

Sub. H.B. 1
LSC 128 0516-4
HC-2479-1



_____ moved to amend as follows:

In line 429, after "3781.03," insert "3781.10,"; after "3781.11," insert "3781.12, 3781.19,"

Between lines 65418 and 65419, insert:

"Sec. 3781.10. (A) (1) The board of building standards shall formulate and adopt rules governing the erection, construction, repair, alteration, and maintenance of all buildings or classes of buildings specified in section 3781.06 of the Revised Code, including land area incidental to those buildings, the construction of industrialized units, the installation of equipment, and the standards or requirements for materials used in connection with those buildings. The board shall incorporate those rules into separate residential and nonresidential building codes. The standards shall relate to the conservation of energy and the safety and sanitation of those buildings.

(2) The rules governing nonresidential buildings are the lawful minimum requirements specified for those buildings and industrialized units, except that no rule other than as provided in division (C) of section 3781.108 of the Revised Code that specifies a higher requirement than is imposed by any section of the Revised Code is enforceable. The rules governing residential buildings are uniform requirements for residential buildings in

any area with a building department certified to enforce the state residential building code. In no case shall any local code or regulation differ from the state residential building code unless that code or regulation addresses subject matter not addressed by the state residential building code or is adopted pursuant to section 3781.01 of the Revised Code.

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(3) The rules adopted pursuant to this section are complete, lawful alternatives to any requirements specified for buildings or industrialized units in any section of the Revised Code. The board shall, on its own motion or on application made under sections 3781.12 and 3781.13 of the Revised Code, formulate, propose, adopt, modify, amend, or repeal the rules to the extent necessary or desirable to effectuate the purposes of sections 3781.06 to 3781.18 of the Revised Code.

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(B) The board shall report to the general assembly proposals for amendments to existing statutes relating to the purposes declared in section 3781.06 of the Revised Code that public health and safety and the development of the arts require and shall recommend any additional legislation to assist in carrying out fully, in statutory form, the purposes declared in that section. The board shall prepare and submit to the general assembly a summary report of the number, nature, and disposition of the petitions filed under sections 3781.13 and 3781.14 of the Revised Code.

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(C) On its own motion or on application made under sections 3781.12 and 3781.13 of the Revised Code, and after thorough testing and evaluation, the board shall determine by rule that any particular fixture, device, material, process of manufacture, manufactured unit or component, method of manufacture, system, or method of construction complies with performance standards adopted pursuant to section 3781.11 of the Revised Code. The board shall

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make its determination with regard to adaptability for safe and
sanitary erection, use, or construction, to that described in any
section of the Revised Code, wherever the use of a fixture,
device, material, method of manufacture, system, or method of
construction described in that section of the Revised Code is
permitted by law. The board shall amend or annul any rule or issue
an authorization for the use of a new material or manufactured
unit on any like application. No department, officer, board, or
commission of the state other than the board of building standards
or the board of building appeals shall permit the use of any
fixture, device, material, method of manufacture, newly designed
product, system, or method of construction at variance with what
is described in any rule the board of building standards adopts or
issues or that is authorized by any section of the Revised Code.
Nothing in this section shall be construed as requiring approval,
by rule, of plans for an industrialized unit that conforms with
the rules the board of building standards adopts pursuant to
section 3781.11 of the Revised Code.

(D) The board shall recommend rules, codes, and standards to
help carry out the purposes of section 3781.06 of the Revised Code
and to help secure uniformity of state administrative rulings and
local legislation and administrative action to the bureau of
workers' compensation, the director of commerce, any other
department, officer, board, or commission of the state, and to
legislative authorities and building departments of counties,
townships, and municipal corporations, and shall recommend that
they audit those recommended rules, codes, and standards by any
appropriate action that they are allowed pursuant to law or the
constitution.

(E) (1) The board shall certify municipal, township, and
county building departments and the personnel of those building

departments, and persons and employees of individuals, firms, or
corporations as described in division (E)(7) of this section to
exercise enforcement authority, to accept and approve plans and
specifications, and to make inspections, pursuant to sections
3781.03, 3791.04, and 4104.43 of the Revised Code.

(2) The board shall certify departments, personnel, and
persons to enforce the state residential building code, to enforce
the nonresidential building code, or to enforce both the
residential and the nonresidential building codes. Any department,
personnel, or person may enforce only the type of building code
for which certified.

(3) The board shall not require a building department, its
personnel, or any persons that it employs to be certified for
residential building code enforcement if that building department
does not enforce the state residential building code. The board
shall specify, in rules adopted pursuant to Chapter 119. of the
Revised Code, the requirements for certification for residential
and nonresidential building code enforcement, which shall be
consistent with this division. The requirements for residential
and nonresidential certification may differ. Except as otherwise
provided in this division, the requirements shall include, but are
not limited to, the satisfactory completion of an initial
examination and, to remain certified, the completion of a
specified number of hours of continuing building code education
within each three-year period following the date of certification
which shall be not less than thirty hours. The rules shall provide
that continuing education credits and certification issued by the
council of American building officials, national model code
organizations, and agencies or entities the board recognizes are
acceptable for purposes of this division. The rules shall specify
requirements that are compatible, to the extent possible, with

requirements the council of American building officials and 115
national model code organizations establish. 116

(4) The board shall establish and collect a certification and 117
renewal fee for building department personnel, and persons and 118
employees of persons, firms, or corporations as described in this 119
section, who are certified pursuant to this division. 120

(5) Any individual certified pursuant to this division shall 121
complete the number of hours of continuing building code education 122
that the board requires or, for failure to do so, forfeit 123
certification. 124

(6) This division does not require or authorize the board to 125
certify personnel of municipal, township, and county building 126
departments, and persons and employees of persons, firms, or 127
corporations as described in this section, whose responsibilities 128
do not include the exercise of enforcement authority, the approval 129
of plans and specifications, or making inspections under the state 130
residential and nonresidential building codes. 131

(7) Enforcement authority for approval of plans and 132
specifications and enforcement authority for inspections may be 133
exercised, and plans and specifications may be approved and 134
inspections may be made on behalf of a municipal corporation, 135
township, or county, by any of the following who the board of 136
building standards certifies: 137

(a) Officers or employees of the municipal corporation, 138
township, or county; 139

(b) Persons, or employees of persons, firms, or corporations, 140
pursuant to a contract to furnish architectural, engineering, or 141
other services to the municipal corporation, township, or county; 142

(c) Officers or employees of, and persons under contract 143
with, a municipal corporation, township, county, health district, 144

or other political subdivision, pursuant to a contract to furnish architectural, engineering, or other services. 145
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(8) Municipal, township, and county building departments have jurisdiction within the meaning of sections 3781.03, 3791.04, and 4104.43 of the Revised Code, only with respect to the types of buildings and subject matters for which they are certified under this section. 147
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(9) Certification shall be granted upon application by the municipal corporation, the board of township trustees, or the board of county commissioners and approval of that application by the board of building standards. The application shall set forth: 152
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(a) Whether the certification is requested for residential or nonresidential buildings, or both; 156
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(b) The number and qualifications of the staff composing the building department; 158
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(c) The names, addresses, and qualifications of persons, firms, or corporations contracting to furnish work or services pursuant to division (E) (7) (b) of this section; 160
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(d) The names of any other municipal corporation, township, county, health district, or political subdivision under contract to furnish work or services pursuant to division (E) (7) of this section; 163
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(e) The proposed budget for the operation of the building department. 167
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(10) The board of building standards shall adopt rules governing all of the following: 169
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(a) The certification of building department personnel and persons and employees of persons, firms, or corporations exercising authority pursuant to division (E) (7) of this section. 171
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The rules shall disqualify any employee of the department or person who contracts for services with the department from performing services for the department when that employee or person would have to pass upon, inspect, or otherwise exercise authority over any labor, material, or equipment the employee or person furnishes for the construction, alteration, or maintenance of a building or the preparation of working drawings or specifications for work within the jurisdictional area of the department. The department shall provide other similarly qualified personnel to enforce the residential and nonresidential building codes as they pertain to that work.

(b) The minimum services to be provided by a certified building department.

(11) The board of building standards may revoke or suspend certification to enforce the residential and nonresidential building codes, on petition to the board by any person affected by that enforcement or approval of plans, or by the board on its own motion. Hearings shall be held and appeals permitted on any proceedings for certification or revocation or suspension of certification in the same manner as provided in section 3781.101 of the Revised Code for other proceedings of the board of building standards.

(12) Upon certification, and until that authority is revoked, any county or township building department shall enforce the residential and nonresidential building codes for which it is certified without regard to limitation upon the authority of boards of county commissioners under Chapter 307. of the Revised Code or boards of township trustees under Chapter 505. of the Revised Code.

(F) In addition to hearings sections 3781.06 to 3781.18 and 3791.04 of the Revised Code require, the board of building

standards shall make investigations and tests, and require from
 other state departments, officers, boards, and commissions
 information the board considers necessary or desirable to assist
 it in the discharge of any duty or the exercise of any power
 mentioned in this section or in sections 3781.06 to 3781.18,
 3791.04, and 4104.43 of the Revised Code.

(G) The board shall adopt rules and establish reasonable fees
 for the review of all applications submitted where the applicant
 applies for authority to use a new material, assembly, or product
 of a manufacturing process. The fee shall bear some reasonable
 relationship to the cost of the review or testing of the
 materials, assembly, or products and for the notification of
 approval or disapproval as provided in section 3781.12 of the
 Revised Code.

(H) The residential construction advisory committee shall
 provide the board with a proposal for a state residential building
 code that the committee recommends pursuant to division ~~(C)~~(D)(1)
 of section 4740.14 of the Revised Code. Upon receiving a
 recommendation from the committee that is acceptable to the board,
 the board shall adopt rules establishing that code as the state
 residential building code.

(I) The committee shall provide the board with proposed rules
 to update or amend the state residential building code or to
 update or amend rules that the board adopts pursuant to division
 (E) of this section that relate to the certification of entities
 that enforce the state residential building code that the
 committee recommends pursuant to division (D)(2) of section
 4740.14 of the Revised Code.

(J) The board shall cooperate with the director of job and
 family services when the director promulgates rules pursuant to
 section 5104.05 of the Revised Code regarding safety and

sanitation in type A family day-care homes. 236

~~(J)~~(K) The board shall adopt rules to implement the 237
requirements of section 3781.108 of the Revised Code." 238

Between lines 65619 and 65620, insert: 239

"Sec. 3781.12. (A) (1) Any person may petition the board of 240
building standards to adopt, amend, or annul a rule adopted 241
pursuant to section 3781.10 of the Revised Code, or to permit the 242
use of any particular fixture, device, material, system, method of 243
manufacture, product of a manufacturing process, or method or 244
manner of construction or installation that complies with 245
performance standards adopted pursuant to section 3781.11 of the 246
Revised Code, as regards the purposes declared in section 3781.06 247
of the Revised Code, of the fixtures, devices, materials, systems, 248
or methods or manners of construction, manufacture or installation 249
described in any section of the Revised Code relating to those 250
purposes, where the use is permitted by law. 251

(2) Any person may petition the residential construction 252
advisory committee to recommend a rule to update or amend the 253
state residential building code or to update or amend rules that 254
the board adopts pursuant to division (E) of section 3781.10 of 255
the Revised Code that relate to the certification of entities that 256
enforce the state residential building code. 257

(B) Upon petition, the board shall cause to be conducted 258
testing and evaluation that the board determines desirable of any 259
fixture, device, material, system, assembly or product of a 260
manufacturing process, or method or manner of construction or 261
installation sought to be used under the rules the board adopts 262
pursuant to section 3781.10 of the Revised Code. 263

(C) If the board, after hearing, determines it advisable to 264
adopt the rule, amendment, or annulment, or to permit the use of 265

the materials or assemblages petitioned for, it shall give at
least thirty days' notice of the time and place of a public
hearing as provided by section 119.03 of the Revised Code. No rule
shall be adopted, amended, or annulled or the use of materials or
assemblages authorized until after the public hearing. A copy of
every rule, amendment, or annulment, and a copy of every approved
material or assembly authorization signed by the chairperson of
the board of building standards and sealed with the seal of the
department of commerce shall, after final adoption or
authorization by the board, be filed with the secretary of state
and published as the board determines. The issuance of the
authorization for the use of the materials or assemblages
described in the petition constitutes approval for their use
anywhere in this state. Any rule, amendment, or annulment does not
take effect until a date the board fixes and states. No rule,
amendment, or annulment applies to any building for which the
plans or drawings, specifications, and data were approved prior to
the time the rule, amendment, or annulment becomes effective. All
hearings of the board are open to the public. Each member of the
board may administer oaths in the performance of the member's
duties.

Sec. 3781.19. There is hereby established in the department
of commerce a board of building appeals consisting of five members
who shall be appointed by the governor with the advice and consent
of the senate. Terms of office shall be for four years, commencing
on the fourteenth day of October and ending on the thirteenth day
of October. Each member shall hold office from the date of
appointment until the end of the term for which the member was
appointed. Any member appointed to fill a vacancy occurring prior
to the expiration of the term for which the member's predecessor
was appointed shall hold office for the remainder of such term.

Any member shall continue in office subsequent to the expiration 297
date of the member's term until a successor takes office, or until 298
a period of sixty days has elapsed, whichever occurs first. One 299
member shall be an attorney-at-law, admitted to the bar of this 300
state and of the remaining members, one shall be a registered 301
architect and one shall be a professional engineer, each of whom 302
shall be duly licensed to practice their respective professions in 303
this state, one shall be a fire prevention officer qualified under 304
section 3737.66 of the Revised Code, and one shall be a person 305
with recognized ability in the plumbing or pipefitting profession. 306
No member of the board of building standards shall be a member of 307
the board of building appeals. Each member shall be paid an amount 308
fixed pursuant to Chapter 124. of the Revised Code per diem. The 309
department shall provide and assign to the board such employees as 310
are required by the board to perform its functions. The board may 311
adopt its own rules of procedure not inconsistent with sections 312
3781.06 to 3781.18 and 3791.04 of the Revised Code, and may change 313
them in its discretion. The board may establish reasonable fees, 314
based on actual costs for administration of filing and processing, 315
not to exceed two hundred dollars, for the costs of filing and 316
processing appeals. A full and complete record of all proceedings 317
of the board shall be kept and be open to public inspection. 318

In the enforcement by any department of the state or any 319
political subdivision of this chapter and Chapter 3791., and 320
sections 3737.41, 3737.42, 4104.02, 4104.06, 4104.43, 4104.44, 321
4104.45, 4105.011, and 4105.11 of the Revised Code and any rule 322
made thereunder, such department is the agency referred to in 323
sections 119.07, 119.08, and 119.10 of the Revised Code. 324

The appropriate municipal or county board of appeals, where 325
one exists, certified pursuant to section 3781.20 of the Revised 326
Code shall conduct the adjudication hearing referred to in 327
sections 119.09 to 119.13 and required by section 3781.031 of the 328

Revised Code. If there is no certified municipal or county board of appeals, the board of building appeals shall conduct the adjudication hearing. If the adjudication hearing concerns section 3781.111 of the Revised Code or any rule made thereunder, reasonable notice of the time, date, place, and subject of the hearing shall be given to any local corporation, association, or other organization composed of or representing handicapped persons, as defined in section 3781.111 of the Revised Code, or if there is no local organization, then to any statewide corporation, association, or other organization composed of or representing handicapped persons.

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In addition to the provisions of Chapter 119. of the Revised Code, the municipal, county, or state board of building appeals, as the agency conducting the adjudication hearing, may reverse or modify the order of the enforcing agency if it finds that the order is contrary to this chapter and Chapters 3791. and 4104., and sections 3737.41, 3737.42, 4105.011, and 4105.11 of the Revised Code and any rule made thereunder or to a fair interpretation or application of such laws or any rule made thereunder, or that a variance from the provisions of such laws or any rule made thereunder, in the specific case, will not be contrary to the public interest where a literal enforcement of such provisions will result in unnecessary hardship.

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The state board of building appeals or a certified municipal or county board of appeals shall render its decision within thirty days after the date of the adjudication hearing. Following the adjudication hearing, any municipal or county officer, official municipal or county board, or person who was a party to the hearing before the municipal or county board of appeals may apply to the state board of appeals for a de novo hearing before the state board, or may appeal directly to the court of common pleas

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pursuant to section 3781.031 of the Revised Code. 360

In addition, any local corporation, association, or other 361
 organization composed of or representing handicapped persons as 362
 defined in section 3781.111 of the Revised Code, or, if no local 363
 corporation, association, or organization exists, then any 364
 statewide corporation, association, or other organization composed 365
 of or representing handicapped persons may apply for the de novo 366
 hearing or appeal to the court of common pleas from any decision 367
 of a certified municipal or county board of appeals interpreting, 368
 applying, or granting a variance from section 3781.111 of the 369
 Revised Code and any rule made thereunder. Application for a de 370
 novo hearing before the state board shall be made no later than 371
 thirty days after the municipal or county board renders its 372
 decision. 373

The state board of building appeals or the appropriate 374
 certified local board of building appeals shall grant variances 375
 and exemptions from the requirements of section 3781.108 of the 376
 Revised Code in accordance with rules adopted by the board of 377
 building standards pursuant to division ~~(J)~~(K) of section 3781.10 378
 of the Revised Code. 379

The state board of building appeals or the appropriate 380
 certified local board of building appeals shall, in granting a 381
 variance or exemption from section 3781.108 of the Revised Code, 382
 in addition to any other considerations the state or the 383
 appropriate local board determines appropriate, consider the 384
 architectural and historical significance of the building." 385

In line 77597, after "(2)" insert "Provide the board with any 386
rule the committee recommends to update or amend the state 387
residential building code or to update or amend rules that the 388
board adopts pursuant to division (E) of section 3781.10 of the 389
Revised Code that relate to the certification of entities that 390

enforce the state residential building code; 391

(3)" 392

In line 77600, strike through "(3)" and insert "(4)" 393

In line 77603, strike through "(4)" and insert "(5)" 394

In line 77605, strike through "(5)" and insert "(6)" 395

In line 77606, after "necessary" insert "i" 396

(7) Provide the board with a written report of the 397
committee's findings for each consideration required by division 398
(D) of this section; 399

(8) Provide the board with any rule the committee recommends 400
regarding the state residential building code or relating to the 401
certification of entities that enforce the state residential 402
building code after receiving a petition as described in division 403
(A) (2) of section 3781.12 of the Revised Code" 404

In line 77607, strike through "In making" and insert "The 405
committee shall not make" 406

In line 77608, strike through "division" and insert 407
"divisions"; after "(1)" insert ", (2), (3), (5), and (8)"; strike 408
through the comma and insert "until"; strike through "shall" 409
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In line 77609, strike through "consider" and insert "has 411
considered" 412

In line 98958, after "3781.03," insert "3781.10,"; after 413
"3781.11," insert "3781.12, 3781.19," 414

In line 135 of the title, after "3781.03," insert "3781.10,"; 415
after "3781.11," insert "3781.12, 3781.19," 416

The motion was _____ agreed to.

SYNOPSIS

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Changes to the Residential Construction Advisory Committee 418

R.C. 3781.10, 3781.12, 3781.19, and 4740.14 419

Requires the Residential Construction Advisory Committee to 420
provide the Board of Building Standards with any rule the 421
Committee recommends to update or amend the state residential 422
building code or to update or amend rules that the Board adopts 423
that relate to the certification of entities that enforce the 424
state residential building code. 425

Permits any person to petition the Committee to recommend a 426
rule to the Board regarding the state residential building code or 427
relating to the certification of entities that enforce the state 428
residential building code. Requires the Committee to provide the 429
Board with any rule the committee recommends regarding the state 430
residential building code or relating to the certification of 431
entities that enforce the state residential building code after 432
receiving such a petition. 433

Requires the Committee to provide the Board with a written 434
report of the Committee's findings for each consideration the 435
Committee makes in regards to its recommendations relating to the 436
residential building code, certification of building officials who 437
enforce the state residential building code, and the 438
interpretation of the residential building code. 439

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5 _____ moved to amend as follows:

6 Delete line 32357

7 In line 32358, delete "(e)" and insert "(d)"

8 In line 32361, delete "(f)" and insert "(e)"

9 In line 32370, delete "(g)"

10 In line 32372, delete "Administrative" and insert:

11 "(f) Administrative"

12 In line 32381, delete "(h)" and insert "(g)"

13 In line 32447, delete "students who were enrolled" and
14 insert "community school ADM"; delete "entire"

15 In line 32450, delete "were" and insert "consist of
16 students"

17 The motion was _____ agreed to.

18 SYNOPSIS

19 **Community School Funding**

20 **R.C. 3306.16**

21 Specifies that the number of lead teacher positions
22 calculated for brick-and-mortar community schools equals the

23 number of the school's organizational units (which is the same
24 for school districts).

25 Specifies that a school district-sponsored community school
26 qualifies for the educational challenge factor if 50% of its ADM
27 from the previous year consists of the district's students
28 (instead of 50% of all students who attended the school for the
29 entire previous year).

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Sub. H.B. 1
LSC 128 0516-4
HC-2481

5 _____ moved to amend as follows:

6 In line 105051, delete "\$800,600 \$800,600" and insert
7 "\$600,600 \$600,600"

8 In lines 105053 and 105054, subtract \$200,000 from each
9 fiscal year

10 Delete lines 105088 through 105091

11 The motion was _____ agreed to.

12 SYNOPSIS

13 **Ohio Historical Society**

14 **Sections 295.10 and 295.20**

15 Decreases GRF appropriation item 360508, State Historical
16 Grants, by \$200,000 in each fiscal year and eliminates the
17 earmark of the same amount for the Western Reserve Historical
18 Society.

6 _____ moved to amend as follows:

7 In line 105242, delete "\$12,500,000 \$12,500,000" and
8 insert "\$42,500,000 \$42,500,000"

9 In lines 105249, 105251, and 105326, add \$30,000,000 to
10 each fiscal year

11 The motion was _____ agreed to.

12 SYNOPSIS

13 **Department of Job and Family Services**

14 **Section 309.10**

15 Increases GRF line item 600533, Child, Family, and Adult
16 Community & Protective Services, by \$30 million in each fiscal
17 year.

1 128HB1-HC2483.docx/kl

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Sub. H.B. 1
LSB 128 0516-4
HC-2483

5 _____ moved to amend as follows:

6 In line 106288, delete "AMERICAN RED CROSS-GREATER
7 CLEVELAND" and insert "NURSE ASSISTANT TRAINING PROGRAMS"

8 Delete line 106289

9 In line 106292, after "reimburse" delete the balance of the
10 line

11 Delete line 106293

12 In line 106294, delete everything before the period and
13 insert "nurse assistant training programs that service TANF-
14 eligible individuals"

15 In line 106299, delete "NURSE EDUCATION ASSISTANCE" and
16 insert "NURSING FACULTY FELLOWSHIP GRANTS"

17 In line 106302, after "the" delete the balance of the line

18 In line 106303, delete everything before the period and
19 insert "Nursing Faculty Fellowship Grant Program administered by
20 the Ohio Board of Regents"

21 In line 106307, delete "ACCOUNTABILITY AND CREDIBILITY
22 TOGETHER" and insert "SKILL-BASED EDUCATION AND ASSISTANCE"

23 In line 106310, after "to" delete the balance of the line

24 In line 106311, delete everything before the period and
25 insert "programs that provide skill-based education and
26 assistance to individuals eligible for Ohio Works First"

27 The motion was _____ agreed to.

28 SYNOPSIS

29 **Department of Job and Family Services**

30 **Sections 309.60.10, 309.60.20, and 309.60.30**

31 Removes the \$1 million earmark of line item 600688,
32 Workforce Investment, for the American Red Cross-Greater
33 Cleveland Chapter and Berea Children's Home and Family Services
34 for the Northeast Ohio Nurse Assistant Training Program and
35 instead earmarks \$1 million of that line item for nurse
36 assistant training programs that service TANF-eligible
37 individuals.

38 Changes the reference of the \$700,000 earmark of line item
39 600688, Workforce Investment, from the Nurse Education
40 Assistance Program to the Nursing Faculty Fellowship Grant
41 Program.

42 Removes the \$2 million earmark of line item 600688,
43 Workforce Investment, for Accountability and Creditability
44 Together, and instead earmarks \$2 million of that line item for
45 programs that provide skill-based education and assistance to
46 individuals eligible for Ohio Works First.

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Sub. H.B. 1
LSC 128 0516-1
HC 2484

5 _____ moved to amend as follows:

6 In line 103121, delete "\$106,768,866" and insert
7 "\$11,900,000"; delete "\$238,511,467" and insert "\$39,300,000"

8 The motion was _____ agreed to.

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SYNOPSIS

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Department of Education

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Section 265.30.40

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Decreases, to \$11.9 million in FY 2010 and \$39.3 million in
FY 2011, the amount of GRF appropriation item 200550, Foundation
Funding, that is estimated to come from a transfer of cash from
the School District Tangible Property Tax Replacement - Business
Fund (Fund 7047) into the GRF to support the state education
offset because of the valuation change resulting from the phase-
out of tangible personal property taxes.

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Sub. H.B. 1
SC 128 0516-4
HC-2485

5 _____ moved to amend as follows:

- 6 In line 491, delete "173.352,"
- 7 In line 11447, delete everything after the period
- 8 Delete lines 11448 and 11449
- 9 Delete lines 11497 through 11515
- 10 Delete lines 105739 through 105744
- 11 In line 219 of the title, delete "173.352,"

12 The motion was _____ agreed to.

13 SYNOPSIS

14 **Residential State Supplement Program**

15 **R.C. 173.35 and 173.352, Section 309.30.77**

16 Removes a provision of the bill that would permit a
17 Residential State Supplement (RSS) recipient to be charged for
18 accommodations, supervision, and personal care services the sum
19 of (1) the resident's Supplemental Security Income Program
20 Payment, including any cost-of-living adjustments, but excluding
21 a \$70 personal needs allowance, and (2) the resident's RSS
22 payment.

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Sub. H.B. 1
LSC 128 0516-4
HC-2486

5 _____ moved to amend as follows:

6 In line 102576, after "of" insert "educational service
7 centers (ESCs) and"

8 In line 102577, after "assist" insert "ESCs and"

9 In line 102582, after "new" insert "ESC and"

10 The motion was _____ agreed to.

11 SYNOPSIS

12 **Performance Reviews for Educational Service Centers**

13 **Section 265.10.50**

14 Specifies that a portion of the bill's funding appropriated
15 for School Management Assistance may be used for performance
16 reviews for educational service centers (ESCs), along with the
17 same funding for performance reviews of joint vocational school
18 districts (as already authorized by the bill).

19 States that the purpose of such reviews is to assist ESCs
20 in improving services to school districts and to assist
21 (presumably the Department of Education) in developing a new
22 funding system for ESCs (just as already is stated for JSVDs
23 under the bill).

24 (Does not refer to the bill's existing provisions for ESC
25 performance reviews in R.C. 3306.15, 3306.32 and 3306.321.)

5 _____ moved to amend as follows:

6 In line 104515, delete "up to 5,000" and insert "the common
7 statewide platform and"; after the second "to" insert "up to
8 5,000"

9 In line 104516, delete "a" and insert "the"

10 In line 104517, after "clearinghouse" insert "established
11 under section 3333.82 of the Revised Code"

12 The motion was _____ agreed to.

13 SYNOPSIS

14 **eTech Ohio**

15 **Section 281.20**

16 Modifies language requiring eTech Ohio to contract with an
17 entity, in fiscal year 2010, to provide the common statewide
18 platform and online advanced placement courses to up to 5,000
19 public school students in Ohio, rather than provide up to 5,000
20 online advanced placement courses to students. Specifies that
21 the \$3,000,000 in fiscal year 2011 is to be used by eTech to
22 maintain the distance learning clearinghouse for online advanced
23 placement courses.

Sub. H.B. 1

LSC 128 0516-4

HC-2515

_____ moved to amend the Omnibus Amendment
(HC-2455) as follows:

In line 7 of HC-2310, delete "\$2,105,000 \$2,105,000" and 1
insert "\$2,005,000 \$2,005,000" 2

In line 8 of HC-2310, delete "add" and insert "subtract"; 3
delete "to" and insert "from" 4

Between lines 8 and 9 of HC-2310, insert: 5

"In line 101680, delete "\$650,000" and insert "\$550,000" 6

In line 13 of HC-2377, delete "2009 and"; after "2010" insert 7
"and 2011" 8

In line 6 of HC-2417, delete "and" and insert a comma; after 9
the comma insert "and 100951,"; delete "subtract \$300,000 from" 10
and insert "add \$150,000 to" 11

Delete lines 8 and 9 of HC-2417 12

In line 10 of HC-2419, delete "volunteer" 13

In line 17 of HC-2419, after "gear" insert "or similar items" 14

In line 21 of HC-2419, delete "the fire department's" and 15
insert "that grant recipient's" 16

In line 7 of HC-2481, delete "\$600,600 \$600,600" and insert 17
"\$700,600 \$700,600" 18

In line 8 of HC-2481, delete "\$200,000" and insert "\$100,000"	19
Delete line 10 of HC-2481 and insert:	20
"In line 105090, delete "\$200,000" and insert "\$100,000";	21
delete "Western" and insert "Cincinnati Museum Center"	22
In line 105091, delete everything before the period"	23
In line 8 of HC-2482, delete "\$42,500,000 \$42,500,000" and	24
insert "\$50,000,000 \$50,000,000"	25
Delete lines 9 and 10 of HC-2482	26
After the last line of the Omnibus Amendment (HC-2455),	27
insert the following amendments to Sub. H.B. 1 (LSC 128 0516-4):	28
In line 332, after "118.05," insert "120.04,"	29
In line 517, after "5111.179," insert "5111.236,"	30
Between lines 1894 and 1895, insert:	31
"Sec. 120.04. (A) The state public defender shall serve at	32
the pleasure of the Ohio public defender commission and shall be	33
an attorney with a minimum of four years of experience in the	34
practice of law and be admitted to the practice of law in this	35
state at least one year prior to appointment.	36
(B) The state public defender shall do all of the following:	37
(1) Maintain a central office in Columbus. The central office	38
shall be provided with a library of adequate size, considering the	39
needs of the office and the accessibility of other libraries, and	40
other necessary facilities and equipment.	41
(2) Appoint assistant state public defenders, all of whom	42
shall be attorneys admitted to the practice of law in this state,	43
and other personnel necessary for the operation of the state	44
public defender office. Assistant state public defenders shall be	45

appointed on a full-time basis. The state public defender,
assistant state public defenders, and employees appointed by the
state public defender shall not engage in the private practice of
law.

(3) Supervise the compliance of county public defender
offices, joint county public defender offices, and county
appointed counsel systems with standards established by rules of
the Ohio public defender commission pursuant to division (B) of
section 120.03 of the Revised Code;

(4) Keep and maintain financial records of all cases handled
and develop records for use in the calculation of direct and
indirect costs, in the operation of the office, and report
periodically, but not less than annually, to the commission on all
relevant data on the operations of the office, costs, projected
needs, and recommendations for legislation or amendments to court
rules, as may be appropriate to improve the criminal justice
system;

(5) Collect all moneys due the state for reimbursement for
legal services under this chapter and under section 2941.51 of the
Revised Code and institute any actions in court on behalf of the
state for the collection of such sums that the state public
defender considers advisable. Except as provided otherwise in
division (D) of section 120.06 of the Revised Code, all moneys
collected by the state public defender under this chapter and
section 2941.51 of the Revised Code shall be deposited in the
state treasury to the credit of the client payment fund, which is
hereby created. All moneys credited to the fund shall be used by
the state public defender to appoint assistant state public
defenders and to provide other personnel, equipment, and
facilities necessary for the operation of the state public
defender office, to reimburse counties for the operation of county

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public defender offices, joint county public defender offices, and 77
county appointed counsel systems pursuant to sections 120.18, 78
120.28, and 120.33 of the Revised Code, or to provide assistance 79
to counties in the operation of county indigent defense systems. 80

(6) With respect to funds appropriated to the commission to 81
pay criminal costs, perform the duties imposed by sections 2949.19 82
and 2949.201 of the Revised Code; 83

(7) Establish standards and guidelines for the reimbursement, 84
pursuant to sections 120.18, 120.28, 120.33, 2941.51, and 2949.19 85
of the Revised Code, of counties for the operation of county 86
public defender offices, joint county public defender offices, and 87
county appointed counsel systems and for other costs related to 88
felony prosecutions; 89

(8) Establish maximum amounts that the state will reimburse 90
the counties pursuant to sections 120.18, 120.28, 120.33, and 91
2941.51 of the Revised Code; 92

(9) Establish minimum and maximum hourly rates and per case 93
amounts for fee schedules that the state will reimburse the 94
counties pursuant to section 120.33 of the Revised Code for each 95
specific type of legal service performed by a county appointed 96
counsel system; 97

(10) Administer sections 120.18, 120.28, 120.33, 2941.51, and 98
2949.19 of the Revised Code and make reimbursements pursuant to 99
those sections; 100

(11) Administer the program established pursuant to sections 101
120.51 to 120.55 of the Revised Code for the charitable public 102
purpose of providing financial assistance to legal aid societies. 103
Neither the state public defender nor any of the state public 104
defender's employees who is responsible in any way for the 105
administration of that program and who performs those 106

administrative responsibilities in good faith is in any manner 107
 liable if a legal aid society that is provided financial 108
 assistance under the program uses the financial assistance other 109
 than in accordance with sections 120.51 to 120.55 of the Revised 110
 Code or fails to comply with the requirements of those sections. 111

(12) Establish an office for the handling of appeal and 112
 postconviction matters; 113

(13) Provide technical aid and assistance to county public 114
 defender offices, joint county public defender offices, and other 115
 local counsel providing legal representation to indigent persons, 116
 including representation and assistance on appeals. 117

(C) The state public defender may do any of the following: 118

(1) In providing legal representation, conduct 119
 investigations, obtain expert testimony, take depositions, use 120
 other discovery methods, order transcripts, and make all other 121
 preparations which are appropriate and necessary to an adequate 122
 defense or the prosecution of appeals and other legal proceedings; 123

(2) Seek, solicit, and apply for grants for the operation of 124
 programs for the defense of indigent persons from any public or 125
 private source, and may receive donations, grants, awards, and 126
 similar funds from any lawful source. Such funds shall be 127
 deposited in the state treasury to the credit of the public 128
 defender gifts and grants fund, which is hereby created. 129

(3) Make all the necessary arrangements to coordinate the 130
 services of the office with any federal, county, or private 131
 programs established to provide legal representation to indigent 132
 persons and others, and to obtain and provide all funds allowable 133
 under any such programs; 134

(4) Consult and cooperate with professional groups concerned 135
 with the causes of criminal conduct, the reduction of crime, the 136

rehabilitation and correction of persons convicted of crime, the 137
 administration of criminal justice, and the administration and 138
 operation of the state public defender's office; 139

(5) Accept the services of volunteer workers and consultants 140
 at no compensation other than reimbursement for actual and 141
 necessary expenses; 142

(6) Prescribe any forms that are necessary for the uniform 143
 operation of this chapter; 144

(7) Contract with a county public defender commission or a 145
 joint county public defender commission to provide all or any part 146
 of the services that a county public defender or joint county 147
 public defender is required or permitted to provide by this 148
 chapter, or contract with a board of county commissioners of a 149
 county that is not served by a county public defender commission 150
 or a joint county public defender commission for the provision of 151
 services in accordance with section 120.33 of the Revised Code. 152
 All money received by the state public defender pursuant to such a 153
 contract shall be credited to either the multi-county: county 154
 share fund or, if received as a result of a contract with Trumbull 155
 county, the Trumbull county: county share fund. 156

(8) Authorize persons employed as criminal investigators to 157
 attend the Ohio peace officer training academy or any other peace 158
 officer training school for training; 159

(9) Procure a policy or policies of malpractice insurance 160
 that provide coverage for the state public defender and assistant 161
 state public defenders in connection with malpractice claims that 162
 may arise from their actions or omissions related to 163
 responsibilities derived pursuant to this chapter. 164

(D) No person employed by the state public defender as a 165
 criminal investigator shall attend the Ohio peace officer training 166

academy or any other peace officer training school unless 167
authorized to do so by the state public defender." 168

Between lines 84077 and 84078, insert: 169

"Sec. 5111.236. (A) As used in this section, "medically 170
fragile child" means an individual under eighteen years of age who 171
requires both of the following: 172

(1) The services of a doctor of medicine or osteopathic 173
medicine at least once a week due to the instability of the 174
individual's medical condition; 175

(2) The services of a registered nurse on a daily basis. 176

(B) The medicaid program shall cover oxygen services that a 177
medical supplier with a valid medicaid provider agreement provides 178
to a medicaid recipient who is a medically fragile child and 179
resides in an intermediate care facility for the mentally 180
retarded. The medicaid program shall cover such oxygen services 181
regardless of any of the following: 182

(1) The percentage of the medicaid recipient's arterial 183
oxygen saturation at rest, exercise, or sleep; 184

(2) The type of system used in delivering the oxygen to the 185
medicaid recipient; 186

(3) Whether the intermediate care facility for the mentally 187
retarded in which the medicaid recipient resides purchases or 188
rents the equipment used in the delivery of the oxygen to the 189
recipient. 190

(C) A medical supplier of an oxygen service shall bill the 191
department of job and family services directly for oxygen services 192
the medicaid program covers under this section. The provider of an 193
intermediate care facility for the mentally retarded may not 194
include the cost of an oxygen service covered by the medicaid 195

program under this section in the facility's cost report unless 196
the facility is the medical supplier of the oxygen service." 197

In line 98861, after "118.05," insert "120.04," 198

Between lines 104810a and 104811, insert: 199

"GRF 4405XX Poison Control Centers \$150,000 \$150,000" 200

In lines 104811 and 104865, add \$150,000 to each fiscal year 201

In line 105232, delete "\$74,209,378 \$74,209,378" and insert 202
"\$75,709,378 \$75,709,378" 203

In line 105234, delete "\$2,514,349,157 \$3,539,226,149" and 204
insert "\$2,493,379,157 \$3,539,256,149" 205

In line 105235, delete "\$6,355,149,581 \$7,407,312,042" and 206
insert "\$6,372,697,855 \$7,407,374,830" 207

In line 105236, delete "\$8,869,498,738 \$10,946,538,191" and 208
insert "\$8,866,077,012 \$10,946,630,979" 209

In line 105249, subtract \$11,970,000 from fiscal year 2010 210
and add \$9,030,000 to fiscal year 2011 211

In line 105250, add \$17,548,274 to fiscal year 2010 and 212
\$62,788 to fiscal year 2011 213

In line 105251, add \$5,578,274 to fiscal year 2010 and 214
\$9,092,788 to fiscal year 2011 215

In line 105277, delete "\$3,205,010,014" and insert 216
"\$3,208,537,567" 217

In line 105288, add \$3,527,553 to fiscal year 2010 218

In line 105326, add \$9,105,827 to fiscal year 2010 and 219
\$9,092,788 to fiscal year 2011 220

Between lines 105348a and 105349, insert: 221

"Section ____ . MEDICAID COVERAGE OF OXYGEN SERVICES TO ICF/MR 222

RESIDENTS	223
Of the foregoing appropriation item 600525, Health Care/Medicaid, \$30,000 in each fiscal year shall be used to reimburse medical suppliers of oxygen services in accordance with section 5111.236 of the Revised Code."	224 225 226 227
Between lines 106163 and 106164, insert:	228
"Section 309.45.15. INDEPENDENT LIVING SERVICES	229
Of the foregoing appropriation item 600523, Children and Families Services, up to \$1,500,000 in each fiscal year shall be used to provide independent living services to foster youth and former foster youth between 16 and 21 years of age."	230 231 232 233
In line 106768, delete "\$7,460,800 \$7,460,800" and insert "\$8,460,800 \$8,460,800"	234 235
In lines 106773 and 106809, add \$1,000,000 to each fiscal year	236 237
In line 107740, delete "\$204,000 \$204,000" and insert "\$524,000 \$524,000"	238 239
In line 107790, add \$320,000 to each fiscal year	240
In line 107818, add \$320,000 to each fiscal year	241
In line 107948, delete "The" and insert "Of the"	242
In line 107949, after the comma insert "\$204,000 in each fiscal year"	243 244
Between lines 107950 and 107951, insert:	245
"Of the foregoing appropriation item 235435, Teacher Improvement Initiatives, \$320,000 in each fiscal year shall be used to support the Ohio View consortium of research universities. The funds shall be used by Ohio View and its member universities to develop the job pipeline in the field of geospatial technology	246 247 248 249 250

through the training and professional development of teachers, 251
 higher education students and faculty, and employees in the public 252
 and private sectors. Ohio View shall prepare teachers of grades 253
 kindergarten through twelve to instruct students in the uses of 254
 existing geospatial technology, especially through hands-on 255
 observations." 256

In line 2 of the title, after "118.05," insert "120.04," 257

In line 254 of the title, after "5111.179," insert 258
 "5111.236," 259

The motion was _____ agreed to.

SYNOPSIS

Fire Department Grants 260

Section 241.10 261

Expands the eligibility of the grant program to joint fire 262
 districts comprised of fire departments primarily serving small 263
 municipalities and small townships rather than joint fire 264
 districts comprised of volunteer fire departments serving small 265
 municipalities and small townships, as in HC-2419. 266

Specifies that grants be used by recipients to purchase 267
 firefighting or rescue equipment or gear or *similar items*, rather 268
 than firefighting or rescue equipment or gear, as in HC-2419. 269

In terms of the eligible use of the grant for fire protection 270
 services, changes the reference of scope of the grant from 271
 covering such services provided in the fire department's 272
 jurisdiction, as in HC-2419, to the *grant recipient's* 273
 jurisdiction. 274

Department of Development	275
Sections 259.10 and 259.20.15	276
Changes HC-2310 so that it reduces, rather than increases,	277
GRF appropriation item 195507, Travel and Tourism Grants, by	278
\$50,000, and so that it reduces the earmark in that line item for	279
the National Underground Railroad Freedom Center by \$100,000 in	280
each fiscal year.	281
Reimbursement Ceiling for Providers of Publicly Funded Child	282
Care	283
Section 309.45.____	284
Changes the years that the reimbursement ceiling for	285
providers of publicly funded child care is being codified in	286
HC-2377, from FY 2009 and FY 2010 to FY 2010 and FY 2011.	287
Video Service Regulation Funding	288
Section 241.10	289
Increases GSF Fund 1630 appropriation item 800620, Division	290
of Administration, by \$150,000 each fiscal year from \$7,270,049 to	291
\$7,420,049 in FY 2010 and from \$7,411,286 to \$7,561,286 in FY 2011	292
(instead of decreasing that appropriation by \$300,000 each fiscal	293
year, as in HC-2417).	294
Eliminates the increase of \$300,000 each fiscal year in SSR	295
Fund 5X60 appropriation item 800623, Video Service, in HC-2417.	296
Ohio Historical Society	297
Sections 295.10 and 295.20	298
Changes HC-2481 so that it reduces GRF appropriation item	299
360508, State Historical Grants, by \$100,000 rather than \$200,000,	300
and so that it earmarks \$100,000 from that line item for the	301
Cincinnati Museum Center.	302

State Public Defender	303
R.C. 120.04	304
Requires the State Public Defender to establish minimum and maximum hourly rates and per case amounts for fee schedules that the state will reimburse the counties for each specific type of legal service performed by a county appointed counsel system.	305 306 307 308
Department of Job and Family Services	309
Section 309.10	310
Increases GRF line item 600533, Child, Family, and Adult Community & Protective Services, by an additional \$7.5 million in each year (over the \$30 million in HC-2482).	311 312 313
Medicaid Coverage of Oxygen Services to ICF/MR Residents	314
R.C. 5111.236	315
Requires the Medicaid program to cover oxygen services provided by a medical supplier to a medically fragile child residing in an intermediate care facility for the mentally retarded regardless of certain circumstances.	316 317 318 319
Department of Health	320
Section 289.10	321
Appropriates \$150,000 in each fiscal year to newly created GRF line item 4405XX, Poison Control Centers.	322 323
Department of Job and Family Services	324
Sections 309.10 and 309.45.15	325
Increases GRF appropriation item 600523, Children and Families Services, by \$1.5 million in each fiscal year and earmarks the increase in appropriation for independent living services for youth in foster care.	326 327 328 329

Department of Mental Health	330
Section 335.10	331
Increase GRF line item 335404, Behavioral Health	332
Services-Children, by \$1 million in each fiscal year.	333
Board of Regents	334
Sections 371.10 and 371.20.08	335
Increases appropriation item 235435, Teacher Improvement	336
Initiatives, by \$320,000 in each fiscal year and earmarks the same	337
amount in each fiscal year for the Ohio View consortium of	338
research universities. Requires that the funds be used to train	339
teachers, higher education students and faculty, and employees in	340
the public and private sectors. Requires that Ohio View prepare	341
K-12 teachers to instruct students in the uses of existing	342
geospatial technology, especially through hands-on observations.	343