

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 insert "\$2,005,000 \$2,005,000" 1 2
- In line 8 of HC-2310, delete "add" and insert "subtract"; delete "to" and insert "from" 3 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 "and 2011" 7 8
- In line 6 of HC-2417, delete "and" and insert a comma; after the comma insert "and 100951,"; delete "subtract \$300,000 from" and insert "add \$150,000 to" 9 10 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 insert "that grant recipient's" 15 16
- In line 7 of HC-2481, delete "\$600,600 \$600,600" and insert "\$700,600 \$700,600" 17 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
administration of criminal justice, and the administration and
operation of the state public defender's office;

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

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

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

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

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

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

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

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Between lines 84077 and 84078, insert:

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

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

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

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

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

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

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

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

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<u>program under this section in the facility's cost report unless</u>	196
<u>the facility is the medical supplier of the oxygen service."</u>	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	224
Care/Medicaid, \$30,000 in each fiscal year shall be used to	225
reimburse medical suppliers of oxygen services in accordance with	226
section 5111.236 of the Revised Code."	227
Between lines 106163 and 106164, insert:	228
"Section 309.45.15. INDEPENDENT LIVING SERVICES	229
Of the foregoing appropriation item 600523, Children and	230
Families Services, up to \$1,500,000 in each fiscal year shall be	231
used to provide independent living services to foster youth and	232
former foster youth between 16 and 21 years of age."	233
In line 106768, delete "\$7,460,800 \$7,460,800" and insert	234
"\$8,460,800 \$8,460,800"	235
In lines 106773 and 106809, add \$1,000,000 to each fiscal	236
year	237
In line 107740, delete "\$204,000 \$204,000" and insert	238
"\$524,000 \$524,000"	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	243
fiscal year"	244
Between lines 107950 and 107951, insert:	245
"Of the foregoing appropriation item 235435, Teacher	246
Improvement Initiatives, \$320,000 in each fiscal year shall be	247
used to support the Ohio View consortium of research universities.	248
The funds shall be used by Ohio View and its member universities	249
to develop the job pipeline in the field of geospatial technology	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