the UCMJ, and makes other changes related to the topics discussed above.

Other provisions

• Requires a county recorder's office to make a veteran's record of discharge available to a county veterans service officer who is certified by the Department of Veterans Services.

• Specifies that a county veterans service officer must need access to a record of discharge for the purpose of supporting a veteran's claim for benefits before the record may be requested from, and provided by, the county recorder.

• Removes the requirement that the Director of Veterans Services publish and distribute a listing of veterans service directors and officers in Ohio and elsewhere and their contact information, and requires the Director of Veterans Services to publish electronically a listing of county veterans service offices and commissioners.

• Adds a member of the National Guard Association of the United States who is an Ohio resident to the Veterans Advisory Committee.

• Clarifies that nonresident spouses and dependents of veterans who died after military discharge still may qualify for in-state tuition.

• Removes an obsolete reference to the State Commissioner of Soldiers’ Claims from a law that requires various state officers, commissions, boards, and other entities to make an annual report.

• Extends the veterans preference on civil service exams to members of the reserve components of the organized militia.

• Expands the reemployment rights of nonteaching school employees who go on extended active military duty.

• Grants an extension of time to military personnel to satisfy continuing education requirements for occupational licenses, and authorizes licensing agencies to grant temporary licenses to persons whose spouses are on active military duty in Ohio.
• Authorizes the use of armories by federally chartered patriotic and national organizations.

**Sub. H.B. 532**


**Sens.** Sawyer, Balderson, Beagle, Faber, Hite, Hughes, LaRose, Manning, Obhof, Oelslager, Peterson, Wagoner

**Effective date:** March 22, 2013; appropriation effective December 20, 2012

**Ohio Military Medal of Distinction**

• Amends the categories of individuals who, if they are killed under qualifying circumstances, may receive the Ohio Military Medal of Distinction.

• Expands the circumstances of death that qualify an individual to receive the Ohio Military Medal of Distinction.

• Makes changes to the annual process by which the previous year's qualifying medal recipients are identified and recognized.

• Specifies that the Ohio Military Medal of Distinction must be presented to the recipient's primary next of kin, as designated by the recipient or as determined under the rules of the U.S. Department of Defense.

• Permits a medal recipient's parent or spouse who is not the primary next of kin to request a duplicate medal at no cost.

• Permits a qualifying family member of a medal recipient to request a duplicate medal for a fee.

• Creates the Military Medal of Distinction Fund, to pay for the production of the medals.

• Mandates the transfer of $2,500 to the new Military Medal of Distinction Fund from the General Revenue Fund, and appropriates that amount.

**Sewer and water-works funds**

• Expands the areas for which a municipal corporation in Stark County may use up to 5% of its sewer and water-works funds for system extensions to include areas within
a joint economic development district and areas within the municipal corporation’s boundaries.

**Community college facilities**

- Permits a community college district located within one mile of a four-year private, nonprofit institution of higher education in Ohio to acquire, by certain methods, and to construct or otherwise modify housing and dining facilities.
- Authorizes the district to lease the facilities to or from others.
- Allows the district to pay all or part of the costs of the facilities, and to refund obligations previously issued to pay for the facilities, by issuing obligations of the district.

**School district property**

- Temporarily permits a school district to offer highest priority to purchase an athletic field to the current leaseholder.
- Permits a school district to sell or lease real property directly to a STEM school in certain circumstances.
Am. Sub. S.B. 275

**Sens.**  Hite, Bacon, Beagle, Daniels, Lehner, Obhof, Wagoner

**Reps.**  Beck, Combs, Hackett, Henne, Maag, Patmon, Sprague, Terhar, Wachtman

**Effective date:** September 4, 2012; emergency for Sections 1, 2, and 18, effective June 4, 2012

- Corrects the property description in a previously authorized state land conveyance to the Board of County Hospital Trustees of the MetroHealth System in Cuyahoga County.

- Authorizes the Governor to execute the necessary deeds for the conveyance of 14 state properties.

- Authorizes the Ohio Historical Society to execute a deed conveying to the United States the Ohio Historical Society’s right, title, and interest in real estate situated in Ross County.

- Authorizes the Director of Administrative Services to execute a perpetual easement granting to the city of Cambridge a perpetual easement in real estate associated with an existing water supply line at the Cambridge Developmental Center.

- Authorizes release of the state’s rights of reversion, deed restrictions, and covenants with respect to real estate located in Montgomery County that has been previously conveyed by the state.

- Alters the legal description of a perpetual easement that was previously granted by the Governor to the city of Columbus for ingress/egress access to a city water tower site in Franklin County.
Public Officials and Employees

Sub. H.B. 326


Sens. LaRose, Eklund, Bacon, Balderson, Burke, Hite, Hughes, Jones, Jordan, Manning, Obhof, Patton, Peterson, Schaffer, Wagoner, Widener

Effective date: September 5, 2012

- Subject to the exceptions described below, prohibits any person from knowingly conducting any transaction of public funds to the benefit of any campaign committee, political action committee, legislative campaign fund, political party, campaign fund, political committee, separate segregated fund, or candidate.

- Provides an exception to the prohibition for a board of alcohol, drug addiction, and mental health services when it recruits and promotes local financial support for mental health programs or for alcohol and drug addiction programs from public and private sources.

- Provides that the prohibition does not prohibit the utilization of a person's own time to speak for or against a candidate, recall, referendum, levy, or bond issue unless prohibited by another Ohio statute.

- Provides that a violation of the prohibition is a first degree misdemeanor.
Public Retirement

Sub. S.B. 340

Sens. Niehaus and Kearney, Bacon, Coley, Hite, Jones, Lehner, Schiavoni, Seitz

Effective date: January 7, 2013; certain provisions effective June 24, 2013; Section 4 effective December 26, 2012

Member contribution rates

- Beginning July 2, 2013, increases Ohio Police and Fire Pension Fund (OP&F) employee contributions rates by increments from 10% to 12.25% of salary.
- Authorizes the OP&F Board, not earlier than November 1, 2017, to adjust member contribution rates if the Board’s actuary determines that an adjustment is appropriate to the fiscal integrity of the Fund.

Retirement eligibility

- For those who become OP&F members after July 1, 2013, increases from age 48 to age 52 the age a member must attain to be eligible for an unreduced retirement pension.
- Establishes a reduced pension at age 48 with 25 years of service for those who become members after July 1, 2013.
- Authorizes the Board, not earlier than November 1, 2017, to adjust age and service requirements for all members if the Board’s actuary determines that an adjustment is appropriate to the fiscal integrity of the Fund.

Salary and average annual salary

- For members with less than 15 years of service credit on July 1, 2013, increases from three to five the number of years used to determine a member’s average annual salary (AAS), which is used in calculating pensions and disability benefits.
- Establishes a salary benchmark under which certain salary increases are excluded from AAS for members with 15 or more years of service as of July 1, 2013.
- Permits the Board to determine what constitutes salary and terminal pay.
Cost-of-living adjustment (COLA)

- Provides for the lesser of a 3% COLA or the increase in the Consumer Price Index, if any, for members who have less than 15 years of service credit on July 1, 2013, or become members of the Fund on or after that date.

- Provides that a COLA is provided only to recipients who have attained age 55 and have received a pension or benefit for one year, except that disability recipients who are permanently and totally disabled are not required to have attained age 55.

Disability

- Requires a disability recipient to be permanently disabled to be eligible to receive a partial disability benefit or benefit as a result of heart disease or a chronic cardiovascular or respiratory disease.

- Authorizes the Board to provide a disability benefit as a result of heart disease or a chronic cardiovascular or respiratory disease even if there is no documentation of an examination proving that the condition did not exist prior to or at the time of entry into a police or fire department if competent medical evidence documents that the disease was not evident prior to or at the time of entry into the department.

Employer contributions

- Requires employers to remit employer contributions monthly rather than quarterly.

Deferred Retirement Option Plan (DROP)

- Requires members electing after July 1, 2013, to participate in the deferred retirement option plan (DROP) to participate for five rather than three years to receive the full DROP accrual, and specifies how member contributions are to accrue to the participant’s benefit.

OP&F reports

- Requires certain Board reports to be completed triennially rather than annually.

Other provisions

- Provides that a member remains a member of the Fund for the duration of active military duty.

- Provides that a person who is a member or retirant is eligible to vote in a Board election if the person was a member or retirant on the January 31 before the end of the expiring term, rather than the first Monday of March before the end of that term.
Sub. S.B. 341

Sens. Niehaus and Kearney, Bacon, Coley, Hite, Jones, Lehner, Seitz, Tavares

Effective date: January 7, 2013; one provision effective June 24, 2013; Sections 3, 4, and 6 effective December 26, 2012

Retirement eligibility and formulas

- Maintains prior law’s age and service eligibility requirements for members of the School Employees Retirement System (SERS) who before August 1, 2017, are eligible to retire under those eligibility requirements or, as of that date, will have at least 25 years of total service credit.

- Permits an SERS member who does not have 25 years of service credit as of August 17, 2017, to retire under prior law’s age and service eligibility criteria if, not later than that date, the member pays an amount equal to the additional liability to SERS resulting from the member’s retirement under those criteria.

- For all other members:
  -- Specifies retirement eligibility requirements, including a requirement that the member be at least age 57 with at least 30 years of service, but permits the SERS Board to adjust eligibility requirements if the Board’s actuary determines that an adjustment is necessary to ensure that SERS meets amortization period requirements of continuing law; and
  -- Reduces the retirement benefit of a member who retires with less than 30 years of service or under age 67 instead of under age 65, and requires the SERS Board to direct its actuary to evaluate every five years, rather than every ten years, the actuarial equivalents used to determine the reduction.

- In each five-year period, rather than at least once every ten years, requires the SERS Board to direct its actuary to evaluate retirement eligibility requirements.

- Eliminates the commuted service calculation, which was an alternative to the final average salary method of calculating a retirement allowance.

ORSC report
- Requires the Ohio Retirement Study Council to study and make recommendations on the authority the act gives the SERS Board to adjust retirement eligibility
requirements for certain members and submit to the Senate President and Speaker of the House a report of its findings and recommendations.

**Disability**

- Permits the SERS Board to consider a disability benefit application only if the disabling condition began before the member's contributing service terminated.

- Changes the effective date of SERS disability benefits to the later of: (1) the date the most recent application for a disability benefit was filed (instead of the date the member was first incapacitated by the disabling condition), or (2) the last day for which compensation was paid.

- Provides that an SERS member is ineligible to apply for a disability benefit if: (1) the disability was caused by a felony committed by the member, or (2) the member is receiving a disability benefit under any other Ohio retirement system.

- Requires an SERS disability benefit recipient to obtain any vocational rehabilitation recommended by the SERS Board and submit reports regarding the rehabilitation, and provides that if the recipient fails to obtain rehabilitation or submit a report, the disability benefit is to be suspended and to be terminated if the failure to obtain rehabilitation or submit the report continues for one year.

- For an SERS member whose disability benefit effective date is after January 7, 2013 (the act's effective date), reduces from five to three years the number of years the member is considered to be on a leave of absence, except that the period may be up to five years if the SERS Board has recommended medical treatment or vocational rehabilitation and the member is receiving treatment or rehabilitation acceptable to SERS.

- Changes the standard for determining whether the disability benefit of a recipient whose benefit is granted after January 7, 2013, should be terminated so that once the leave of absence ends the benefit will end if the SERS Board determines that the recipient is capable of performing a job described in statute, instead of the recipient's former job.

- Requires a disability benefit recipient who is eligible for Social Security disability insurance (SSDI) payments to apply for it.

- Limits to two years the free retirement service credit an SERS member who returns to SERS covered employment after receiving a disability benefit may receive, and permits the member to purchase credit for the remaining period of the disability benefit.
Service credit

- Requires a state retirement system member who is purchasing service credit for an employer-approved leave of absence that occurred during SERS membership to pay SERS both the employee and employer contributions plus compound interest on both.

- Limits the SERS service credit that may be purchased for an employer-approved leave of absence to two years for each period of leave, and provides that not more than a total of five years can be purchased.

Coordination

- In the case of a Public Employees Retirement System (PERS), State Teachers Retirement System (STRS), or SERS member with service credit in more than one of those retirement systems, provides that eligibility for a disability benefit is to be determined by the system in which the member has the most service credit, which is the system that calculates and pays the benefit.

- Specifies the amounts that must be paid by PERS or STRS if service credit from one or both of those systems is used in the calculation of an SERS disability or retirement benefit.

Health care

- Revises the authority of SERS to offer health care coverage to retirees and dependents, and authorizes the SERS Board to establish criteria for determining who is eligible for coverage.

- States explicitly that the law does not require SERS to establish, maintain, offer, or continue any health care program, provide any level of coverage, or provide access to a health care program.

- Authorizes the SERS Board to establish the monthly reimbursement for Medicare Part B premiums as long as it is not less than $45.50.

Survivors

- Provides that to qualify for a survivor benefit beginning on or after January 7, 2013, a child must be under age 19 (instead of under age 18 or under age 22 if in school) or, regardless of age, have become incompetent prior to the member’s death and prior to attaining age 19.

- Provides that if deceased or not located within 180 days the beneficiary of an SERS member ceases to qualify for any SERS survivor or death benefit and the person next in order of precedence qualifies as a beneficiary.
Defined contribution plans

- Permits, rather than requires, SERS to establish defined contribution plans for its members.

SERS Board

- Provides that the office of any SERS Board member, instead of the office of an employee member or a retirant member of the Board, who is convicted of or pleads guilty to specified offenses is deemed vacant, and specifies that a person who is convicted of or pleads guilty to the specified offenses is ineligible for election or appointment, instead of just for election, to the Board.
- Provides for reimbursement to a public employer for compensation paid to an employee member or a re-employed retirant member of the SERS Board for time spent in service to the Board.
- Requires that all members of the SERS Board, instead of only newly elected members and individuals appointed to fill vacancies, complete the orientation program component of the Retirement Board Member Education Program.
- Requires the SERS Board to require a person with whom it contracts for the investment or management of funds to comply with the global investment performance standards established by the Chartered Financial Analyst Institute or a successor organization.

Employer penalties

- Revises the SERS employer penalty for failure to transmit to SERS employee or employer contributions to $100 per day, rather than 6% per annum of the amount due.
- Establishes the following new penalties for SERS employers: (1) $100 per day, not to exceed $1,500 total, for failure to timely transmit payroll information, and (2) $50 per record per month, not to exceed $300 total, for failure to transmit a detailed statement on an employee’s prior service and personal information.
- Provides that the new penalties may be collected in the same manner as collection of amounts an employer has failed to pay the Employer’s Trust Fund, including deducting penalties from state payments to the employer.

Records

- Specifies that the records of the SERS Board may be made available for public inspection in either printed or electronic format.
- Includes the e-mail address of an SERS member in the member’s personal history record, which is excluded from public inspection.
• Requires that, on written request, medical reports and recommendations required by SERS be made available to the individual concerned.

Campaign finance
• Makes the SERS Board campaign finance reporting amounts consistent with general election reporting amounts.
• Requires each individual, partnership, or other entity that makes an independent expenditure in connection with a candidate’s efforts to be elected to fill a vacancy on the SERS Board to file with the Secretary of State a statement detailing the expenditures.
• Establishes a time limit of two years for filing complaints with the Ohio Elections Commission for SERS campaign finance violations, except that if the alleged violation involves fraud, concealment, or misrepresentation and was not discovered during that two-year period, a complaint may be filed within one year after discovery of the alleged violation.

Sub. S.B. 342

Sens. Niehaus and Kearney, Bacon, Eklund, Hite, Jones, Lehner, Schiavoni, Seitz, Tavares

Effective date: January 7, 2013; certain provisions effective June 24, 2013; one repeal effective July 31, 2014; Sections 3, 4, 5, and 7 effective December 26, 2012

Contributions
• Beginning July 1, 2013, increases the employee contribution rate, which is paid by State Teachers Retirement System (STRS) members, by increments to 14% (from 10%) of compensation.
• For compensation earned on or after July 1, 2017, permits the STRS Board to reduce the employee contribution rate to less than 14% if the Board’s actuary determines that a reduction in the rate does not materially impair the fiscal integrity of the retirement system.

Retirement eligibility and formulas
• Beginning August 1, 2015, changes eligibility requirements for unreduced retirement benefits for STRS members, but retains the continuing provision under which a member may retire with an unreduced benefit at age 65 with a minimum of five
years of service credit, except that under the act the credit must be qualifying service credit.

- Beginning August 1, 2015, changes eligibility requirements for retirement benefits for STRS members who elect to retire early and receive a reduced benefit, but retains the continuing provision under which a member may retire with a reduced benefit at age 60 with a minimum of five years of service credit, except that under the act the credit must be qualifying service credit.

- Permits the STRS Board to adjust retirement eligibility requirements if the Board’s actuary determines that an adjustment does not materially impair the fiscal integrity of the retirement system or is necessary to preserve the fiscal integrity of the system.

- For retirement effective on or after August 1, 2015, reduces the rate used to calculate benefits to 2.2% of final average salary (FAS) for each year of service credit beyond 30 years rather than 2.5% plus an amount increasing by 0.1% of FAS for each year beyond 30.

- For benefits beginning on or after August 1, 2015, changes from three to five the number of years used to determine FAS, which is used to calculate a retirement allowance or disability benefit.

- Permits an STRS member who under continuing law would be eligible to retire on July 1, 2015, to retire on or after August 1, 2015 and receive the greater of the benefit determined under the continuing benefit formula or the new benefit formula established by the act.

- Effective July 1, 2013, eliminates: (1) the commuted service calculation, which was an alternative to the FAS method of calculating a retirement allowance, and (2) the $86 minimum benefit calculation in the FAS formula.

**Cost-of-living adjustment (COLA)**

- Effective August 1, 2013, reduces the cost-of-living adjustment (COLA) to an annual 2% (from 3%), except that no COLAs will be granted from July 1, 2013 through June 30, 2014, to persons retiring prior to July 1, 2013, or until July 1, 2015 to persons retiring on or after July 1, 2013.

- Authorizes the STRS Board to adjust the COLA if the Board’s actuary determines, in its annual actuarial valuation or in other evaluations, that an adjustment does not materially impair the fiscal integrity of the retirement system or is necessary to preserve the fiscal integrity of the system.

- For those receiving an allowance or benefit beginning on or after August 1, 2013, increases from one year to five years the time that must pass before the first COLA is
granted unless the allowance or benefit was immediately preceded by a disability benefit that was terminated because the recipient reached retirement age.

- Provides that the retirement allowance of an STRS member whose disability benefit terminates and is immediately replaced by the retirement allowance will be increased by any COLAs granted while the member was receiving the disability benefit, and specifies that the increase is based on the plan of payment selected by the member.

- States the General Assembly's intent in enacting modifications to COLAs.

**ORSC report**

- Requires the Ohio Retirement Study Council to study and make recommendations on the authority the act gives the STRS Board to modify certain plan design provisions and submit to the Senate President and Speaker of the House a report of its findings and recommendations.

**Disability**

- Provides that only "qualifying service credit" can be used to determine eligibility for an STRS disability benefit.

- For members who did not earn any service credit before July 1, 2013: (1) increases to ten, from five, the number of years of service credit required to be eligible for STRS disability benefits, and (2) reduces to one year, from two, the time period during which a member may apply for a disability benefit after contributing service ends.

- Replaces prior law’s provision specifying that the disability benefit of an STRS member terminates if the member was employed as a teacher by a school or institution with a provision specifying that a member receiving an STRS disability benefit is ineligible to perform any teaching service, as defined by the STRS Board, and that a disability benefit terminates if the recipient performs any teaching service while receiving disability benefits.

- Permits an STRS disability benefit recipient whose benefit is terminated because of teaching service to submit to the STRS Board information specifying that the recipient did not perform teaching services while receiving disability benefits; requires the Board to determine whether the benefit was correctly terminated; and specifies that if not, the benefit is to be reinstated and any missed payments paid to the recipient.

- Requires an STRS disability benefit recipient who received a disability benefit and performed teaching services for the same month to repay the amount of the benefit received from the beginning of employment.
• Permits an STRS disability benefit recipient whose benefit is terminated because the recipient is no longer considered incapacitated to request a hearing to be conducted in accordance with procedures established by the STRS Board.

• Specifies that an STRS member whose disability benefit terminates because the member has reached retirement age is ineligible to receive a further STRS disability benefit.

• Effective July 1, 2013, for an STRS disability benefit recipient who returns to contributing service, limits the service credit that may be granted for all periods on disability leave to the lesser of five years or the number of years of contributing service after the disability benefit terminates.

• Provides that a determination made by a physician that an STRS member does not qualify for a disability benefit is to be evaluated by a board of medical review composed of at least three physicians rather than three physicians.

• Clarifies that the STRS Board may forgo, rather than waive, medical examination for a disability recipient if the Board's physician "determines," rather than "certifies," that the recipient's disability is ongoing or may require additional examinations if the Board's physician determines that additional information should be obtained.

• Extends disability coverage to participants in the STRS combined plan.

**Service credit**

• Increases the cost of purchasing service credit under STRS for any of the following to an amount equal to 100% of the actuarial liability to STRS resulting from the purchase: service for which the member was exempt from membership in STRS, the School Employees Retirement System (SERS), or the Public Employees Retirement System (PERS); private school and out-of-state teaching service; military service prior to STRS membership; certain credit earned in PERS or SERS; a period of absence due to pregnancy or adoption of a child; and school board service. Generally applies the increased cost to purchases that are not completed by January 1, 2014.

• Eliminates the interest-free period for purchasing STRS service credit for a leave of absence, and instead requires a member to pay compound interest at a rate determined by the STRS Board unless the credit is purchased during the leave.

• Permits STRS members to transfer to STRS military service credit purchased under the Ohio Police and Fire Pension Fund (OP&F), State Highway Patrol Retirement System (SHPRS), or Cincinnati Retirement System, but limits total military service credit to five years.
• Provides that an STRS member may purchase a total of up to five years of credit for military service that interrupted teaching rather than five years for each period of interrupted service.

• Specifies that an STRS member may not purchase service credit for prior teaching service not covered by STRS service if that service was used to: (1) calculate a retirement benefit that has already been paid to the member by another retirement program other than Social Security or (2) make contributions for five or more years to a defined contribution plan if the member has been paid all contributions or is not entitled to be paid any contributions.

• Permits an STRS member participating in the STRS combined plan to purchase service credit for a period of time in which the member was prevented from making contributions due to illness or injury.

•Eliminates the ability of the surviving spouse or dependents of a deceased STRS member to purchase most types of service credit the member could have purchased.

• Repeals the statute providing for establishment of retirement incentive plans, effective July 31, 2014.

• Repeals the law providing for purchase of "non-Ohio valued" service credit, which was used for determining eligibility but not in calculating a member's benefits.

• Provides that "qualifying service credit" for purposes of determining eligibility for STRS retirement based on only five years of service credit, for a disability benefit, or for survivor benefits includes only credit for which contributions were made to STRS, PERS, or SERS, credit restored under STRS, PERS, or SERS, and credit transferred to STRS from OP&F, SHPRS, or the Cincinnati Retirement System.

• Includes in STRS membership any licensed teacher who is performing state-funded auxiliary services for nonpublic school students, regardless of whether the services are rendered in a public school or whether the teacher is employed under a contract with a third party.

**Retroactive and vacation pay**

• Excludes the following from compensation for the purpose of STRS contributions and benefits: (1) amounts paid to a teacher by an employer as a retroactive payment of earnings, damages, or back pay under a court order or settlement agreement, unless STRS receives teacher and employer contributions, plus interest, for each year or portion of a year paid under the order or agreement, and (2) amounts paid for vacation pay covering the same period for which other salary, compensation, or other benefits are paid by PERS or SERS.
Benefit suspension and termination

- Permits STRS to suspend a retirement, disability, or survivor benefit or a benefit to a beneficiary if STRS has good cause to believe that the person receiving the benefit is incapacitated and no other person has authority to act or receive the benefit on the person’s behalf or STRS learns that the person receiving the benefit is missing and no person provides evidence satisfactory to STRS that the person is alive and entitled to receive the benefit.

- In the case of a person who is missing, provides for the benefit to be terminated on presentation to the STRS Board of a decree of presumed death, and specifies that the termination is retroactive to the date the benefit was suspended.

Coordination

- In the case of an STRS, PERS, or SERS member with service credit in more than one of those retirement systems, provides that eligibility for a disability benefit is to be determined by the system in which the member has the most service credit, which is the system that calculates and pays the benefit.

- Specifies the amounts that must be paid by PERS or SERS if service credit from one or both of those systems is used in the calculation of an STRS disability or retirement benefit.

Beneficiaries

- Provides that, when an STRS retirant elects to change the plan of payment after a marriage or remarriage, only the new spouse may be added as a beneficiary, except that if there are four beneficiaries that must be retained pursuant to a court order or the payment to any beneficiary under the court order would be reduced, the spouse cannot be added.

- Provides that if an STRS member receiving payments under a plan that includes payments to a former spouse pursuant to a court order elects a new plan of payment, consent of the former spouse is not required if the new plan will not affect payments to the former spouse.

- Specifies that an STRS member may designate two or more persons as beneficiaries to be paid the member's accumulated contributions on the member's death. Effective July 1, 2013, requires the member to specify the percentage each is to receive, and if the percentages are not specified, the contributions must be divided equally among the beneficiaries.

- Provides that if a designated beneficiary is deceased, the amount allocated to the deceased beneficiary is to be allocated to the remaining beneficiaries based on the percentage of the amount that each beneficiary is to be paid.
• Requires that, for a beneficiary to be paid the member's accumulated contributions on the member's death or to receive any unpaid amounts due an annuitant on the annuitant's death, the beneficiary designation must be received by, instead of filed with, the STRS Board prior to the member's or the annuitant's death.

• Provides that if an annuitant does not have a beneficiary, an amount not exceeding the cost of the annuitant's burial expenses may be paid to the person responsible for those expenses.

Survivor benefits

• For members who have not earned service credit before July 1, 2013, requires five, instead of one and one-half, years of qualifying service credit by a deceased member for survivors to be eligible for STRS survivor benefits, and requires the deceased member to have died not later than one year after the date contributing service terminated.

• Provides that regardless of when membership began, only qualifying service credit can be used to determine whether STRS survivor benefits will be granted.

• Provides that, for a child to be qualified for an STRS survivor benefit, the child must never have been married and, if qualified based on a physical or mental incompetency, the incompetency must have occurred prior to age 18, or age 22 if a full-time student, and be continuing.

• Provides that, for a surviving spouse to be considered qualified for an STRS survivor benefit based on a physical or mental incompetence, the incompetence must be established at the time of the member's death and be continuing.

• Removes a requirement that an STRS survivor benefit be terminated by reason of active military service.

• Permits a survivor to receive STRS survivor benefits if the deceased member was receiving a disability benefit within 12 months prior to the date of death and was contributing to STRS, PERS, or SERS at the time of death.

• Provides that if the deceased member was receiving a disability benefit at the time of death, a survivor benefit will be increased by any cost-of-living adjustments granted while the deceased member was receiving the disability benefit and, if eligibility for a survivor benefit is not established until more than one year after the member's death, the benefit will be increased by the cost-of-living adjustments that would have been made had the benefit begun in the year in which the member died.

• Provides that an STRS member who has, at the time of death, more than 29 but less than 30 years of service credit is presumed to have 30 years of service credit only if the death occurs prior to August 1, 2015.
Refunds

- Provides for interest and matching funds on withdrawal of contributions that were restored after having previously been withdrawn.
- Specifies that an STRS member who returned to active employment after receiving a disability benefit and later elects to withdraw accumulated contributions is ineligible for interest or matching funds on the contributions being withdrawn.

Recovery of overpayments

- Provides for the recovery from a retirant or beneficiary of an overpayment made by STRS to a former spouse or child support enforcement agency, from any survivor or beneficiary receiving benefits of an overpayment to a survivor or beneficiary, or from any person, including a third party on the person's behalf, for health care overpayments, including Medicare, or any other payments.

Health care

- Creates a health care fund to which amounts allocated by the STRS Board for health care and any earnings are to be credited.
- Provides that, if STRS discontinues health care coverage, any remaining surplus funds are to be distributed to employers who have contributed to the health care fund.
- Permits, rather than requires, the STRS Board to reimburse Medicare Part B premiums to benefit recipients, and provides that reimbursement may be made only to recipients who are "enrolled in," rather than "eligible for," Medicare Part B.
- Limits the monthly Medicare Part B premium reimbursement to an amount determined by the STRS Board that is not to exceed 90% of the basic premium, except that the reimbursement cannot exceed the amount actually paid for coverage.
- Provides that STRS is permitted, rather than required, to offer long-term care insurance.

Re-employment of an STRS retirant

- Provides that retirants re-employed in positions subject to STRS who are receiving benefits under either a PERS or SERS defined contribution plan or an alternative retirement plan are subject to the two-month forfeiture of benefits that applies under continuing law to re-employed STRS defined benefit plan participants.
- Provides that the amount forfeited each month during the two-month period is equal to the amount of the retirant’s monthly single life annuity.
- Extends to STRS defined contribution plan and combined plan participants provisions applicable under continuing law to STRS defined benefit plan
participants that deal with retirement from one position while holding one or more other government positions.

- Effective July 1, 2014, provides that an STRS member who also holds one or more positions covered by STRS or other state retirement systems may retire and continue contributing to STRS or other state retirement systems only if the member continuously held the positions for 12 consecutive months immediately prior to retirement.

- Permits an STRS contributor who also holds one or more positions covered by other state retirement systems to retire from those positions and continue to contribute to STRS if the compensation for each of the positions from which the contributor is retiring is greater than the compensation for the position covered by STRS.

**Defined contribution plan**

- Eliminates a requirement that an STRS member who elected a defined contribution plan and wished to stay in it had to make a further election immediately prior to the member's fifth year of participation, and instead permits the member to do either of the following: (1) stay in the plan initially selected without making an election or (2) elect to change plan participation.

- Provides that a former STRS member who returns to teaching service is ineligible to participate in an STRS defined contribution plan if the member previously made an election to cease participation in the plan.

- Permits rather than requires STRS to transfer a portion of employer contributions made on behalf of STRS defined contribution plan participants to the account used to fund the STRS defined benefit plan, referred to as the "mitigation rate."

**STRS Board**

- Provides that the office of an STRS Board member, instead of the office of an employee member or a retirant member of the Board, who is convicted of or pleads guilty to specified offenses is deemed vacant, and specifies that a person who is convicted of or pleads guilty to the specified offenses is ineligible for election or appointment, instead of just election, to the STRS Board.

- Adds to the membership of the committee that selects an internal auditor for the STRS Board any additional Board members appointed to the committee by the Board.

**Records**

- Extends confidentiality provisions to personal information concerning members participating in the STRS defined contribution plan.
• Includes the e-mail address of an STRS member in the member's personal history record, which is excluded from public inspection.

• Prohibits medical reports or recommendations received by the STRS Board in relation to disability or survivor benefits from being released to the individual concerned or from being considered a medical record generated and maintained by a health care provider in the process of establishing a therapeutic relationship.

Plan names
• Creates statutory definitions of "STRS defined benefit plan" and "STRS defined contribution plan" and replaces cross-references with the defined terms.

Sub. S.B. 343

Sens. Niehaus and Kearney, Bacon, Coley, Eklund, Hite, Jones, Lehner, Schiavoni, Seitz, Smith, Tavares


Effective date: January 7, 2013; Sections 6 and 7 effective December 26, 2012

Retirement eligibility
• Changes retirement and disability benefit eligibility criteria for members of the Public Employees Retirement System (PERS) by creating three transition groups: Group A consisting of members eligible to retire not later than January 7, 2018, Group B consisting of members who will be eligible to retire not later than January 7, 2023 or have 20 years of service credit on that date, and Group C consisting of all other members.

Formulas
• For members in Group C, changes from three to five the number of years used to determine final average salary (FAS), which is used to calculate retirement allowances and disability benefits.

• Provides that FAS will be calculated based on the sum of the member's earnable salaries for the higher of: (1) the highest calendar years of services as under continuing law or (2) the last consecutive months of service, up to and including the last month.

• For members in Group C, changes the FAS formula to 2.2% for each of the first 35 (instead of 30) years and 2.5% for each year thereafter.
• Eliminates two formulas that were alternatives to the FAS formula: (1) $86 multiplied by years of service credit or (2) a benefit consisting primarily of an annuity with a reserve equal to the member's accumulated contributions and a pension equal to the annuity.

• Changes the calculation of the reduced retirement allowance for members in Groups B and C.

**Contribution based benefit cap**

• Authorizes the PERS Board to establish the contribution based benefit cap (CBBC), a limit on the retirement allowance a member may receive.

• Bases the CBBC on the contributions a member has made converted to an annuity and multiplied by a number designated by the Board, known as the CBBC factor, and compared to the retirement allowance the member would receive under the FAS formula.

• Applies the limit to retirement allowances and to survivor benefits that are based on retirement allowances.

• Provides that, for members in Group A, the reduction caused by the CBBC cannot exceed 5% of the retirement allowance the member would otherwise receive, unless during any full month of service after January 1, 1987, the member's earnable salary was less than $1,000.

**Cost-of-living adjustment (COLA)**

• Starting with 2019 (the sixth full calendar year after January 7, 2013), changes the cost-of-living adjustment (COLA) to the increase, if any, in the Consumer Price Index, not exceeding 3% (from an automatic 3%) for benefits granted on or after January 7, 2013.

• Specifies that the PERS vesting provisions do not apply to COLAs granted after January 7, 2013, to members who retire on or after that date.

**Public safety service credit**

• Permits the PERS Board to treat service as a public safety officer as service as a law enforcement officer if certain conditions are met.

**Plans of payment**

• Revises the plans a member may choose from for payment of a retirement allowance so that the member may choose from only the following: the full allowance (single life), a lesser allowance with a portion continuing after death to a beneficiary for life (joint life), or a lesser allowance with a portion continuing after death to two or more beneficiaries for their lives (multiple life), but retains the requirement that a married
member elect an allowance continuing after death with the spouse as the beneficiary unless the spouse consents to another plan of payment.

**Disability**

- Provides that disability coverage extends only to illness or injury that occurs before the member's contributing service terminates or, if the illness or injury results from contributing service, becomes evident not later than two years after that service ends.

- Excludes cosmetic surgery other than reconstructive surgery from PERS disability coverage.

- Applies the following provisions to a disability benefit recipient whose application is filed after January 7, 2013, regardless of when the disability occurred:
  
  --Reduces from five to three the number of years the recipient is considered to be on a leave of absence, except that the period may be up to five years if the recipient is receiving rehabilitative services acceptable to the PERS Board; and

  --Except for law enforcement officers, provides that once the leave of absence ends, the standard for determining whether the recipient's disability benefit should be terminated is that the recipient is capable of performing a job described in statute instead of capable of performing the recipient's former job.

- Causes forfeiture of any right a PERS member may have to a disability benefit if the disability was caused by a felony committed by the member after January 7, 2013.

- Denies a disability benefit if before the benefit commences the member continues in or returns to the job the member held at the time the benefit was granted.

- Requires a disability benefit recipient, other than a PERS law enforcement officer, who is eligible for Social Security disability insurance (SSDI) payments to apply for SSDI, and reduces the disability benefit if the total of the benefit and the SSDI payment exceeds the recipient's inflation adjusted final average salary.

**Service credit**

- Effective January 1, 2014, increases to $600 the amount a PERS member must earn in a month to receive full credit for that month, and provides for future increases based on increases in compensation of township trustees.

- Changes the cost to the member of purchasing service credit for any of the following to an amount equal to 100% of the additional liability to PERS resulting from the additional credit: service as an elective official, including additional credit; service for which the member was exempted from PERS contributions; prior service;
municipal, out of state, or federal service; school board service; and a period while on a leave of absence.

- Removes a prohibition against acquiring certain purchased or granted military service credit when that credit is also used in calculation of another retirement benefit.

- Permits the Board to do all of the following:
  - Establish a charge, not exceeding the additional liability to PERS, for credit for military service that interrupted public employment;
  - Require a member who seeks to have service credit restored after having withdrawn contributions to deposit an amount specified by rule of the Board, which may be up to 100% of the additional liability to PERS, instead of the amount withdrawn plus interest; and
  - Establish a charge, not exceeding the additional liability to PERS, for credit for a period during which a member was receiving PERS disability benefits, with a maximum of five years’ credit.

- Eliminates free service credit for periods during which a PERS member was out of service and receiving workers' compensation benefits, but permits the member to purchase the credit and requires the employer to make the employer contribution if the member makes the purchase.

- Requires a PERS member who is elected or appointed to public office to pay both the employee and employer contribution to receive credit for a pay increase that was not paid because it was granted during the member’s term in office rather than paying only the employee contribution as required under prior law.

- Eliminates a provision that specified how full-time service was determined for a board or commission member for purposes of eligibility to purchase additional service credit, and permits the PERS Board to determine by rule who is a full-time board or commission member or elective official for that purpose.

- Limits the time during which a PERS member may elect a transfer or purchase of credit for service under the Ohio Police and Fire Pension Fund, State Highway Patrol Retirement System, or Cincinnati Retirement System to a period just before anticipated receipt of a disability or retirement benefit.

- Provides that credit for military service that interrupts public service will be granted without charge only for service prior to the enactment of the Uniformed Services Employment and Reemployment Rights Act of 1994, October 13, 1994.
• Provides that the surviving spouse of a PERS member who dies on or after January 7, 2013, may purchase service credit the member could have purchased only if the member initiated the purchase before death.

• Provides that the act’s service credit changes apply to purchases initiated on or after July 7, 2013, or to those purchases not completed not later than July 7, 2018.

Enhanced refund

• Changes the additional amount a member with at least five years of service receives as an enhanced refund on withdrawing contributions from 33% with five or more years of service or 66% with ten or more years of service to amounts specified in PERS rules.

• Changes the service credit used to determine eligibility for the enhanced refund to include purchased military service credit and restored credit.

Retirement effective date

• Provides that the effective date of a retirement allowance or re-employment annuity is not earlier than 90 days prior to the Board's receipt of the member's application for the allowance or annuity.

Coordination with SERS and STRS

• Specifies the amounts that must be paid by the School Employees Retirement System (SERS) or the State Teachers Retirement System (STRS) if service credit from one or both of those systems is used in the calculation of a PERS disability or retirement benefit.

Retirement plans

• Authorizes the Board to permit members who have contributed to more than one PERS retirement plan (one defined benefit and two defined contribution plans) to have years of service under two or more plans combined for the purpose of determining retirement eligibility.

• Authorizes the Board, for those members who have contributed to more than one PERS retirement plan, to establish a uniform beneficiary designation form for use when a member dies before retiring that applies to all PERS plans in which the member has contributions.

Defined contribution plan

• Permits rather than requires PERS to transfer a portion of employer contributions made on behalf of PERS defined contribution plan participants to the account used to fund the PERS defined benefit plan, referred to as the "mitigation rate."
• Applies the beneficiary designation provisions for the defined benefit plan to the defined contribution plans.

• Authorizes the PERS Board to adopt rules specifying how service credit in the defined benefit plan may be converted to amounts on deposit in a defined contribution plan if a member switches plans.

• Requires a PERS defined contribution plan participant who becomes employed in a PERS law enforcement or PERS public safety position to cease participating in the defined contribution plan and instead participate in the defined benefit ("Traditional") plan.

•Eliminates a provision under which a defined contribution plan participant could maintain on deposit with PERS or the entity administering the plan any amounts that had accumulated on behalf of the member, and makes other accounting changes.

**Membership**

• Establishes time limits and procedures for requesting determinations of whether individuals providing personal services to public employers are public employees and subject to compulsory PERS membership.

**Health care**

• Gives the PERS Board discretion to establish by rule the number of years and types of service credit required to be eligible for health care coverage in retirement.

• Requires the Board to establish an amount to be paid to eligible retirees, disability recipients, or survivors as reimbursement for Medicare Part B premiums they pay, rather than requiring the Board to provide a payment of not less than $96.40 per month.

• Replaces a requirement that PERS pay one-half of the premium for the coverage for a spouse or surviving spouse for health care coverage equivalent to Medicare Part A with a provision permitting PERS to pay a portion of the premium.

**Criminal falsification**

• Provides that a member or beneficiary is not eligible for PERS health care coverage if the member or beneficiary is convicted of criminal falsification as a result of making a false statement in an attempt to obtain a health care benefit.

• Includes in the crime of falsification, which is a first degree misdemeanor, providing false information to PERS for the purpose of acquiring health care coverage.
Overpayments

- Specifically authorizes PERS to collect health care coverage overpayments, including overpayments to third parties, by any means permitted by law.
- Permits PERS to adjust a retirement benefit if the benefit is incorrectly calculated.

Re-employed PERS retirants

- Provides that the rate of interest credited to the accounts of certain re-employed retirants is a rate determined by the PERS Board, rather than PERS's actuarial assumption rate of interest.
- Causes a lump sum payment to the survivor of a re-employed retirant who dies while re-employed and under age 65 to be an amount equal to the retirant's contributions plus interest, instead of an amount that includes both the retirant's contributions and a portion of the employer's contributions.

PERS Board

- Provides that the office of a PERS Board member, instead of only the office of an employee member or a retirant member of the Board, who is convicted of or pleads guilty to specified offenses is deemed vacant, and specifies that a person who is convicted of or pleads guilty to any of those offenses is ineligible for either election or appointment instead of just election to the PERS Board.
- Provides that if an employee member of the PERS Board no longer qualifies to represent the employee group that elected the member, the member's office is considered vacant and a successor member is to be elected.
- Provides that an appointed PERS Board member holds office until the later of the end of the term for which the member is appointed or the date the member's successor takes office.
- Requires that all members of the PERS Board, instead of only newly elected members and individuals appointed to fill a vacancy, complete the orientation program component of the Retirement Board Member Education Program.

Records

- Authorizes the PERS Board to maintain records of the retirement system and its members, contributors, and beneficiaries in either printed or electronic format and to share data with the state's other public retirement systems, the Ohio Public Employees Deferred Compensation Program, the Social Security Administration, the U.S. Centers for Medicare and Medicaid Services, and the Cincinnati Retirement System.
Other changes

- Requires employee contributions to be transmitted to PERS at intervals and in such form as the system requires.
- Makes changes to the PERS additional annuity program under which a member makes additional deposits to PERS during the member's career and receives an additional annuity during retirement.
- Requires that any legal action commenced against PERS be filed in Franklin County.
- Authorizes the PERS Board to allow employees of the Ohio Public Employees Deferred Compensation Board to participate in any health care coverage PERS offers its own employees.

Sub. S.B. 345

Sens. Niehaus and Kearney, Bacon, Coley, Hite, Jones, Lehner, Schiavoni, Seitz, Tavares

Effective date: January 7, 2013; one provision effective June 24, 2013; one provision effective January 1, 2015; Sections 3 and 4 effective December 26, 2012

- Permits the State Highway Patrol Retirement (SHPRS) Board to adjust the member contribution rate to up to 14% of salary, from 10%, as the Board considers necessary to meet amortization period requirements, effective June 24, 2013.
- Requires the Ohio Retirement Study Council to study and make recommendations on the authority of the SHPRS Board to adjust the employee contribution rate.
- Provides that, for members participating in the deferred retirement option plan (DROP), amounts contributed by a member that exceed 10% of the member's salary are to be deposited in the SHPRS Employer’s Accumulation Fund and not to accrue to the benefit of the member.
- Increases from three to five the years of contributing service averaged to determine a member’s final average salary, which is used to calculate the member's pension or disability benefit, effective January 1, 2015.
- For most retirants, authorizes, rather than requires, the Board to provide a cost-of-living adjustment (COLA) not to exceed 3%.
• Requires the Board’s determination of the COLA amount to be based on the annual actuarial valuation required by continuing law, except that recipients 65 years of age or older whose benefits are less than 185% of the federal poverty limit for a family of two continue to receive a 3% COLA.

• Provides that a retirement, disability, or survivor pension whose benefit begins on or after January 7, 2013, is not eligible for a COLA until age 60.
Transfer of 9-1-1 duties

- Transfers authority for the 9-1-1 service law from the Public Utilities Commission to the Department of Public Safety and the Department of Taxation, with Taxation responsible for administering the collection of the charges and disbursement of the funds.

Wireless 9-1-1 charges

- Reduces the monthly wireless 9-1-1 charge on wireless service subscribers in Ohio from 28¢ to 25¢, applies the charge only to nonprepaid wireless service subscribers in Ohio, and makes the charge permanent.
- Eliminates the wireless 9-1-1 charge imposed on prepaid wireless service subscribers from December 20, 2012, until July 1, 2013.
- Prohibits imposing the wireless 9-1-1 charge on a wireless lifeline service provider.
- Imposes, effective July 1, 2013, a new wireless 9-1-1 charge on prepaid wireless service subscribers of 0.5% of the sales price for the service.
- Imposes the prepaid wireless 9-1-1 charge at the point of sale, requiring the sellers of prepaid wireless services to collect the charge.

Collection and remittance of wireless 9-1-1 charges

- Requires sellers of prepaid wireless services, wireless service providers, and resellers to remit the prepaid and nonprepaid wireless 9-1-1 charges to the Tax Commissioner.
- Specifies that sellers of prepaid services are subject to sales tax requirements regarding audits, assessments, appeals, enforcement, liability, and penalties, and transfers duties related to audits of providers and resellers of nonprepaid services from the Public Utilities Commission to the Tax Commissioner.
• Requires a seller of prepaid services to file returns for remittances electronically using the Ohio Business Gateway, the Ohio Telefile System, or any other electronic means required by the Tax Commissioner, unless excused for good cause shown.

• Permits sellers of prepaid services to retain a 3% collection fee before remitting the prepaid charges.

• Requires the Tax Commissioner to provide all known sellers of prepaid services, wireless service providers, and resellers with notice of any increase or decrease in the amount of the prepaid or nonprepaid charge.

**Disbursements**

• Limits, on and after July 1, 2013, disbursements to counties from the Wireless 9-1-1 Government Assistance Fund to the level disbursed in 2012.

• Requires that the balance of the remittances in the Wireless 9-1-1 Government Assistance Fund be deposited into the Next Generation 9-1-1 Fund, which is a custodial fund in the state treasury established by the act.

• Requires the Treasurer of State to disburse money to counties from the Next Generation 9-1-1 Fund only on order of the Tax Commissioner according to policies established by the Statewide Emergency Services Internet Protocol Network Steering Committee.

**Liability**

• Excludes providers and sellers of prepaid wireless calling services from civil liability for activities or omissions with regard to a 9-1-1 system or for providing related assistance.

• Relieves providers of prepaid wireless service from liability to the state for any prepaid wireless 9-1-1 charge that was not collected or remitted.

**Administration**

• Modifies the Wireless 9-1-1 Administrative Fund to permit the Department of Public Safety and the Department of Taxation to each receive 1% of the wireless 9-1-1 charges placed in the Fund to cover their costs in carrying out their duties regarding 9-1-1 service.

• Requires the Tax Commissioner and the Director of Public Safety annually to transfer any excess amounts from the Wireless 9-1-1 Administrative Fund to the Wireless 9-1-1 Government Assistance Fund, which is the main fund for the deposit of the wireless 9-1-1 charges.

• Replaces the Ohio 9-1-1 Coordinator with a representative of public safety communications officials as a member of the Ohio 9-1-1 Council.
• Makes the Director of Public Safety responsible for appointing the Ohio 9-1-1 Coordinator, and modifies the powers and duties of the Coordinator.

• Grants rule-making authority under the Administrative Procedure Act to the Tax Commissioner and the Director of Public Safety, to be exercised in consultation with each other, to carry out Ohio's 9-1-1 service law.

**Steering Committee and public safety answering points**

• Changes the due date of the Steering Committee's initial report, providing recommendations regarding development of a statewide emergency services network, from November 15, 2012, to May 15, 2013.

• Requires the report recommendations to include a review of the current funding model for Ohio's 9-1-1 systems, and permits the report to include a recommendation for reducing the wireless 9-1-1 charges modified and established by the act.

• Requires the report recommendation regarding consolidation of public safety answering points (PSAPs) to also include recommendations for accelerating the consolidation of PSAP fund usage that the act requires.

• Progressively limits the number of PSAPs in each county for which disbursements from the 9-1-1 charges may be used, ultimately limiting the number to three PSAPs in 2018, or four PSAPs if the county includes a municipal corporation with a population of more than 175,000.

• Requires, not later than February 15, 2013, each countywide 9-1-1 planning committee chair, or designee, to report to the Steering Committee certain geographic, demographic, statistical, expenditure, network, and other information, as required by the Steering Committee.

• Provides for the Steering Committee to penalize any county that does not make a timely report as described above by causing the suspension of disbursements from the Wireless 9-1-1 Government Assistance Fund.

• Requires the Steering Committee, not later than January 1, 2014, to adopt rules establishing technical and operations standards for PSAPs eligible to receive disbursements from the Wireless 9-1-1 Government Assistance Fund.

• Requires PSAPs to comply with the new Steering Committee standards not later than two years after the effective date of the rules.

• Prohibits disbursements to a countywide 9-1-1 system for PSAP costs from the Wireless 9-1-1 Government Assistance Fund or the Next Generation 9-1-1 Fund unless the PSAP complies with the rules establishing the technical and operations standards.
• Requires the Steering Committee to establish guidelines for the Tax Commissioner to use when disbursing money to counties from the Next Generation 9-1-1 Fund, which guidelines must be consistent with the PSAP technical and operations standards and specify for what the funds may be used.

• Permits the Auditor of State to audit and review county expenditures of disbursed funds from the Wireless 9-1-1 Government Assistance Fund to verify the money was used in accordance with the law.

Wireline 9-1-1

• Requires the Tax Commissioner to determine the just, reasonable, and compensatory rates that telephone companies may charge for the telephone network portion of a basic or enhanced 9-1-1 system.

• Requires the Department of Public Safety to determine whether a telephone company is capable of reasonably meeting the technical and economic requirements of providing the wireline telephone network portion of a countywide 9-1-1 system.

Am. Sub. S.B. 243

Sens. Hughes, Wagoner, Patton, Turner, Bacon, Balderson, Beagle, Coley, Daniels, LaRose, Lehner, Niehaus, Schaffer, Seitz, Tavares


Effective date: July 3, 2012

Intrastate Mutual Aid Compact (IMAC)

• Specifies that a purpose of the Intrastate Mutual Aid Compact (IMAC) is to provide mutual assistance or aid among the political subdivisions participating in it for purposes of not only responding to and recovering from a disaster, but also for purposes of preparing for incidents, exercises, training activities, planned events, or emergencies, any of which require additional resources.

• Expands participation in IMAC to other political subdivisions besides counties, townships, and municipal corporations, including health districts, school districts, and state institutions of higher education, unless the political subdivisions choose not to participate.
Other provisions

- Authorizes political subdivisions to enter into other mutual aid agreements, both within and outside the state, in case of any disaster too great to be dealt with unassisted, and authorizes out-of-state emergency personnel to act within Ohio within the scope of the emergency responder’s professional license, certificate, or other permit.

- Transfers the duty to establish a statewide system for volunteers and administering a statewide volunteer registration database from the Ohio Commission on Service and Volunteerism to the Ohio Department of Health and the Ohio Emergency Management Agency.

- Permits the State Board of Emergency Medical Services to transmit certain data that has not been risk-adjusted from the continuing state Emergency Medical Services Incidence Reporting System directly to the National Emergency Medical Services Information System under certain conditions.

- Permits certain additional persons to drive an ambulance during an emergency run.
Special Designations

Am. H.B. 148


Sens. Coley, Tavares, Bacon, Balderson, Brown, Burke, Cafaro, Daniels, Faber, Gentile, Hite, Hughes, Kearney, Lehner, Manning, Obhof, Oelslager, Patton, Schaffer, Schiavoni, Seitz, Skindell, Wagoner, Widener

Effective date: June 4, 2012

- Designates March as "Macular Degeneration Awareness Month."

H.B. 184


Sens. Cafaro, Brown, Tavares, Bacon, Balderson, Beagle, Burke, Coley, Eklund, Faber, Gentile, Hite, Hughes, Jones, Jordan, Kearney, LaRose, Lehner, Manning, Niehaus, Obhof, Oelslager, Patton, Peterson, Sawyer, Schaffer, Schiavoni, Seitz, Skindell, Smith, Turner, Wagoner, Widener

Effective date: March 27, 2013

- Designates March as "Multiple System Atrophy Awareness Month."

Am. H.B. 185

Special Designations 2012 Digest of Enactments

Sens. Schaffer, Bacon, Balderson, Beagle, Brown, Burke, Cafaro, Coley, Eklund, Faber, Gentile, Hughes, Jones, Jordan, Kearney, Lehner, Manning, Niehaus, Obhof, Oelslager, Patton, Schiavoni, Tavares, Turner, Wagoner, Widener

Effective date: May 22, 2012

- Designates the third week of July as "Ohio Aggregates and Industrial Minerals Awareness Week."

Am. H.B. 207


Sens. Beagle, Faber, Bacon, Hite, Schaffer, Jordan, Sawyer, Balderson, Brown, Burke, Cafaro, Coley, Eklund, Gentile, Hughes, Jones, Kearney, LaRose, Lehner, Manning, Niehaus, Obhof, Oelslager, Peterson, Schiavoni, Seitz, Skindell, Tavares, Turner, Wagoner, Widener

Effective date: September 5, 2012

- Designates the week in which Labor Day occurs as "Ohio Coal Miners Week" in honor of the citizens of Ohio who have worked and continue to work in the coal mines of the state.

Am. H.B. 215


Sens. Brown, Tavares, Coley, Bacon, Balderson, Beagle, Burke, Cafaro, Eklund, Faber, Gentile, Hite, Hughes, Jones, Jordan, LaRose, Lehner, Manning, Obhof, Oelslager, Patton, Sawyer, Schaffer, Schiavoni, Skindell, Turner, Wagoner, Widener

Effective date: May 22, 2012

- Designates June 15 as "Elder Abuse Awareness Day."
Am. H.B. 492


Sens.  Beagle, Brown, Gentile, Hite, Hughes, Jones, Lehner, Manning, Obhof, Oelslager, Patton, Peterson, Schaffer, Schiavoni, Tavares, Wagoner

Effective date:  March 22, 2013

•  Designates May as "Melanoma and Skin Cancer Detection and Prevention Month."
•  Designates April 27 as "Emma 'Grandma' Gatewood Day."

Am. S.B. 134

Sens.  Wagoner, LaRose, Brown, Tavares, Turner, Bacon, Balderson, Beagle, Burke, Cafaro, Coley, Eklund, Faber, Gentile, Hite, Hughes, Jones, Kearney, Lehner, Manning, Niehaus, Oelslager, Patton, Sawyer, Schaffer, Schiavoni, Seitz, Skindell, Widener


Effective date:  Emergency, March 30, 2012

•  Designates March 30 as "Vietnam Veterans' Day."

Am. S.B. 135

Sens.  Kearney, Smith, Turner, Wagoner, Tavares, Bacon, Balderson, Brown, Burke, Cafaro, Coley, Eklund, Faber, Gentile, Hite, Hughes, Jones, Jordan, LaRose, Lehner, Manning, Niehaus, Obhof, Oelslager, Patton, Peterson, Sawyer, Schaffer, Schiavoni, Widener

Reps.  Fende, Antonio, Barnes, Carney, Gardner, Garland, Hackett, Johnson, Sears, Beck, Blessing, Celebrezze, Celeste, Combs, Driehaus, Fedor, Gerberry, Goyal, Lundy, Mallory, Milkovich, Newbold, O'Brien, Ramos, Stebelton, Stinziano, Young, Yuko, Batchelder

Effective date:  March 13, 2013

•  Designates September as "Craniofacial Acceptance Month."
S.B. 199

Sens.  Smith, Obhof, Skindell, Wagoner, Tavares, Sawyer, Hughes, Seitz, Beagle, Cafaro, Brown, Bacon, Balderson, Burke, Coley, Eklund, Faber, Gentile, Hite, Jones, Kearney, LaRose, Lehner, Manning, Niehaus, Oelslager, Peterson, Schaffer, Schiavoni, Turner


Effective date:  March 13, 2013

- Designates October 13 as "Metastatic Breast Cancer Awareness Day."

S.B. 247

Sens.  Balderson, Burke, Jones, Patton, Skindell, Schaffer, Hughes, Turner, Brown, Beagle, Cafaro, Coley, Daniels, Eklund, Hite, Gentile, Kearney, Lehner, Manning, Niehaus, Obhof, Oelslager, Sawyer, Schiavoni, Seitz, Tavares, Wagoner, Widener


Effective date:  June 8, 2012

- Designates July 9 as "Traumatic Brain Injury Awareness Day."

Am. S.B. 260

Sens.  Obhof, Jones, Schaffer, Seitz, Patton, Bacon, Kearney, Wagoner, Brown, Balderson, Beagle, Burke, Cafaro, Coley, Eklund, Faber, Gentile, Hite, Hughes, Lehner, Manning, Schiavoni, Skindell, Tavares, Turner, Widener


Effective date:  August 6, 2012

- Designates May as "Pediatric Stroke Awareness Month."
Sub. S.B. 304

Sens. Balderson, Wagoner, Hughes, Brown, Seitz, Jones, Tavares, Bacon, Beagle, Burke, Cafaro, Coley, Eklund, Faber, Gentile, Hite, Kearney, LaRose, Manning, Niehaus, Obhof, Oelslager, Patton, Peterson, Sawyer, Schaffer, Schiavoni, Smith, Turner, Widener


Effective date: March 22, 2013

- Designates May as "Better Hearing and Speech Month."
Sub. H.B. 66


Sens.  Bacon, Balderson, Beagle, Burke, Cafaro, Daniels, Faber, Hite, Hughes, Jordan, LaRose, Manning, Obhof, Oelslager, Patton, Schaffer, Wagoner, Widener

Effective date:  May 4, 2012

- Requires the Auditor of State to establish a fraud-reporting system for residents and public employees to anonymously report fraud and misuse of public funds by public offices.
- Extends the whistle-blower protections against retaliatory firing or other disciplinary action to employees who file a complaint with the Auditor of State's fraud-reporting system.

Am. Sub. S.B. 314

Sens.  Wagoner and Cafaro, Beagle, Lehner, Manning, Obhof, Widener, Oelslager, Bacon, Balderson, Burke, Coley, Eklund, Faber, Hite, Jones, LaRose, Niehaus, Patton, Peterson, Schaffer, Seitz


Effective date:  September 28, 2012

Organization and operation of the Department of Development

- Renames the Department of Development the Development Services Agency.
- Establishes the Office of TourismOhio within the Agency, creates the TourismOhio Advisory Board, and establishes a pilot program to test a new funding mechanism for the state’s travel and tourism marketing.
• Authorizes the Agency to enter into cooperative or contractual agreements with any individual, organization, or business to create, administer, or otherwise be involved with Ohio tourism-related promotional programs.

• Requires the Director of Development Services to make certain information available to the public with respect to each project for which financial assistance is awarded by the Agency.

• Renames the Division of Economic Development the Business Services Division.

• Replaces the Tax Incentive Programs Operating Fund with the Business Assistance Fund, and modifies the operation of the Fund.

• Creates the Business Development and Assistance Fund in the state treasury used for Agency operating purposes or programs providing business support or business assistance, including grants, loans, or administrative expenses.

• Eliminates the Development Financing Advisory Council, and eliminates or transfers to the Agency the duties of the Council.

• Requires the Director of Development Services to administer all funds received under the federal Small Business Liability Relief and Brownfields Revitalization Act.

**JobsOhio**

• Modifies the operation of JobsOhio relative to contracts with the Development Services Agency, the use of public money, public records, and ethical conduct.

**Economic development assistance programs**

• Permits employers to claim the job creation tax credit on the basis of the increase in payroll tax withholding over an earlier payroll period that ends when a recommendation to approve the credit is made instead of when the credit is approved.

• Modifies the Small Business Investment Certificate Program administered by the Director of Development Services.

• Makes programmatic changes to the Capital Access Loan Program, and authorizes transfers from the Minority Business Enterprise Loan Fund to the Capital Access Loan Program Fund for use in securing capital access loans to minority businesses.

• Increases the maximum amount the Director, with Controlling Board approval, may loan to minority business enterprises unable to finance a proposed economic development project through ordinary financial channels at comparable terms.
• Increases the limit on the issuance of Ohio Enterprise Bonds, i.e. bonds that are not repaid by liquor profits, from $300 million total outstanding principal to whatever principal amount requires annual debt service of no more than $50 million.

**Third Frontier Commission**

• Increases the membership of the Third Frontier Commission.

**Other provisions**

• Eliminates the Director of Development's role in administering the Voluntary Action Program overseen by the Environmental Protection Agency (EPA), and transfers the Director's responsibilities to the EPA Director.

• Eliminates the Water and Sewer Commission and the Water and Sewer Fund.

• Clarifies the application of the revolving door ethics law to nonelected public officials and employees.

• Extends eligibility for the historic rehabilitation tax credit to qualified lessees of historic buildings who are eligible for the federal rehabilitation tax credit.
Taxation

Sub. H.B. 50

Reps. Snitchler, Burke, Murray, Schuring, Blessing, Boise, Bubp, Combs, Grossman, Martin, Slesnick, Batchelder
Sens. Schaffer, Coley, Eklund, Manning, Niehaus, Obhof, Patton, Peterson, Seitz, Wagoner
Effective date: March 27, 2013

• Exempts from municipal income taxes compensation paid to persons performing personal services for a political subdivision on its property when that property is annexed to a municipal corporation under the expedited type II annexation procedure.

• Makes an exception to that municipal income tax exemption for persons who perform services for the political subdivision, but who also reside in the municipal corporation.

• Requires that elections for citizen members of a New Community Authority (NCA) board of trustees be held as provided in a resolution adopted by the NCA’s organizational board of county commissioners, and removes the requirement that such elections be held annually in December.

Sub. H.B. 327

Sens. Schaffer, Beagle, Tavares, Bacon, Balderson, Hite, Jones, Oelslager, Peterson, Seitz
Effective date: September 6, 2012

• Provides for a six-year trial period during which the Ohio Tax Credit Authority may grant a job creation tax credit to an employer on the basis of employees who work from home and whose rate of pay is at least 131% of the federal minimum wage.

• Requires an employer with both home-based and employer site-based employees to obtain separate tax credit agreements for each class of employees.

• Requires the Director of Development Services to submit a report at the end of the six-year trial period on the effects of at-home employee tax credit agreements.
Sub. H.B. 365


Sens. Schaffer, Beagle, Bacon, Balderson, Coley, Eklund, Faber, Hite, Hughes, Jones, LaRose, Lehner, Obhof, Oelslager, Patton, Sawyer, Tavares, Wagoner, Widener

Effective date: March 13, 2013

- Allows business owners who claim an enhanced federal income tax depreciation deduction and who increase payroll to claim more of the deduction that the business owner otherwise must add back for Ohio income tax purposes, as follows:
  
  --If the business increases employee income tax withholdings by more than 10% over a year, the owner may claim the enhanced depreciation deduction over three, rather than six, years.

  --If the business's increased withholdings exceed the owner's enhanced depreciation expenses for the year, the owner may claim the entire enhanced depreciation deduction for that year.

- Clarifies Ohio income tax treatment of enhanced depreciation allowances in a taxable year in which a business's allowances result in or increase the business's federal net operating loss carryback or carryforward.

Am. Sub. H.B. 472

Reps. Beck, Letson, Antonio, Barnes, Boone, Combs, Gardner, Garland, Hackett, Newbold, O'Brien, Sears, Sprague, Thompson, Wachtman, Winburn, Young, Batchelder

Sens. Peterson, Beagle, Kearney, Obhof, Oelslager, Smith, Tavares, Turner, Wagoner

Effective date: Emergency December 20, 2012; certain provisions effective January 1, 2014

Tax law changes

- Incorporates into Ohio tax law changes to federal tax law taking effect since March 7, 2011.

- Exempts from the commercial activity tax base gross receipts derived from the sale of certain unrefined precious metals to refining facilities in the Appalachian region to the extent the refined products are shipped outside Ohio.
• Authorizes the abatement of unpaid property taxes, penalties, and interest owed on property that is owned by a municipal corporation and that would have qualified for property tax exemption if not for a failure to comply with certain tax exemption procedures.

9-1-1 service law changes

Wireless 9-1-1 charges
• Requires continuous imposition of the monthly wireless 9-1-1 charge on prepaid subscribers, at 25¢, and collection by wireless service providers and resellers until the new prepaid charge, which is 0.5% of the sale price of a prepaid service, collected by sellers, takes effect in 2014.
• Prohibits the wireless 9-1-1 charges from being imposed on a subscriber of lifeline service or a provider of that service.
• Delays until 2014 the Tax Commissioner’s duty to notify known wireless service providers, resellers, and prepaid sellers of a change in the amount of the prepaid or nonprepaid wireless 9-1-1 charge.

Duties and authority of Public Utilities Commission
• Requires duties and authority of the Public Utilities Commission (PUCO) and the Ohio 9-1-1 Coordinator within the PUCO to be maintained until 2014, rather than transferring those to the Tax Commissioner or the Department of Public Safety on December 20, 2012, including collecting charges, auditing and assessments, spending authority, and disbursement of funds.
• Terminates the 9-1-1 Service Program and the position of the Ohio 9-1-1 Coordinator, effective January 1, 2014.
• Removes provisions that would have required the Director of Public Safety to appoint and oversee an Ohio 9-1-1 Coordinator.
• Maintains the requirement that the PUCO determine the rates for the wireline telephone network portion of a 9-1-1 system, which rates are charged to wireline telephone customers.
• Modifies the membership of the Ohio 9-1-1 Council by requiring the Ohio 9-1-1 Coordinator within the PUCO to serve on the Council until January 1, 2014, and requiring the Director of Public Safety or designee to serve on and after that date.

Remittance of wireless 9-1-1 charges
• Alters provisions governing remittance of the prepaid and nonprepaid charges to the Tax Commissioner, including requiring remittance to the Tax Commissioner
beginning in 2014, homogenizing requirements for the two charges, permitting 30-day extensions, and removing a provision regarding reconciliation returns.

**Audits and assessments**

- Specifies that prepaid sellers are liable to the state for amounts not collected or remitted, and specifies that providers, resellers, and prepaid sellers are liable to the state for failure to remit money to the Tax Commissioner regardless of whether the money was collected.

- Vests the audit and assessment duties with the Tax Commissioner beginning in 2014, but also modifies provisions governing the audits and assessments, including applying them to prepaid sellers, replacing procedural provisions, and permitting the Tax Commissioner to assess a person for an erroneously refunded charge.

**Disbursements**

- Requires that the Department of Public Safety, rather than the Tax Commissioner, receive certifications that a subdivision or regional council of governments has paid the basic costs for which disbursements from the wireless 9-1-1 charges may be used.

- Requires the Tax Commissioner to take over disbursement duties in 2014 from the Ohio 9-1-1 Coordinator, rather than on December 20, 2012.

- Requires both the Coordinator and the Tax Commissioner to make the disbursements in the same manner as the 2012 disbursements, in accordance with the formula and determination provisions in prior law, rather than requiring the disbursements to remain at the level disbursed in 2012.

- Requires the Tax Commissioner, beginning January 1, 2014, to make disbursements from the Next Generation 9-1-1 Fund in accordance with guidelines established by the Statewide Emergency Services Internet Protocol Network Steering Committee.

- Prescribes the wireless enhanced 9-1-1 purposes for which disbursements from the Next Generation 9-1-1 Fund may be used, and permits a subdivision or regional council of governments that certifies that it has paid these costs to use those disbursements to pay personnel costs of public safety answering points.

- Limits the number of public safety answering points that may use disbursements from the Next Generation 9-1-1 Fund.

**Compliance with standards**

- Requires the Department of Public Safety to monitor compliance with technical and operation standards for public safety answering points set by rule of the Statewide Emergency Services Internet Protocol Network Steering Committee.
Administrative funding

• Makes effective in 2014 the funding for the Department of Public Safety (1% of the remitted wireless 9-1-1 charges) to be used for defraying administrative costs, rather than on December 20, 2012.

• Makes effective in 2014 the funding for the Tax Commissioner (1% of the remitted wireless 9-1-1 charges) to be used for defraying administrative costs, rather than on December 20, 2012.

• Requires the Tax Commissioner and the Director of Public Safety to annually transfer any excess from their administrative allotments to the Next Generation 9-1-1 Fund, rather than the Wireless 9-1-1 Government Assistance Fund, which is the main fund for the deposit of the wireless 9-1-1 charges.

• Appropriates $1,174,000 from the General Revenue Fund to the Department of Taxation for operating expenses.

Rulemaking and administration of 9-1-1 service law

• Permits, rather than requires, the Tax Commissioner to adopt rules to carry out the 9-1-1 service law, and relieves the Tax Commissioner of the duty to consult with the Director of Public Safety in adopting these rules.

• Removes a requirement that the Director of Public Safety, after consultation with the Tax Commissioner, adopt rules under the Administrative Procedure Act to carry out certain provisions of the 9-1-1 service law.

• Permits the Director of Public Safety to adopt rules under Chapter 111. of the Revised Code, which does not require public hearings, to approve, adopt, and prescribe such forms and processes as are necessary to carry out the duties required of the Director under the 9-1-1 service law.

• Permits the Director of Public Safety, at the Director's discretion, to assign Department employees to provide assistance in carrying out the Director's duties under the 9-1-1 service law.

Definitions

• Defines "consumer," for purposes of the 9-1-1 service law, in a way that accords with the sales tax law.

• Defines "reseller," for purposes of the 9-1-1 service law, as a nonfacilities-based provider of wireless service that provides that service under its own name to one or more end users in Ohio using the network of a wireless service provider.
Am. Sub. H.B. 508


Sens.  Beagle, Coley, Hite, Manning

Effective date:  September 6, 2012; certain provisions effective June 6, 2012 and January 1, 2013

Commercial activity tax

- Requires a commercial activity taxpayer that pays on a quarterly basis to exclude the taxpayer's first $1 million of taxable gross receipts in the first quarter of a year and to carry forward any unused portion of the exclusion amount only to quarters within the same calendar year.
- Eliminates references to test periods that ended in 2011 and that were used to adjust the rate of the CAT if revenue from the tax exceeded estimates.
- Exempts from the CAT unauthorized insurance companies, i.e. surplus lines, whose gross premiums are subject to the surplus lines insurance tax.
- Removes provisions in prior law that referred to commercial activity taxpayers electing to pay the tax on an annual basis.
- Requires the Tax Commissioner to list the effective date that a taxpayer's CAT account was cancelled rather than the date the taxpayer requests cancellation.
- Requires CAT registration fees to be deducted from the first tax payment due instead of remitted separately, and modifies the information that a taxpayer must provide on CAT registration forms.

Sales and use tax

- Eliminates the former special sales tax vendor license categories of service vendor and delivery vendor, but allows the Tax Commissioner to create specific classes of vendor licenses.
- Permits the Tax Commissioner to cancel a vendor's license if the vendor fails to notify the Commissioner of a change of address and if ordinary mail sent to the address on the vendor's license is returned as undeliverable.
- Requires all vendors to display their vendor licenses, not just transient vendors.
- Requires the Tax Commissioner to notify all vendors and sellers, not just those registered through the Streamlined Sales Tax Central Registration System, when local sales tax rates change.
• Specifies that all vendors making sales from a printed catalog do not have to apply changes in local sales tax rates that differ from the catalog rates until the beginning of a calendar quarter that follows 120 days after the Tax Commissioner notifies vendors of the rate change.

• Includes, as a taxable sale under the sales tax, the transfer of ownership interests in a pass-through entity if its sole assets are boats, planes, motor vehicles, or other recreational property used primarily by the entity’s owners.

• Harmonizes the continuing sales tax exemption for water bought for residential use with the definition of sales tax-exempt "food."

**Personal property tax reimbursements**

• Makes technical changes to the formula used to reimburse taxing units for utility tangible personal property tax fixed-rate levy losses.

• Provides that, beginning in 2012, reimbursements for tangible personal property tax levy losses attributable to a tax levied on behalf of a public library must be calculated separately from the other levy losses of a taxing unit and reimbursed directly to the public library.

• Provides that the formula used to reimburse municipal corporations for business personal property current expense levy losses does not include certain values related to reimbursements that the municipal corporation received for non-current expense levy losses.

• Clarifies that, for purposes of calculating reimbursements of business and utility tangible personal property tax losses, fixed-rate levies are reimbursed only to the extent that the levy continues to be charged and payable.

• Decreases, beginning in 2012, the percentage of business tangible personal property tax fixed-sum levy losses reimbursed to non-school taxing units from 100% of the taxing unit’s fixed-sum levy loss to 50% of the taxing unit’s fixed-sum levy loss.

• Extends the deadline by which the state must make the second of two semiannual reimbursements to non-school taxing units for their loss of business tangible personal property tax revenue from November 20 to November 30 of each year.

• Shortens the time period in which a county treasurer must distribute tangible personal property tax reimbursement payments to local taxing units after receiving the payments in the county treasury from 40 days to 30 days.
Property tax

- Authorizes the Tax Commissioner, beginning in 2014 and continuing for the next five years, to extend the revaluation of real property required in a county by not more than one year.

- Excuses the Tax Commissioner from certifying certain property tax information that, under former law, had to be certified to the Department of Education and Office of Budget and Management in May and June of 2012 and that, if not for recent school funding formula changes, would have been used to calculate state aid to schools.

- Increases the maximum property tax levy rate that may be proposed by a board of park commissioners from two mills to three mills if some of the levy proceeds fund a metropolitan zoo.

- Authorizes a property tax exemption for a convention center or arena owned by the largest city in a county that had a population between 235,000 and 300,000 when the facility was constructed.

- Provides that, when a county reduces its inside millage to correspond to an increase in the county sales tax, the county budget commission may allocate the county’s foregone inside millage to provide for another subdivision’s levy for debt charges not payable by voted millage.

Corporation franchise tax

- Authorizes certain financial institutions to elect to use a single sales factor for purposes of calculating taxable net worth for the continuing corporation franchise tax.

Motion picture tax credit

- Increases the maximum total amount of tax credits allowed for completion of motion pictures certified as tax credit-eligible productions from $20 million to $40 million per fiscal biennium.

Tax administration

- Eliminates a former requirement that notification by the Tax Commissioner to county auditors of the interest rate be in writing.

- Lowers the number of income tax returns that a professional tax return preparer may prepare in a year before he or she is required to file all such returns electronically from 75 to 11.

- Modifies an exception to the electronic filing requirement to provide that a return preparer is exempt from the requirement in one year if, during the previous year, the return preparer prepared ten or fewer, instead of 25 or fewer, income tax returns.
• Allows the Tax Commissioner to cancel a taxpayer’s liability for unpaid taxes, penalties, and interest if the total amount due for a single tax period does not exceed $50.

• Requires that a corporation filing a certificate of voluntary dissolution demonstrate that it is current on all state taxes rather than on only the personal property, corporation franchise, sales, use, and highway use taxes.

• Prescribes the method by which the Tax Commissioner may deliver tax notices or orders by secure electronic means.

• Authorizes the Department of Taxation to impose a $50 penalty on declined or dishonored electronic payments, and limits penalties to $50 per payment.

• Streamlines the method for distributing revenue from the additional state horse-racing tax by requiring the Tax Commissioner to distribute tax collections directly to local governments instead of routing distributions through the taxpayer.

• Requires permit holders that pay the additional horse-racing tax to file with the Tax Commissioner, within ten days after a horse-racing meet, a report showing the amount wagered at the meet.

• Eliminates a former requirement that certain assets of decedents dying on or after January 1, 2013, not be transferred without the written permission of the Tax Commissioner.

• Authorizes the Tax Commissioner to exempt a motor fuel dealer from a continuing law requirement that all motor fuel dealers provide a surety bond securing payment of the motor fuel tax if the dealer only sells or distributes fuel for which the tax has already been paid.

• Expressly extends to all kinds of business organizational forms the continuing provision that assigns personal liability for the motor fuel tax to individual owners, employees, officers, and trustees of the business who are responsible for reporting and paying the tax.

• Imposes a penalty of up to $1,000 for distributing tobacco products without a license, and requires any person doing so to obtain a license and to pay the annual $1,000 license fee for each location where the person acts as a distributor.

• Eliminates statutory references to brokers for the purpose of defining who is required to report and pay the tobacco product excise tax.

• Conforms the alcoholic beverage excise tax statute regarding bottled and canned beer with a separate statute requiring S liquor permit holders to pay the tax on those beverages.
• Requires S liquor permit holders to comply with a continuing law provision that requires alcoholic beverage taxpayers to submit monthly reports to the Tax Commissioner.

**New Community Authorities**

• Authorizes certain New Community Authorities (NCAs) to include as part of the calculation of an NCA's community development charge rentals received from leases of real property located in the New Community district.

• Provides that, if the basis of a charge includes rentals from leases of real property, the property against which such a charge is imposed may not be exempted from property taxation under a tax increment financing arrangement.

**Accountancy Board**

• Allows the Accountancy Board to hire an agent to administer all or part of the Board’s peer review program, and allows the agent to assess a reasonable fee to firms to cover the costs of program administration.

• Removes the Board’s authority under prior law to establish fair and reasonable compensation for the Peer Review Committee.

• Authorizes the Board, or its authorized peer review program administrator, to issue a remedial order upon reviewing the results of a peer review report.

• Requires that disciplinary actions, and the associated administrative hearings, can only be taken after a firm has failed to comply with a remedial order or if the Board determines that a firm has a history of noncompliance with standards and practices set forth in rules adopted by the Board.

• Specifies which types of peer reviews that a firm may have independently undergone do not qualify to exempt the firm from the Board's peer review requirement.

• Requires a firm that utilizes the peer review exemption related to having never practiced before to review its registration with the Board two years after initial registration.

• Enables firms to utilize the peer review exemption related to not undertaking engagements for an indefinite period, and requires a firm to agree to not take any engagement that would require a peer review in order to qualify for the exemption.

• Authorizes the Board to use documents related to peer reviews in a disciplinary hearing to determine a history of noncompliance with standards and practices.

• Removes the former requirement that the chief executive officer of a public accounting firm hold an Ohio permit or foreign certificate, and requires instead that
a firm designate a person who holds an Ohio permit to be responsible for the proper registration of the firm.

- Requires a public accounting firm to identify to the Accountancy Board the person responsible for registering the firm.
- Removes the former higher education requirement from the list of conditions that a person who does not hold an Ohio permit or a foreign certificate must meet to own an equity interest in a public accounting firm.
- Clarifies that the definition of "foreign certificate" includes, in addition to a certificate, a license, permit, or registration issued by another state that authorizes the holder to practice public accounting in that state, and requires a foreign certificate to be valid, in good standing, and not expired.

Am. Sub. H.B. 510

Reps. Amstutz, R. Adams, Beck, Blair, Blessing, Boone, Bubp, Hackett, Henne, Hottinger, Huffman, McClain, Ruhl, Sprague, Stebelton, Uecker, Wachtmann, Batchelder

Sens. Bacon, Schaffer, Beagle, Coley, Eklund, Faber, Niehaus, Seitz

Effective date: March 27, 2013

New financial institutions tax

- Replaces the previously existing taxes on financial institutions with a new business-privilege tax on financial institutions, beginning with tax year 2014.
- Eliminates the previously existing dealers in intangibles tax and imposes the commercial activities tax (CAT) on dealers in intangibles, except dealers that are "small dollar lenders" or affiliates of financial institutions; small dollar lenders and most dealers affiliated with financial institutions become subject to the new tax.
- Exempts a financial institution’s noncontrolling minority interests in other companies from the financial institution tax base unless the interest is in a bank or bank holding company subject to the tax.
- Imposes the financial institutions tax on the basis of the total equity capital in proportion to the taxpayer's gross receipts sitused in Ohio, with situs based on either where a taxpayer's customers are deemed to benefit from the taxpayer's services or, in the case of some receipts, where the taxpayer's regular places of business are located.
- Sets the initial tax rate at 0.8% on the first $200 million in apportioned total equity capital, 0.4% for each dollar of apportioned equity capital greater than $200 million
and less than or equal to $1.3 billion, and 0.25% on apportioned total equity capital in excess of $1.3 billion, subject to adjustment after the first and third year if the revenue generated by those rates exceeds or falls below 10% of the target revenue of $200 million for 2014 or 1.06% of any adjusted amount for 2016.

- Sets the minimum annual tax at $1,000.
- Requires financial institutions to report and pay the tax on a consolidated basis with related companies, both bank and nonbank, with the consolidation based generally on which entities are included in regulatory reports to federal authorities; liability for the tax is joint and several among the institutions included in a consolidated reporting group.
- Permits a financial institution taxpayer group that owns shares of a publicly traded real estate investment trust (REIT) to phase in the value of its interest in the REIT into the group’s tax base over five years.
- Permits taxpayers subject to the new tax to claim the following tax credits if the taxpayer otherwise qualifies: job creation, job retention, venture capital loan loss, historic building rehabilitation, new markets, research and development, and motion picture production tax credits, and the credit for regulatory assessments paid to the Department of Commerce’s Division of Financial Institutions and for qualifying, i.e., affiliated, dealers in intangibles.
- Provides for how the tax is to be paid, reported, enforced, and administered.
- Provides a refundable personal income tax credit to individuals, estates, and trusts that own a pass-through interest in a financial institution that pays the financial institutions tax to offset their pass-through share of that tax.
- Excludes from the financial institution tax, and thereby subjects to the commercial activities tax, "grandfathered unitary" and "diversified" savings and loan holding companies and such companies' affiliates that are not banking organizations.
- Authorizes businesses subject to the CAT to claim the motion picture production tax credit against that tax.
- Allows certain holding companies' affiliates that are recipients of a job retention tax credit to claim the credit against any other allowable taxes in a sequential order despite any agreement or terms to the contrary, and allows affiliated companies to claim the credit against any such taxes.
- Prohibits the Tax Commissioner from assessing affiliates of an insurance company for unpaid commercial activities tax before 2013, provided that one of the company’s corporate affiliates paid the corporation franchise tax.
Real property valuation

- Accelerates the application of the provisions of H.B. 487 of the 129th General Assembly that revised how real property is to be appraised for property tax purposes.
- Requires county auditors, when valuing real property for property tax purposes, to account for the effects of the exercise of police powers and other governmental actions affecting property.

Commercial real estate broker liens

- Provides for liens to attach to commercial real estate in favor of the broker when the broker is engaged to purchase real estate, and specifies how the lien amount is to be determined (instead of expressly providing such liens only for brokers engaged in selling or leasing such property as in prior law).
- Specifically provides for how the amount of a commercial real estate broker lien is to be determined when the broker is engaged to lease the property for the property owner.
- Extends the deadline for recording commercial real estate broker liens to 90 days after there is a default in the payment of the broker's commission, and extends the time for enforcing the lien from one year to two years after recording.
Utilities

Sub. H.B. 379

Reps. Blessing, Beck, Stebelton, Amstutz, Blair, Buchy, Martin, Stautberg, Batchelder
Sens. LaRose, Bacon, Balderson, Beagle, Coley, Hite, Jones, Lehner, Manning, Niehaus, Patton, Peterson, Sawyer, Schaffer, Seitz, Wagoner

Effective date: March 27, 2013

Water-works and sewage disposal system companies

- Permits the date certain for property valuation in water-works and sewage disposal system company rate cases to be not later than the end of the test period.
- Permits, in water-works and sewage disposal system company rate cases, the use of projected property valuation as of the date certain, and permits, during and one year after the test period, expected revenue and expense adjustments.
- Requires a reconciliation ("true up"), under which only downward adjustments are permitted, for any projected property valuation or expected revenue and expense adjustments incorporated into a rate determination, and permits a final reconciliation after the initial reconciliation.
- Increases the cap on an infrastructure improvement surcharge, for water-works companies only, from 3% to 4.25% of the rates and charges applicable to each affected customer class for a tariff.
- Permits authorized infrastructure improvement surcharges for a water-works or sewage disposal system company to continue through December 31, 2025, if the company does not finish a rate-increase case before then.
- Permits an infrastructure improvement surcharge to cover the cost of and provide a fair and reasonable rate of return on improvements to infrastructure plants that generate more than minimal revenue associated with the elimination of a dead end.
- Removes a limitation on the types of capital expenditures that may be covered by an infrastructure improvement surcharge, and modifies descriptions of some of the types of capital expenditures that may be covered by the surcharge.

All public utilities

- Changes the security requirement regarding a public utility rate increase that takes effect in the absence of a PUCO order concluding the case within 275 days.
Sub. H.B. 458


Sens. Sawyer, Hite, Coley, LaRose, Bacon, Balderson, Burke, Eklund, Gentile, Hughes, Jones, Kearney, Lehner, Niehaus, Peterson, Schaffer, Schiavoni, Seitz, Skindell, Smith, Turner, Wagoner

Effective date: March 27, 2013

General protection service law

- Requires each utility that is fully participating in a protection service to also participate in its affiliated positive response system.

- Requires an excavator, contractor, or utility that uses a protection service to obtain training in the protection of underground utility facilities, but specifies that the individual is deemed to have obtained training if the individual is a member of a protection service or association that provides training.

- Requires, beginning on July 1, 2013, each protection service to reasonably modify its one-call notification system to permit the reasonable identification of the location of a proposed excavation site in a manner in which the protection service may then notify any potentially affected limited basis participants.

- Eliminates a requirement that a protection service had to notify the excavator of the names of each limited basis participant with underground utility facilities in the municipal corporation or township and county of the proposed excavation site.

- Eliminates a requirement that the excavator had to contact the limited basis participants regarding the proposed excavation.

- Requires, except in certain circumstances, excavators to define and premark the approximate location of a proposed excavation site before notifying a protection service about the proposed excavation, and modifies the notification requirements.

- Requires that underground utility facilities be marked in accordance with the Ohio universal marking standards on file with the Ohio Utilities Protection Service, and appears to specify that the standards control if they are in conflict with the color code marking scheme specified in ongoing law.

- Establishes requirements for excavators utilizing trenchless excavation methods, and modifies and establishes requirements for excavators utilizing traditional excavation technologies.
Public improvements protection service law

- Appears to apply the general protection service law to public improvements by public authorities to some extent by:
  --Changing the general protection service law to include public authorities as persons subject to that law; and
  --Removing a provision in the general protection service law exempting its application to public improvements.

- Modifies the public improvements protection service law regarding the following:
  --Timing and form of notification that contractors and subcontractors must give, prior to beginning construction, to protection service and underground utility facility owners that are not protection service members;
  --Timing of excavation site marking by the owner of the underground utility facility; and
  --Application to designers of the law's provisions regarding notification to protection services and underground utility facility owners, plans and specifications, notice of winning contractors, relocation of facilities, certain rights not affected, protection against responsibility, and contract terms.

- Removes a provision exempting certain telephone companies, owners of pipelines that conduct liquid petroleum products, and cable television companies from registering with a protection service.

Facility marking at project-planning stage under both laws

- Requires, for excavation planning, that certain owners of underground utility facilities and utilities, if requested to do so, either mark underground utility facilities in accordance with the act's requirements or provide digital or paper drawings (or both) that are to scale and depict the location of the facilities.

Sub. S.B. 289

Sens. Coley and Schiavoni, Jones, Balderson, Cafaro, Gentile, Bacon, Brown, Manning, Seitz, Turner, Eklund, Lehner, Oelslager, Sawyer, Burke, Faber, Hughes, Niehaus, Patton, Peterson


Effective date: July 16, 2012
• Permits energy produced from cogeneration technology that is part of a facility located in a county of between 365,000 to 370,000 people, for which most of the energy input is from certain waste or byproduct gases, to qualify as a renewable energy resource for both of the following:
  (1) Electric alternative energy resource requirements; and
  (2) Advanced energy projects.
Listed on the following pages is the legislative history of each bill enacted in 2012. The legend at the top left-hand corner of the following pages contains abbreviations for various actions taken on the bills. The committees of the House of Representatives and Senate are abbreviated as follows:

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* The Speaker of the House of Representatives changed the title of the Commerce and Labor Committee to Commerce, Labor & Technology (CLT) on April 17, 2012.

** The President of the Senate merged the Judiciary - Civil Justice Committee and the Judiciary - Criminal Justice Committee into the Judiciary Committee (JUD) on September 27, 2011.
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<td>Amateur fighting events-under FOP/fire-fighter supervision-exempt from regulation</td>
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<td>Slesnick et</td>
<td>Court costs-fees/lines-recovery/distribution</td>
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<td>Court costs-waive/modify/suspend/cancel uncollectible amounts</td>
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<td>Oriental medicine-regulate/acupuncture-modify laws governing</td>
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<td>National Guard Scholarships/War Orphans Scholarships-receive public/private gifts</td>
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<td>Nurses/medication aides/dialysis techs/community health workers-revise law</td>
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<td>Ohio banking institutions-same interest/charges as out-of-state banks</td>
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<td>Lance Corporal Peter James Clore Memorial Highway-portion of SR 39 Tuscarawas County</td>
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<td>Public funds-restrict use of penalty for violations</td>
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<td>Nonchartered village legislative authority-authorize reduced membership/same terms</td>
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<td>Captive deer/wild animal hunting preserves-regulation</td>
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<td>Eff. Date Note: Certain provisions effective 09/10/12; certain provisions effective other than those dates; contains item vetoes</td>
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<td>Juvenile drivers-judge elect not to suspend license/driving improvement programs</td>
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<td>06/23/11</td>
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<td>Obhof Grendell</td>
<td>Curriculum requirements-include content on specified historical documents</td>
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<td>S. Cmte. Assigned Note: Referred to ED on 05/10/11; Recommitted to ED on 06/28/11; Informally passed by the Senate on 12/14/11 and retained its place on the calendar; Informally passed by the Senate on 12/15/11 until 01/10/12; Senate refused to concur in House amendments on 01/10/12; House insisted on amendments and requested Conference committee on 01/24/12</td>
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