

5 \_\_\_\_\_ moved to amend as follows:

6 In line 19048, delete ", in cooperation"

7 Delete line 19049

8 In line 19050, delete "and a statewide environmental  
9 advocacy organization,"

10 The motion was \_\_\_\_\_ agreed to.

11 SYNOPSIS

12 **Energy Extraction Fee for Coal**

13 **R.C. 1513.021**

14 In the provision of the bill that establishes the coal  
15 energy extraction fee and requires the Chief of the Division of  
16 Mineral Resources, in cooperation with a statewide association  
17 representing the coal mining industry and a statewide  
18 environmental advocacy organization, to complete a study of the  
19 solvency of the Coal Mining Administration and Reclamation Fund  
20 by January 1, 2015, and make recommendations concerning the  
21 amount of the fee, removes the requirement that the study be  
22 conducted in cooperation with a statewide association  
23 representing the coal mining industry and a statewide  
24 environmental advocacy organization.

Sub. H.B. 1  
LSC 128 0516-4  
HC-2466

\_\_\_\_\_ moved to amend as follows:

In line 339, after "133.06," insert "135.03, 135.06, 135.08,  
135.32,"

Between lines 8800 and 8801, insert:

"Sec. 135.03. Any national bank, any bank doing business  
under authority granted by the superintendent of financial  
institutions, or any bank doing business under authority granted  
by the regulatory authority of another state of the United States,  
located in this state ~~and any bank as defined by section 1101.01~~  
~~of the Revised Code, subject to inspection by the superintendent~~  
~~of financial institutions,~~ is eligible to become a public  
depository, subject to sections 135.01 to 135.21 of the Revised  
Code. No bank shall receive or have on deposit at any one time  
public moneys, including public moneys as defined in section  
135.31 of the Revised Code, in an aggregate amount in excess of  
thirty per cent of its total assets, as shown in its latest report  
to the ~~superintendent of financial institutions or comptroller of~~  
the currency, the superintendent of financial institutions, the  
federal deposit insurance corporation, or the board of governors  
of the federal reserve system.

~~Any domestic association as defined in section 1151.01 of the~~  
~~Revised Code, or any savings bank as defined in section 1161.01 of~~

~~the Revised Code, federal savings association, any savings and~~ 22  
~~loan association or savings bank doing business under authority~~ 23  
~~granted by the superintendent of financial institutions, or any~~ 24  
~~savings and loan association or savings bank doing business under~~ 25  
~~authority granted by the regulatory authority of another state of~~ 26  
~~the United States, located in this state, and authorized to accept~~ 27  
deposits is eligible to become a public depository, subject to 28  
sections 135.01 to 135.21 of the Revised Code. No ~~domestic savings~~ 29  
~~association, savings and loan association, or savings bank shall~~ 30  
receive or have on deposit at any one time public moneys, 31  
including public moneys as defined in section 135.31 of the 32  
Revised Code, in an aggregate amount in excess of thirty per cent 33  
of its total assets, as shown in its latest report to the 34  
~~superintendent of financial institutions or federal home loan bank~~ 35  
~~board office of thrift supervision, the superintendent of~~ 36  
~~financial institutions, the federal deposit insurance corporation,~~ 37  
~~or the board of governors of the federal reserve system.~~ 38

**Sec. 135.06.** Each eligible institution desiring to be a 39  
public depository of the inactive deposits of the public moneys of 40  
the state or of the inactive deposits of the public moneys of the 41  
subdivision shall, not more than thirty days prior to the date 42  
fixed by section 135.12 of the Revised Code for the designation of 43  
such public depositories, make application therefor in writing to 44  
the proper governing board. Such application shall specify the 45  
maximum amount of such public moneys which the applicant desires 46  
to receive and have on deposit as an inactive deposit at any one 47  
time during the period covered by the designation, provided that, 48  
~~where such applicant is a bank,~~ it shall not apply for more than 49  
thirty per cent of its total assets as revealed by its latest 50  
report to the superintendent of ~~banks or financial institutions,~~ 51  
~~the comptroller of the currency, and provided that where such~~ 52

~~applicant is a building and loan association, it shall not apply~~ 53  
~~for more than thirty per cent of its total assets as revealed by~~ 54  
~~its latest report to the superintendent of building and loan~~ 55  
~~associations or the federal home loan bank board~~ the office of 56  
thrift supervision, the federal deposit insurance corporation, or 57  
the board of governors of the federal reserve system, and the rate 58  
of interest which the applicant, ~~whether it be a bank or a~~ 59  
~~building and loan association,~~ will pay thereon, subject to the 60  
limitations of sections 135.01 to 135.21 of the Revised Code. Each 61  
application shall be accompanied by a financial statement of the 62  
applicant, under oath of its cashier, treasurer, or other officer, 63  
in such detail as to show the capital funds of the applicant, as 64  
of the date of its latest report to the superintendent ~~of banks,~~ 65  
~~superintendent of building and loan associations, federal home~~ 66  
~~loan bank board, or~~ of financial institutions, the comptroller of 67  
the currency, the office of thrift supervision, the federal 68  
deposit insurance corporation, or the board of governors of the 69  
federal reserve system, and adjusted to show any changes therein 70  
made prior to the date of the application. Such application may be 71  
combined with an application for designation as a public 72  
depository of active deposits, interim deposits, or both. 73

74

**Sec. 135.08.** Each eligible institution desiring to be a 75  
public depository of interim deposits of the public moneys of the 76  
state or of the interim deposits of the public moneys of the 77  
subdivision shall, not more than thirty days prior to the date 78  
fixed by section 135.12 of the Revised Code for the designation of 79  
public depositories, make application therefor in writing to the 80  
proper governing board. Such application shall specify the maximum 81  
amount of such public moneys which the applicant desires to 82  
receive and have on deposit as interim deposits at any one time 83

during the period covered by the designation, provided that, ~~where~~ 84  
~~such applicant is a bank,~~ it shall not apply for more than thirty 85  
per cent of its total assets as revealed by its latest report to 86  
the superintendent of ~~banks or~~ financial institutions, the 87  
comptroller of the currency, and ~~provided that where such~~ 88  
~~applicant is a building and loan association, it shall not apply~~ 89  
~~for more than thirty per cent of its total assets as revealed by~~ 90  
~~its latest report to the superintendent of building and loan~~ 91  
~~associations or the federal home loan bank board~~ the office of 92  
thrift supervision, the federal deposit insurance corporation, or 93  
the board of governors of the federal reserve system, and the rate 94  
of interest which the applicant, ~~whether it be a bank or a~~ 95  
~~building and loan association,~~ will pay thereon, subject to the 96  
limitations of sections 135.01 to 135.21 of the Revised Code. 97

Each application shall be accompanied by a financial 98  
statement of the applicant, under oath of its cashier, treasurer, 99  
or other officer, in such detail as to show the capital funds of 100  
the applicant, as of the date of its latest report to the 101  
superintendent of ~~banks, superintendent of building and loan~~ 102  
~~associations, federal home loan bank board, or~~ financial 103  
institutions, the comptroller of the currency, the office of 104  
thrift supervision, the federal deposit insurance corporation, or 105  
the board of governors of the federal reserve system, and adjusted 106  
to show any changes therein made prior to the date of the 107  
application. Such application may be combined with an application 108  
for designation as a public depository of inactive deposits, 109  
active deposits, or both. 110

**Sec. 135.32.** (A) Any national bank, any bank doing business 111  
under authority granted by the superintendent of financial 112  
institutions, or any bank doing business under authority granted 113  
by the regulatory authority of another state of the United States, 114

located in this state and ~~any bank as defined in section 1101.01~~ 115  
~~of the Revised Code, subject to inspection by the superintendent~~ 116  
~~of financial institutions,~~ is eligible to become a public 117  
depository, subject to sections 135.31 to 135.40 of the Revised 118  
Code. No bank shall receive or have on deposit at any one time 119  
public moneys, including public moneys as defined in section 120  
135.01 of the Revised Code, in an aggregate amount in excess of 121  
thirty per cent of its total assets, as shown in its latest report 122  
to the ~~superintendent of financial institutions or~~ comptroller of 123  
the currency, the superintendent of financial institutions, the 124  
federal deposit insurance corporation, or the board of governors 125  
of the federal reserve system. 126

(B) ~~Any domestic association as defined in section 1151.01 of~~ 127  
~~the Revised Code, or any savings bank as defined in section~~ 128  
~~1161.01 of the Revised Code,~~ federal savings association, any 129  
savings and loan association or savings bank doing business under 130  
authority granted by the superintendent of financial institutions, 131  
or any savings and loan association or savings bank doing business 132  
under authority granted by the regulatory authority of another 133  
state of the United States, located in this state, and authorized 134  
to accept deposits is eligible to become a public depository, 135  
subject to sections 135.31 to 135.40 of the Revised Code. No 136  
~~domestic~~ savings association, savings and loan association, or 137  
savings bank shall receive or have on deposit at any one time 138  
public moneys, including public moneys as defined in section 139  
135.01 of the Revised Code, in an aggregate amount in excess of 140  
thirty per cent of its total assets, as shown in its latest report 141  
to the ~~superintendent of financial institutions or federal home~~ 142  
~~loan bank board~~ the office of thrift supervision, the 143  
superintendent of financial institutions, the federal deposit 144  
insurance corporation, or the board of governors of the federal 145  
reserve system." 146

In line 98868, after "133.06," insert "135.03, 135.06,  
135.08, 135.32," 147  
148

In line 11 of the title, after "133.06," insert "135.03,  
135.06, 135.08, 135.32," 149  
150

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

Savings Associations and Savings Banks of Other States 151  
Eligible for Public Deposits 152

R.C. 135.03, 135.06, 135.08, and 135.32 153

Provides that any savings association or savings bank located 154  
in Ohio, which is doing business under the authority of another 155  
state, is eligible to become a public depository. 156

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Sub. H.B. 1  
LSC 128 0516-4  
HC-2469

5 \_\_\_\_\_ moved to amend as follows:

6 In line 30123, strike through "The"

7 In line 30124, before "superintendent" insert:

8 "Not later than December 31, 2011, the state board, upon  
9 recommendation of the superintendent, shall establish a  
10 performance indicator reflecting the level of services provided  
11 to, and the performance of, students identified as gifted under  
12 Chapter 3324. of the Revised Code.

13 The"

14 The motion was \_\_\_\_\_ agreed to.

15 SYNOPSIS

16 **Performance Indicators for Report Cards**

17 **R.C. 3302.02**

18 Requires the State Board of Education, by December 31,  
19 2011, and upon recommendation of the Superintendent of Public  
20 Instruction, to establish a performance indicator for the school  
21 district and building report cards that reflects the level of  
22 services provided to, and performance of, gifted students.



5 \_\_\_\_\_ moved to amend as follows:

6 In line 31959, after "G" insert "(1)"

7 In line 31966, delete "No" and insert:

8 "(2) Each city, local, and exempted village school  
9 district that, in fiscal year 2009, received gifted student  
10 services from an educational service center, which service  
11 center received for fiscal year 2009 unit funding for gifted  
12 student services, shall in each fiscal year thereafter do either  
13 of the following:

14 (a) Obtain gifted student services from an educational  
15 service center that are comparable to the gifted student  
16 services provided to the district with gifted unit funding in  
17 fiscal year 2009 by an educational service center;

18 (b) Spend for services to identified gifted students from  
19 the funds received under this chapter an amount not less than  
20 the amount of gifted unit funding expended by an educational  
21 service center in fiscal year 2009 for the district's students.

22 (3) No"

23 In line 31967, delete "this"; after "division" insert  
24 "(G)(1) or (2) of this section"

25 In line 31969, delete "this division" and insert "those  
26 divisions"

27 Between lines 31970 and 31971, insert:

28 "(4) Each educational service center that received for  
29 fiscal year 2009 unit funding for gifted student services shall  
30 spend from its state funds in each fiscal year thereafter for  
31 services to identified gifted students an amount not less than  
32 the aggregate amount received for gifted unit funding for fiscal  
33 year 2009. No educational service center to which division  
34 (G)(4) of this section shall receive any waiver of this  
35 requirement."

36 In line 31971, delete "District" and insert "city, local,  
37 or exempted village school district"

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38 The motion was \_\_\_\_\_ agreed to.

39 SYNOPSIS

40 **Gifted Education Support**

41 **R.C. 3306.09**

42 Requires each school district that received gifted student  
43 services from an educational service center (ESC) in FY 2009, to  
44 do one of the following in each subsequent fiscal year if the  
45 services from the ESC were financed with state gifted unit  
46 funding: (1) obtain gifted student services from an ESC that are

47 comparable to the services provided in FY 2009 by an ESC with  
48 the unit funding, or (2) spend from the district's own state  
49 funding at least as much as it received in gifted student  
50 services from an ESC in FY 2009.

51 Requires each ESC that received gifted unit funding for FY  
52 2009 to spend on services to identified gifted students in  
53 subsequent fiscal years not less than the amount of FY 2009  
54 gifted unit funding, and disallows such an ESC from receiving a  
55 waiver of this requirement.

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5 \_\_\_\_\_ moved to amend as follows:

6 In line 31993, delete "the employment of staff to serve"  
7 and insert "services for"

8 In line 31994, delete the underlined comma and insert  
9 "delivered"

10 In line 31995, delete ", or other services to such  
11 students"

12 The motion was \_\_\_\_\_ agreed to.

13 SYNOPSIS

14 **Enrichment Support**

15 **R.C. 3306.091**

16 Specifies that school districts may not spend enrichment  
17 support funds for gifted education services delivered pursuant  
18 to the laws governing services to gifted students (R.C. Chapter  
19 3324.). This replaces the bill's stipulation that enrichment  
20 support funds cannot be used to employ staff to serve gifted  
21 students or for other services to gifted students.

5 \_\_\_\_\_ moved to amend as follows:

6 Between lines 106233 and 106234, insert:

7 **"Section \_\_\_\_\_.** REALLOCATION OF UNUSED COUNTY ALLOCATIONS

8 (A) As used in this section:

9 (1) "Income maintenance funds" means funds the Department  
10 of Job and Family Services allocates to a county to meet  
11 matching fund requirements or reimburse a county for  
12 administrative expenditures incurred in the administration of  
13 the Disability Financial Assistance Program, Disability Medical  
14 Assistance Program, Medicaid Program, or Supplemental Nutrition  
15 Assistance Program.

16 (2) "TANF funds" means funds the Department of Job and  
17 Family Services allocates to a county for Title IV-A programs,  
18 as defined in section 5101.80 of the Revised Code.

19 (3) "TANF Title XX transfer funds" means funds the  
20 Department of Job and Family Services allocates to a county for  
21 purposes of section 5101.461 of the Revised Code.

22 (4) "Title XX social services funds" means funds the  
23 Department of Job and Family Services allocates to a county

24 department of job and family services for purposes of section  
25 5101.46 of the Revised Code.

26 (B) If a county informs the Department of Job and Family  
27 Services that the county will not use the entire amount of the  
28 income maintenance funds, TANF funds, TANF Title XX transfer  
29 funds, or Title XX social services funds allocated to the county  
30 for fiscal year 2010 or fiscal year 2011, the Department shall  
31 reallocate the portion of the funds the county will not use to  
32 other counties for the remainder of the fiscal year in which the  
33 funds are reallocated or the next fiscal year. In reallocating  
34 the funds, the Department shall do both of the following:

35 (1) For each of the funds separately, rank each county by  
36 the percentage reduction in allocations of the funds from the  
37 fiscal year preceding the fiscal year in which the reallocation  
38 is made to the fiscal year in which the reallocation is made,  
39 with the county that has the greatest reduction percentage  
40 placed at the top of the ranking;

41 (2) Reallocate each of the funds separately to counties in  
42 the order in which counties are ranked under division (B)(1) of  
43 this section in a manner that provides, to the extent funds are  
44 available for reallocation, for each county to be, as a result  
45 of the reallocation, allocated the same amount of the funds that  
46 the county was allocated the previous fiscal year, other than

47 the counties that inform the Department they will not use the  
48 full amount of their allocation of the funds."

---

49 The motion was \_\_\_\_\_ agreed to.

50 SYNOPSIS

51 **Reallocation of Unused County Funds**

52 **Section \_\_\_\_\_**

53 Requires the Department of Job and Family Services to  
54 reallocate certain funds to counties when the Department is  
55 informed a county will not use the full amount allocated to it  
56 for fiscal year 2010 or 2011.

1 128HB1-HC2473.docx/emr

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Sub. H.B. 1  
LSC 128 0516-4  
HC-2473

5 \_\_\_\_\_ moved to amend as follows:

6 In line 464, delete "5111.23,"; delete "5111.235,"

7 In line 465, delete "5111.241,"; delete "5111.251,"

8 Delete lines 83687 through 83807

9 Delete lines 84056 through 84077

10 Delete lines 84181 through 84298

11 Delete lines 84650 through 85040

12 In line 98993, delete "5111.23,"

13 In line 98994, delete "5111.235,"; delete "5111.241,";

14 delete "5111.251,"

15 In line 105590, delete "with the following adjustments:"

16 Delete lines 105591 through 105597

17 In line 105598, delete all before the period

18 In line 105599, delete "(2)" and insert "(D)"

19 In line 105601, delete "after application of division"

20 In line 105602, delete "(C) (1) of this section"

21 In line 105606, delete "(D)" and insert "(E)"

22 In line 105610, delete "(E)" and insert "(F)"

23 In line 105617, delete "(F)" and insert "(G)"



24 In line 105622, delete "(G)" and insert "(H)"  
25 In line 105666, delete "with the following adjustments:"  
26 Delete lines 105667 through 105673  
27 In line 105674, delete all before the period  
28 In line 105675, delete "(2)" and insert "(D)"  
29 In line 105677, delete "after application of division"  
30 In line 105678, delete "(C) (1) of this section"  
31 In line 105682, delete "(D)" and insert "(E)"  
32 In line 105686, delete "(E)" and insert "(F)"  
33 In line 105693, delete "(F)" and insert "(G)"  
34 In line 105698, delete "(G)" and insert "(H)"  
35 In line 112434, delete "5111.23,"; delete "5111.235,"  
36 In line 112435, delete "5111.241,"; delete "511.251,"  
37 In line 183 of the title, delete "5111.23,"  
38 In line 184 of the title, delete "5111.235,"; delete  
39 "5111.241,"  
40 In line 185 of the title, delete "5111.251,"

41 The motion was \_\_\_\_\_ agreed to.

42 SYNOPSIS

43 **Inflation Adjustments Used in ICF/MR Rates**

44 **R.C. 5111.23, 5111.235, 5111.241, and 5111.251**

45 Removes the bill's provision that provides for the Director  
46 of Job and Family Services to specify in rules the inflation  
47 measuring systems or inflation factors to be used in determining  
48 the Medicaid rates for intermediate care facilities for the  
49 mentally retarded (ICFs/MR) and maintains statutory reference to  
50 specific inflation measuring systems to be used in those cases.

51 **FY 2010 and FY 2011 Medicaid Reimbursement Rate for ICFs/MR**  
52 **Sections 309.30.60 and 309.30.70**

53 Removes the bill's provisions that limit an ICF/MR's  
54 Medicaid rate for fiscal year 2010 to not more than 108% of its  
55 fiscal year 2009 rate and its Medicaid rate for fiscal year 2011  
56 to not more than 107% of its fiscal year 2010 rate.

5 \_\_\_\_\_ moved to amend as follows:

6 In line 520, after "5112.48," insert "5119.613,"

7 In line 58851, strike through "a" and insert "an ADAMHS";  
8 after "board" strike through the balance of the line

9 In line 58852, strike through "health services"

10 Between lines 58853 and 58854, insert:

11 "(14) "ADAMHS board" means a board of alcohol, drug  
12 addiction, and mental health services;

13 (15) "Mental health resident program participation  
14 agreement" means a written agreement between an adult care  
15 facility and the ADAMHS board serving the alcohol, drug  
16 addiction, and mental health service district in which the  
17 facility is located, under which the facility is authorized to  
18 admit residents who are receiving or are eligible for publicly  
19 funded mental health services.

20 (16) "PASSPORT administrative agency" means an entity under  
21 contract with the department of aging to provide administrative  
22 services regarding the PASSPORT program created under section  
23 173.40 of the Revised Code."

24 Delete lines 58966 through 58968

25 In line 58969, delete "(3)" and insert "(2)"

26 In line 58970, delete "a" and insert "an ADAMHS"; after

27 "board" delete the balance of the line

28 In line 58971, delete "mental health services board"

29 Between lines 59073 and 59074, insert:

30 "If an inspection is conducted to investigate an alleged

31 violation of the requirements of this chapter in a facility with

32 residents referred by or receiving services from a mental health

33 agency or ADAMHS board or a facility with residents receiving

34 assistance under the residential state supplement program

35 administered by the department of aging pursuant to section

36 173.35 of the Revised Code, the director shall coordinate the

37 inspection with the appropriate mental health agency, ADAMHS

38 board, or PASSPORT administrative agency. As the director

39 considers appropriate, the director shall conduct the inspection

40 jointly with the mental health agency, ADAMHS board, or PASSPORT

41 administrative agency."

42 Strike through line 59086

43 In line 59087, strike through "standards"

44 In line 59397, strike through "sign written agreements

45 with"

46 Strike through lines 59398 through 59402

47 In line 59403, delete "(b)" and insert "and the ADAMHS  
48 board serving the alcohol, drug addiction, and mental health  
49 service district in which the facility is located sign a mental  
50 health resident program participation agreement, as developed by  
51 the director of mental health under section 5119.613 of the  
52 Revised Code;

53 (b) That the owner or manager comply with the requirements  
54 of its mental health resident program participation agreement;

55 (c)"

56 In line 59404, after the first "and" insert "ADAMHS";  
57 strike through "of alcohol, drug addiction, and mental health"

58 In line 59405, strike through "services"

59 In line 59406, after "a" insert "mental health"; after the  
60 first "for" insert "ongoing mental health"

61 In line 59408, delete "(c)" and insert "(d)"; after  
62 "process" insert "established by the public health council in  
63 consultation with the director of health and director of mental  
64 health"

65 In line 59409, after "services" insert "for prospective  
66 residents with mental illness"

67 In line 59417, strike through "The public health council"

68 Strike through lines 59418 and 59419

69 In line 59448, after "~~ombudsman~~" insert "long-term care";  
70 after "ombudsperson" insert "program"

71 In line 59470, after "license" insert ";

72 (g) The resident is receiving publicly funded mental health  
73 services and the facility's mental health resident program  
74 participation agreement is terminated by the facility or ADAMHS  
75 board"

76 In line 59478, delete "(f)" and insert "(g)"

77 In line 59539, delete "either" and insert "any"

78 In line 59542, delete "a" and insert "an ADAMHS"; delete  
79 the second "of"

80 In line 59543, delete "alcohol, drug addiction, or mental  
81 health services"

82 In line 59544, after "contract" insert ";

83 (c) When there is a mental health resident program  
84 participation agreement between the facility and the ADAMHS  
85 board with which the agency is under contract"

86 In line 59545, strike through "a" and insert "an ADAMHS";  
87 strike through "of alcohol, drug addiction, and"

88 In line 59546, strike through "mental health services"

89 In line 59551, after "that" insert "ADAMHS"; after  
90 "another" insert "ADAMHS"; delete "of"

91 In line 59552 delete "alcohol, drug addiction, and mental  
92 health services"

93 In line 59555, after "that" insert "ADAMHS"

94 In line 59556, after "another" insert "ADAMHS"; delete "of  
95 alcohol, drug"

96 In line 59557, delete "addiction, and mental health  
97 services" and insert ";

98 (d) When there is a mental health resident program  
99 participation agreement between the facility and that ADAMHS  
100 board"

101 In line 59599, delete "without first notifying the"

102 Delete line 59600 and insert ", unless both of the  
103 following conditions are met:

104 (a) The ADAMHS board"

105 In line 59602, after "located" insert "is notified"

106 Between lines 59602 and 59603, insert:

107 "(b) The facility and ADAMHS board have entered into a  
108 mental health resident program participation agreement by using  
109 the standardized form approved by the director of mental health  
110 under section 5119.613 of the Revised Code."

111 In line 59622, strike through "a" and insert "an ADAMHS";  
112 strike through "of alcohol, drug"

113 In line 59623, strike through "addiction, and mental health  
114 services"

115 In line 59696, after the comma insert "ADAMHS"

116 In line 59697, strike through "of alcohol, drug addiction,  
117 and mental health services"

118 In line 59700, delete "either" and insert "any"

119 In line 59704, after "capacity" insert ";

120 (3) That an enforcement action initiated by the director of  
121 health is pending and may result in the revocation of or refusal  
122 to renew the facility's license;

123 (4) That the potential resident is receiving or is eligible  
124 for publicly funded mental health services and the facility has  
125 not entered into a mental health resident program participation  
126 agreement"

127 In line 59730, after the second "the" insert "ADAMHS";  
128 strike through "of"

129 In line 59731, strike through "alcohol, drug addiction, and  
130 mental health services"

131 In line 59745, strike through "or regional"

132 In line 59746, after "ombudsperson" insert ", the regional  
133 long-term care ombudsperson program for the area in which the  
134 facility is located,"; strike through "to"

135 In line 59749, after the second "the" insert "ADAMHS";  
136 strike through "of alcohol, drug"

137 In line 59750, strike through "addiction, and mental health  
138 services"

139 In line 59753, after "ombudsperson" insert ", regional  
140 program,"



141 In line 59770, after "or" insert "ADAMHS"; strike through  
142 "of alcohol, drug addiction, and"

143 In line 59771, strike through "mental health services,"

144 In line 59788, after "or" insert "ADAMHS"; strike through  
145 "of alcohol, drug"

146 In line 59789, strike through "addiction, and mental health  
147 services"

148 Between lines 86558 and 86559, insert:

149 "Sec. 5119.613. For purposes of Chapter 3722. of the  
150 Revised Code, the director of mental health shall approve a  
151 standardized form to be used in all areas of this state by adult  
152 care facilities and boards of alcohol, drug addiction, and  
153 mental health services when entering into mental health resident  
154 program participation agreements. As part of approving the  
155 form, the director shall specify the requirements that adult  
156 care facilities must meet in order to be authorized to admit  
157 residents who are receiving or are eligible for publicly funded  
158 mental health services."

159 In line 259 of the title, after "5112.48," insert  
160 "5119.613,"

161 The motion was \_\_\_\_\_ agreed to.

162

SYNOPSIS

163

**Adult Care Facilities**

164

165

R.C. 3722.01, 3722.02, 3722.04, 3722.10, 3722.14, 3733.15,  
3722.16, 3722.18, and 5119.613

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Prohibits an adult care facility from admitting a resident receiving or eligible for publicly funded mental health services without entering into a "mental health resident program participation agreement" with the alcohol, drug addiction, and mental health services (ADAMHS) board serving the jurisdiction in which the facility is located.

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Requires the Director of Mental Health to approve a standardized form for use as a mental health resident program participation agreement and, as part of approving the form, to specify the requirements that an adult care facility must meet.

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Permits the Director of Health to waive any of the licensing requirements established by rule for adult care facilities, in place of the Director's existing authority to waive only those requirements that pertain to fire and safety requirements or building standards.

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If an inspection is conducted to investigate an alleged violation in a facility that serves residents receiving publicly funded mental health services or assistance under the Residential State Supplement Program, requires the inspection to be coordinated with the appropriate mental health agency, ADAMHS board, or PASSPORT administrative agency, and permits the inspection to be conducted jointly with the appropriate entity.

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Prohibits employees of public entities and related agencies from placing an individual in an adult care facility if a disciplinary action that may result in the revocation or non-renewal of the facility's license has been initiated and is pending against the facility.

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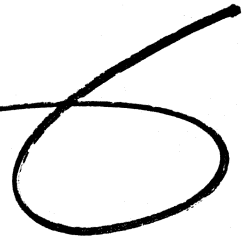
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Modifies the Public Health Council's rulemaking authority regarding the establishment of procedures to be followed by an adult care facility when persons with mental illness or severe mental disability are referred to the facility.

Sub. H.B. 1  
LSC 128 0516-4  
HC-2477



\_\_\_\_\_ moved to amend as follows:

In line 442, after "4503.103," insert "4503.44," 1

Between lines 72237 and 72238, insert: 2

"Sec. 4503.44. (A) As used in this section and in section 3  
4511.69 of the Revised Code: 4

(1) "Person with a disability that limits or impairs the 5  
ability to walk" means any person who, as determined by a health 6  
care provider, meets any of the following criteria: 7

(a) Cannot walk two hundred feet without stopping to rest; 8

(b) Cannot walk without the use of, or assistance from, a 9  
brace, cane, crutch, another person, prosthetic device, 10  
wheelchair, or other assistive device; 11

(c) Is restricted by a lung disease to such an extent that 12  
the person's forced (respiratory) expiratory volume for one 13  
second, when measured by spirometry, is less than one liter, or 14  
the arterial oxygen tension is less than sixty millimeters of 15  
mercury on room air at rest; 16

(d) Uses portable oxygen; 17

(e) Has a cardiac condition to the extent that the person's 18  
functional limitations are classified in severity as class III or 19

|                                                                    |    |
|--------------------------------------------------------------------|----|
| class IV according to standards set by the American heart          | 20 |
| association;                                                       | 21 |
| (f) Is severely limited in the ability to walk due to an           | 22 |
| arthritic, neurological, or orthopedic condition;                  | 23 |
| (g) Is blind.                                                      | 24 |
| (2) "Organization" means any private organization or               | 25 |
| corporation, or any governmental board, agency, department,        | 26 |
| division, or office, that, as part of its business or program,     | 27 |
| transports persons with disabilities that limit or impair the      | 28 |
| ability to walk on a regular basis in a motor vehicle that has not | 29 |
| been altered for the purpose of providing it with special          | 30 |
| equipment for use by handicapped persons. This definition does not | 31 |
| apply to division (J) of this section.                             | 32 |
| (3) "Health care provider" means a physician, physician            | 33 |
| assistant, advanced practice nurse, or chiropractor as defined in  | 34 |
| this section.                                                      | 35 |
| (4) "Physician" means a person licensed to practice medicine       | 36 |
| or surgery or osteopathic medicine and surgery under Chapter 4731. | 37 |
| of the Revised Code.                                               | 38 |
| (5) "Chiropractor" means a person licensed to practice             | 39 |
| chiropractic under Chapter 4734. of the Revised Code.              | 40 |
| (6) "Advanced practice nurse" means any certified nurse            | 41 |
| practitioner, clinical nurse specialist, certified registered      | 42 |
| nurse anesthetist, or certified nurse-midwife who holds a          | 43 |
| certificate of authority issued by the board of nursing under      | 44 |
| Chapter 4723. of the Revised Code.                                 | 45 |
| (7) "Physician assistant" means a person who holds a               | 46 |
| certificate to practice as a physician assistant issued under      | 47 |
| Chapter 4730. of the Revised Code.                                 | 48 |

(B) Any organization or person with a disability that limits or impairs the ability to walk may apply to the registrar of motor vehicles for a removable windshield placard or, if the person owns or leases a motor vehicle, the person may apply for the registration of any motor vehicle the person owns or leases. In addition to one or more sets of license plates or one placard, a person with a disability that limits or impairs the ability to walk is entitled to one additional placard, but only if the person applies separately for the additional placard, states the reasons why the additional placard is needed, and the registrar, in the registrar's discretion, determines that good and justifiable cause exists to approve the request for the additional placard. When a motor vehicle has been altered for the purpose of providing it with special equipment for a person with a disability that limits or impairs the ability to walk, but is owned or leased by someone other than such a person, the owner or lessee may apply to the registrar or a deputy registrar for registration under this section. The application for registration of a motor vehicle owned or leased by a person with a disability that limits or impairs the ability to walk shall be accompanied by a signed statement from the applicant's health care provider certifying that the applicant meets at least one of the criteria contained in division (A) (1) of this section and that the disability is expected to continue for more than six consecutive months. The application for a removable windshield placard made by a person with a disability that limits or impairs the ability to walk shall be accompanied by a prescription from the applicant's health care provider prescribing such a placard for the applicant, provided that the applicant meets at least one of the criteria contained in division (A) (1) of this section. The health care provider shall state on the prescription the length of time the health care provider expects the applicant to have the disability that limits or impairs the

applicant's ability to walk. The application for a removable  
windshield placard made by an organization shall be accompanied by  
such documentary evidence of regular transport of persons with  
disabilities that limit or impair the ability to walk by the  
organization as the registrar may require by rule and shall be  
completed in accordance with procedures that the registrar may  
require by rule. The application for registration of a motor  
vehicle that has been altered for the purpose of providing it with  
special equipment for a person with a disability that limits or  
impairs the ability to walk but is owned by someone other than  
such a person shall be accompanied by such documentary evidence of  
vehicle alterations as the registrar may require by rule.

(C) When an organization, a person with a disability that  
limits or impairs the ability to walk, or a person who does not  
have a disability that limits or impairs the ability to walk but  
owns a motor vehicle that has been altered for the purpose of  
providing it with special equipment for a person with a disability  
that limits or impairs the ability to walk first submits an  
application for registration of a motor vehicle under this section  
and every fifth year thereafter, the organization or person shall  
submit a signed statement from the applicant's health care  
provider, a completed application, and any required documentary  
evidence of vehicle alterations as provided in division (B) of  
this section, and also a power of attorney from the owner of the  
motor vehicle if the applicant leases the vehicle. Upon submission  
of these items, the registrar or deputy registrar shall issue to  
the applicant appropriate vehicle registration and a set of  
license plates and validation stickers, or validation stickers  
alone when required by section 4503.191 of the Revised Code. In  
addition to the letters and numbers ordinarily inscribed thereon,  
the license plates shall be imprinted with the international

symbol of access. The license plates and validation stickers shall 113  
be issued upon payment of the regular license fee as prescribed 114  
under section 4503.04 of the Revised Code and any motor vehicle 115  
tax levied under Chapter 4504. of the Revised Code, and the 116  
payment of a service fee equal to the amount specified in division 117  
(D) or (G) of section 4503.10 of the Revised Code. 118  
119

(D) (1) Upon receipt of a completed and signed application for 120  
a removable windshield placard, a prescription as described in 121  
division (B) of this section, documentary evidence of regular 122  
transport of persons with disabilities that limit or impair the 123  
ability to walk, if required, and payment of a service fee equal 124  
to the amount specified in division (D) or (G) of section 4503.10 125  
of the Revised Code, the registrar or deputy registrar shall issue 126  
to the applicant a removable windshield placard, which shall bear 127  
the date of expiration on both sides of the placard and shall be 128  
valid until expired, revoked, or surrendered. Every removable 129  
windshield placard expires as described in division (D) (2) of this 130  
section, but in no case shall a removable windshield placard be 131  
valid for a period of less than sixty days. Removable windshield 132  
placards shall be renewable upon application as provided in 133  
division (B) of this section, and a service fee equal to the 134  
amount specified in division (D) or (G) of section 4503.10 of the 135  
Revised Code shall be charged for the renewal of a removable 136  
windshield placard. The registrar shall provide the application 137  
form and shall determine the information to be included thereon. 138  
The registrar also shall determine the form and size of the 139  
removable windshield placard, the material of which it is to be 140  
made, and any other information to be included thereon, and shall 141  
adopt rules relating to the issuance, expiration, revocation, 142  
surrender, and proper display of such placards. Any placard issued 143  
after October 14, 1999, shall be manufactured in a manner that 144

allows the expiration date of the placard to be indicated on it 145  
through the punching, drilling, boring, or creation by any other 146  
means of holes in the placard. 147

(2) At the time a removable windshield placard is issued to a 148  
person with a disability that limits or impairs the ability to 149  
walk, the registrar or deputy registrar shall enter into the 150  
records of the bureau of motor vehicles the last date on which the 151  
person will have that disability, as indicated on the accompanying 152  
prescription. Not less than thirty days prior to that date and all 153  
removable windshield placard renewal dates, the bureau shall send 154  
a renewal notice to that person at the person's last known address 155  
as shown in the records of the bureau, informing the person that 156  
the person's removable windshield placard will expire on the 157  
indicated date not to exceed five years from the date of issuance, 158  
and that the person is required to renew the placard by submitting 159  
to the registrar or a deputy registrar another prescription, as 160  
described in division (B) of this section, and by complying with 161  
the renewal provisions prescribed in division (D)(1) of this 162  
section. If such a prescription is not received by the registrar 163  
or a deputy registrar by that date, the placard issued to that 164  
person expires and no longer is valid, and this fact shall be 165  
recorded in the records of the bureau. 166

(3) At least once every year, on a date determined by the 167  
registrar, the bureau shall examine the records of the office of 168  
vital statistics, located within the department of health, that 169  
pertain to deceased persons, and also the bureau's records of all 170  
persons who have been issued removable windshield placards and 171  
temporary removable windshield placards. If the records of the 172  
office of vital statistics indicate that a person to whom a 173  
removable windshield placard or temporary removable windshield 174  
placard has been issued is deceased, the bureau shall cancel that 175



placard, and note the cancellation in its records. 176

The office of vital statistics shall make available to the 177  
bureau all information necessary to enable the bureau to comply 178  
with division (D) (3) of this section. 179

(4) Nothing in this section shall be construed to require a 180  
person or organization to apply for a removable windshield placard 181  
or special license plates if the parking card or special license 182  
plates issued to the person or organization under prior law have 183  
not expired or been surrendered or revoked. 184

(E) (1) (a) Any person with a disability that limits or impairs 185  
the ability to walk may apply to the registrar or a deputy 186  
registrar for a temporary removable windshield placard. The 187  
application for a temporary removable windshield placard shall be 188  
accompanied by a prescription from the applicant's health care 189  
provider prescribing such a placard for the applicant, provided 190  
that the applicant meets at least one of the criteria contained in 191  
division (A) (1) of this section and that the disability is 192  
expected to continue for six consecutive months or less. The 193  
health care provider shall state on the prescription the length of 194  
time the health care provider expects the applicant to have the 195  
disability that limits or impairs the applicant's ability to walk, 196  
which cannot exceed six months from the date of the prescription. 197  
Upon receipt of an application for a temporary removable 198  
windshield placard, presentation of the prescription from the 199  
applicant's health care provider, and payment of a service fee 200  
equal to the amount specified in division (D) or (G) of section 201  
4503.10 of the Revised Code, the registrar or deputy registrar 202  
shall issue to the applicant a temporary removable windshield 203  
placard. 204

(b) Any active-duty member of the armed forces of the United 205  
States, including the reserve components of the armed forces and 206

the national guard, who has an illness or injury that limits or  
impairs the ability to walk may apply to the registrar or a deputy  
registrar for a temporary removable windshield placard. With the  
application, the person shall present evidence of the person's  
active-duty status and the illness or injury. Evidence of the  
illness or injury may include a current department of defense  
convalescent leave statement, any department of defense document  
indicating that the person currently has an ill or injured  
casualty status or has limited duties, or a prescription from any  
health care provider prescribing the placard for the applicant.  
Upon receipt of the application and the necessary evidence, the  
registrar or deputy registrar shall issue the applicant the  
temporary removable windshield placard without the payment of any  
service fee.

(2) The temporary removable windshield placard shall be of  
the same size and form as the removable windshield placard, shall  
be printed in white on a red-colored background, and shall bear  
the word "temporary" in letters of such size as the registrar  
shall prescribe. A temporary removable windshield placard also  
shall bear the date of expiration on the front and back of the  
placard, and shall be valid until expired, surrendered, or  
revoked, but in no case shall such a placard be valid for a period  
of less than sixty days. The registrar shall provide the  
application form and shall determine the information to be  
included on it, provided that the registrar shall not require a  
health care provider's prescription or certification for a person  
applying under division (E)(1)(b) of this section. The registrar  
also shall determine the material of which the temporary removable  
windshield placard is to be made and any other information to be  
included on the placard and shall adopt rules relating to the  
issuance, expiration, surrender, revocation, and proper display of  
those placards. Any temporary removable windshield placard issued

after October 14, 1999, shall be manufactured in a manner that  
allows for the expiration date of the placard to be indicated on  
it through the punching, drilling, boring, or creation by any  
other means of holes in the placard.

(F) If an applicant for a removable windshield placard is a  
veteran of the armed forces of the United States whose disability,  
as defined in division (A)(1) of this section, is  
service-connected, the registrar or deputy registrar, upon receipt  
of the application, presentation of a signed statement from the  
applicant's health care provider certifying the applicant's  
disability, and presentation of such documentary evidence from the  
department of veterans affairs that the disability of the  
applicant meets at least one of the criteria identified in  
division (A)(1) of this section and is service-connected as the  
registrar may require by rule, but without the payment of any  
service fee, shall issue the applicant a removable windshield  
placard that is valid until expired, surrendered, or revoked.

(G) Upon a conviction of a violation of division (I), (J), or  
(K) of this section, the court shall report the conviction, and  
send the placard or parking card, if available, to the registrar,  
who thereupon shall revoke the privilege of using the placard or  
parking card and send notice in writing to the placardholder or  
cardholder at that holder's last known address as shown in the  
records of the bureau, and the placardholder or cardholder shall  
return the placard or card if not previously surrendered to the  
court, to the registrar within ten days following mailing of the  
notice.

Whenever a person to whom a removable windshield placard or  
parking card has been issued moves to another state, the person  
shall surrender the placard or card to the registrar; and whenever  
an organization to which a placard or card has been issued changes

its place of operation to another state, the organization shall 270  
surrender the placard or card to the registrar. 271

(H) Subject to division (F) of section 4511.69 of the Revised 272  
Code, the operator of a motor vehicle displaying a removable 273  
windshield placard, temporary removable windshield placard, 274  
parking card, or the special license plates authorized by this 275  
section is entitled to park the motor vehicle in any special 276  
parking location reserved for persons with disabilities that limit 277  
or impair the ability to walk, also known as handicapped parking 278  
spaces or disability parking spaces. 279

(I) No person or organization that is not eligible under 280  
division (B) or (E) of this section shall willfully and falsely 281  
represent that the person or organization is so eligible. 282

No person or organization shall display license plates issued 283  
under this section unless the license plates have been issued for 284  
the vehicle on which they are displayed and are valid. 285

(J) No person or organization to which a removable windshield 286  
placard or temporary removable windshield placard is issued shall 287  
do either of the following: 288

(1) Display or permit the display of the placard on any motor 289  
vehicle when having reasonable cause to believe the motor vehicle 290  
is being used in connection with an activity that does not include 291  
providing transportation for persons with disabilities that limit 292  
or impair the ability to walk; 293

(2) Refuse to return or surrender the placard, when required. 294

(K) (1) No person or organization to which a parking card is 295  
issued shall do either of the following: 296

(a) Display or permit the display of the parking card on any 297  
motor vehicle when having reasonable cause to believe the motor 298  
vehicle is being used in connection with an activity that does not 299

|                                                                                                                                                                                                                                                                                                                                                                        |                                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|
| include providing transportation for a handicapped person;                                                                                                                                                                                                                                                                                                             | 300                                    |
| (b) Refuse to return or surrender the parking card, when required.                                                                                                                                                                                                                                                                                                     | 301<br>302                             |
| (2) As used in division (K) of this section:                                                                                                                                                                                                                                                                                                                           | 303                                    |
| (a) "Handicapped person" means any person who has lost the use of one or both legs or one or both arms, who is blind, deaf, or so severely handicapped as to be unable to move about without the aid of crutches or a wheelchair, or whose mobility is restricted by a permanent cardiovascular, pulmonary, or other handicapping condition.                           | 304<br>305<br>306<br>307<br>308<br>309 |
| (b) "Organization" means any private organization or corporation, or any governmental board, agency, department, division, or office, that, as part of its business or program, transports handicapped persons on a regular basis in a motor vehicle that has not been altered for the purposes of providing it with special equipment for use by handicapped persons. | 310<br>311<br>312<br>313<br>314<br>315 |
| (L) If a removable windshield placard, temporary removable windshield placard, or parking card is lost, destroyed, or mutilated, the placardholder or cardholder may obtain a duplicate by doing both of the following:                                                                                                                                                | 316<br>317<br>318<br>319               |
| (1) Furnishing suitable proof of the loss, destruction, or mutilation to the registrar;                                                                                                                                                                                                                                                                                | 320<br>321                             |
| (2) Paying a service fee equal to the amount specified in division (D) or (G) of section 4503.10 of the Revised Code.                                                                                                                                                                                                                                                  | 322<br>323                             |
| Any placardholder or cardholder who loses a placard or card and, after obtaining a duplicate, finds the original, immediately shall surrender the original placard or card to the registrar.                                                                                                                                                                           | 324<br>325<br>326                      |
| (M) The registrar shall pay all fees received under this section for the issuance of removable windshield placards or                                                                                                                                                                                                                                                  | 327<br>328                             |

temporary removable windshield placards or duplicate removable  
 windshield placards or cards into the state treasury to the credit  
 of the state bureau of motor vehicles fund created in section  
 4501.25 of the Revised Code.

(N) In addition to the fees collected under this section, the registrar or deputy registrar shall ask each person applying for a removable windshield placard or temporary removable windshield placard or duplicate removable windshield placard or license plate issued under this section, whether the person wishes to make a two-dollar voluntary contribution to support rehabilitation employment services. The registrar shall transmit the contributions received under this division to the treasurer of state for deposit into the rehabilitation employment fund, which is hereby created in the state treasury. A deputy registrar shall transmit the contributions received under this division to the registrar in the time and manner prescribed by the registrar. The contributions in the fund shall be used by the rehabilitation services commission to purchase services related to vocational evaluation, work adjustment, personal adjustment, job placement, job coaching, and community-based assessment from accredited community rehabilitation program facilities.

(O) For purposes of enforcing this section, every peace officer is deemed to be an agent of the registrar. Any peace officer or any authorized employee of the bureau of motor vehicles who, in the performance of duties authorized by law, becomes aware of a person whose placard or parking card has been revoked pursuant to this section, may confiscate that placard or parking card and return it to the registrar. The registrar shall prescribe any forms used by law enforcement agencies in administering this section.

No peace officer, law enforcement agency employing a peace

officer, or political subdivision or governmental agency employing 360  
 a peace officer, and no employee of the bureau is liable in a 361  
 civil action for damages or loss to persons arising out of the 362  
 performance of any duty required or authorized by this section. As 363  
 used in this division, "peace officer" has the same meaning as in 364  
 division (B) of section 2935.01 of the Revised Code. 365

~~(P)~~(P) All applications for registration of motor vehicles, 366  
 removable windshield placards, and temporary removable windshield 367  
 placards issued under this section, all renewal notices for such 368  
 items, and all other publications issued by the bureau that relate 369  
 to this section shall set forth the criminal penalties that may be 370  
 imposed upon a person who violates any provision relating to 371  
 special license plates issued under this section, the parking of 372  
 vehicles displaying such license plates, and the issuance, 373  
 procurement, use, and display of removable windshield placards and 374  
 temporary removable windshield placards issued under this section. 375

~~(P)~~(Q) Whoever violates this section is guilty of a 376  
 misdemeanor of the fourth degree." 377

In line 98972, after "4503.103," insert "4503.44," 378

In line 154 of the title, after "4503.103," insert "4503.44," 379

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

Placards and License Plates for Walking-Impaired 380

R.C. 4503.44 381

Creates the Rehabilitation Employment Fund to be used by the 382  
 Rehabilitation Services Commission to fund employment-related 383

services and requires the Registrar of Motor Vehicles and any 384  
deputy registrar to ask each applicant for a removable windshield 385  
placard or temporary removable windshield placard or duplicate 386  
removable windshield placard or license plate issued to a person 387  
who is walking-impaired whether the person wishes to make a \$2 388  
contribution to the Rehabilitation Employment Fund. 389



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Sub. H.B. 1  
LSC 128 0516-4  
HC-2478

5 \_\_\_\_\_ moved to amend as follows:

6 Between lines 112209 and 112210, insert:

7 **"Section 753.\_\_\_\_.** (A) The Governor is authorized to  
8 execute a Governor's Deed in the name of the state conveying to  
9 the Dayton Public School District/Dayton Board of Education,  
10 ("grantee"), and its successors and assigns, all of the state's  
11 right, title, and interest in the following described real  
12 estate:

13 STATE OF OHIO TO BOARD OF EDUCATION 45.3599 Acres

14 Situated in Section 26, Township 2, Range 7 of the Miami  
15 River Survey, the City of Dayton, the County of Montgomery, the  
16 State of Ohio, being a 2.2361 acre portion of a 15 acres 30 rods  
17 tract conveyed to the State of Ohio as recorded in Deed Book U-  
18 2, Page 40, and being a 22.5673 acre portion of a 24.36 acre  
19 tract of land conveyed to the Trustees of the Southern Ohio  
20 Lunatic Asylum as recorded in Deed Book N-3, Page 233, being an  
21 4.6813 acre portion of a 21.25 acre tract of land conveyed to  
22 the State of Ohio as recorded in Deed Book 169, Page 583, and  
23 being an 8.6742 acre portion of a 33.5 acre tract as conveyed to

24 the State of Ohio as recorded in Deed Book 169, Page 585, being  
25 an 7.2010 acre portion of a 10.544 acre tract of land as  
26 conveyed to the State of Ohio as recorded in Deed Book 138, Page  
27 125 and being a portion of City of Dayton Lot Number 61376 and  
28 all of Lot Number 61377 of the revised and consecutive numbers  
29 of lots on the plat of the City of Dayton and more particularly  
30 bounded and described as follows:

31 Beginning at a capped 5/8" Iron Pin found stamped  
32 "Woolpert" at the Southeast corner of a 2.881 acre tract being  
33 Parcel 2 of the Wilmington Woods Plat as recorded in Plat Book  
34 134, Page 3A, said point also being the northeast corner of an  
35 8.338 acre tract of land conveyed to the Barry K. Humphries as  
36 recorded in Microfiche 01-0590A04 and the TRUE POINT OF  
37 BEGINNING;

38 Thence with the east line of said 2.881 acre tract being  
39 Parcel 2 and the West line of a 24.36 acre tract of land  
40 conveyed to the Trustees of the Southern Ohio Lunatic Asylum as  
41 recorded in Deed Book N-3, Page 233, North 00°32' 15" East a  
42 distance of 459.39 feet to a RR Spike set in the centerline of  
43 Wayne Avenue, passing a 5/8 inch iron pin set at the northeast  
44 corner of said 2.881 acre tract and the south right of way of  
45 Wayne Avenue at 429.39 feet;

46 Thence with the centerline of Wayne Ave and the north lines  
47 of said 24.36 acre tract and said 21.25 acre tract, South

48 89°18'28" East a distance of 790.80 feet to a RR spike set at  
49 the northwest comer of a 1.056 acre tract of land conveyed to  
50 the City of Dayton as recorded in M.F. No. 90-424 E09;

51 Thence with the west line of said 1.056 acre tract and the  
52 east line of said 21.25 acre tract, South 01°17'05" West a  
53 distance of 230.89 feet to a 5/8 inch iron pin stamped  
54 "Riancho", passing a 5/8 inch iron set at the south right of way  
55 of Wayne Avenue at 30.00 feet;

56 Thence with the south line of said 1.056 acre tract and the  
57 south line of a 1.056 acre tract of land conveyed to the City of  
58 Dayton as recorded in M.F. No. 78-725 B08, South 89°27' 55" East  
59 a distance of 400.00 feet to a found 5/8" iron pin and passing a  
60 5/8 inch iron pin found stamped "Riancho" at 200.00 feet;

61 Thence with the east line of said 1.056 acre tract and the  
62 west line of said 33.5 acre tract as conveyed to the State of  
63 Ohio as recorded in Deed Book 169 Page 585, North 1°17'05" East  
64 a distance of 229.79 feet to a RR spike set, passing a 5/8 inch  
65 iron pin set at the south right of way of Wayne Avenue at 199.79  
66 feet;

67 Thence with the centerline of Wayne Avenue and the north  
68 line of said 33.5 acre tract, South 89°18'28" East a distance of  
69 270.78 feet to a RR spike set at the Intersection of the  
70 centerlines of Watervliet Avenue and Wayne Avenue;

71 Thence with the centerline of Watervliet Avenue and with  
72 the northerly line of said 33.5 acre tract, South 55°21'16" East  
73 a distance of 231.10 feet to a RR spike set;

74 Thence with the east line of said 33.5 acre tract and the  
75 west line of a 13.00 acre tract conveyed to the Board of  
76 Education of the Dayton City School District as recorded in Deed  
77 Book 1522, Page 341, South 00°48' 28" West a distance of 709.51  
78 feet to a 5/8 inch iron pin set;

79 Thence with a new division line, North 89°11'12" West, a  
80 distance of 468.08 feet to a 5/8 inch iron pin set, in the west  
81 line of said 33.5 acre tract and the east line of said 21.25  
82 acre tract, to a 5/8 inch iron pin set;

83 Thence with the west line of said 33.5 acre tract and the  
84 east line of said 21.25 acre tract, North 01°07'55" East a  
85 distance of 141.74 feet to a 5/8 inch iron pin set;

86 Thence with a new division line, North 89°15'53" West,  
87 passing the west line of said 21.25 acre tract and the east line  
88 of said 24.36 acre tract conveyed to The Trustees of the  
89 Southern Ohio Lunatic Asylum as recorded in Deed Book N~3, Page  
90 233 at a distance of 425.35 feet, for a total distance of 507.35  
91 feet to a 5/8 inch iron pin set;

92 Thence with a new division line South 01°07'00" West  
93 passing the south line of 24.36 acre tract conveyed to The  
94 Trustees of the Southern Ohio Lunatic Asylum as recorded in Deed

95 Book N-3, Page 233 and the north line of said 10.544 acre tract  
96 at a distance of 627.92 feet, for a total distance of 1,013.05  
97 feet to a 5/8 inch iron pin set in the south line of said 10.544  
98 acre tract;

99 Thence with the south line of said 10.544 acre tract and  
100 the north line a 20.3 acre tract conveyed to the State of Ohio  
101 Department of Public Works for the use of the Department of  
102 Public Welfare, Dayton State Hospital as recorded in Deed Book  
103 1326, Page 247, North 88°52'07" West a distance of 808.89 feet  
104 to a 5/8 inch iron pin set in the east line of a 11.579 acre  
105 tract of land conveyed to the Hospice of Dayton as recorded in  
106 Microfiche 94-0448C08;

107 Thence with the east line of said 11.579 acre tract of  
108 land, the east line of said 8.338 acre tract as conveyed to  
109 Barry K. Humphries as recorded in M.F. number 01-0590 A04, the  
110 west line of said 10.544 acre tract, and the west line of said  
111 2.36 acre tract, North 03°24 '08" West a distance of 956.68 feet  
112 to a 5/8 inch iron pin set;

113 Thence with an easterly line of said 8.338 acre tract, the  
114 westerly line of said 24.36 acre tract, and the north line of  
115 said 2.36 acre tract, North 49°49'38" East a distance of 275.99  
116 feet to a capped 5/8 inch Iron Pin found stamped "LJB";

117 Thence with the east line of said 8.338 acre tract and the  
118 west line of a 24.36 acre tract, North 00°32'15" East a distance

119 of 108.09 feet to a capped 5/8" Iron Pin stamped "Woolpert" and  
120 the TRUE POINT OF BEGINNING, containing 45.3599 acres more or  
121 less. Subject to all easements, agreements and right of ways of  
122 record.

123 The basis of bearings for this description is the easterly  
124 line of Parcel 2, South 00°32'15 West, as recorded in the  
125 Wilmington Woods Plat as recorded in Plat Book 134, Page 3A;

126 All iron pins set in the above boundary description are  
127 5/8" (O.D.) 30" long with a plastic cap stamped "LJB"

128 (B)(1) Consideration for conveyance of the real estate  
129 described in division (A) of this section is the transfer to the  
130 state at no cost of 8.9874 acres adjacent to the remaining Twin  
131 Valley Behavioral Healthcare/Dayton Campus, subject to the  
132 following conditions:

133 (a) Within one hundred eighty days after conveyance of the  
134 real estate described in division (A) of this section, grantee  
135 at its own cost shall complete construction of a new western  
136 extension off of Mapleview Avenue to provide a new entrance  
137 roadway to the remaining Twin Valley Behavioral  
138 Healthcare/Dayton Campus and provide an easement to the state  
139 for full utilization of the roadway for the benefit of the  
140 remaining Twin Valley Behavioral Healthcare/Dayton Campus until  
141 the property described in division (B)(1) of this section is  
142 transferred to the state.

143 (b) Within three hundred forty days after the occupancy of  
144 the New Belmont High School, grantee shall demolish and  
145 environmentally restore the 8.9874 acres being transferred to  
146 the state.

147 (2) In lieu of the transfer of the 8.9874 acres, if the  
148 Director of Mental Health determines that the grantee has  
149 insufficiently performed its construction, demolition, and  
150 environmental restoration obligations specified in division  
151 (B)(1) of this section, the grantee, as consideration, shall pay  
152 a purchase price of \$1,175,000.00 to the state, which is the  
153 appraised value of the 45.3599 acres described in division (A)  
154 of the section less the cost of demolition, site, and utility  
155 work.

156 (C) The real estate described in division (A) of this  
157 section shall be conveyed as an entire tract and not in parcels.

158 (D) Upon transfer of the 8.9874 acres to the state or  
159 payment of the purchase price, the Auditor of State, with the  
160 assistance of the Attorney General, shall prepare a deed to the  
161 real estate described in division (A) of this section. The deed  
162 shall state the consideration and shall be executed by the  
163 Governor in the name of the state, countersigned by the  
164 Secretary of State, sealed with the Great Seal of the State,  
165 presented in the Office of the Auditor of State for recording,

166 and delivered to the grantee. The grantee shall present the deed  
167 for recording in the Office of the Montgomery County Recorder.

168 (E) The grantee shall pay all costs associated with  
169 conveyance of the real estate described in division (A) of this  
170 section, including recordation costs of the deed.

171 (F) If the payment of \$1,175,000.00 is made in lieu of the  
172 transfer of the 8.9874 acres to the state, the proceeds of the  
173 conveyance of the real estate described in division (A) of this  
174 section shall be deposited into the state treasury to the credit  
175 of the Department of Mental Health Trust Fund created by section  
176 5119.18 of the Revised Code and the easement described in  
177 division (B)(1)(a) of this section shall become a permanent  
178 easement.

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

184 As used in this division:

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



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

200 (H) This section expires two years after its effective  
201 date."

202 The motion was \_\_\_\_\_ agreed to.

203 SYNOPSIS

204 **Land Conveyance from Department of Mental Health to Dayton**  
205 **Public Schools**

206 **Section 753. \_\_\_\_\_**

207 Authorizes the Governor to execute a Governor's Deed  
208 conveying to Dayton Public School District/Dayton Board of  
209 Education, and its successors and assigns, all of the state's  
210 right, title, and interest in certain real estate located in  
211 Montgomery County.

212 Specifies that the consideration for the conveyance is a  
213 transfer to the state at no cost of land adjacent to the  
214 remaining Twin Valley Behavioral Healthcare/Dayton Campus  
215 subject to certain conditions, including construction,

216 demolition, and restoration by the grantee or a purchase price  
217 of \$1,175,000.00.

218 Requires the Auditor of State, with the assistance of the  
219 Attorney General, to prepare a deed stating the consideration,  
220 and requires the grantee to present the deed for recording in  
221 the Office of the Montgomery County Recorder.

222 Specifies that any payment must be deposited into the state  
223 treasury to the credit of the Department of Mental Health Trust  
224 Fund.

225 Prohibits the grantee, during any period that any bonds  
226 issued by the state to finance or refinance all or a portion of  
227 the real estate are outstanding, from using any portion of the  
228 real estate for a private business use without the state's prior  
229 written consent.

230 The conveyance authority expires two years after it takes  
231 effect.