



Am. Sub. H.B. 1
As Passed by the Senate
CC-4805
COM-25

_____ moved to amend as follows:

In line 376, after "4141.162," insert "4301.333, 4301.334,
4301.351, 4301.354, 4301.355, 4301.356, 4301.361, 4301.364,
4301.365, 4301.366,"

Between lines 61802 and 61803, insert:

"Sec. 4301.333. (A) The privilege of local option conferred
by section 4301.323 of the Revised Code may be exercised if, not
later than four p.m. of the seventy-fifth day before the day of a
general or primary election, a petition is presented to the board
of elections of the county in which the precinct is situated by a
petitioner who is one of the following:

(1) An applicant for the issuance or transfer of a liquor
permit at, or to, a particular location within the precinct;

(2) The holder of a liquor permit at a particular location
within the precinct;

(3) A person who operates or seeks to operate a liquor agency
store at a particular location within the precinct;

(4) The designated agent for an applicant, liquor permit
holder, or liquor agency store described in division (A) (1), (2),
or (3) of this section.

(B) The petition shall be signed by the electors of the precinct equal in number to at least thirty-five per cent of the total number of votes cast in the precinct for the office of governor at the preceding general election for that office and shall contain all of the following:

(1) A notice that the petition is for the submission of the question or questions set forth in section 4301.355 of the Revised Code;

(2) The name of the applicant for the issuance or transfer, or the holder, of the liquor permit or, if applicable, the name of the liquor agency store, including any trade or fictitious names under which the applicant, holder, or liquor agency store either intends to do or does business at the particular location;

(3) The address and proposed use of the particular location within the election precinct to which the results of the question or questions specified in section 4301.355 of the Revised Code shall apply. For purposes of this division, "use" means all of the following:

(a) The type of each liquor permit applied for by the applicant or held by the liquor permit holder as described in sections 4303.11 to 4303.183 of the Revised Code, including a description of the type of beer or intoxicating liquor sales authorized by each permit as provided in those sections;

(b) If a liquor agency store, the fact that the business operated as a liquor agency store authorized to operate by this state;

(c) A description of the general nature of the business of the applicant, liquor permit holder, or liquor agency store.

(4) If the petition seeks approval of Sunday sales under question (B) (2) as set forth in section 4301.355 of the Revised

Code, a statement indicating whether the hours of sale sought are 50
 between ten a.m. and midnight or between ~~one p.m.~~ eleven a.m. and 51
 midnight. 52

(C) (1) At the time the petitioner files the petition with the 53
 board of elections, the petitioner shall provide to the board both 54
 of the following: 55

(a) An affidavit that is signed by the petitioner and that 56
 states the proposed use of the location following the election 57
 held to authorize the sale of beer or intoxicating liquor 58
 authorized by each permit as provided in sections 4303.11 to 59
 4303.183 of the Revised Code; 60

(b) Written evidence of the designation of an agent by the 61
 applicant, liquor permit holder, or liquor agency store described 62
 in division (A) (1), (2), or (3) of this section for the purpose of 63
 petitioning for the local option election, if the petitioner is 64
 the designated agent of the applicant, liquor permit holder, or 65
 liquor agency store. 66

(2) Failure to supply the affidavit, or the written evidence 67
 of the designation of the agent if the petitioner for the local 68
 option election is the agent of the applicant, liquor permit 69
 holder, or liquor agency store described in division (A) (1), (2), 70
 or (3) of this section, at the time the petition is filed 71
 invalidates the entire petition. 72

(D) Not later than the sixty-eighth day before the day of the 73
 next general or primary election, whichever occurs first, the 74
 board shall examine and determine the sufficiency of the 75
 signatures and the validity of the petition. If the board finds 76
 that the petition contains sufficient signatures and in other 77
 respects is valid, it shall order the holding of an election in 78
 the precinct on the day of the next general or primary election, 79
 whichever occurs first, for the submission of the question or 80

questions set forth in section 4301.355 of the Revised Code. 81

(E) A petition filed with the board of elections under this 82
section shall be open to public inspection under rules adopted by 83
the board. 84

(F) An elector who is eligible to vote on the question or 85
questions set forth in section 4301.355 of the Revised Code may 86
file, not later than four p.m. of the sixty-fourth day before the 87
day of the election at which the question or questions will be 88
submitted to the electors, a protest against a local option 89
petition circulated and filed pursuant to this section. The 90
protest shall be in writing and shall be filed with the election 91
officials with whom the petition was filed. Upon the filing of the 92
protest, the election officials with whom it is filed shall 93
promptly establish a time and place for hearing the protest and 94
shall mail notice of the time and place for the hearing to the 95
applicant for, or the holder of, the liquor permit who is 96
specified in the petition and to the elector who filed the 97
protest. At the time and place established in the notice, the 98
election officials shall hear the protest and determine the 99
validity of the petition. 100

Sec. 4301.334. (A) The privilege of local option conferred by 101
section 4301.324 of the Revised Code may be exercised if, not 102
later than four p.m. of the seventy-fifth day before the day of a 103
general or primary election, a petition and other information 104
required by division (B) of this section are presented to the 105
board of elections of the county in which the community facility 106
named in the petition is located. The petition shall be signed by 107
electors of the municipal corporation or unincorporated area of 108
the township in which the community facility is located equal in 109
number to at least ten per cent of the total number of votes cast 110
in the municipal corporation or unincorporated area of the 111

township in which the community facility is located for the office 112
of governor at the most recent general election for that office 113
and shall contain both of the following: 114

(1) A notice that the petition is for the submission of the 115
question set forth in section 4301.356 of the Revised Code and a 116
statement indicating whether the hours of Sunday sales sought in 117
the local option election are between ten a.m. and midnight or 118
between eleven a.m. and midnight; 119

(2) The name and address of the community facility for which 120
the local option election is sought and, if the community facility 121
is a community entertainment district, the boundaries of the 122
district. 123

(B) Upon the request of a petitioner, a board of elections of 124
a county shall furnish to the petitioner a copy of the 125
instructions prepared by the secretary of state under division (P) 126
of section 3501.05 of the Revised Code and, within fifteen days 127
after the request, a certificate indicating the number of valid 128
signatures that will be required on a petition to hold an election 129
in the municipal corporation or unincorporated area of the 130
township in which the community facility is located on the 131
question specified in section 4301.356 of the Revised Code. 132

The petitioner shall, not less than thirty days before the 133
petition-filing deadline for an election on the question specified 134
in section 4301.356 of the Revised Code, specify to the division 135
of liquor control the name and address of the community facility 136
for which the election is sought and, if the community facility is 137
a community entertainment district, the boundaries of the 138
district, the municipal corporation or unincorporated area of a 139
township in which the election is sought, and the filing deadline. 140
The division shall, within a reasonable period of time and not 141
later than ten days before the filing deadline, supply the 142

petitioner with the name and address of any permit holder for or 143
within the community facility. 144

The petitioner shall file the name and address of any permit 145
holder who would be affected by the election at the time the 146
petitioner files the petition with the board of elections. Within 147
five days after receiving the petition, the board shall give 148
notice by certified mail to any permit holder within the community 149
facility that it has received the petition. Failure of the 150
petitioner to supply the name and address of any permit holder for 151
or within the community facility as furnished to the petitioner by 152
the division invalidates the petition. 153

(C) Not later than the sixty-eighth day before the day of the 154
next general or primary election, whichever occurs first, the 155
board shall examine and determine the sufficiency of the 156
signatures on the petition. If the board finds that the petition 157
is valid, it shall order the holding of an election in the 158
municipal corporation or unincorporated area of a township on the 159
day of the next general or primary election, whichever occurs 160
first, for the submission of the question set forth in section 161
4301.356 of the Revised Code. 162

(D) A petition filed with a board of elections under this 163
section shall be open to public inspection under rules adopted by 164
the board. 165

(E) An elector who is eligible to vote on the question set 166
forth in section 4301.356 of the Revised Code or any permit holder 167
for or within the community facility may, not later than four p.m. 168
of the sixty-fourth day before the day of the election at which 169
the question will be submitted to the electors, file a written 170
protest against the local option petition with the board of 171
elections with which the petition was filed. Upon the filing of 172
the protest, the board shall promptly fix a time and place for 173

hearing the protest and shall mail notice of the time and place to 174
 the person who filed the petition and to the person who filed the 175
 protest. At the time and place fixed, the board shall hear the 176
 protest and determine the validity of the petition. 177

Sec. 4301.351. (A) If a petition is for submission of the 178
 question of whether the sale of intoxicating liquor shall be 179
 permitted on Sunday, a special election shall be held in the 180
 precinct at the time fixed as provided in section 4301.33 of the 181
 Revised Code. The expenses of holding the election shall be 182
 charged to the municipal corporation or township of which the 183
 precinct is a part. 184

(B) At the election, one or more of the following questions, 185
 question (B) (1), (B) (2), or (B) (3) as designated in a valid 186
 petition or question (B) (4) as submitted by the legislative 187
 authority of a municipal corporation or the board of trustees of a 188
 township, shall be submitted to the electors of the precinct: 189

(1) "Shall the sale of intoxicating liquor, of the same types 190
 as may be legally sold in this precinct on other days of the week, 191
 be permitted in this for consumption on the premises 192
 where sold, between the hours of ~~one p.m.~~ eleven a.m. and midnight 193
 on Sunday?" 194

(2) "Shall the sale of intoxicating liquor, of the same types 195
 as may be legally sold in this precinct on other days of the week, 196
 be permitted in this for consumption on the premises 197
 where sold, between the hours of ~~one p.m.~~ eleven a.m. and midnight 198
 on Sunday, at licensed premises where the sale of food and other 199
 goods and services exceeds fifty per cent of the total gross 200
 receipts of the permit holder at the premises?" 201

(3) "Shall the sale of wine and mixed beverages, of the same 202
 types as may be legally sold in this precinct on other days of the 203

week, be permitted in this for consumption off the 204
 premises where sold, between the hours of ~~one p.m.~~ eleven a.m. and 205
 midnight on Sunday?" 206

(4) "Shall the sale of intoxicating liquor, of the same types 207
 as may be legally sold in this precinct on other days of the week, 208
 be permitted in this for consumption on the premises where 209
 sold, between the hours of one p.m. and midnight on Sunday, at 210
 outdoor performing arts centers, as defined in section 4303.182 of 211
 the Revised Code, that have been issued a D-6 permit?" 212

Question (B) (4) shall be presented to the electors of a 213
 precinct in which an outdoor performing arts center is located 214
 only if the legislative authority of the municipal corporation in 215
 which, or the board of trustees of the township in which, the 216
 outdoor performing arts center is located submits, not later than 217
 four p.m. of the seventy-fifth day before the day of a primary or 218
 general election that occurs within two years after ~~the effective~~ 219
~~date of this amendment~~ April 9, 2001, to the board of elections of 220
 the county in which the precinct is located, a copy of an 221
 ordinance or resolution requesting the submission of that question 222
 to the electors of the precinct. An election on question (B) (4) 223
 may not be sought by a petition under section 4301.33 of the 224
 Revised Code. 225

(C) At the election, one or more of the following questions, 226
 as designated in a valid petition, shall be submitted to the 227
 electors of the precinct: 228

(1) "Shall the sale of intoxicating liquor, of the same types 229
 as may be legally sold in this precinct on other days of the week, 230
 be permitted in this for consumption on the premises 231
 where sold, between the hours of ten a.m. and midnight on Sunday?" 232

(2) "Shall the sale of intoxicating liquor, of the same types 233
 as may be legally sold in this precinct on other days of the week, 234

be permitted in this for consumption on the premises 235
 where sold, between the hours of ten a.m. and midnight on Sunday, 236
 at licensed premises where the sale of food and other goods and 237
 services exceeds fifty per cent of the total gross receipts of the 238
 permit holder at the premises?" 239

(3) "Shall the sale of wine and mixed beverages, of the same 240
 types as may be legally sold in this precinct on other days of the 241
 week, be permitted in this for consumption off the 242
 premises where sold, between the hours of ten a.m. and midnight on 243
 Sunday?" 244

(D) No C or D permit holder who first applied for such a 245
 permit after April 15, 1982, shall sell beer on Sunday unless the 246
 sale of intoxicating liquor is authorized in the precinct or 247
 portion of the precinct at an election on question (B) (1), (B) (2), 248
 or (B) (3) of this section, on question (C) (1), (C) (2), or (C) (3) 249
 of this section, on question (B) (1), (B) (2), or (B) (3) of section 250
 4301.354 of the Revised Code, on question (C) (1), (C) (2), or 251
 (C) (3) of section 4301.354 of the Revised Code, or on question 252
 (B) (2) of section 4301.355 of the Revised Code. No D-6 permit is 253
 required for the sale of beer on Sunday. 254

The board of elections to which the petition is presented 255
 shall furnish printed ballots at the election in accordance with 256
 section 3505.06 of the Revised Code, and separate ballots shall be 257
 used for the special election under this section. One or more of 258
 the questions prescribed by divisions (B) and (C) of this section, 259
 as designated in the petition, shall be set forth on each ballot, 260
 and the board shall insert in each question the name or an 261
 accurate description of the precinct in which the election is to 262
 be held. Votes shall be cast as provided in section 3505.06 of the 263
 Revised Code. 264

Sec. 4301.354. (A) If a petition is filed under section 265
 4301.332 of the Revised Code for the submission of one or more 266
 questions set forth in this section, a special election shall be 267
 held in the precinct as ordered by the board of elections under 268
 that section. The expense of holding the special election shall be 269
 charged to the municipal corporation or township of which the 270
 precinct is a part. 271

(B) At the election, one or more of the following questions, 272
 as designated in a valid petition, shall be submitted to the 273
 electors of the precinct concerning Sunday sales: 274

(1) "Shall the sale of intoxicating liquor be permitted in a 275
 portion of this precinct between the hours of ~~one p.m.~~ eleven a.m. 276
 and midnight on Sunday for consumption on the premises where sold, 277
 where the status of such Sunday sales as allowed or prohibited is 278
 inconsistent with the status of such Sunday sales in the remainder 279
 of the precinct?" 280

(2) "Shall the sale of intoxicating liquor be permitted in a 281
 portion of this precinct between the hours of ~~one p.m.~~ eleven a.m. 282
 and midnight on Sunday for consumption on the premises where sold 283
 at licensed premises where the sale of food and other goods 284
 exceeds fifty per cent of the total gross receipts of the permit 285
 holder at the premises, where the status of such Sunday sales as 286
 allowed or prohibited is inconsistent with the status of such 287
 Sunday sales in the remainder of the precinct?" 288

(3) "Shall the sale of wine and mixed beverages be permitted 289
 in a portion of this precinct between the hours of ~~one p.m.~~ eleven 290
a.m. and midnight on Sunday for consumption off the premises where 291
 sold, where the status of such Sunday sales as allowed or 292
 prohibited is inconsistent with the status of such Sunday sales in 293
 the remainder of the precinct?" 294

(C) At the election, one or more of the following questions, 295

as designated in a valid petition, shall be submitted to the 296
 electors of the precinct concerning Sunday sales: 297

(1) "Shall the sale of intoxicating liquor be permitted in a 298
 portion of this precinct between the hours of ten a.m. and 299
 midnight on Sunday for consumption on the premises where sold, 300
 where the status of such Sunday sales as allowed or prohibited is 301
 inconsistent with the status of such Sunday sales in the remainder 302
 of the precinct?" 303

(2) "Shall the sale of intoxicating liquor be permitted in a 304
 portion of this precinct between the hours of ten a.m. and 305
 midnight on Sunday for consumption on the premises where sold at 306
 licensed premises where the sale of food and other goods exceeds 307
 fifty per cent of the total gross receipts of the permit holder at 308
 the premises, where the status of such Sunday sales as allowed or 309
 prohibited is inconsistent with the status of such Sunday sales in 310
 the remainder of the precinct?" 311

(3) "Shall the sale of wine and mixed beverages be permitted 312
 in a portion of this precinct between the hours of ten a.m. and 313
 midnight on Sunday for consumption off the premises where sold, 314
 where the status of such Sunday sales as allowed or prohibited is 315
 inconsistent with the status of such Sunday sales in the remainder 316
 of the precinct?" 317

(D) The board of elections shall furnish printed ballots at 318
 the special election as provided under section 3505.06 of the 319
 Revised Code, except that a separate ballot shall be used for the 320
 special election. The one or more questions set forth in divisions 321
 (B) and (C) of this section shall be printed on each ballot, and 322
 the board shall insert in the ~~question and statement~~ questions 323
 appropriate words to complete each and a description of the 324
 portion of the precinct that would be affected by the results of 325
 the election. 326

The description of the portion of the precinct shall include 327
 either the complete listing of street addresses in that portion or 328
 a condensed text that accurately describes the boundaries of the 329
 portion of the precinct by street name or by another name 330
 generally known by the residents of the portion of the precinct. 331
 If other than a full street listing is used, the full street 332
 listing also shall be posted in each polling place in a location 333
 that is easily accessible to all voters. Failure of the board of 334
 elections to completely and accurately list all street addresses 335
 in the affected area of the precinct does not affect the validity 336
 of the election at which the failure occurred and is not grounds 337
 for contesting an election under section 3515.08 of the Revised 338
 Code. Votes shall be cast as provided under section 3505.06 of the 339
 Revised Code. 340

Sec. 4301.355. (A) If a petition is filed under section 341
 4301.333 of the Revised Code for the submission of the question or 342
 questions set forth in this section, it shall be held in the 343
 precinct as ordered by the board of elections under that section. 344
 The expense of holding the election shall be charged to the 345
 municipal corporation or township of which the precinct is a part. 346

(B) At the election, one or more of the following questions, 347
 as designated in a valid petition, shall be submitted to the 348
 electors of the precinct: 349

(1) "Shall the sale of (insert beer, wine and 350
 mixed beverages, or spirituous liquor) be permitted by 351
 (insert name of applicant, liquor permit holder, or liquor agency 352
 store, including trade or fictitious name under which applicant 353
 for, or holder of, liquor permit or liquor agency store either 354
 intends to do, or does, business at the particular location), an 355
 (insert "applicant for" or "holder of" or "operator 356
 of") a (insert class name of liquor permit or permits 357

followed by the words "liquor permit(s)" or, if appropriate, the 358
 words "liquor agency store for the State of Ohio"), who is engaged 359
 in the business of (insert general nature of the 360
 business in which applicant or liquor permit holder is engaged or 361
 will be engaged in at the particular location, as described in the 362
 petition) at (insert address of the particular location 363
 within the precinct as set forth in the petition) in this 364
 precinct?" 365

(2) "Shall the sale of (insert beer, wine and 366
 mixed beverages, or spirituous liquor) be permitted for sale on 367
 Sunday between the hours of (insert "ten a.m. and 368
 midnight" or "~~one p.m.~~ eleven a.m. and midnight") by 369
 (insert name of applicant, liquor permit holder, or liquor agency 370
 store, including trade or fictitious name under which applicant 371
 for, or holder of, liquor permit or liquor agency store either 372
 intends to do, or does, business at the particular location), an 373
 (insert "applicant for a D-6 liquor permit," "holder of a 374
 D-6 liquor permit," "applicant for or holder of an A-1-A, A-2, 375
 A-3a, C-1, C-2x, D-1, D-2x, D-3, D-3x, D-4, D-5, D-5b, D-5c, D-5e, 376
 D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, or D-7 liquor 377
 permit," if only the approval of beer sales is sought, or "liquor 378
 agency store") who is engaged in the business of 379
 (insert general nature of the business in which applicant or 380
 liquor permit holder is engaged or will be engaged in at the 381
 particular location, as described in the petition) at 382
 (insert address of the particular location within the precinct) in 383
 this precinct?" 384

(C) The board of elections shall furnish printed ballots at 385
 the election as provided under section 3505.06 of the Revised 386
 Code, except that a separate ballot shall be used for the election 387
 under this section. The question set forth in this section shall 388

be printed on each ballot, and the board shall insert in the 389
question appropriate words to complete it. Votes shall be cast as 390
provided under section 3505.06 of the Revised Code. 391

Sec. 4301.356. If a petition is filed under section 4301.334 392
of the Revised Code for the submission of the question set forth 393
in this section, an election shall be held in the municipal 394
corporation or unincorporated area of a township as ordered by the 395
board of elections under that section. 396

Except as otherwise provided in this section, if the 397
legislative authority of a municipal corporation in whose 398
territory, or the board of township trustees of a township in 399
whose unincorporated area, a community facility is located 400
submits, not later than four p.m. of the seventy-fifth day before 401
the day of a primary or general election, to the board of 402
elections of the county in which the community facility is located 403
an ordinance or resolution requesting the submission of the 404
question set forth in this section to the electors of the 405
municipal corporation or unincorporated area of the township, the 406
board of elections shall order that an election be held on that 407
question in the municipal corporation or the unincorporated area 408
of the township on the day of the next primary or general 409
election, whichever occurs first. The legislative authority or 410
board of township trustees shall submit the name and address of 411
any permit holder who would be affected by the results of the 412
election to the board of elections at the same time it submits the 413
ordinance or resolution. The board of elections, within five days 414
after receiving the name and address, shall give notice by 415
certified mail to each permit holder that it has received the 416
ordinance or resolution. Failure of the legislative authority or 417
board of township trustees to supply the name and address of each 418
permit holder to the board of elections invalidates the effect of 419

the ordinance or resolution. 420

At the election, the following question shall be submitted to the electors of the municipal corporation or unincorporated area of a township: 421-423

"Shall the sale of beer and intoxicating liquor be permitted on days of the week other than Sunday and between the hours of ~~one p.m.~~ (insert "ten a.m." or "eleven a.m.") and midnight on Sunday, at (insert name of community facility), a community facility as defined by section 4301.01 of the Revised Code, and located at (insert the address of the community facility and, if the community facility is a community entertainment district, the boundaries of the district, as set forth in the petition)?" 424-432

The board of elections shall furnish printed ballots at the election as provided under section 3505.06 of the Revised Code, except that a separate ballot shall be used for the election under this section. The question set forth in this section shall be printed on each ballot, and the board shall insert in the question appropriate words to complete ~~each~~ it, subject to the approval of the secretary of state. Votes shall be cast as provided under section 3505.06 of the Revised Code. 433-440

Sec. 4301.361. (A) If a majority of the electors voting on questions set forth in section 4301.351 of the Revised Code in a precinct vote "yes" on question (B) (1) or (C) (1), or, if both questions (B) (1) and (B) (2), or questions (C) (1) and (C) (2), are submitted, "yes" on both questions or "yes" on question (B) (1) or (C) (1) but "no" on question (B) (2) or (C) (2), sales of intoxicating liquor shall be allowed on Sunday in the manner and under the conditions specified in question (B) (1) or (C) (1), under a D-6 permit, within the precinct concerned, during the hours 441-449

specified in division (A) of section 4303.182 of the Revised Code 450
and during the period the election is in effect as defined in 451
section 4301.37 of the Revised Code. 452

(B) If only question (B) (2) or (C) (2) is submitted to the 453
voters or if questions (B) (2) and (B) (3) or (C) (2) and (C) (3) are 454
submitted and a majority of the electors voting in a precinct vote 455
"yes" on question (B) (2) or (C) (2) as set forth in section 456
4301.351 of the Revised Code, sales of intoxicating liquor shall 457
be allowed on Sunday in the manner and under the conditions 458
specified in question (B) (2) or (C) (2), under a D-6 permit, within 459
the precinct concerned, during the hours specified in division (A) 460
of section 4303.182 of the Revised Code and during the period the 461
election is in effect as defined in section 4301.37 of the Revised 462
Code, even if question (B) (1) or (C) (1) was also submitted and a 463
majority of the electors voting in the precinct voted "no." 464

(C) If question (B) (3) or (C) (3) is submitted and a majority 465
of electors voting on question (B) (3) or (C) (3) as set forth in 466
section 4301.351 of the Revised Code in a precinct vote "yes," 467
sales of wine and mixed beverages shall be allowed on Sunday in 468
the manner and under the conditions specified in question (B) (3) 469
or (C) (3), under a D-6 permit, within the precinct concerned, 470
during the hours specified in division (A) of section 4303.182 of 471
the Revised Code and during the period the election is in effect 472
as defined in section 4301.37 of the Revised Code. 473

(D) If questions (B) (1), (B) (2), and (B) (3), or questions 474
(C) (1), (C) (2), and (C) (3), as set forth in section 4301.351 of 475
the Revised Code, are all submitted and a majority of the electors 476
voting in such precinct vote "no" on all three questions, no sales 477
of intoxicating liquor shall be made within the precinct concerned 478
after two-thirty a.m. on Sunday as specified in the questions 479
submitted, during the period the election is in effect as defined 480

in section 4301.37 of the Revised Code. 481

(E) If question (C) (1) as set forth in section 4301.351 of 482
the Revised Code is submitted to the voters in a precinct in which 483
question (B) (1) as set forth in that section previously was 484
submitted and approved, and the results of the election on 485
question (B) (1) are still in effect in the precinct; or if 486
question (C) (2) as set forth in that section is submitted to the 487
voters in a precinct in which question (B) (2) as set forth in that 488
section previously was submitted and approved, and the results of 489
the election on question (B) (2) are still in effect in the 490
precinct; or if question (C) (3) as set forth in that section is 491
submitted to the voters in a precinct in which question (B) (3) as 492
set forth in that section previously was submitted and approved, 493
and the results of the election on question (B) (3) are still in 494
effect in the precinct; and if a majority of the electors voting 495
on question (C) (1), (C) (2), or (C) (3) vote "no," then sales shall 496
continue to be allowed in the precinct in the manner and under the 497
conditions specified in the previously approved question (B) (1), 498
(B) (2), or (B) (3), as applicable. 499

(F) If question (B) (4) as set forth in section 4301.351 of 500
the Revised Code is submitted and a majority of the electors 501
voting in the precinct vote "yes," sales of intoxicating liquor 502
shall be allowed on Sunday at outdoor performing arts centers in 503
the manner and under the conditions specified in question (B) (4) 504
under a D-6 permit, within the precinct concerned, during the 505
hours specified in division (F) of section 4303.182 of the Revised 506
Code and during the period the election is in effect as defined in 507
section 4301.37 of the Revised Code. If question (B) (4) as set 508
forth in section 4301.351 of the Revised Code is submitted and a 509
majority of the electors voting in the precinct vote "no," no 510
sales of intoxicating liquor shall be allowed at outdoor 511

performing arts centers in the precinct concerned under a D-6 512
 permit, after 2:30 a.m. on Sunday, during the period the election 513
 is in effect as defined in section 4301.37 of the Revised Code. 514

Sec. 4301.364. (A) If a majority of the electors in a 515
 precinct vote "yes" on question (B) (1) or (C) (1) as set forth in 516
 section 4301.354 of the Revised Code, the sale of intoxicating 517
 liquor, of the same types as may be legally sold in the precinct 518
 on other days of the week, shall be permitted on Sunday in the 519
 portion of the precinct affected by the results of the election 520
during the hours specified in division (A) of section 4303.182 of 521
the Revised Code and in the manner and under the conditions 522
 specified in the question, subject only to this chapter and 523
 Chapter 4303. of the Revised Code. 524

(B) If a majority of the electors in a precinct vote "yes" on 525
 question (B) (2) or (C) (2) as set forth in section 4301.354 of the 526
 Revised Code, the sale of intoxicating liquor, of the same types 527
 as may be legally sold in the precinct on other days of the week, 528
 shall be permitted on Sunday in the portion of the precinct 529
 affected by the results of the election during the hours specified 530
in division (A) of section 4303.182 of the Revised Code and in the 531
 manner and under the conditions specified in the question, subject 532
 only to this chapter and Chapter 4303. of the Revised Code. 533

(C) If a majority of the electors in a precinct vote "yes" on 534
 question (B) (3) or (C) (3) as set forth in section 4301.354 of the 535
 Revised Code, the sale of wine and mixed beverages shall be 536
 permitted on Sunday in the portion of the precinct affected by the 537
 results of the election during the hours specified in division (A) 538
of section 4303.182 of the Revised Code and in the manner and 539
 under the conditions specified in the question, subject only to 540
 this chapter and Chapter 4303. of the Revised Code. 541

(D) If a majority of the electors in a precinct vote "no" on 542

question (B) (1) or (C) (1) as set forth in section 4301.354 of the Revised Code, no sale of intoxicating liquor shall be permitted on Sunday in the manner and under the conditions specified in the question in the portion of the precinct affected by the results of the election.

(E) If a majority of the electors in a precinct vote "no" on question (B) (2) or (C) (2) as set forth in section 4301.354 of the Revised Code, no sale of intoxicating liquor shall be permitted on Sunday in the manner and under the conditions specified in the question in the portion of the precinct affected by the results of the election.

(F) If a majority of the electors in a precinct vote "no" on question (B) (3) or (C) (3) as set forth in section 4301.354 of the Revised Code, no sale of wine or mixed beverages shall be permitted on Sunday in the manner and under the conditions specified in the question in the portion of the precinct affected by the results of the election.

(G) If question (C) (1) as set forth in section 4301.354 of the Revised Code is submitted to the voters in a precinct in which question (B) (1) as set forth in that section previously was submitted and approved, and the results of the election on question (B) (1) are still in effect in the precinct; or if question (C) (2) as set forth in that section is submitted to the voters in a precinct in which question (B) (2) as set forth in that section previously was submitted and approved, and the results of the election on question (B) (2) are still in effect in the precinct; or if question (C) (3) as set forth in that section is submitted to the voters in a precinct in which question (B) (3) as set forth in that section previously was submitted and approved, and the results of the election on question (B) (3) are still in effect in the precinct; and if a majority of the electors voting

on question (C) (1), (C) (2), or (C) (3) vote "no," then sales shall
 continue to be allowed in the precinct in the manner and under the
 conditions specified in the previously approved question (B) (1),
 (B) (2), or (B) (3), as applicable.

Sec. 4301.365. (A) If a majority of the electors in a
 precinct vote "yes" on questions (B) (1) and (2) as set forth in
 section 4301.355 of the Revised Code, the sale of beer, wine and
 mixed beverages, or spirituous liquor, whichever was the subject
 of the election, shall be allowed at the particular location and
 for the use, ~~and during the hours on Sunday,~~ specified in the
 questions under each permit applied for by the petitioner or at
 the address listed for the liquor agency store, and, in relation
to question (B) (2), during the hours on Sunday specified in
division (A) of section 4303.182 of the Revised Code, subject only
 to this chapter and Chapter 4303. of the Revised Code. Failure to
 continue to use the particular location for any proposed or stated
 use set forth in the petition is grounds for the denial of a
 renewal of the liquor permit under division (A) of section
 4303.271 of the Revised Code or is grounds for the nonrenewal or
 cancellation of the liquor agency store contract by the division
 of liquor control, except in the case where the liquor permit
 holder or liquor agency store decides to cease the sale of beer,
 wine and mixed beverages, or spirituous liquor, whichever was the
 subject of the election, on Sundays.

(B) Except as otherwise provided in division (H) of this
 section, if a majority of the electors in a precinct vote "yes" on
 question (B) (1) and "no" on question (B) (2) as set forth in
 section 4301.355 of the Revised Code, the sale of beer, wine and
 mixed beverages, or spirituous liquor, whichever was the subject
 of the election, shall be allowed at the particular location for
 the use specified in question (B) (1) of section 4301.355 of the

Revised Code and under each permit applied for by the petitioner, 605
except for a D-6 permit, subject only to this chapter and Chapter 606
4303. of the Revised Code. 607

(C) If a majority of the electors in a precinct vote "no" on 608
question (B) (1) as set forth in section 4301.355 of the Revised 609
Code, no sales of beer, wine and mixed beverages, or spirituous 610
liquor, whichever was the subject of the election, shall be 611
allowed at the particular location for the use specified in the 612
petition during the period the election is in effect as defined in 613
section 4301.37 of the Revised Code. 614

(D) If a majority of the electors in a precinct vote only on 615
question (B) (2) as set forth in section 4301.355 of the Revised 616
Code and that vote results in a majority "yes" vote, sales of 617
beer, wine and mixed beverages, or spirituous liquor, whichever 618
was the subject of the election, shall be allowed at the 619
particular location for the use ~~and during the hours~~ specified in 620
the petition on Sunday during the hours specified in division (A) 621
of section 4303.182 of the Revised Code and during the period the 622
election is in effect as defined in section 4301.37 of the Revised 623
Code. 624

(E) Except as otherwise provided in division (H) of this 625
section, if a majority of the electors in a precinct vote only on 626
question (B) (2) as set forth in section 4301.355 of the Revised 627
Code and that vote results in a majority "no" vote, no sales of 628
beer, wine and mixed beverages, or spirituous liquor, whichever 629
was the subject of the election, shall be allowed at the 630
particular location for the use and during the hours specified in 631
the petition on Sunday during the period the election is in effect 632
as defined in section 4301.37 of the Revised Code. 633

(F) In case of elections in the same precinct for the 634
question or questions set forth in section 4301.355 of the Revised 635

Code and for a question or questions set forth in section 4301.35, 636
 4301.351, 4301.353, 4301.354, 4303.29, or 4305.14 of the Revised 637
 Code, the results of the election held on the question or 638
 questions set forth in section 4301.355 of the Revised Code shall 639
 apply to the particular location notwithstanding the results of 640
 the election held on the question or questions set forth in 641
 section 4301.35, 4301.351, 4301.353, 4301.354, 4303.29, or 4305.14 642
 of the Revised Code. 643

(G) Sections 4301.32 to 4301.41 of the Revised Code do not 644
 prohibit the transfer of ownership of a permit that was issued to 645
 a particular location as the result of an election held on sales 646
 of beer, wine and mixed beverages, spirituous liquor, or 647
 intoxicating liquor at that particular location as long as the 648
 general nature of the business at that particular location 649
 described in the petition for that election remains the same after 650
 the transfer. 651

(H) If question (B) (2) as set forth in section 4301.355 of 652
 the Revised Code is submitted to the electors of a precinct 653
 proposing to authorize the sale of beer, wine and mixed beverages, 654
 or spirituous liquor between the hours of ten a.m. and midnight at 655
 a particular location at which the sale of beer, wine and mixed 656
 beverages, spirituous liquor, or intoxicating liquor is already 657
 allowed between the hours of eleven a.m. and midnight or one p.m. 658
 and midnight and the question submitted is defeated, the sale of 659
 beer, wine and mixed beverages, spirituous liquor, or intoxicating 660
 liquor between the hours of eleven a.m. and midnight or one p.m. 661
 and midnight, as applicable, shall continue at that particular 662
 location. 663

Sec. 4301.366. If a majority of the electors voting on the 664
 question specified in section 4301.356 of the Revised Code vote 665
 "yes," the sale of beer and intoxicating liquor shall be allowed 666

at the community facility ~~and on days of the week other than~~ 667
Sunday and during the hours on Sunday specified in division (A) of 668
section 4303.182 of the Revised Code, for the use specified in the 669
question, subject only to this chapter and Chapter 4303. of the 670
Revised Code. Failure to continue to use the location as a 671
community facility constitutes good cause for rejection of the 672
renewal of the liquor permit under division (A) of section 673
4303.271 of the Revised Code. 674

If a majority of the electors voting on the question 675
specified in section 4301.356 of the Revised Code vote "no," no 676
sales of beer or intoxicating liquor shall be made at or within 677
the community facility during the period the election is in effect 678
as defined in section 4301.37 of the Revised Code." 679

In line 62281, strike through the first "between" and insert 680
"as follows: 681

(1) Between"; strike through ", or between" and insert "on 682
Sunday if sale during those hours has been approved under question 683
(C) (1), (2), or (3) of section 4301.351 or 4301.354 of the Revised 684
Code, under question (B) (2) of section 4301.355 of the Revised 685
Code, or under section 4301.356 of the Revised Code and has been 686
authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 687
of the Revised Code, under the restrictions of that authorization; 688

(2) Between" 690

In line 62282, strike through "one p.m." and insert "eleven 691
a.m."; strike through the first comma; strike through ", as 692
applicable,"; strike through "that"; after "sale" insert "during 693
those hours has been approved on or after the effective date of 694
this amendment under question (B) (1), (2), or (3) of section 695
4301.351 or 4301.354 of the Revised Code, under question (B) (2) of 696
section 4301.355 of the Revised Code, or under section 4301.356 of 697

<u>the Revised Code and"</u>	698
In line 62284, strike through "and" and insert an underlined comma	699 700
In line 62285, after "authorization" insert ";	701
<u>(3) Between the hours of eleven a.m. and midnight on Sunday if sale between the hours of one p.m. and midnight was approved before the effective date of this amendment under question (B) (1), (2), or (3) of section 4301.351 or 4301.354 of the Revised Code, under question (B) (2) of section 4301.355 of the Revised Code, or under section 4301.356 of the Revised Code and has been authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code, under the other restrictions of that authorization"</u>	702 703 704 705 706 707 708 709
In line 90878, after "4141.162," insert "4301.333, 4301.334, 4301.351, 4301.354, 4301.355, 4301.356, 4301.361, 4301.364, 4301.365, 4301.366,"	710 711 712
Between lines 105475 and 105476, insert:	713
"Section 743.____. If a petition seeks the holding of an election on Sunday liquor sales on or after the effective date of this section under question (B) (1), (2), or (3) of section 4301.351 or 4301.354 of the Revised Code, under question (B) (2) of section 4301.355 of the Revised Code, or under section 4301.356 of the Revised Code and the petition contains signatures that were placed on it before the effective date of this section, the petition is not invalid merely because the question or questions sought to be submitted to the electors and contained in the petition state that Sunday liquor sales may commence beginning at 1 p.m. rather than 11 a.m.	714 715 716 717 718 719 720 721 722 723 724
Section 743.____. (A) Notwithstanding division (A) (3) of section 4303.182 of the Revised Code, as amended by this act, the electors in a precinct in which the first hour of sale on Sunday	725 726 727

was changed from one p.m. to eleven a.m. by operation of that 728
 division may petition to hold an election to revert that first 729
 hour of sale to one p.m. That election shall be held under the 730
 following conditions: 731

(1) At the first general election that occurs after the 732
 effective date of this section unless that general election will 733
 be held less than one hundred thirty-five days after that date, in 734
 which case the election shall be held at the immediately following 735
 general election; 736

(2) Under division (B) (1), (2), or (3) of section 4301.351 or 737
 4301.354 of the Revised Code, under division (B) (2) of section 738
 4301.355 of the Revised Code, or under section 4301.356 of the 739
 Revised Code, as applicable, except that the starting time for 740
 sales under the question shall be one p.m. rather than eleven 741
 a.m.; 742

(3) In accordance with the applicable requirements and 743
 provisions governing elections that are held under those divisions 744
 or that section and that are established under Chapter 4301. of 745
 the Revised Code. 746

(B) Not later than forty-five days after the effective date 747
 of this section, the Superintendent of Liquor Control shall 748
 publish notice of the provisions of division (A) of this section 749
 in a newspaper of general circulation in each county of the 750
 state." 751

Between lines 106644 and 106645, insert: 752

"Section 4301.355 of the Revised Code as amended by Am. Sub. 753
 H.B. 562 and Sub. S.B. 150, both of the 127th General Assembly." 754

In line 114 of the title, after "4141.162," insert "4301.333, 755
 4301.334, 4301.351, 4301.354, 4301.355, 4301.356, 4301.361, 756
 4301.364, 4301.365, 4301.366," 757

The motion was _____ agreed to.

SYNOPSIS

Sunday Liquor Sales 758

R.C. 4301.333, 4301.334, 4301.351, 4301.354, 4301.355, 759
4301.356, 4301.361, 4301.364, 4301.365, and 4301.366 760

Does all of the following as in the House-passed version of 761
the bill: (1) Changes local option elections on Sunday sales of 762
intoxicating liquor allowing sales between 1 p.m. and midnight to 763
instead allow sales between 11 a.m. and midnight; (2) authorizes 764
certain Sunday liquor sales to begin at 11 a.m. even if the sales 765
previously were approved by the voters to commence at 1 p.m., but 766
allows voters to hold an election to revert the time of 767
commencement to 1 p.m. in accordance with certain conditions; and 768
(3) makes other changes in the law governing local option 769
elections on Sunday sales of beer and intoxicating liquor at or in 770
election precincts, parts of a precinct, specific locations, and 771
community facilities. 772

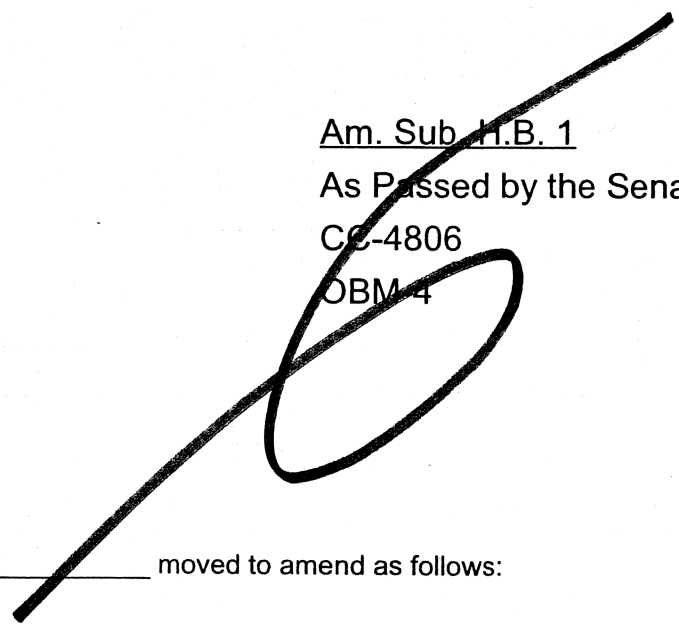


Am. Sub. H.B. 1

As Passed by the Senate

CC-4806

OBM 4



_____ moved to amend as follows:

In line 304, after "126.05," insert "126.21," 1

Between lines 12394 and 12395, insert: 2

"Sec. 126.21. (A) The director of budget and management shall do all of the following: 3
4

(1) Keep all necessary accounting records; 5

(2) Prescribe and maintain the accounting system of the state and establish appropriate accounting procedures and charts of accounts; 6
7
8

(3) Establish procedures for the use of written, electronic, optical, or other communications media for approving and reviewing payment vouchers; 9
10
11

(4) Reconcile, in the case of any variation between the amount of any appropriation and the aggregate amount of items of the appropriation, with the advice and assistance of the state agency affected by it and the legislative service commission, totals so as to correspond in the aggregate with the total appropriation. In the case of a conflict between the item and the total of which it is a part, the item shall be considered the intended appropriation. 12
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(5) Evaluate on an ongoing basis and, if necessary, recommend improvements to the internal controls used in state agencies; 20 21

(6) Authorize the establishment of petty cash accounts. The director may withdraw approval for any petty cash account and require the officer in charge to return to the state treasury any unexpended balance shown by the officer's accounts to be on hand. Any officer who is issued a warrant for petty cash shall render a detailed account of the expenditures of the petty cash and shall report when requested the balance of petty cash on hand at any time. 22 23 24 25 26 27 28 29

(7) Process orders, invoices, vouchers, claims, and payrolls and prepare financial reports and statements; 30 31

(8) Perform extensions, reviews, and compliance checks prior to or after approving a payment as the director considers necessary; 32 33 34

(9) Issue the official comprehensive annual financial report of the state. The report shall cover all funds of the state reporting entity and shall include basic financial statements and required supplementary information prepared in accordance with generally accepted accounting principles and other information as the director provides. All state agencies, authorities, institutions, offices, retirement systems, and other component units of the state reporting entity as determined by the director shall furnish the director whatever financial statements and other information the director requests for the report, in the form, at the times, covering the periods, and with the attestation the director prescribes. The information for state institutions of higher education, as defined in section 3345.011 of the Revised Code, shall be submitted to the chancellor by the Ohio board of regents. The board shall establish a due date by which each such institution shall submit the information to the board, but no such 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50

date shall be later than one hundred twenty days after the end of 51
 the state fiscal year unless a later date is approved by the 52
 director. 53

(B) In addition to the director's duties under division (A) 54
 of this section, the director may establish and administer one or 55
 more state payment card programs that permit or require state 56
 agencies to use a payment card to purchase equipment, materials, 57
 supplies, or services in accordance with guidelines issued by the 58
 director. The chief administrative officer of a state agency that 59
 uses a payment card for such purposes shall ensure that purchases 60
 made with the card are made in accordance with the guidelines 61
 issued by the director and do not exceed the unexpended, 62
 unencumbered, unobligated balance in the appropriation to be 63
 charged for the purchase. State agencies may participate in only 64
 those state payment card programs that the director establishes 65
 pursuant to this section. 66

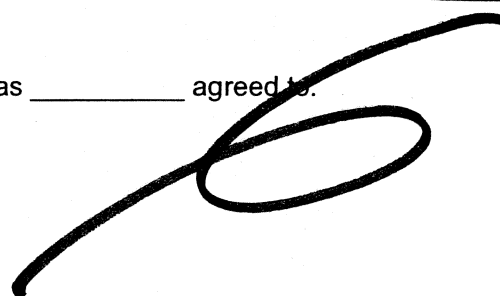
(C) In addition to the director's duties under divisions (A) 67
 and (B) of this section, the director may enter into any contract 68
 or agreement necessary for and incidental to the performance of 69
 the director's duties or the duties of the office of budget and 70
 management. 71

(D) In consultation with the director of administrative 72
services, the director may appoint and fix the compensation of 73
employees of the office of budget and management whose primary 74
duties include the consolidation of statewide financing functions 75
and common transactional processes." 76

In line 90806, after "126.05," insert "126.21," 77

In line 15 of the title, after "126.05," insert "126.21," 78

The motion was _____ agreed to.



SYNOPSIS

Authority of the Director of Budget and Management to Appoint	79
and Fix Compensation of Certain Office of Budget and Management	80
Employees	81
R.C. 126.21	82
Restores a provision of the House version that authorizes the	83
Director of Budget and Management, in consultation with the	84
Director of Administrative Services, to appoint and fix the	85
compensation of employees of the Office of Budget and Management	86
whose primary duties include the consolidation of statewide	87
financing functions and common transactional processes.	88



1 128HB1-CC4807.docx/ar

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Am. Sub. H.B. 1
As Passed by the Senate
CC-4807
OBM-14

6 _____ moved to amend as follows:

7 Between lines 92542 and 92543, insert:

8 "SHARED SERVICES CENTER

9 The Director of Budget and Management shall use the OAKS
10 Project Implementation Fund (Fund 5N40) and the Accounting and
11 Budgeting Fund (Fund 1050) to implement a Shared Services Center
12 within the Office of Budget and Management for the purpose of
13 consolidating statewide finance functions and common
14 transactional processes. The Director of Budget and Management
15 shall transfer the unobligated cash balance remaining in Fund
16 5N40 to the General Revenue Fund before the end of fiscal year
17 2011.

18 Effective July 1, 2009, the Director of Budget and
19 Management shall include the recovery of costs to operate the
20 Shared Services Center in the accounting and budgeting services
21 payroll rate and through a direct charge using intrastate
22 transfer vouchers to agencies for services rendered. The
23 Director of Budget and Management shall determine the cost

24 recovery methodology. Such cost recovery revenues shall be
25 deposited to the credit of Fund 1050."

26 The motion was _____ agreed to.

27 SYNOPSIS

28 **Shared Services Center**

29 **Section 229.10**

30 Restores provisions in the House-passed bill that (1)
31 require the Director of Budget and Management to use the OAKS
32 Project Implementation Fund (Fund 5N40) and the Accounting and
33 Budgeting Fund (Fund 1050) to implement a Shared Services Center
34 within OBM, (2) require the Director of Budget and Management to
35 transfer the unobligated cash balance remaining in Fund 5N40 to
36 the GRF before the end of FY 2011, and (3) require the Director
37 of Budget and Management to recover the operational costs of the
38 Shared Services Center in the accounting and budgeting payroll
39 rate and through a direct charge to agencies for services
40 rendered.

✓

1 128HB1-CC4808.docx/ss

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Am. Sub. H.B. 1
As Passed by the Senate
CC-4808
DOH-48

6 _____ moved to amend as follows:

7 Delete lines 96817 through 96822

8 The motion was _____ agreed to.

9 SYNOPSIS

10 **Department of Health**

11 **Section 289.50**

12 Removes a provision that specifies that any state funds
13 appropriated under section 289.10 of the act and used for
14 services that are included in the description of "women's health
15 services" in section 3701.046 of the Revised Code, are required
16 to comply with the requirements of that section.

1 128HB1-CC4809.docx/ar

2 Am. Sub. H.B. 1
3 As Passed by the Senate
4 CC-4809
5 EPA-24

6 _____ moved to amend as follows:

7 Delete lines 105372 through 105397

8 The motion was _____ agreed to.

9 SYNOPSIS

10 **State Clean Diesel Funding Task Force**

11 **Section 709.20**

12 Eliminates the creation of the ten-member State Clean
13 Diesel Funding Task Force, responsible for studying methods of
14 funding state clean diesel incentive programs and issuing a
15 report, including a recommendation for a stable and dedicated
16 long-term funding source for the Diesel Emissions Reduction
17 Grant Program, to the General Assembly and the Governor by
18 January 1, 2010.

✓

1 128HB1-CC4810.docx/ss

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Am. Sub. H.B. 1
As Passed by the Senate
CC-4810
DAS-71

6 _____ moved to amend as follows:

7 Delete lines 105871 through 105877

8 The motion was _____ agreed to.

9

SYNOPSIS

10 **State Property Holdings Study**

11 **Section 753.30**

12 Removes from the Senate version the provision that requires
13 the Director of Administrative Services, by October 1, 2009, to
14 prepare and submit a report to the Controlling Board that lists
15 all state-owned property and building leases throughout Ohio at
16 a minimum including the location, leaseholders, square footage,
17 and value of these properties.

5 _____ moved to amend as follows:

6 In line 105221, after "trucks" insert "that are"; after
7 "state" insert "and are used by the Department of Natural
8 Resources, five per cent of such vehicles that are used by the
9 Department of Public Safety, and five per cent of such vehicles
10 that are used by the Department of Transportation"

11 In line 105225, after "vehicles" insert "that are"; after
12 "section" insert "and are used by the Department of Natural
13 Resources, an additional five per cent of such vehicles that are
14 used by the Department of Public Safety, and an additional five
15 per cent of such vehicles that are used by the Department of
16 Transportation"

17 In line 105234, after "of" insert "the"

18 The motion was _____ agreed to.

19

SYNOPSIS

20

Pilot Project, Propane-Powered State Vehicles

21

Section 701.70

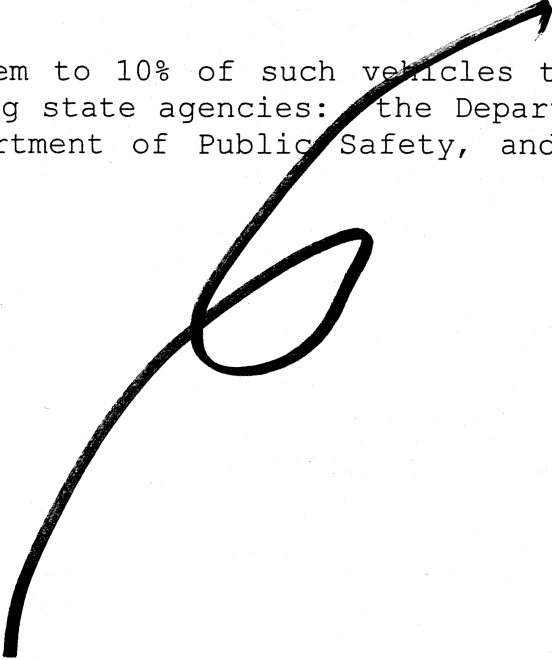
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Limits the two-year pilot project currently in the bill in which a total of 10% of state-owned passenger cars, sport utility vehicles, and light-duty pickup trucks are converted to

25 a propane fuel system to 10% of such vehicles that are used by
26 each of the following state agencies: the Department of Natural
27 Resources, the Department of Public Safety, and the Department
28 of Transportation.



1 128HB1-CC4812.docx/ar

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Am. Sub. H.B.
As Passed by the Senate
CC-4812
DMH-4

6 _____ moved to amend as follows:

7 Delete lines 105615 through 105735

8 The motion was _____ agreed to.

9

SYNOPSIS

10 **Medicaid Community Behavioral Health Administration**
11 **Advisory Group**

12 **Section 751.10**

13 Removes the bill's provision that creates the Medicaid
14 Community Behavioral Health Administration Advisory Group.

1 128HB1-CC4817.docx/ss

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Am. Sub. H.B. 1
As Passed by the Senate
CC-4817
DOT-64

6 _____ moved to amend as follows:

7 Delete lines 106235 through 106254

8 The motion was _____ agreed to.

9

SYNOPSIS

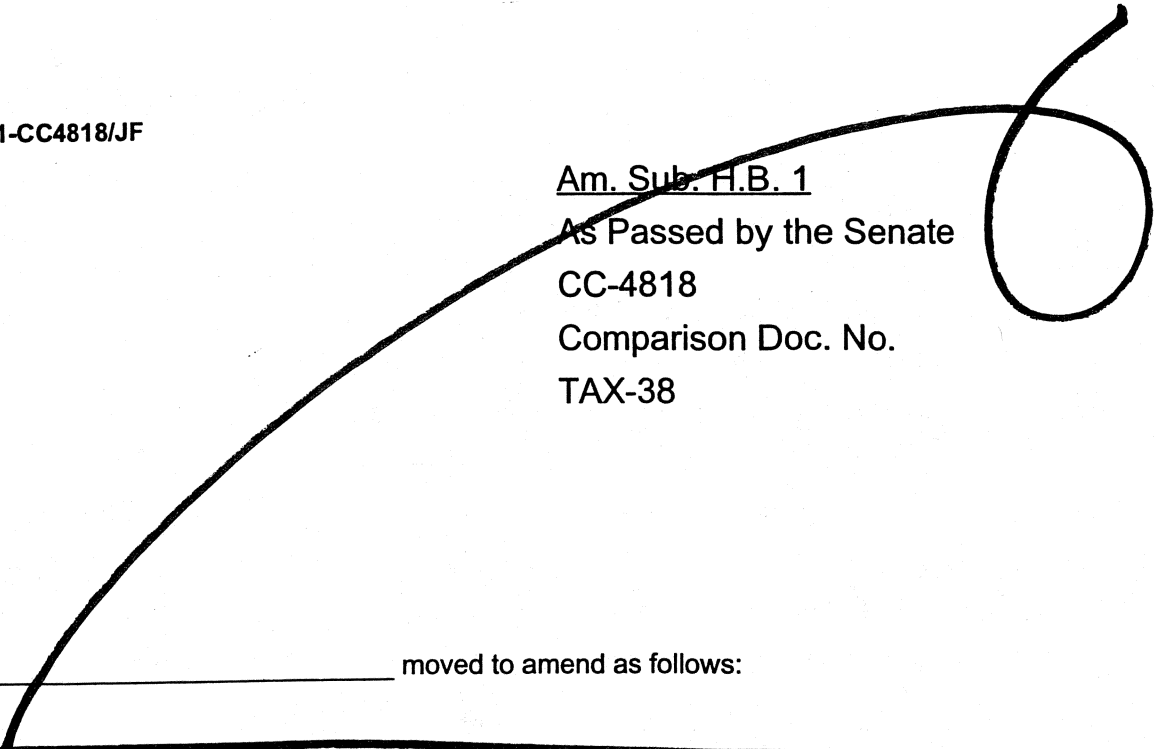
10 **Amish Transportation Study**

11 **Section 755.10**

12 Eliminates a requirement that the Director of
13 Transportation conduct an Amish transportation study in Burton
14 Township, Geauga County.

Am. Sub. H.B. 1
As Passed by the Senate
CC-4818
Comparison Doc. No.
TAX-38

✓



_____ moved to amend as follows:

In line 414, after "5739.033," insert "5739.09," 1

In line 84529, after "structures" insert "except as 2
otherwise provided in division (G) of section 5739.09 of the 3
Revised Code" 4

Between lines 86388 and 86389, insert: 5

"Sec. 5739.09. (A) (1) A board of county commissioners may, by 6
resolution adopted by a majority of the members of the board, levy 7
an excise tax not to exceed three per cent on transactions by 8
which lodging by a hotel is or is to be furnished to transient 9
guests. The board shall establish all regulations necessary to 10
provide for the administration and allocation of the tax. The 11
regulations may prescribe the time for payment of the tax, and may 12
provide for the imposition of a penalty or interest, or both, for 13
late payments, provided that the penalty does not exceed ten per 14
cent of the amount of tax due, and the rate at which interest 15
accrues does not exceed the rate per annum prescribed pursuant to 16
section 5703.47 of the Revised Code. Except as provided in 17
divisions (A) (2), (3), (4), (5), (6), and (7) of this section, the 18

regulations shall provide, after deducting the real and actual 19
costs of administering the tax, for the return to each municipal 20
corporation or township that does not levy an excise tax on the 21
transactions, a uniform percentage of the tax collected in the 22
municipal corporation or in the unincorporated portion of the 23
township from each transaction, not to exceed thirty-three and 24
one-third per cent. The remainder of the revenue arising from the 25
tax shall be deposited in a separate fund and shall be spent 26
solely to make contributions to the convention and visitors' 27
bureau operating within the county, including a pledge and 28
contribution of any portion of the remainder pursuant to an 29
agreement authorized by section 307.695 of the Revised Code, 30
provided that if the board of county commissioners of an eligible 31
county as defined in section 307.695 of the Revised Code adopts a 32
resolution amending a resolution levying a tax under this division 33
to provide that the revenue from the tax shall be used by the 34
board as described in division (H) of section 307.695 of the 35
Revised Code, the remainder of the revenue shall be used as 36
described in the resolution making that amendment. Except as 37
provided in division (A) (2), (3), (4), (5), (6), or (7) or (H) of 38
this section, on and after May 10, 1994, a board of county 39
commissioners may not levy an excise tax pursuant to this division 40
in any municipal corporation or township located wholly or partly 41
within the county that has in effect an ordinance or resolution 42
levying an excise tax pursuant to division (B) of this section. 43
The board of a county that has levied a tax under division (C) of 44
this section may, by resolution adopted within ninety days after 45
July 15, 1985, by a majority of the members of the board, amend 46
the resolution levying a tax under this division to provide for a 47
portion of that tax to be pledged and contributed in accordance 48
with an agreement entered into under section 307.695 of the 49
Revised Code. A tax, any revenue from which is pledged pursuant to 50

such an agreement, shall remain in effect at the rate at which it 51
is imposed for the duration of the period for which the revenue 52
from the tax has been so pledged. 53

The board of county commissioners of an eligible county as 54
defined in section 307.695 of the Revised Code may, by resolution 55
adopted by a majority of the members of the board, amend a 56
resolution levying a tax under this division to provide that the 57
revenue from the tax shall be used by the board as described in 58
division (H) of section 307.695 of the Revised Code, in which case 59
the tax shall remain in effect at the rate at which it was imposed 60
for the duration of any agreement entered into by the board under 61
section 307.695 of the Revised Code, the duration during which any 62
securities issued by the board under that section are outstanding, 63
or the duration of the period during which the board owns a 64
project as defined in section 307.695 of the Revised Code, 65
whichever duration is longest. 66

(2) A board of county commissioners that levies an excise tax 67
under division (A) (1) of this section on June 30, 1997, at a rate 68
of three per cent, and that has pledged revenue from the tax to an 69
agreement entered into under section 307.695 of the Revised Code 70
or, in the case of the board of county commissioners of an 71
eligible county as defined in section 307.695 of the Revised Code, 72
has amended a resolution levying a tax under division (C) of this 73
section to provide that proceeds from the tax shall be used by the 74
board as described in division (H) of section 307.695 of the 75
Revised Code, may, at any time by a resolution adopted by a 76
majority of the members of the board, amend the resolution levying 77
a tax under division (A) (1) of this section to provide for an 78
increase in the rate of that tax up to seven per cent on each 79
transaction; to provide that revenue from the increase in the rate 80
shall be used as described in division (H) of section 307.695 of 81
the Revised Code or be spent solely to make contributions to the 82

convention and visitors' bureau operating within the county to be used specifically for promotion, advertising, and marketing of the region in which the county is located; and to provide that the rate in excess of the three per cent levied under division (A) (1) of this section shall remain in effect at the rate at which it is imposed for the duration of the period during which any agreement is in effect that was entered into under section 307.695 of the Revised Code by the board of county commissioners levying a tax under division (A) (1) of this section, the duration of the period during which any securities issued by the board under division (I) of section 307.695 of the Revised Code are outstanding, or the duration of the period during which the board owns a project as defined in section 307.695 of the Revised Code, whichever duration is longest. The amendment also shall provide that no portion of that revenue need be returned to townships or municipal corporations as would otherwise be required under division (A) (1) of this section.

(3) A board of county commissioners that levies a tax under division (A) (1) of this section on March 18, 1999, at a rate of three per cent may, by resolution adopted not later than forty-five days after March 18, 1999, amend the resolution levying the tax to provide for all of the following:

(a) That the rate of the tax shall be increased by not more than an additional four per cent on each transaction;

(b) That all of the revenue from the increase in the rate shall be pledged and contributed to a convention facilities authority established by the board of county commissioners under Chapter 351. of the Revised Code on or before November 15, 1998, and used to pay costs of constructing, maintaining, operating, and promoting a facility in the county, including paying bonds, or notes issued in anticipation of bonds, as provided by that

chapter; 114

(c) That no portion of the revenue arising from the increase 115
in rate need be returned to municipal corporations or townships as 116
otherwise required under division (A) (1) of this section; 117

(d) That the increase in rate shall not be subject to 118
diminution by initiative or referendum or by law while any bonds, 119
or notes in anticipation of bonds, issued by the authority under 120
Chapter 351. of the Revised Code to which the revenue is pledged, 121
remain outstanding in accordance with their terms, unless 122
provision is made by law or by the board of county commissioners 123
for an adequate substitute therefor that is satisfactory to the 124
trustee if a trust agreement secures the bonds. 125

Division (A) (3) of this section does not apply to the board 126
of county commissioners of any county in which a convention center 127
or facility exists or is being constructed on November 15, 1998, 128
or of any county in which a convention facilities authority levies 129
a tax pursuant to section 351.021 of the Revised Code on that 130
date. 131

As used in division (A) (3) of this section, "cost" and 132
"facility" have the same meanings as in section 351.01 of the 133
Revised Code, and "convention center" has the same meaning as in 134
section 307.695 of the Revised Code. 135

(4) (a) A board of county commissioners that levies a tax 136
under division (A) (1) of this section on June 30, 2002, at a rate 137
of three per cent may, by resolution adopted not later than 138
September 30, 2002, amend the resolution levying the tax to 139
provide for all of the following: 140

(i) That the rate of the tax shall be increased by not more 141
than an additional three and one-half per cent on each 142
transaction; 143

(ii) That all of the revenue from the increase in rate shall 144
be pledged and contributed to a convention facilities authority 145
established by the board of county commissioners under Chapter 146
351. of the Revised Code on or before May 15, 2002, and be used to 147
pay costs of constructing, expanding, maintaining, operating, or 148
promoting a convention center in the county, including paying 149
bonds, or notes issued in anticipation of bonds, as provided by 150
that chapter; 151

(iii) That no portion of the revenue arising from the 152
increase in rate need be returned to municipal corporations or 153
townships as otherwise required under division (A)(1) of this 154
section; 155

(iv) That the increase in rate shall not be subject to 156
diminution by initiative or referendum or by law while any bonds, 157
or notes in anticipation of bonds, issued by the authority under 158
Chapter 351. of the Revised Code to which the revenue is pledged, 159
remain outstanding in accordance with their terms, unless 160
provision is made by law or by the board of county commissioners 161
for an adequate substitute therefor that is satisfactory to the 162
trustee if a trust agreement secures the bonds. 163

(b) Any board of county commissioners that, pursuant to 164
division (A)(4)(a) of this section, has amended a resolution 165
levying the tax authorized by division (A)(1) of this section may 166
further amend the resolution to provide that the revenue referred 167
to in division (A)(4)(a)(ii) of this section shall be pledged and 168
contributed both to a convention facilities authority to pay the 169
costs of constructing, expanding, maintaining, or operating one or 170
more convention centers in the county, including paying bonds, or 171
notes issued in anticipation of bonds, as provided in Chapter 351. 172
of the Revised Code, and to a convention and visitors' bureau to 173
pay the costs of promoting one or more convention centers in the 174

county.	175
As used in division (A) (4) of this section, "cost" has the same meaning as in section 351.01 of the Revised Code, and	176
"convention center" has the same meaning as in section 307.695 of the Revised Code.	177
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(5) (a) As used in division (A) (5) of this section:	180
(i) "Port authority" means a port authority created under Chapter 4582. of the Revised Code.	181
	182
(ii) "Port authority military-use facility" means port authority facilities on which or adjacent to which is located an installation of the armed forces of the United States, a reserve component thereof, or the national guard and at least part of which is made available for use, for consideration, by the armed forces of the United States, a reserve component thereof, or the national guard.	183
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(b) For the purpose of contributing revenue to pay operating expenses of a port authority that operates a port authority military-use facility, the board of county commissioners of a county that created, participated in the creation of, or has joined such a port authority may do one or both of the following:	190
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(i) Amend a resolution previously adopted under division (A) (1) of this section to designate some or all of the revenue from the tax levied under the resolution to be used for that purpose, notwithstanding that division;	195
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	198
(ii) Amend a resolution previously adopted under division (A) (1) of this section to increase the rate of the tax by not more than an additional two per cent and use the revenue from the increase exclusively for that purpose.	199
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	202
(c) If a board of county commissioners amends a resolution to increase the rate of a tax as authorized in division (A) (5) (b) (ii)	203
	204

of this section, the board also may amend the resolution to 205
specify that the increase in rate of the tax does not apply to 206
"hotels," as otherwise defined in section 5739.01 of the Revised 207
Code, having fewer rooms used for the accommodation of guests than 208
a number of rooms specified by the board. 209

(6) A board of county commissioners of a county organized 210
under a county charter adopted pursuant to Article X, Section 3, 211
Ohio Constitution, and that levies an excise tax under division 212
(A) (1) of this section at a rate of three per cent and levies an 213
additional excise tax under division (E) of this section at a rate 214
of one and one-half per cent may, by resolution adopted not later 215
than January 1, 2008, by a majority of the members of the board, 216
amend the resolution levying a tax under division (A) (1) of this 217
section to provide for an increase in the rate of that tax by not 218
more than an additional one per cent on transactions by which 219
lodging by a hotel is or is to be furnished to transient guests. 220
Notwithstanding divisions (A) (1) and (E) of this section, the 221
resolution shall provide that all of the revenue from the increase 222
in rate, after deducting the real and actual costs of 223
administering the tax, shall be used to pay the costs of 224
improving, expanding, equipping, financing, or operating a 225
convention center by a convention and visitors' bureau in the 226
county. The increase in rate shall remain in effect for the period 227
specified in the resolution, not to exceed ten years. The increase 228
in rate shall be subject to the regulations adopted under division 229
(A) (1) of this section, except that the resolution may provide 230
that no portion of the revenue from the increase in the rate shall 231
be returned to townships or municipal corporations as would 232
otherwise be required under that division. 233

(7) Division (A) (7) of this section applies only to a county 234
with a population greater than sixty-five thousand and less than 235

seventy thousand according to the most recent federal decennial census and in which, on December 31, 2006, an excise tax is levied under division (A) (1) of this section at a rate not less than and not greater than three per cent, and in which the most recent increase in the rate of that tax was enacted or took effect in November 1984.

The board of county commissioners of a county to which this division applies, by resolution adopted by a majority of the members of the board, may increase the rate of the tax by not more than one per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The increase in rate shall be for the purpose of paying expenses deemed necessary by the convention and visitors' bureau operating in the county to promote travel and tourism. The increase in rate shall remain in effect for the period specified in the resolution, not to exceed twenty years, provided that the increase in rate may not continue beyond the time when the purpose for which the increase is levied ceases to exist. If revenue from the increase in rate is pledged to the payment of debt charges on securities, the increase in rate is not subject to diminution by initiative or referendum or by law for so long as the securities are outstanding, unless provision is made by law or by the board of county commissioners for an adequate substitute for that revenue that is satisfactory to the trustee if a trust agreement secures payment of the debt charges. The increase in rate shall be subject to the regulations adopted under division (A) (1) of this section, except that the resolution may provide that no portion of the revenue from the increase in the rate shall be returned to townships or municipal corporations as would otherwise be required under division (A) (1) of this section. A resolution adopted under division (A) (7) of this section is subject to referendum under sections 305.31 to 305.99 of the Revised Code.

(B) (1) The legislative authority of a municipal corporation 268
or the board of trustees of a township that is not wholly or 269
partly located in a county that has in effect a resolution levying 270
an excise tax pursuant to division (A) (1) of this section may, by 271
ordinance or resolution, levy an excise tax not to exceed three 272
per cent on transactions by which lodging by a hotel is or is to 273
be furnished to transient guests. The legislative authority of the 274
municipal corporation or the board of trustees of the township 275
shall deposit at least fifty per cent of the revenue from the tax 276
levied pursuant to this division into a separate fund, which shall 277
be spent solely to make contributions to convention and visitors' 278
bureaus operating within the county in which the municipal 279
corporation or township is wholly or partly located, and the 280
balance of that revenue shall be deposited in the general fund. 281
The municipal corporation or township shall establish all 282
regulations necessary to provide for the administration and 283
allocation of the tax. The regulations may prescribe the time for 284
payment of the tax, and may provide for the imposition of a 285
penalty or interest, or both, for late payments, provided that the 286
penalty does not exceed ten per cent of the amount of tax due, and 287
the rate at which interest accrues does not exceed the rate per 288
annum prescribed pursuant to section 5703.47 of the Revised Code. 289
The levy of a tax under this division is in addition to any tax 290
imposed on the same transaction by a municipal corporation or a 291
township as authorized by division (A) of section 5739.08 of the 292
Revised Code. 293

(2) (a) The legislative authority of the most populous 294
municipal corporation located wholly or partly in a county in 295
which the board of county commissioners has levied a tax under 296
division (A) (4) of this section may amend, on or before September 297
30, 2002, that municipal corporation's ordinance or resolution 298
that levies an excise tax on transactions by which lodging by a 299

hotel is or is to be furnished to transient guests, to provide for
 all of the following:

(i) That the rate of the tax shall be increased by not more
 than an additional one per cent on each transaction;

(ii) That all of the revenue from the increase in rate shall
 be pledged and contributed to a convention facilities authority
 established by the board of county commissioners under Chapter
 351. of the Revised Code on or before May 15, 2002, and be used to
 pay costs of constructing, expanding, maintaining, operating, or
 promoting a convention center in the county, including paying
 bonds, or notes issued in anticipation of bonds, as provided by
 that chapter;

(iii) That the increase in rate shall not be subject to
 diminution by initiative or referendum or by law while any bonds,
 or notes in anticipation of bonds, issued by the authority under
 Chapter 351. of the Revised Code to which the revenue is pledged,
 remain outstanding in accordance with their terms, unless
 provision is made by law, by the board of county commissioners, or
 by the legislative authority, for an adequate substitute therefor
 that is satisfactory to the trustee if a trust agreement secures
 the bonds.

(b) The legislative authority of a municipal corporation
 that, pursuant to division (B)(2)(a) of this section, has amended
 its ordinance or resolution to increase the rate of the tax
 authorized by division (B)(1) of this section may further amend
 the ordinance or resolution to provide that the revenue referred
 to in division (B)(2)(a)(ii) of this section shall be pledged and
 contributed both to a convention facilities authority to pay the
 costs of constructing, expanding, maintaining, or operating one or
 more convention centers in the county, including paying bonds, or
 notes issued in anticipation of bonds, as provided in Chapter 351.

of the Revised Code, and to a convention and visitors' bureau to 331
 pay the costs of promoting one or more convention centers in the 332
 county. 333

As used in division (B)(2) of this section, "cost" has the 334
 same meaning as in section 351.01 of the Revised Code, and 335
 "convention center" has the same meaning as in section 307.695 of 336
 the Revised Code. 337

(C) For the purposes described in section 307.695 of the 338
 Revised Code and to cover the costs of administering the tax, a 339
 board of county commissioners of a county where a tax imposed 340
 under division (A)(1) of this section is in effect may, by 341
 resolution adopted within ninety days after July 15, 1985, by a 342
 majority of the members of the board, levy an additional excise 343
 tax not to exceed three per cent on transactions by which lodging 344
 by a hotel is or is to be furnished to transient guests. The tax 345
 authorized by this division shall be in addition to any tax that 346
 is levied pursuant to division (A) of this section, but it shall 347
 not apply to transactions subject to a tax levied by a municipal 348
 corporation or township pursuant to the authorization granted by 349
 division (A) of section 5739.08 of the Revised Code. The board 350
 shall establish all regulations necessary to provide for the 351
 administration and allocation of the tax. The regulations may 352
 prescribe the time for payment of the tax, and may provide for the 353
 imposition of a penalty or interest, or both, for late payments, 354
 provided that the penalty does not exceed ten per cent of the 355
 amount of tax due, and the rate at which interest accrues does not 356
 exceed the rate per annum prescribed pursuant to section 5703.47 357
 of the Revised Code. All revenues arising from the tax shall be 358
 expended in accordance with section 307.695 of the Revised Code. 359
 The board of county commissioners of an eligible county as defined 360
 in section 307.695 of the Revised Code may, by resolution adopted 361

by a majority of the members of the board, amend the resolution 362
levying a tax under this division to provide that the revenue from 363
the tax shall be used by the board as described in division (H) of 364
section 307.695 of the Revised Code. A tax imposed under this 365
division shall remain in effect at the rate at which it is imposed 366
for the duration of the period during which any agreement entered 367
into by the board under section 307.695 of the Revised Code is in 368
effect, the duration of the period during which any securities 369
issued by the board under division (I) of section 307.695 of the 370
Revised Code are outstanding, or the duration of the period during 371
which the board owns a project as defined in section 307.695 of 372
the Revised Code, whichever duration is longest. 373

(D) For the purpose of providing contributions under division 374
(B) (1) of section 307.671 of the Revised Code to enable the 375
acquisition, construction, and equipping of a port authority 376
educational and cultural facility in the county and, to the extent 377
provided for in the cooperative agreement authorized by that 378
section, for the purpose of paying debt service charges on bonds, 379
or notes in anticipation of bonds, described in division (B) (1) (b) 380
of that section, a board of county commissioners, by resolution 381
adopted within ninety days after December 22, 1992, by a majority 382
of the members of the board, may levy an additional excise tax not 383
to exceed one and one-half per cent on transactions by which 384
lodging by a hotel is or is to be furnished to transient guests. 385
The excise tax authorized by this division shall be in addition to 386
any tax that is levied pursuant to divisions (A), (B), and (C) of 387
this section, to any excise tax levied pursuant to section 5739.08 388
of the Revised Code, and to any excise tax levied pursuant to 389
section 351.021 of the Revised Code. The board of county 390
commissioners shall establish all regulations necessary to provide 391
for the administration and allocation of the tax that are not 392
inconsistent with this section or section 307.671 of the Revised 393

Code. The regulations may prescribe the time for payment of the tax, and may provide for the imposition of a penalty or interest, or both, for late payments, provided that the penalty does not exceed ten per cent of the amount of tax due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code. All revenues arising from the tax shall be expended in accordance with section 307.671 of the Revised Code and division (D) of this section. The levy of a tax imposed under this division may not commence prior to the first day of the month next following the execution of the cooperative agreement authorized by section 307.671 of the Revised Code by all parties to that agreement. The tax shall remain in effect at the rate at which it is imposed for the period of time described in division (C) of section 307.671 of the Revised Code for which the revenue from the tax has been pledged by the county to the corporation pursuant to that section, but, to any extent provided for in the cooperative agreement, for no lesser period than the period of time required for payment of the debt service charges on bonds, or notes in anticipation of bonds, described in division (B)(1)(b) of that section.

(E) For the purpose of paying the costs of acquiring, constructing, equipping, and improving a municipal educational and cultural facility, including debt service charges on bonds provided for in division (B) of section 307.672 of the Revised Code, and for any additional purposes determined by the county in the resolution levying the tax or amendments to the resolution, including subsequent amendments providing for paying costs of acquiring, constructing, renovating, rehabilitating, equipping, and improving a port authority educational and cultural performing arts facility, as defined in section 307.674 of the Revised Code, and including debt service charges on bonds provided for in division (B) of section 307.674 of the Revised Code, the

legislative authority of a county, by resolution adopted within
ninety days after June 30, 1993, by a majority of the members of
the legislative authority, may levy an additional excise tax not
to exceed one and one-half per cent on transactions by which
lodging by a hotel is or is to be furnished to transient guests.
The excise tax authorized by this division shall be in addition to
any tax that is levied pursuant to divisions (A), (B), (C), and
(D) of this section, to any excise tax levied pursuant to section
5739.08 of the Revised Code, and to any excise tax levied pursuant
to section 351.021 of the Revised Code. The legislative authority
of the county shall establish all regulations necessary to provide
for the administration and allocation of the tax. The regulations
may prescribe the time for payment of the tax, and may provide for
the imposition of a penalty or interest, or both, for late
payments, provided that the penalty does not exceed ten per cent
of the amount of tax due, and the rate at which interest accrues
does not exceed the rate per annum prescribed pursuant to section
5703.47 of the Revised Code. All revenues arising from the tax
shall be expended in accordance with section 307.672 of the
Revised Code and this division. The levy of a tax imposed under
this division shall not commence prior to the first day of the
month next following the execution of the cooperative agreement
authorized by section 307.672 of the Revised Code by all parties
to that agreement. The tax shall remain in effect at the rate at
which it is imposed for the period of time determined by the
legislative authority of the county. That period of time shall not
exceed fifteen years, except that the legislative authority of a
county with a population of less than two hundred fifty thousand
according to the most recent federal decennial census, by
resolution adopted by a majority of its members before the
original tax expires, may extend the duration of the tax for an
additional period of time. The additional period of time by which

a legislative authority extends a tax levied under this division 458
shall not exceed fifteen years. 459

(F) The legislative authority of a county that has levied a 460
tax under division (E) of this section may, by resolution adopted 461
within one hundred eighty days after January 4, 2001, by a 462
majority of the members of the legislative authority, amend the 463
resolution levying a tax under that division to provide for the 464
use of the proceeds of that tax, to the extent that it is no 465
longer needed for its original purpose as determined by the 466
parties to a cooperative agreement amendment pursuant to division 467
(D) of section 307.672 of the Revised Code, to pay costs of 468
acquiring, constructing, renovating, rehabilitating, equipping, 469
and improving a port authority educational and cultural performing 470
arts facility, including debt service charges on bonds provided 471
for in division (B) of section 307.674 of the Revised Code, and to 472
pay all obligations under any guaranty agreements, reimbursement 473
agreements, or other credit enhancement agreements described in 474
division (C) of section 307.674 of the Revised Code. The 475
resolution may also provide for the extension of the tax at the 476
same rate for the longer of the period of time determined by the 477
legislative authority of the county, but not to exceed an 478
additional twenty-five years, or the period of time required to 479
pay all debt service charges on bonds provided for in division (B) 480
of section 307.672 of the Revised Code and on port authority 481
revenue bonds provided for in division (B) of section 307.674 of 482
the Revised Code. All revenues arising from the amendment and 483
extension of the tax shall be expended in accordance with section 484
307.674 of the Revised Code, this division, and division (E) of 485
this section. 486

(G) For purposes of a tax levied by a county, township, or 487
municipal corporation under this section or section 5739.08 of the 488

Revised Code, a board of county commissioners, board of township trustees, or the legislative authority of a municipal corporation may adopt a resolution or ordinance at any time specifying that "hotel," as otherwise defined in section 5739.01 of the Revised Code, includes ~~establishments~~ the following:

(1) Establishments in which fewer than five rooms are used for the accommodation of guests. The

(2) Establishments at which rooms are used for the accommodation of guests regardless of whether each room is accessible through its own keyed entry or several rooms are accessible through the same keyed entry; and, in determining the number of rooms, all rooms are included regardless of the number of structures in which the rooms are situated or the number of parcels of land on which the structures are located if the structures are under the same ownership and the structures are not identified in advertisements of the accommodations as distinct establishments. For the purposes of division (G) (2) of this section, two or more structures are under the same ownership if they are owned by the same person, or if they are owned by two or more persons the majority of the ownership interests of which are owned by the same person.

The resolution or ordinance may apply to a tax imposed pursuant to this section prior to the adoption of the resolution or ordinance if the resolution or ordinance so states, but the tax shall not apply to transactions by which lodging by such an establishment is provided to transient guests prior to the adoption of the resolution or ordinance.

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

(a) "Convention facilities authority" has the same meaning as in section 351.01 of the Revised Code.

(b) "Convention center" has the same meaning as in section 519
307.695 of the Revised Code. 520

(2) Notwithstanding any contrary provision of division (D) of 521
this section, the legislative authority of a county with a 522
population of one million or more according to the most recent 523
federal decennial census that has levied a tax under division (D) 524
of this section may, by resolution adopted by a majority of the 525
members of the legislative authority, provide for the extension of 526
such levy and may provide that the proceeds of that tax, to the 527
extent that they are no longer needed for their original purpose 528
as defined by a cooperative agreement entered into under section 529
307.671 of the Revised Code, shall be deposited into the county 530
general revenue fund. The resolution shall provide for the 531
extension of the tax at a rate not to exceed the rate specified in 532
division (D) of this section for a period of time determined by 533
the legislative authority of the county, but not to exceed an 534
additional forty years. 535

(3) The legislative authority of a county with a population 536
of one million or more that has levied a tax under division (A) (1) 537
of this section may, by resolution adopted by a majority of the 538
members of the legislative authority, increase the rate of the tax 539
levied by such county under division (A) (1) of this section to a 540
rate not to exceed five per cent on transactions by which lodging 541
by a hotel is or is to be furnished to transient guests. 542
Notwithstanding any contrary provision of division (A) (1) of this 543
section, the resolution may provide that all collections resulting 544
from the rate levied in excess of three per cent, after deducting 545
the real and actual costs of administering the tax, shall be 546
deposited in the county general fund. 547

(4) The legislative authority of a county with a population 548
of one million or more that has levied a tax under division (A) (1) 549

of this section may, by resolution adopted on or before August 30, 550
 2004, by a majority of the members of the legislative authority, 551
 provide that all or a portion of the proceeds of the tax levied 552
 under division (A) (1) of this section, after deducting the real 553
 and actual costs of administering the tax and the amounts required 554
 to be returned to townships and municipal corporations with 555
 respect to the first three per cent levied under division (A) (1) 556
 of this section, shall be deposited in the county general fund, 557
 provided that such proceeds shall be used to satisfy any pledges 558
 made in connection with an agreement entered into under section 559
 307.695 of the Revised Code. 560

(5) No amount collected from a tax levied, extended, or 561
 required to be deposited in the county general fund under division 562
 (H) of this section shall be contributed to a convention 563
 facilities authority, corporation, or other entity created after 564
 July 1, 2003, for the principal purpose of constructing, 565
 improving, expanding, equipping, financing, or operating a 566
 convention center unless the mayor of the municipal corporation in 567
 which the convention center is to be operated by that convention 568
 facilities authority, corporation, or other entity has consented 569
 to the creation of that convention facilities authority, 570
 corporation, or entity. Notwithstanding any contrary provision of 571
 section 351.04 of the Revised Code, if a tax is levied by a county 572
 under division (H) of this section, the board of county 573
 commissioners of that county may determine the manner of 574
 selection, the qualifications, the number, and terms of office of 575
 the members of the board of directors of any convention facilities 576
 authority, corporation, or other entity described in division 577
 (H) (5) of this section. 578

(6) (a) No amount collected from a tax levied, extended, or 579
 required to be deposited in the county general fund under division 580

(H) of this section may be used for any purpose other than paying 581
the direct and indirect costs of constructing, improving, 582
expanding, equipping, financing, or operating a convention center 583
and for the real and actual costs of administering the tax, 584
unless, prior to the adoption of the resolution of the legislative 585
authority of the county authorizing the levy, extension, increase, 586
or deposit, the county and the mayor of the most populous 587
municipal corporation in that county have entered into an 588
agreement as to the use of such amounts, provided that such 589
agreement has been approved by a majority of the mayors of the 590
other municipal corporations in that county. The agreement shall 591
provide that the amounts to be used for purposes other than paying 592
the convention center or administrative costs described in 593
division (H) (6) (a) of this section be used only for the direct and 594
indirect costs of capital improvements, including the financing of 595
capital improvements. 596

(b) If the county in which the tax is levied has an 597
association of mayors and city managers, the approval of that 598
association of an agreement described in division (H) (6) (a) of 599
this section shall be considered to be the approval of the 600
majority of the mayors of the other municipal corporations for 601
purposes of that division. 602

(7) Each year, the auditor of state shall conduct an audit of 603
the uses of any amounts collected from taxes levied, extended, or 604
deposited under division (H) of this section and shall prepare a 605
report of the auditor of state's findings. The auditor of state 606
shall submit the report to the legislative authority of the county 607
that has levied, extended, or deposited the tax, the speaker of 608
the house of representatives, the president of the senate, and the 609
leaders of the minority parties of the house of representatives 610
and the senate. 611

(I) (1) As used in this division:	612
(a) "Convention facilities authority" has the same meaning as in section 351.01 of the Revised Code.	613 614
(b) "Convention center" has the same meaning as in section 307.695 of the Revised Code.	615 616
(2) Notwithstanding any contrary provision of division (D) of this section, the legislative authority of a county with a population of one million two hundred thousand or more according to the most recent federal decennial census or the most recent annual population estimate published or released by the United States census bureau at the time the resolution is adopted placing the levy on the ballot, that has levied a tax under division (D) of this section may, by resolution adopted by a majority of the members of the legislative authority, provide for the extension of such levy and may provide that the proceeds of that tax, to the extent that the proceeds are no longer needed for their original purpose as defined by a cooperative agreement entered into under section 307.671 of the Revised Code and after deducting the real and actual costs of administering the tax, shall be used for paying the direct and indirect costs of constructing, improving, expanding, equipping, financing, or operating a convention center. The resolution shall provide for the extension of the tax at a rate not to exceed the rate specified in division (D) of this section for a period of time determined by the legislative authority of the county, but not to exceed an additional forty years.	617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637
(3) The legislative authority of a county with a population of one million two hundred thousand or more that has levied a tax under division (A) (1) of this section may, by resolution adopted by a majority of the members of the legislative authority, increase the rate of the tax levied by such county under division	638 639 640 641 642

(A) (1) of this section to a rate not to exceed five per cent on 643
transactions by which lodging by a hotel is or is to be furnished 644
to transient guests. Notwithstanding any contrary provision of 645
division (A) (1) of this section, the resolution shall provide that 646
all collections resulting from the rate levied in excess of three 647
per cent, after deducting the real and actual costs of 648
administering the tax, shall be used for paying the direct and 649
indirect costs of constructing, improving, expanding, equipping, 650
financing, or operating a convention center. 651

(4) The legislative authority of a county with a population 652
of one million two hundred thousand or more that has levied a tax 653
under division (A) (1) of this section may, by resolution adopted 654
on or before July 1, 2008, by a majority of the members of the 655
legislative authority, provide that all or a portion of the 656
proceeds of the tax levied under division (A) (1) of this section, 657
after deducting the real and actual costs of administering the tax 658
and the amounts required to be returned to townships and municipal 659
corporations with respect to the first three per cent levied under 660
division (A) (1) of this section, shall be used to satisfy any 661
pledges made in connection with an agreement entered into under 662
section 307.695 of the Revised Code or shall otherwise be used for 663
paying the direct and indirect costs of constructing, improving, 664
expanding, equipping, financing, or operating a convention center. 665

(5) Any amount collected from a tax levied or extended under 666
division (I) of this section may be contributed to a convention 667
facilities authority created before July 1, 2005, but no amount 668
collected from a tax levied or extended under division (I) of this 669
section may be contributed to a convention facilities authority, 670
corporation, or other entity created after July 1, 2005, unless 671
the mayor of the municipal corporation in which the convention 672
center is to be operated by that convention facilities authority, 673

corporation, or other entity has consented to the creation of that	674
convention facilities authority, corporation, or entity."	675

In line 90917, after "5739.033," insert "5739.09,"	676
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In line 166 of the title, after "5739.033," insert "5739.09,"	677
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The motion was _____ agreed to.

SYNOPSIS

Lodging tax: "Hotel" Definition	678
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R.C. 5739.01(M) and 5739.09(G)	679
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Permits local authorities to modify the definition of which	680
hotels are subject to local lodging taxes by specifying that the	681
five-room minimum threshold is to be determined regardless of the	682
number of keyed entries, and is to be determined for all	683
structures under common ownership if they are not advertised as	684
distinct establishments. This provision was in the House-passed	685
version of the bill, but was removed in the Senate.	686

Am. Sub. H.B. 1
As Passed by the Senate
CC-4819
BOR-28

_____ moved to amend as follows:

In line 100937, after "Initiative" insert ", which includes	1
its industrial outreach program, Blue Collar Computing, and its	2
School of Computational Science. These collaborations between the	3
Ohio Supercomputer Center and Ohio's colleges and universities	4
shall be aimed at making Ohio a leader in using computer modeling	5
to promote economic development"	6

The motion was _____ agreed to.

SYNOPSIS

Board of Regents 7

Section 371.30.60 8

Specifies that the Computational Science Initiative under GRF	9
appropriation item 235510, Ohio Supercomputer Center, includes its	10
industrial outreach program, Blue Collar Computing, and the School	11
of Computational Science. Specifies that the Initiative will	12
attempt to make Ohio a leader in computer modeling for economic	13
development.	14

6 _____ moved to amend as follows:

7 In line 448, delete "4928.201, 4929.261"

8 Delete lines 72952 through 72965

9 Delete lines 73196 through 73198

10 In line 210 of the title, delete "4928.201, 4929.261"

11 The motion was _____ agreed to.

12 SYNOPSIS

13 **Governmental Aggregators**

14 **R.C. 4928.201 and 4929.261**

15 Removes the requirement that, if a governmental aggregator
16 of electricity or natural gas receives a monetary award under
17 any prior, current, or future legal action that is brought in
18 the interest of its aggregated customers or political
19 subdivisions and to which it is a party, the aggregator must
20 immediately distribute that award (1) to the aggregated
21 customers or (2) if the aggregation was formed by more than one
22 political subdivision, to the participating subdivisions.

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Am. Sub. H. B. 1
As Passed by the Senate
CC-4821
MIS-32

6 _____ moved to amend as follows:

- 7 In line 296, delete "117.16,"
- 8 In line 315, delete "723.52, 723.53,"
- 9 In line 409, delete "5517.02, 5543.19, 5575.01,"
- 10 In line 425, delete "117.162,"
- 11 In line 454, delete "5579.10,"
- 12 Delete lines 4143 through 4285
- 13 Delete lines 20178 through 20237
- 14 Delete lines 80306 through 80345
- 15 Delete lines 80367 through 80557
- 16 In line 90798, delete "117.16,"
- 17 In line 90817, delete "723.52, 723.53,"
- 18 In line 90911, delete "5517.02,"
- 19 In line 90912, delete "5543.19, 5575.01,"
- 20 In line 5 of the title, delete "117.16,"
- 21 In line 30 of the title, delete "723.52, 723.53."
- 22 In line 159 of the title, delete "5517.02, 5543.19,
- 23 5575.01,"
- 24 In line 181 of the title, delete "117.162,"

25 In line 217 of the title, delete "5579.10,"

26 The motion was _____ agreed to.

27 SYNOPSIS

28 **Force Account and Scope of Work Limits**

29 R.C. 117.16, 117.162, 723.52, 723.53, 5517.02, 5543.19,
30 5575.01, and 5579.10

31 Removes provisions that require the Auditor of State to
32 adjust the Department of Transportation county, township, and
33 municipal corporation force account limits by 25% of current
34 limits and by consumer price indexes every year beginning in
35 2011.

36 Removes provisions that establish scope of work limits
37 allowing for use of force accounts for certain bridge and
38 culvert construction performed in counties, townships, and
39 nonchartered municipal corporations.

40 Removes provisions that reduce the scope of work limits if
41 a political subdivision violates those limits.

1 128HB1-CC4841.docx/ar

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Am. Sub. H.B. 1
As Passed by the Senate
CC-4841
DEV085

6 _____ moved to amend as follows:

7 Between lines 93187a and 93188, insert:

8 "7022 195606 Rapid Outreach Loans \$15,000,000 \$15,000,000"

9 In line 93190, add \$15,000,000 to each fiscal year

10 In line 93204, add \$15,000,000 to each fiscal year

11 The motion was _____ agreed to.

12

SYNOPSIS

13

Department of Development

14

Section 259.10

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Creates appropriation item 195606, Rapid Outreach Loans, in Department of Development Fund 7022 with an appropriation of \$15,000,000 in each fiscal year.

Am. Sub. H.B. 1

As Passed by the Senate

CC-4842

DEV 084

_____ moved to amend as follows:

Between lines 93238 and 93239, insert:

"Section 259.10.60. TECHNOLOGY ACTION

The foregoing appropriation item 195422, Technology Action, shall be used for operating expenses the Department of Development incurs for administering sections 184.10 to 184.20 of the Revised Code. If the appropriation is insufficient to cover the operating expenses, the Department may request Controlling Board approval to appropriate the additional amount needed in appropriation item 195686, Third Frontier Operating. The Department shall not request an amount in excess of the amount needed."

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In line 93486, after the semicolon delete the balance of the line

In line 93487, delete "Technology Action grants;"

Delete lines 93530 through 93539

The motion was _____ agreed to.

SYNOPSIS

Department of Development	16
Sections 259.10.60 and 259.20.1	17
Removes the earmark for \$3,500,000 in each fiscal year for Technology Action grants from appropriation item 195615, Facilities Establishment, and relocates temporary law related to the Technology Action Fund to reflect the intended restoration of GRF appropriation item 195422, Technology Action.	18 19 20 21 22

1 128HB1-CC4843.docx/cm

2 Am. Sub. H.B. 1
3 As Passed by the Senate
4 CC-4843
5 INS050

6 _____ moved to amend as follows:

7 Delete lines 96929 through 96931

8 Between lines 96941 and 96942, insert:

9 "5AG0 820603 Health Information Technology and Health
10 Care Coverage and Quality Council \$10,116,272 \$0"

11 In line 96943, add \$10,116,272 to fiscal year 2010

12 In line 96944, add \$8,116,272 to fiscal year 2010 and
13 subtract \$2,000,000 from fiscal year 2011

14 Between lines 96944 and 96945, insert:

15 "HEALTH INFORMATION TECHNOLOGY AND HEALTH CARE COVERAGE AND
16 QUALITY COUNCIL

17 Notwithstanding section 3929.682 of the Revised Code, up to
18 \$8,000,000 of the foregoing appropriation item 820603, Health
19 Information Technology and Health Care Coverage and Quality
20 Council, shall be used for health information technology
21 initiatives: to provide the central tools and support the
22 electronic exchange of health information, to work with industry
23 associations to encourage and support providers in using
24 electronic medical records, and to establish a loan program to

25 help health care providers with the financial burden of buying
26 and implementing electronic medical records.

27 Notwithstanding section 3929.682 of the Revised Code, up to
28 \$2,116,272 of the foregoing appropriation item 820603, Health
29 Information Technology and Health Care Coverage and Quality
30 Council, may be used to support the implementation of strategies
31 recommended by the Health Care Coverage and Quality Council
32 established in section 3923.90 of the Revised Code.

33 An amount equal to the unexpended, unencumbered portion of
34 the foregoing appropriation item 820603, Health Information
35 Technology and Health Care Coverage and Quality Council, at the
36 end of fiscal year 2010 is hereby reappropriated for the same
37 purpose for fiscal year 2011."

38 Delete lines 96945 through 96953

39 The motion was _____ agreed to.

40 SYNOPSIS

41 **Department of Insurance**

42 **Section 307.10**

43 Removes GRF appropriation item 820607, State Coverage
44 Initiative, and all accompanying earmark language. Establishes a
45 new SSR appropriation item 820603, Health Information Technology
46 and Health Care Coverage and Quality Council, with an
47 appropriation of \$10.1 million in FY 2010. The funding source is
48 the Medical Liability Fund (Fund 5AG0), in the Department of
49 Insurance. The fund was established in section 3929.682 of the

50 Ohio Revised Code to pay for funding related to the medical
51 liability underwriting association (MLUA) or for funding another
52 medical malpractice initiative with the approval of the General
53 Assembly. Section 3929.63 of the Revised Code permitted the
54 establishment of the MLUA under specified circumstances, but it
55 was never actually established.

56 Earmarks up to \$8 million of the new appropriation item in
57 FY 2010 for health information technology initiatives and
58 earmarks up to \$2.1 million in FY 2010 for the implementation of
59 strategies recommended by the Health Care Coverage and Quality
60 Council.

61 Reappropriates the unexpended, unencumbered portion of
62 820603, Health Information Technology and Health Care Coverage
63 and Quality Council, at the end of fiscal year 2010 for the same
64 purpose for fiscal year 2011.

5 _____ moved to amend as follows:

6 In line 8463, after "business" insert "or EDGE business
7 enterprise"

8 In line 8477, after "business" insert "or EDGE business
9 enterprise"

10 In line 8480, delete "each" and insert "the"; after
11 "business" insert "or EDGE business enterprise"

12 In line 8482, after "business" insert "or EDGE business
13 enterprise"

14 In line 8484, after "bond" insert ", but only if the
15 minority business or EDGE business enterprise is participating
16 in a qualified contractor assistance program or has successfully
17 completed a qualified contractor assistance program after the
18 effective date of this amendment"

19 In line 8485, delete "For each second contract that a" and
20 insert "After the state or any particular instrumentality of the
21 state has accepted the first contract as completed and all
22 subcontractors and suppliers on the contract have been paid,
23 the"; delete "enters" and insert "or EDGE business enterprise
24 may bid or enter"

25 In line 8486, after "into" insert "a second contract";
26 delete "any" and insert "that"

27 In line 8487, after "state" delete the remainder of the
28 line

29 In line 8489, after "bond" insert ", but only if the
30 minority business or EDGE business enterprise is participating
31 in a qualified contractor assistance program or has successfully
32 completed a qualified contractor assistance program after the
33 effective date of this amendment"

34 In line 8490, delete "For each third contract that a" and
35 insert "After the state or any particular instrumentality of the
36 state has accepted the second contract as completed and all
37 subcontractors and suppliers on the contract have been paid,
38 the"; delete "enters" and insert "or EDGE business enterprise
39 may bid or enter"

40 In line 8491, after "into" insert "a third contract";
41 delete "any" and insert "that"

42 In line 8492, after "state" delete the remainder of the
43 line

44 In line 8494, after "bond" insert ", but only if the
45 minority business or EDGE business enterprise has successfully
46 completed a qualified contractor assistance program after the
47 effective date of this amendment"

48 In line 8495, delete "For each fourth contract that a" and
49 insert "After the state or any particular instrumentality of the
50 state has accepted the third contract as completed and all
51 subcontractors and suppliers on the contract have been paid,
52 the"; delete "enters" and insert "or EDGE business enterprise
53 may bid or enter"

54 In line 8496, after "into" insert "a fourth contract";
55 delete "any" and insert "that"

56 In line 8497, after "state" delete the remainder of the
57 line

58 In line 8499, delete the underlined semicolon and insert ",
59 but only if the minority business or EDGE business enterprise
60 has successfully completed a qualified contractor assistance
61 program after the effective date of this amendment."

62 In line 8500, after "(5)" delete the remainder of the line
63 and insert "After the state or any instrumentality of the state
64 has accepted the fourth contract as completed and all
65 subcontractors and suppliers on the contract have been paid,
66 upon a showing that with respect to a contract valued at four
67 hundred thousand dollars or less with the state or with any
68 particular instrumentality of the state, that the minority
69 business or EDGE business enterprise either has been denied a
70 bond by two surety companies or that the minority business or
71 EDGE business enterprise has applied to two surety companies for

72 a bond and, at the expiration of sixty days after making the
73 application, has neither received nor been denied a bond, the
74 minority business or EDGE business enterprise may repeat its
75 participation in the unbonded state contractor program. Under
76 no circumstances shall a minority business or EDGE business
77 enterprise be permitted to participate in the unbonded state
78 contractor program more than twice."

79 Delete lines 8501 through 8504

80 In line 8506, delete "and except as provided in division
81 (I) of this section"

82 In line 8507, after "business" insert "or EDGE business
83 enterprise"

84 In line 8511, delete "each" and insert "the"; delete "a"
85 and insert "the"; after "business" insert "or EDGE business
86 enterprise"

87 In line 8514, after "business" insert "or EDGE business
88 enterprise"

89 In line 8516, after "bond" insert ", but only if the
90 minority business or EDGE business enterprise is participating
91 in a qualified contractor assistance program or has successfully
92 completed a qualified contractor assistance program after the
93 effective date of this amendment"

94 In line 8517, delete "For each second contract that a" and
95 insert "After any political subdivision of the state or any

96 instrumentality of a political subdivision has accepted the
97 first contract as completed and all subcontractors and suppliers
98 on the contract have been paid, the"; delete "enters" and insert
99 "or EDGE business enterprise may bid or enter"

100 In line 8518, after "into" insert "a second contract";
101 delete "any" and insert "that"

102 In line 8519, delete "any" and insert "that"; delete the
103 underlined comma

104 In line 8520, delete "the minority business may bid or
105 enter into a contract"

106 In line 8522, after "bond" insert ", but only if the
107 minority business or EDGE business enterprise is participating
108 in a qualified contractor assistance program or has successfully
109 completed a qualified contractor assistance program after the
110 effective date of this amendment"

111 In line 8523, delete "For each third contract that a" and
112 insert "After any political subdivision of the state or any
113 instrumentality of a political subdivision has accepted the
114 second contract as completed and all subcontractors and
115 suppliers on the contract have been paid, the"; delete "enters"
116 and insert "or EDGE business enterprise may bid or enter"

117 In line 8524, after "into" insert "a third contract";
118 delete "any" and insert "that"

119 In line 8525, delete "any" and insert "that"; delete the
120 underlined comma

121 In line 8526, delete "the minority business may bid or
122 enter into a contract"

123 In line 8528, after "bond" insert ", but only if the
124 minority business or EDGE business enterprise has successfully
125 completed a qualified contractor assistance program after the
126 effective date of this amendment"

127 In line 8529, delete "For each fourth contract that a" and
128 insert "After any political subdivision of the state or any
129 instrumentality of a political subdivision has accepted the
130 third contract as completed and all subcontractors and suppliers
131 on the contract have been paid, the"; delete "enters" and insert
132 "or EDGE business enterprise may bid or enter"

133 In line 8530, after "into" insert "a fourth contract";
134 delete "any" and insert "that"

135 In line 8531, delete "any" and insert "that"; delete the
136 underlined comma

137 In line 8532, delete "the minority business may bid or
138 enter into a contract"

139 In line 8533, delete "three" and insert "two"

140 In line 8534, delete the underlined semicolon and insert ",
141 but only if the minority business or EDGE business enterprise

142 has successfully completed a qualified contractor assistance
143 program after the effective date of this amendment."

144 In line 8535, after "(5)" delete the remainder of the line
145 and insert "After any political subdivision of the state or any
146 instrumentality of a political subdivision has accepted the
147 fourth contract as completed and all subcontractors and
148 suppliers on the contract have been paid, upon a showing that
149 with respect to a contract valued at three hundred thousand
150 dollars or less with any political subdivision of the state or
151 any instrumentality of a political subdivision, that the
152 minority business or EDGE business enterprise either has been
153 denied a bond by two surety companies or that the minority
154 business or EDGE business enterprise has applied to two surety
155 companies for a bond and, at the expiration of sixty days after
156 making the application, has neither received nor been denied a
157 bond, the minority business or EDGE business enterprise may
158 repeat its participation in the unbonded political subdivision
159 contractor program. Under no circumstances shall a minority
160 business or EDGE business enterprise be permitted to participate
161 in the unbonded political subdivision contractor program more
162 than twice."

163 Delete lines 8536 through 8540

164 In line 8542, after "business" insert "or EDGE business
165 enterprise"

166 In line 8544, after "business" insert "or EDGE business
167 enterprise"

168 In line 8457, after "business" insert "or EDGE business
169 enterprise"

170 Between lines 8548 and 8549, insert:

171 "(J) The director of development shall coordinate and
172 oversee the unbonded state contractor program described in
173 division (G) of this section, the unbonded political subdivision
174 contractor program described in division (H) of this section,
175 and the approval of a qualified contractor assistance program.
176 The director shall prepare an annual report and submit it to the
177 governor and the general assembly on or before the first day of
178 February that includes the following: information on the
179 director's activities for the preceding calendar year regarding
180 the unbonded state contractor program, the unbonded political
181 subdivision contractor program, and the qualified contractor
182 assistance program; a summary and description of the operations
183 and activities of these programs; an assessment of the
184 achievements of these programs; and a recommendation as to
185 whether these programs need to continue.

186 (K) As used in this section:

187 (1) "EDGE business enterprise" means an EDGE business
188 enterprise certified under section 123.152 of the Revised Code.

214 political subdivision contractor program, and the approval of a
215 qualified contractor assistance program.

216 Requires the Director to prepare an annual report on the
217 programs.

218 Establishes a tiered unbonded state contractor program that
219 permits minority businesses and EDGE business enterprises to bid
220 or enter into contracts of up to certain amounts with the state
221 or any particular instrumentality of the state without being
222 required to file a bond if the minority business or EDGE
223 business enterprise has successfully completed a qualified
224 contractor assistance program after the amendment's effective
225 date.

226 Establishes a tiered unbonded political subdivision
227 contractor program that permits minority businesses and EDGE
228 business enterprises to bid or enter into contracts of up to a
229 certain amount with a political subdivision of the state or with
230 a particular instrumentality of the political subdivision
231 without being required to file a bond if the minority business
232 or EDGE business enterprise has successfully completed a
233 qualified contractor assistance program after the amendment's
234 effective date.

235 Specifies that a minority business or EDGE business
236 enterprise may repeat participation in the unbonded state
237 contractor program or the unbonded political subdivision
238 contractor program if it fails to receive a bond after first
239 completing the program.

240 Prohibits a minority business or EDGE business enterprise
241 from participating in either the unbonded state contractor
242 program or the unbonded political subdivision contractor program
243 more than twice.

244 Permits an EDGE business enterprise that has entered into
245 two or more contracts with the state or with any instrumentality
246 of the state to bid or enter into a contract with a political
247 subdivision of the state or with any instrumentality of a
248 political subdivision valued at the level at which the EDGE
249 business enterprise would qualify if entering into an additional
250 contract with the state.

Am. Sub. H.B. 1
As Passed by the Senate
CC-4858-1

_____ moved to amend as follows:

In line 314, after "321.261," insert "323.121," 1

In line 332, after "1721.221," insert "1724.04," 2

Between lines 19323 and 19324 insert: 3

"Sec. 323.121. (A) (1) Except as otherwise provided in 4
division (A) (2) of this section, if one-half of the current taxes 5
charged against an entry of real estate together with the full 6
amount of any delinquent taxes are not paid on or before the 7
thirty-first day of December in that year or on or before the last 8
day for payment as extended pursuant to section 323.17 of the 9
Revised Code, a penalty of ten per cent shall be charged against 10
the unpaid balance of such half of the current taxes on the 11
duplicate. If the total amount of all the taxes is not paid on or 12
before the twentieth day of June, next thereafter, or on or before 13
the last day for payment as extended pursuant to section 323.17 of 14
the Revised Code, a like penalty shall be charged on the balance 15
of the total amount of such unpaid current taxes. 16

(2) After a valid delinquent or omitted tax contract that 17
includes unpaid current taxes from a first-half collection period 18
described in section 323.12 of the Revised Code has been entered 19
into under section 323.31 or 5713.20 of the Revised Code, no ten 20

per cent penalty shall be charged against such taxes after the
second-half collection period while the delinquent or omitted tax
contract remains in effect. On the day a delinquent or omitted tax
contract becomes void, the ten per cent penalty shall be charged
against such taxes and shall equal the amount of penalty that
would have been charged against unpaid current taxes outstanding
on the date on which the second-half penalty would have been
charged thereon under division (A) (1) of this section if the
contract had not been in effect.

(B) (1) On the first day of the month following the last day
the second installment of taxes may be paid without penalty,
interest shall be charged against and computed on all delinquent
taxes other than the current taxes that became delinquent taxes at
the close of the last day such second installment could be paid
without penalty. The charge shall be for interest that accrued
during the period that began on the preceding first day of
December and ended on the last day of the month that included the
last date such second installment could be paid without penalty.
The interest shall be computed at the rate per annum prescribed by
section 5703.47 of the Revised Code and shall be entered as a
separate item on the tax list and duplicate compiled under section
319.28 or 5721.011 of the Revised Code, whichever list and
duplicate are first compiled after the date on which the interest
is computed and charged. However, for tracts and lots on the real
property tax suspension list under section 319.48 of the Revised
Code, the interest shall not be entered on the tax list and
duplicate compiled under section 319.28 of the Revised Code, but
shall be entered on the first tax list and duplicate compiled
under section 5721.011 of the Revised Code after the date on which
the interest is computed and charged.

(2) In a county on behalf of which a county land

reutilization corporation has been organized under Chapter 1724. 52
of the Revised Code, ~~on~~ upon the written order of the county 53
treasurer, interest shall be charged against and computed on 54
delinquent taxes as provided in division (B)(2)(a) or (b) of this 55
section, as prescribed in the order: 56

(a) In the manner provided under divisions (B)(1) and (B)(3) 57
of this section, except that the interest shall be computed at the 58
rate of twelve per cent per annum; or 59

(b) On the first day of the first month following the month 60
in which interest otherwise would be charged in accordance with 61
division (B)(1) of this section as specified in the order, and 62
each subsequent month, interest shall be charged against and 63
computed on all delinquent taxes remaining delinquent on the last 64
day of the preceding month at a rate of one per cent per month. ~~If~~ 65

The county treasurer shall file a copy of the order directing 67
the rate and manner of charging interest under this division with 68
the county treasurer and the tax commissioner. If interest is 69
charged under division (B)(2) of this section, interest shall not 70
be charged under division (B)(1) or (3) of this section. 71

(3) On the first day of December, the interest shall be 72
charged against and computed on all delinquent taxes. The charge 73
shall be for interest that accrued during the period that began on 74
the first day of the month following the last date prescribed for 75
the payment of the second installment of taxes in the current year 76
and ended on the immediately preceding last day of November. The 77
interest shall be computed at the rate per annum prescribed by 78
section 5703.47 of the Revised Code and shall be entered as a 79
separate item on the tax list and duplicate compiled under section 80
319.28 or 5721.011 of the Revised Code, whichever list and 81
duplicate are first compiled after the date on which the interest 82

is computed and charged. However, for tracts and lots on the real property tax suspension list under section 319.48 of the Revised Code, the interest shall not be entered on the tax list and duplicate compiled under section 319.28 of the Revised Code, but shall be entered on the first tax list and duplicate compiled under section 5721.011 of the Revised Code after the date on which the interest is computed and charged.

(4) After a valid delinquent tax contract has been entered into for the payment of any delinquent taxes, no interest shall be charged against such delinquent taxes while the delinquent tax contract remains in effect in compliance with section 323.31 of the Revised Code. If a valid delinquent tax contract becomes void, interest shall be charged against the delinquent taxes for the periods that interest was not permitted to be charged while the delinquent tax contract was in effect. The interest shall be charged on the day the delinquent tax contract becomes void and shall equal the amount of interest that would have been charged against the unpaid delinquent taxes outstanding on the dates on which interest would have been charged thereon under divisions (B) (1), (2), and (3) of this section had the delinquent tax contract not been in effect.

(C) If the full amount of the taxes due at either of the times prescribed by division (A) of this section is paid within ten days after such time, the county treasurer shall waive the collection of and the county auditor shall remit one-half of the penalty provided for in that division for failure to make that payment by the prescribed time.

(D) The county treasurer shall compile and deliver to the county auditor a list of all tax payments the treasurer has received as provided in division (C) of this section. The list shall include any information required by the auditor for the

remission of the penalties waived by the treasurer. The taxes so
 collected shall be included in the settlement next succeeding the
 settlement then in process." 114
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Between lines 27282 and 27283 insert: 117

"Sec. 1724.04. A county having a population of more than one 118
 million two hundred thousand as of the most recent decennial 119
 census that elects under section 5722.02 of the Revised Code to 120
 adopt and implement the procedures set forth in sections 5722.02 121
 to 5722.15 of the Revised Code may organize a county land 122
 reutilization corporation under this chapter and Chapter 1702. of 123
 the Revised Code for the purpose of exercising the powers granted 124
 to a county under Chapter 5722. of the Revised Code. The county 125
 treasurer of the county for the benefit of which the corporation 126
 is being organized shall be the incorporator of the county land 127
 reutilization corporation. The form of the articles of 128
 incorporation of the corporation shall be approved by resolution 129
 of the board of county commissioners of the county. ~~A county land~~ 130
~~reutilization corporation may not be organized under this chapter~~ 131
~~after the day that is one year after the effective date of the~~ 132
~~amendment of this section by S.B. 353 of the 127th General~~ 133
~~Assembly.~~ 134

When the articles of incorporation of any community 135
 improvement corporation, or any amendment, amended articles, 136
 merger, or consolidation which provides for the creation of such a 137
 corporation, are deposited for filing and recording in the office 138
 of the secretary of state, the secretary of state shall submit 139
 them to the attorney general for examination. If such articles, 140
 amendment, amended articles, merger, or consolidation, are found 141
 by the attorney general to be in accordance with Chapter 1724. of 142
 the Revised Code, and not inconsistent with the constitution and 143
 laws of the United States and of this state, the attorney general 144

shall endorse thereon the attorney general's approval and deliver 145
 them to the secretary of state, who shall file and record them 146
 pursuant to section 1702.07 of the Revised Code." 147

In line 90816, after "321.261," insert "323.121," 148

In line 90834, after "1721.211," insert "1724.04," 149

In line 28 of the title, after "321.261," insert "323.121," 150

In line 54 of the title, after "1721.211," insert "1724.04," 151

The motion was _____ agreed to.

SYNOPSIS

County Land Reutilization Corporations 152

R.C. 323.121 and 1724.04 153

Authorizes the formation of a county land reutilization 154
 corporation at any time, rather than on or before April 7th, 2010, 155
 which is one year after the effective date of Sub. S.B. 353 of the 156
 127th G.A. that created such corporations. 157

Authorizes the Treasurer in a county that has formed a County 158
 Land Reutilization Corporation to charge interest on delinquent 159
 taxes at a rate of 12% per year, or (as under current law) at a 160
 rate of one per cent per month. 161

Am. Sub. H.B. 1

As Passed by the Senate
CC-4859



_____ moved to amend as follows:

In line 332, after "1707.17," insert "1710.01,"; after 1
"1710.02," insert "1710.06, 1710.07," 2

Between lines 26874 and 26875, insert: 3

"Sec. 1710.01. As used in this chapter: 4

(A) "Special improvement district" means a special 5
improvement district organized under this chapter. 6

(B) "Church" means a fellowship of believers, congregation, 7
society, corporation, convention, or association that is formed 8
primarily or exclusively for religious purposes and that is not 9
formed for the private profit of any person. 10

(C) "Church property" means property that is described as 11
being exempt from taxation under division (A) (2) of section 12
5709.07 of the Revised Code and that the county auditor has 13
entered on the exempt list compiled under section 5713.07 of the 14
Revised Code. 15

(D) "Municipal executive" means the mayor, city manager, or 16
other chief executive officer of the municipal corporation in 17
which a special improvement district is located. 18

(E) "Participating political subdivision" means the municipal 19

corporation or township, or each of the municipal corporations or townships, that has territory within the boundaries of a special improvement district created under this chapter.

(F) "Legislative authority of a participating political subdivision" means, with reference to a township, the board of township trustees.

(G) "Public improvement" means the planning, design, construction, reconstruction, enlargement, or alteration of any facility or improvement, including the acquisition of land, for which a special assessment may be levied under Chapter 727. of the Revised Code, and includes any special energy improvement project.

(H) "Public service" means any service that can be provided by a municipal corporation or any service for which a special assessment may be levied under Chapter 727. of the Revised Code.

(I) "Special energy improvement project" means any property, device, structure, or equipment necessary for the acquisition, installation, equipping, and improvement of any real or personal property used for the purpose of creating a solar photo voltaic project or a solar thermal energy project, whether such real or personal property is publicly or privately owned."

In line 26881, after "a" insert "special improvement"

In line 26882, after "contiguous" insert "; except that the territory in a special improvement district may be noncontiguous if at least one special energy improvement project is designated for each parcel of real property included within the special improvement district. Additional territory may be added to a special improvement district created under this chapter for the purpose of developing and implementing plans for special energy improvement projects if at least one special energy improvement project is designated for each parcel of real property included

within such additional territory and the addition of territory is 50
authorized by the initial plan proposed under division (F) of this 51
section or a plan adopted by the board of directors of the special 52
improvement district under section 1710.06 of the Revised Code" 53

In line 26896, after "contiguous" insert "; except that the 54
area of a special improvement district may be noncontiguous if all 55
parcels of real property included within such area contain at 56
least one special energy improvement thereon" 57

In line 26983, after the period, insert "Pursuant to Section 58
2o of Article VIII, Ohio Constitution, the petition required under 59
this division may be for the purpose of developing and 60
implementing plans for special energy improvement projects, and, 61
in such case, is determined to be in furtherance of the purposes 62
set forth in Section 2o of Article VIII, Ohio Constitution. If a 63
special improvement district is being created under this chapter 64
for the purpose of developing and implementing plans for special 65
energy improvement projects, the petition required under this 66
division shall be signed by one hundred per cent of the owners of 67
the area of all real property located within the proposed special 68
improvement district, at least one special energy improvement 69
project shall be designated for each parcel of real property 70
within the special improvement district, and the special 71
improvement district may include any number of parcels of real 72
property as determined by the legislative authority of each 73
participating political subdivision in which the proposed special 74
improvement district is to be located." 75

In line 26995, after the period insert "The acquisition, 76
installation, equipping, and improvement of a special energy 77
improvement project under this chapter shall not supersede any 78
local zoning, environmental, or similar law or regulation." 79

In line 27015, strike through "(5)" and insert "(6)"; after 80

"section" insert "; 81

(7) If the special improvement district is being created 82
under this chapter for the purpose of developing and implementing 83
plans for special energy improvement projects, provision for the 84
addition of territory to the special improvement district" 85

In line 27021, after "plan" insert "; except that if the 86
proceeds of the levy are to be used to pay the costs of a special 87
energy improvement project, the levy of a special assessment shall 88
be for no more than twenty-five years from the date of approval of 89
the initial plan. In the event that additional territory is added 90
to a special improvement district, the special assessment to be 91
levied with respect to such additional territory shall commence 92
not earlier than the date such territory is added and shall be for 93
no more than twenty-five years from such date" 94

Between lines 27041 and 27042, insert: 95

"The board of directors of a special improvement district 96
may, acting as agent and on behalf of a participating political 97
subdivision, sell, transfer, lease, or convey any special energy 98
improvement project owned by the participating political 99
subdivision upon a determination by the legislative authority 100
thereof that the project is not required to be owned exclusively 101
by the participating political subdivision for its purposes, for 102
uses determined by the legislative authority thereof as those that 103
will promote the welfare of the people of such participating 104
political subdivision; to improve the quality of life and the 105
general and economic well-being of the people of the participating 106
political subdivision; better ensure the public health, safety, 107
and welfare; protect water and other natural resources; provide 108
for the conservation and preservation of natural and open areas 109
and farmlands, including by making urban areas more desirable or 110
suitable for development and revitalization; control, prevent, 111

minimize, clean up, or mediate certain contamination of or 112
pollution from lands in the state and water contamination or 113
pollution; or provide for safe and natural areas and resources. 114
The legislative authority of each participating political 115
subdivision shall specify the consideration for such sale, 116
transfer, lease, or conveyance and any other terms thereof. Any 117
determinations made by a legislative authority of a participating 118
political subdivision under this division shall be conclusive. 119

Any sale, transfer, lease, or conveyance of a special energy 120
improvement project by a participating political subdivision or 121
the board of directors of the special improvement district may be 122
made without advertising, receipt of bids, or other competitive 123
bidding procedures applicable to the participating political 124
subdivision or the special improvement district under Chapter 153. 125
or 735. or section 1710.11 of the Revised Code or other 126
representative provisions of the Revised Code." 127

Between lines 27041 and 27042, insert: 128

"Sec. 1710.06. (A) The board of directors of a special 129
improvement district may develop and adopt one or more written 130
plans for public improvements or public services that benefit all 131
or any part of the district. Each plan shall set forth the 132
specific public improvements or public services that are to be 133
provided, identify the area in which they will be provided, and 134
specify the method of assessment to be used. Each plan for public 135
improvements or public services shall indicate the period of time 136
the assessments are to be levied for the improvements and services 137
and, if public services are included in the plan, the period of 138
time the services are to remain in effect. Plans for public 139
improvements may include the planning, design, construction, 140
reconstruction, enlargement, or alteration of any public 141
improvements and the acquisition of land for the improvements. 142

Plans for public improvements or public services may also include, 143
but are not limited to, provisions for the following: 144

(1) Creating and operating the district and the nonprofit 145
corporation under this chapter, including hiring employees and 146
professional services, contracting for insurance, and purchasing 147
or leasing office space and office equipment and other 148
requirements of the district; 149

(2) Planning, designing, and implementing a public 150
improvements or public services plan, including hiring 151
architectural, engineering, legal, appraisal, insurance, and 152
planning services, and, for public services, managing, protecting, 153
and maintaining public and private facilities, including public 154
improvements; 155

(3) Conducting court proceedings to carry out this chapter; 156

(4) Paying damages resulting from the provision of public 157
improvements or public services and implementing the plans; 158

(5) Paying the costs of issuing, paying interest on, and 159
redeeming notes and bonds issued for funding public improvements 160
and public services plans; and 161

(6) Sale, lease, lease with an option to purchase, conveyance 162
of other interests in, or other contracts for the acquisition, 163
construction, maintenance, repair, furnishing, equipping, 164
operation, or improvement of any special energy improvement 165
project by the special improvement district, between a 166
participating political subdivision and the special improvement 167
district, and between the special improvement district and any 168
owner of real property in the special improvement district on 169
which a special energy improvement project has been acquired, 170
installed, equipped, or improved. 171

(B) Once the board of directors of the special improvement 172

district adopts a plan, it shall submit the plan to the 173
 legislative authority of each participating political subdivision 174
 and the municipal executive of each municipal corporation in which 175
 the district is located, if any. The legislative authorities and 176
 municipal executives shall review the plan and, within sixty days 177
 after receiving it, may submit their comments and recommendations 178
 about it to the district. After reviewing these comments and 179
 recommendations, the board of directors may amend the plan. It may 180
 then submit the plan, amended or otherwise, in the form of a 181
 petition to members of the district whose property may be assessed 182
 for the plan. Once the petition is signed by those members who own 183
 at least sixty per cent of the front footage of property that is 184
 to be assessed and that abuts upon a street, alley, public road, 185
 place, boulevard, parkway, park entrance, easement, or other 186
 public improvement, or those members who own at least seventy-five 187
 per cent of the area to be assessed for the improvement or 188
 service, the petition may be submitted to each legislative 189
 authority for approval. If the special improvement district was 190
created for the purpose of developing and implementing plans for 191
special energy improvement projects, the petition required under 192
this division shall be signed by one hundred per cent of the 193
owners of the area of all real property located within the area to 194
be assessed for the special energy improvement project. 195

Each legislative authority shall, by resolution, approve or 196
 reject the petition within sixty days after receiving it. If the 197
 petition is approved by the legislative authority of each 198
 participating political subdivision, the plan contained in the 199
 petition shall be effective at the earliest date on which a 200
 nonemergency resolution of the legislative authority with the 201
 latest effective date may become effective. A plan may not be 202
 resubmitted to the legislative authorities and municipal 203
 executives more than three times in any twelve-month period. 204

(C) Each participating political subdivision shall levy, by special assessment upon specially benefited property located within the district, the costs of any public improvements or public services plan contained in a petition approved by the participating political subdivisions under this section or division (F) of section 1710.02 of the Revised Code. The levy shall be made in accordance with the procedures set forth in Chapter 727. of the Revised Code, except that:

(1) The assessment for each improvements or services plan may be levied by any one or any combination of the methods of assessment listed in section 727.01 of the Revised Code, provided that the assessment is uniformly applied.

(2) For the purpose of levying an assessment, the board of directors may combine one or more improvements or services plans or parts of plans and levy a single assessment against specially benefited property.

(3) For purposes of special assessments levied by a township pursuant to this chapter, references in Chapter 727. of the Revised Code to the municipal corporation shall be deemed to refer to the township, and references to the legislative authority of the municipal corporation shall be deemed to refer to the board of township trustees.

Church property or property owned by a political subdivision, including any participating political subdivision in which a special improvement district is located, shall be included in and be subject to special assessments made pursuant to a plan adopted under this section or division (F) of section 1710.02 of the Revised Code, if the church or political subdivision has specifically requested in writing that its property be included within the special improvement district and the church or political subdivision is a member of the district.

(D) All rights and privileges of property owners who are assessed under Chapter 727. of the Revised Code shall be granted to property owners assessed under this chapter, including those rights and privileges specified in sections 727.15 to 727.17 and 727.18 to 727.22 of the Revised Code and the right to notice of the resolution of necessity and the filing of the estimated assessment under section 727.13 of the Revised Code. Property owners assessed for public services under this chapter shall have the same rights and privileges as property owners assessed for public improvements under this chapter.

Sec. 1710.07. The cost of any public improvements or public services plan of a special improvement district may include, but is not limited to, the following:

(A) The cost of creating and operating the district under this chapter, including creating and operating a nonprofit organization organized under this chapter, hiring employees and professional services, contracting for insurance, and purchasing or leasing office space or office equipment;

(B) The cost of planning, designing, and implementing the public improvements or public services plan, including payment of architectural, engineering, legal, appraisal, insurance, and planning fees and expenses, and, for public services, the management, protection, and maintenance costs of public or private facilities;

(C) Any court costs incurred by the district in implementing the public improvements or public services plan;

(D) Any damages resulting from implementing the public improvements or public services plan;

(E) The costs of issuing, paying interest on, and redeeming notes and bonds issued for funding the public improvements or

public services plan; and 266

(F) The costs associated with the sale, lease, lease with an option to purchase, conveyance of other interests in, or other contracts for the acquisition, construction, maintenance, repair, furnishing, equipping, operation, or improvement of any special energy improvement project by the district, between a participating political subdivision and the special improvement district, or between the special improvement district and any owner of real property in the special improvement district on which a special energy improvement project has been acquired, installed, equipped, or improved." 267-276

In line 90834, after "1707.17," insert "1710.01,"; after "1710.02," insert "1710.06, 1710.07," 277-278

In line 53 of the title, after "1707.17," insert "1710.01,"; after "1710.02," insert "1710.06, 1710.07," 279-280

The motion was _____ agreed to.

SYNOPSIS

Authority of Special Improvement Districts to Undertake Special Energy Improvement Projects 281-282

R.C. 1710.01, 1710.02, 1710.06, and 1710.07 283

Authorizes a special improvement district to undertake solar photo voltaic projects and solar thermal energy projects. 284-285

Am. Sub. H.B. 1
As Passed by the Senate
CC-4861-1



_____ moved to amend as follows:

In line 455, after "5733.58," insert "5733.59," 1

Delete lines 8175 through 8426 and insert: 2

"Sec. 122.85. (A) As used in this section and in sections 3
5733.59 and 5747.66 of the Revised Code: 4

(1) "Tax credit-eligible production" means a motion picture 5
production certified by the director of development under division 6
(B) of this section as qualifying the motion picture company for a 7
tax credit under section 5733.59 or 5747.66 of the Revised Code. 8

(2) "Certificate owner" means a motion picture company to 9
which a tax credit certificate is issued. 10

(3) "Motion picture company" means an individual, 11
corporation, partnership, limited liability company, or other form 12
of business association producing a motion picture. 13

(4) "Eligible production expenditures" means expenditures 14
made after June 30, 2009, for goods or services purchased and 15
consumed in this state by a motion picture company directly for 16
the production of a tax credit-eligible production. 17

"Eligible production expenditures" includes, but is not 18
limited to, expenditures for resident and nonresident cast and 19

crew wages, accommodations, costs of set construction and operations, editing and related services, photography, sound synchronization, lighting, wardrobe, makeup and accessories, film processing, transfer, sound mixing, special and visual effects, music, location fees, and the purchase or rental of facilities and equipment.

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(5) "Motion picture" means entertainment content created in whole or in part within this state for distribution or exhibition to the general public, including, but not limited to, feature-length films; documentaries; long-form, specials, miniseries, series, and interstitial television programming; interactive web sites; sound recordings; videos; music videos; interactive television; interactive games; videogames; commercials; any format of digital media; and any trailer, pilot, video teaser, or demo created primarily to stimulate the sale, marketing, promotion, or exploitation of future investment in either a product or a motion picture by any means and media in any digital media format, film, or videotape, provided the motion picture qualifies as a motion picture. "Motion picture" does not include any television program created primarily as news, weather, or financial market reports, a production featuring current events or sporting events, an awards show or other gala event, a production whose sole purpose is fundraising, a long-form production that primarily markets a product or service or in-house corporate advertising or other similar productions, a production for purposes of political advocacy, or any production for which records are required to be maintained under 18 U.S.C. 2257 with respect to sexually explicit content.

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(B) For the purpose of encouraging and developing a strong film industry in this state, the director of development may certify a motion picture produced by a motion picture company as a

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tax credit-eligible production. In the case of a television series, the director may certify the production of each episode of the series as a separate tax credit-eligible production. A motion picture company shall apply for certification of a motion picture as a tax credit-eligible production on a form and in the manner prescribed by the director. Each application shall include the following information:

(1) The name and telephone number of the motion picture production company;

(2) The name and telephone number of the company's contact person;

(3) A list of the first preproduction date through the last production date in Ohio;

(4) The Ohio production office address and telephone number;

(5) The total production budget of the motion picture;

(6) The total budgeted eligible production expenditures and the percentage that amount is of the total production budget of the motion picture;

(7) The total percentage of the motion picture being shot in Ohio;

(8) The level of employment of cast and crew who reside in Ohio;

(9) A synopsis of the script;

(10) The shooting script;

(11) A creative elements list that includes the names of the principal cast and crew and the producer and director;

(12) Documentation of financial ability to undertake and complete the motion picture;

(13) Estimated value of the tax credit based upon total budgeted eligible production expenditures: 79
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(14) Any other information considered necessary by the director. 81
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Within ninety days after certification of a motion picture as a tax credit-eligible production, and any time thereafter upon the director's request, the motion picture company shall present to the director of development sufficient evidence of reviewable progress. If the motion picture company fails to present sufficient evidence, the director of development may rescind the certification. Upon rescission, the director shall notify the applicant that the certification has been rescinded. Nothing in this section prohibits an applicant whose tax credit-eligible production certification has been rescinded from submitting a subsequent application for certification. 83
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(C) (1) A motion picture company whose motion picture has been certified as a tax credit-eligible production may apply to the director of development on or after July 1, 2009, for a refundable credit against the tax imposed by section 5733.06 or 5747.02 of the Revised Code. The director in consultation with the tax commissioner shall prescribe the form and manner of the application and the information or documentation required to be submitted with the application. 94
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The credit is determined as follows: 102

(a) If the total budgeted eligible production expenditures stated in the application submitted under division (B) of this section or the actual eligible production expenditures as finally determined under division (D) of this section, whichever is least, is less than or equal to three hundred thousand dollars, no credit is allowed; 103
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(b) If the total budgeted eligible production expenditures 109
stated in the application submitted under division (B) of this 110
section or the actual eligible production expenditures as finally 111
determined under division (D) of this section, whichever is least, 112
is greater than three hundred thousand dollars, the credit equals 113
the sum of the following, subject to the limitation in division 114
(C) (4) of this section: 115

(i) Twenty-five per cent of the least of such budgeted or 116
actual eligible expenditure amounts excluding budgeted or actual 117
eligible expenditures for resident cast and crew wages; 118

(ii) Thirty-five per cent of budgeted or actual eligible 119
expenditures for resident cast and crew wages. 120

(2) Except as provided in division (C) (4) of this section, if 121
the director of development approves a motion picture company's 122
application for a credit, the director shall issue a tax credit 123
certificate to the company. The director in consultation with the 124
tax commissioner shall prescribe the form and manner of issuing 125
certificates. The director shall assign a unique identifying 126
number to each tax credit certificate and shall record the 127
certificate in a register devised and maintained by the director 128
for that purpose. The certificate shall state the amount of the 129
eligible production expenditures on which the credit is based and 130
the amount of the credit. Upon the issuance of a certificate, the 131
director shall certify to the tax commissioner the name of the 132
applicant, the amount of eligible production expenditures shown on 133
the certificate, and any other information required by the rules 134
adopted to administer this section. 135

(3) The amount of eligible production expenditures for which 136
a tax credit may be claimed is subject to inspection and 137
examination by the tax commissioner or employees of the 138
commissioner under section 5703.19 of the Revised Code and any 139

other applicable law. Once the eligible production expenditures 140
are finally determined under section 5703.19 of the Revised Code 141
and division (D) of this section, the credit amount is not subject 142
to adjustment unless the director determines an error was 143
committed in the computation of the credit amount. 144

(4) No tax credit certificate may be issued before the 145
completion of the tax credit-eligible production. For the fiscal 146
biennium beginning July 1, 2009, and ending June 30, 2011, not 147
more than thirty million dollars of tax credit may be allowed, of 148
which not more than ten million dollars of tax credit may be 149
allowed in the first year of the biennium. In succeeding fiscal 150
biennia, not more than twenty million dollars of tax credit may be 151
allowed per fiscal biennium, and not more than ten million dollars 152
may be allowed in the first year of the biennium. At any time, not 153
more than five million dollars of tax credit may be allowed per 154
tax credit-eligible production. 155

(D) A motion picture company whose motion picture has been 156
certified as a tax credit-eligible production shall engage, at the 157
company's expense, an independent certified public accountant to 158
examine the company's production expenditures to identify the 159
expenditures that qualify as eligible production expenditures. The 160
certified public accountant shall issue a report to the company 161
and to the director of development certifying the company's 162
eligible production expenditures and any other information 163
required by the director. Upon receiving and examining the report, 164
the director may disallow any expenditure the director determines 165
is not an eligible production expenditure. If the director 166
disallows an expenditure, the director shall issue a written 167
notice to the motion picture production company stating that the 168
expenditure is disallowed and the reason for the disallowance. 169
Upon examination of the report and disallowance of any 170

expenditures, the director shall determine finally the lesser of 171
the total budgeted eligible production expenditures stated in the 172
application submitted under division (B) of this section or the 173
actual eligible production expenditures for the purpose of 174
computing the amount of the credit. 175

(E) No credit shall be allowed under section 5733.59 or 176
5747.66 of the Revised Code unless the director has reviewed the 177
report and made the determination prescribed by division (D) of 178
this section. 179

(F) This state reserves the right to refuse the use of this 180
state's name in the credits of any tax credit-eligible motion 181
picture production. 182

(G) (1) The director of development in consultation with the 183
tax commissioner shall adopt rules for the administration of this 184
section, including rules setting forth and governing the criteria 185
for determining whether a motion picture production is a tax 186
credit-eligible production; activities that constitute the 187
production of a motion picture; reporting sufficient evidence of 188
reviewable progress; expenditures that qualify as eligible 189
production expenditures; a competitive process for approving 190
credits; and consideration of geographic distribution of credits. 191
The rules shall be adopted under Chapter 119. of the Revised Code. 192

(2) The director may require a reasonable application fee to 193
cover administrative costs of the tax credit program. The fees 194
collected shall be credited to the motion picture tax credit 195
program operating fund, which is hereby created in the state 196
treasury. The motion picture tax credit program operating fund 197
shall consist of all grants, gifts, fees, and contributions made 198
to the director of development for marketing and promotion of the 199
motion picture industry within this state. The director of 200
development shall use money in the fund to pay expenses related to 201

the administration of the Ohio film office and the credit 202
authorized by this section and sections 5733.59 and 5747.66 of the 203
Revised Code." 204

Between lines 83980 and 83981, insert: 205

"Sec. 5733.59. (A) Any term used in this section has the same 206
meaning as in section 122.85 of the Revised Code. 207

(B) There is allowed a credit against the tax imposed by 208
section 5733.06 of the Revised Code for any corporation that is 209
the certificate owner of a tax credit certificate issued under 210
section 122.85 of the Revised Code. The credit shall be claimed 211
for the taxable year in which the certificate is issued by the 212
director of development. The credit amount equals the amount 213
stated in the certificate. The credit shall be claimed in the 214
order required under section 5733.98 of the Revised Code. If the 215
credit amount exceeds the tax otherwise due under section 5733.06 216
of the Revised Code after deducting all other credits in that 217
order, the excess shall be refunded. 218

(C) If, pursuant to division (G) of section 5733.01 of the 219
Revised Code, the corporation is not required to pay tax under 220
this chapter, the corporation may file an annual report under 221
section 5733.02 of the Revised Code and claim the credit 222
authorized by this section. Nothing in this section allows a 223
corporation to claim more than one credit per tax credit-eligible 224
production." 225

In line 84061, after "Code" insert "; 226

(36) The refundable motion picture production credit under 227
section 5733.59 of the Revised Code" 228

In line 84063, delete "(35)" and insert "(36)" 229

Delete lines 87026 through 87048 and insert: 230

"Sec. 5747.66. (A) Any term used in this section has the same meaning as in section 122.85 of the Revised Code. 231
232

(B) There is allowed a credit against the tax imposed by section 5747.02 of the Revised Code for any individual who, on the last day of the individual's taxable year, is the certificate owner of a tax credit certificate issued under section 122.85 of the Revised Code. The credit shall be claimed for the taxable year that includes the date the certificate was issued by the director of development. The credit amount equals the amount stated in the certificate. The credit shall be claimed in the order required under section 5747.98 of the Revised Code. If the credit amount exceeds the tax otherwise due under section 5747.02 of the Revised Code after deducting all other credits in that order, the excess shall be refunded. 233
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Nothing in this section limits or disallows pass-through treatment of the credit." 245
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Delete lines 87092 through 87186 and insert: 247

"Sec. 5747.98. (A) To provide a uniform procedure for calculating the amount of tax due under section 5747.02 of the Revised Code, a taxpayer shall claim any credits to which the taxpayer is entitled in the following order: 248
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251

(1) The retirement income credit under division (B) of section 5747.055 of the Revised Code; 252
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(2) The senior citizen credit under division (C) of section 5747.05 of the Revised Code; 254
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(3) The lump sum distribution credit under division (D) of section 5747.05 of the Revised Code; 256
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(4) The dependent care credit under section 5747.054 of the 258

Revised Code;	259
(5) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;	260 261
(6) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;	262 263
(7) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;	264 265
(8) The low-income credit under section 5747.056 of the Revised Code;	266 267
(9) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	268 269
(10) The campaign contribution credit under section 5747.29 of the Revised Code;	270 271
(11) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	272 273
(12) The joint filing credit under division (G) of section 5747.05 of the Revised Code;	274 275
(13) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	276 277
(14) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	278 279
(15) The credit for employers that enter into agreements with child day-care centers under section 5747.34 of the Revised Code;	280 281
(16) The credit for employers that reimburse employee child care expenses under section 5747.36 of the Revised Code;	282 283
(17) The credit for adoption of a minor child under section 5747.37 of the Revised Code;	284 285
(18) The credit for purchases of lights and reflectors under	286

section 5747.38 of the Revised Code;	287
(19) The job retention credit under division (B) of section 5747.058 of the Revised Code;	288 289
(20) The credit for selling alternative fuel under section 5747.77 of the Revised Code;	290 291
(21) The second credit for purchases of new manufacturing machinery and equipment and the credit for using Ohio coal under section 5747.31 of the Revised Code;	292 293 294
(22) The job training credit under section 5747.39 of the Revised Code;	295 296
(23) The enterprise zone credit under section 5709.66 of the Revised Code;	297 298
(24) The credit for the eligible costs associated with a voluntary action under section 5747.32 of the Revised Code;	299 300
(25) The credit for employers that establish on-site child day-care centers under section 5747.35 of the Revised Code;	301 302
(26) The ethanol plant investment credit under section 5747.75 of the Revised Code;	303 304
(27) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	305 306
(28) The export sales credit under section 5747.057 of the Revised Code;	307 308
(29) The credit for research and development and technology transfer investors under section 5747.33 of the Revised Code;	309 310
(30) The enterprise zone credits under section 5709.65 of the Revised Code;	311 312
(31) The research and development credit under section 5747.331 of the Revised Code;	313 314

(32) The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	315 316
(33) The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	317 318
(34) The refundable jobs creation credit under division (A) of section 5747.058 of the Revised Code;	319 320
(35) The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	321 322
(36) The refundable credits for taxes paid by a qualifying pass-through entity granted under division (J) of section 5747.08 of the Revised Code;	323 324 325
(37) The refundable credit for tax withheld under division (B) (1) of section 5747.062 of the Revised Code;	326 327
(38) The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	328 329 330
<u>(39) The refundable motion picture production credit under section 5747.66 of the Revised Code.</u>	331 332
(B) For any credit, except the <u>refundable</u> credits enumerated in divisions (A) (33) to (38) of this section and the credit granted under division (I) of section 5747.08 of the Revised Code, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year."	333 334 335 336 337 338 339 340 341 342 343

In line 106552, after "sections" insert "122.85," 344

In line 219 of the title, after "5733.58," insert "5733.59," 345

The motion was _____ agreed to.

SYNOPSIS

Motion Picture Tax Credit 346

R.C. 122.85, 5733.59, 5733.98, 5747.66, and 5747.98 347

Replaces the proposed movie production tax credit in the 348
Senate-passed bill with the movie production tax credit in the 349
House-passed bill, which: 350

--Authorizes a refundable, nontransferable credit against the 351
corporation franchise tax or the income tax for motion pictures 352
produced at least partly in Ohio. The Senate-passed bill 353
authorizes a nonrefundable, transferable income tax credit for 354
individuals and pass-through entity owners who invest in a motion 355
picture production certified as a tax-credit eligible production 356
before 2014. 357

--Allows a credit of 25% of non-wage and nonresident wage 358
Ohio production expenditures, and 35% of resident wage Ohio 359
production expenditures. The Senate-passed bill allows a credit of 360
25% of investments greater than \$300,000, adjusted for the 361
fraction of total production expenditures budgeted to be spent in 362
Ohio. 363

--Limits the amount of credits allowed to \$30 million in the 364
FY 2010-2011 biennium, only \$10 million of which may be allowed in 365
FY 2010, and to \$20 million per biennium thereafter, only \$10 366
million of which may be allowed in the first year of the biennium. 367

Limits the per-production credit amount to \$5 million per
production. The Senate-passed bill limits the amount of credits to
\$100 million per year and \$25 million per production.

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--Allows credits only after the production is complete. The
Senate-passed bill estimates credits and requires production
companies (or affiliates) to reimburse the state for excess
credits allowed and claimed.

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--Creates the Motion Picture Tax Credit Program Operating
Fund and authorizes fund money to be used for Ohio Film Office
expenses and to pay the costs of administering the tax credit.

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Am. Sub. H.B. 1
As Passed by the Senate
CC-4863
TAX055
MIS019

7 _____ moved to amend as follows:

8 In line 412, delete "5721.03,"

9 Delete lines 82442 through 82541

10 In line 90914, delete "5721.03,"

11 In line 163 of the title, delete "5721.03,"

12 The motion was _____ agreed to.

13 SYNOPSIS

14 **Delinquent Property Tax Lists: Internet Publication**

15 **R.C. 5721.03**

16 Removes from the Senate-passed version of the bill
17 authorization for county auditors to publish the delinquent tax
18 list and delinquent vacant land tax list via the Internet. The
19 House-passed version of the bill did not have a related
20 provision.

5 _____ moved to amend as follows:

6 In line 430, after "149.308," insert "153.013,"

7 In line 454, after "5155.38," insert "5525.26,"

8 Between lines 15366 and 15367, insert:

9 "Sec. 153.013. If a project for the construction,
10 alteration, or other improvement of a building or structure is
11 administered by the director of administrative services or by
12 another state agency authorized to administer a project under
13 this chapter, if the project is located in a municipal
14 corporation with a population of at least four hundred thousand
15 that is in a county with a population of at least one million
16 two hundred thousand, and if a political subdivision contributes
17 at least one hundred thousand dollars to the project, then a
18 contractor for the project shall comply with regulations or
19 ordinances of the political subdivision that are in effect
20 before July 1, 2009, and that specifically relate to the
21 employment of residents and local businesses of the political
22 subdivision in the performance of the work of the project, and
23 such ordinances or regulations shall be included by reference

24 unambiguously in the contract between the administering state
25 agency and the contractor for the project."

26 Between lines 80345 and 80346, insert:

27 "Sec. 5525.26. Except as provided in federal law, if a
28 project for the construction, reconstruction, or other
29 improvement to a road or highway is administered by the
30 department of transportation or any local public authority
31 authorized under division (C) of section 5501.03 of the Revised
32 Code, if the project is located in a municipal corporation with
33 a population of at least four hundred thousand that is in a
34 county with a population of at least one million two hundred
35 thousand, and if the project is funded with at least one hundred
36 thousand dollars from a political subdivision, then a contractor
37 for the project shall comply with regulations or ordinances of
38 the political subdivision that are in effect before July 1,
39 2009, and that specifically relate to the employment of
40 residents and local businesses of the political subdivision in
41 the performance of the work of the project, and such ordinances
42 or regulations shall be included by reference unambiguously in
43 the contract between the department of transportation or public
44 authority and the contractor for the project."

45 Between lines 106496 and 106497, insert:

46 The enactment of sections 153.013 and 5525.26 of the
47 Revised Code takes effect January 1, 2010.

48 In line 188 of the title, after "149.308," insert
49 "153.013,"

50 In line 217 of the title, after "5155.38," insert
51 "5525.26,"

52 The motion was _____ agreed to.

53 SYNOPSIS

54 **Contractor Compliance with Local Ordinances**

55 **R.C. 153.013 and 5525.26**

56 If a project for the construction, alteration, or other
57 improvement of a building or structure is administered by the
58 Director of Administrative Services or by another state agency
59 authorized to administer a project, or similarly, if a project
60 for the construction, reconstruction, or other improvement to a
61 road or highway is administered by the Department of
62 Transportation or any local public authority authorized to
63 administer such a project, if the project is located in a
64 municipal corporation with a population of at least 400,000 that
65 is in a county with a population of at least 1.2 million, and if
66 a political subdivision contributes at least \$100,000 to the
67 project, the amendment requires a contractor for the project to
68 comply with regulations or ordinances of the political
69 subdivision that are in effect before July 1, 2009, and that
70 specifically relate to the employment of residents and local
71 businesses of the political subdivision in the performance of
72 the work of the project, and requires such ordinances or
73 regulations to be included by reference unambiguously in the
74 contract between the administering state agency (or department
75 of transportation or local public authority) and the contractor
76 for the project.

5 _____ moved to amend as follows:

6 Between lines 105079 and 105080, insert:

7 **"Section 701.____.** (A) There is hereby created the Ohio
8 Legislative Commission on the Education and Preservation of
9 State History consisting of the following members:

10 (1) Three members of the Senate appointed by the President
11 of the Senate, one of whom shall be from the minority party and
12 be recommended by the Minority Leader of the Senate;

13 (2) Three members of the House of Representatives
14 appointed by the Speaker of the House of Representatives, one of
15 whom shall be from the minority party and be recommended by the
16 Minority Leader of the House of Representatives;

17 (3) Three members appointed by the Governor who shall have
18 specific knowledge regarding museum or archive management.

19 The Commission may appoint nonvoting members to the
20 Commission who represent state agencies, educational
21 institutions, or private organizations and who have expertise in
22 museum or archive management.

23 (B)(1) Appointments shall be made to the Commission not
24 later than thirty days after the effective date of this section.

25 A member of the Senate appointed by and so designated by the
26 President of the Senate shall be the chairperson of the
27 Commission. A member of the House of Representatives appointed
28 by and so designated by the Speaker of the House of
29 Representatives shall be the vice-chairperson of the Commission.
30 The Commission shall meet as often as necessary to carry out its
31 duties and responsibilities. Members of the Commission shall
32 serve without compensation.

33 (2) The Legislative Service Commission shall provide
34 professional and technical support that is necessary for the
35 Ohio Legislative Commission on the Education and Preservation of
36 State History to perform its duties.

37 (C) The Ohio Legislative Commission on the Education and
38 Preservation of State History shall do all of the following:

39 (1) Review the overall delivery of services and
40 instruction on Ohio's history by organizations that have
41 individually received in the previous two bienniums a total of
42 at least one million dollars in funding through legislative
43 appropriation for their operations. The review shall include a
44 needs assessment with regard to each organization for all of the
45 following:

- 46 (a) Historic sites owned or managed by the organization;
- 47 (b) Archives owned or maintained by the organization;
- 48 (c) Programs offered by the organization;

49 (d) The governance structure of the organization;

50 (e) A comparison of the organization's operations with the
51 operations of organizations that are located inside and outside
52 the state and that have similar functions.

53 (2) Following the review, make recommendations on all of
54 the following:

55 (a) Improving the efficiency of the organizations;

56 (b) Alternative methods for the performance or discharge
57 of state-mandated functions and other functions by the
58 organizations;

59 (c) Best practices regarding governance structures for the
60 organizations;

61 (d) Any other recommendations that the Commission
62 determines to be necessary.

63 (3) Identify alternative public and private funding
64 sources to support the organizations.

65 (D) The Commission shall issue a report of its findings
66 and recommendations to the President of the Senate, the Speaker
67 of the House of Representatives, and the Governor not later than
68 July 1, 2010. Upon submission of the report, the Commission
69 shall cease to exist."

70 The motion was _____ agreed to.

SYNOPSIS

71

72 Ohio Legislative Commission on the Education and
73 Preservation of State History

74 Section 701. __

75 Creates the Ohio Legislative Commission on the Education
76 and Preservation of State History; requires the Commission to
77 review the overall delivery of services and instruction on
78 Ohio's history by organizations that have individually received
79 specified state funding in the previous two bienniums, make
80 recommendations regarding the organizations, including
81 recommendations for improving their efficiency, and identify
82 alternative public and private funding sources; and requires the
83 Commission to report its findings and recommendations to the
84 President of the Senate, Speaker of the House of
85 Representatives, and Governor no later than July 1, 2010.

Am. Sub. H.B. 1
As Passed by the Senate
CC-4870
JFS068

_____ moved to amend as follows:

In line 399, after "5107.17," insert "5107.78," 1

Between lines 74524 and 74525, insert: 2

"Sec. 5107.78. ~~The department of job and family services shall include a notice with the following information with~~ With each cash assistance payment provided under Ohio works first to an assistance group residing in a county in which the computer system known as support enforcement tracking system is in operation." 3 4 5 6 7

~~(A) The number of months the assistance group has participated in Ohio works first and the remaining number of months the assistance group may participate in the program as limited by section 5107.18 of the Revised Code;~~ 8 9 10 11

~~(B) The,~~ the department of job and family services shall include a notice of the amount of support payments due a member of the assistance group that a child support enforcement agency collected and paid to the department pursuant to section 5107.20 of the Revised Code during the most recent month for which the department has this information." 12 13 14 15 16 17

In line 90901, after "5107.17," insert "5107.78," 18

In line 146 of the title, after "5107.17," insert "5107.78," 19

The motion was _____ agreed to.

SYNOPSIS

Notices of Number of Months of Ohio Works First Participation	20
R.C. 5107.78	21
Eliminates a requirement that ODJFS include, with each cash	22
assistance payment provided under the Ohio Works First Program to	23
an assistance group residing in a county in which the Support	24
Enforcement Tracking System is in operation, a notice of the	25
number of months the assistance group has participated in the Ohio	26
Works First Program and the remaining number of months the	27
assistance group may participate in the Program under the	28
Program's time limits.	29

Am. Sub. H.B. 1

As Passed by the Senate

CC-4871

JFS067

_____ moved to amend as follows:

In line 399, after "5107.17," insert "5108.04, 5108.07," 1

Between lines 74524 and 74525, insert: 2

"Sec. 5108.04. Each county department of job and family 3
 services shall adopt a written statement of policies governing the 4
 prevention, retention, and contingency program for the county. The 5
 statement of policies shall be adopted not later than October 1, 6
 2003, and shall be updated at least every two years thereafter. A 7
 county department may amend its statement of policies to modify, 8
 terminate, and establish new policies. A county department also 9
 may amend its statement of policies to suspend operation of its 10
 prevention, retention, and contingency program temporarily. The 11
 county director of job and family services shall sign and date the 12
 statement of policies and any amendment to it. Neither the 13
 statement of policies nor any amendment to it may have an 14
 effective date that is earlier than the date of the county 15
 director's signature. 16

Each county department of job and family services shall 17
 provide the department of job and family services a written copy 18
 of the statement of policies and any amendments it adopts to the 19
 statement not later than ten calendar days after the statement or 20

amendment's effective date. 21

Sec. 5108.07. (A) Each statement of policies adopted under 22
section 5108.04 of the Revised Code shall include the board of 23
county commissioners' certification that the county department of 24
job and family services complied with this chapter in adopting the 25
statement of policies. 26

(B) The board of county commissioners shall revise its 27
certification under division (A) of this section if an amendment 28
~~to the statement of policies that the county department adopts an~~ 29
~~amendment under section 5108.04 of the Revised Code to suspend~~ 30
~~operation of its prevention, retention, and contingency program~~ 31
~~temporarily or any other amendment under that section~~ the board 32
considers to be significant ~~is adopted under section 5108.04 of~~ 33
~~the Revised Code.~~" 34

In line 90901, after "5107.17," insert "5108.04, 5108.07," 35

In line 146 of the title, after "5107.17," insert "5108.04, 36
5108.07," 37

The motion was _____ agreed to.

SYNOPSIS

Suspensions of Prevention, Retention, and Contingency 38
Programs 39

R.C. 5108.04 and 5108.07 40

Permits a county department of job and family services to 41
amend its statement of policies governing its Prevention, 42
Retention, and Contingency (PRC) Program to suspend operation of 43
its PRC Program temporarily. 44

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Am. Sub. H.B. 1
As Passed by the Senate
CC-4873
MED-4

6 _____ moved to amend as follows:

7 In line 394, delete "4774.02,"

8 Delete lines 71743 through 71766

9 In line 90896, delete "4774.02,"

10 In line 140 of the title, delete "4774.02,"

11 The motion was _____ agreed to.

12 SYNOPSIS

13 **Radiology Practitioner Assistants**

14 **R.C. 4774.02**

15 Removes a provision from the bill that exempts certain
16 radiology practitioner assistants from the requirement to obtain
17 from the State Medical Board a certificate to practice as a
18 radiology assistant.

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Am. Sub. H.B. 1

As passed by the Senate

CC-4875

INS044

6 _____ moved to amend as follows:

7 In line 59194, delete "The documents shall accompany the
8 insurance"

9 Delete lines 59195 and 59196

10 The motion was _____ agreed to.

11 SYNOPSIS

12 **Property and Casualty Insurance Actuarial Review**

13 **R.C. 3903.77**

14 Removes a requirement that the proposed actuarial review
15 documents to be submitted to the Superintendent of Insurance by
16 property and casualty insurers accompany the insurer's annual
17 financial statement required under current law.

Am. Sub. H.B. 1
As Passed by the Senate
CC- 876
MDC 069

6 _____ moved to amend as follows:

7 In line 454, after "5123.193," insert "5123.197,"

8 In line 76035, after "5123.193" insert "or 5123.197"

9 In line 76036, after "obtained" insert "or modified"

10 In line 76074, after "5123.193" insert "or 5123.197"

11 In line 76075, after "obtained" insert "or modified"

12 In line 78931, after "5123.196," insert "5123.197,"

13 In line 79214, delete "a" and insert "an initial or
14 modified"

15 In line 79215, after "5123.193" insert "or 5123.197"

16 Between lines 79420 and 79421, insert:

17 "Sec. 5111.197. Neither an applicant for an initial
18 residential facility license under section 5123.19 of the
19 Revised Code nor an applicant for a modification of an existing
20 residential facility license under that section is required to
21 obtain approval of a plan for the proposed new residential
22 facility or modification to the existing residential facility
23 pursuant to section 5123.042 of the Revised Code if all of the
24 following apply:

25 (A) The new residential facility or modification to the
26 existing residential facility is to serve individuals who have
27 diagnoses or special care needs for which a medicaid
28 reimbursement rate is set pursuant to section 5111.258 of the
29 Revised Code;

30 (B) The directors of job and family services and mental
31 retardation and developmental disabilities determine that there
32 is a need under the medicaid program for the proposed new
33 residential facility or modification to the existing residential
34 facility and that approving the application for the initial
35 residential facility license or modification to the existing
36 residential facility license is fiscally prudent for the
37 medicaid program;

38 (C) The director of budget and management notifies the
39 directors of job and family services and mental retardation and
40 developmental disabilities that the director of budget and
41 management agrees with the directors' determination under
42 division (B) of this section."

43 In line 99567, after "5123.193" insert "or 5123.197"

44 In line 99568, after "obtained" insert "or modified"

45 In line 106547, after "5123.193," insert "5123.197,"

46 In line 217 of the title, after "5123.193," insert
47 "5123.197,"

48 The motion was _____ agreed to.

49

SYNOPSIS

50 **Residential Facility Exemption From Development Approval**

51 **R.C. 5123.197 (primary), 5111.21, 5111.211, and 5123.19;**
52 **Section 337.40.30)**

53 Provides that neither an applicant for an initial license
54 for a residential facility for persons with mental retardation
55 or a developmental disability nor an applicant for a
56 modification of an existing residential facility license is
57 required to obtain approval of a development plan for the
58 proposed new residential facility or modification to the
59 existing residential facility if (1) the new residential
60 facility or modification to the existing residential facility is
61 to serve individuals who have diagnoses or special care needs
62 for which a special Medicaid reimbursement rate is set, (2) the
63 ODJFS and ODMR/DD Directors determine that there is a need under
64 the Medicaid program for the proposed new residential facility
65 or modification to the existing residential facility and that
66 approving the application is fiscally prudent for the Medicaid
67 program, and (3) the OBM Director notifies the ODJFS and ODMR/DD
68 Directors that the OBM Director agrees with the ODJFS and
69 ODMR/DD Directors' determination.

70 Provides that an ICF/MR is not required to have received
71 approval of a development plan to be eligible for Medicaid
72 payments if, under the amendment, the ICF/MR obtained an initial
73 or modified residential facility license without having to
74 obtain approval of a development plan.

75 Provides that ODMR/DD is not responsible for the state
76 share of a Medicaid claim for ICF/MR services even though the
77 ICF/MR receives initial certification as an ICF/MR after June 1,
78 2003, and is not required to transfer cash to ODJFS to pay the
79 state share, if the ICF/MR, pursuant to the amendment, obtained
80 an initial or modified residential facility license without
81 having to obtain approval of a development plan.

Am. Sub. H.B. 1
As Passed by the Senate
CC-4881
TAX036

✓

_____ moved to amend as follows:

In line 412, delete "5725.151," 1

In line 413, after "5733.04," insert "5733.47," 2

Delete lines 82542 through 82580 3

Between lines 83932 and 83933, insert: 4

"Sec. 5733.47. (A) As used in this section, "certificate
owner" has the same meaning as in section 149.311 of the Revised
Code. 5
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(B) There is allowed a refundable credit against the tax 8
imposed under section 5733.06 of the Revised Code for a taxpayer 9
that is a certificate owner of a rehabilitation tax credit 10
certificate issued under section 149.311 of the Revised Code. The 11
credit shall equal twenty-five per cent of the dollar amount 12
indicated on the certificate, but shall not exceed five million 13
dollars. The credit shall be claimed for the tax year specified in 14
the certificate and in the order required under section 5733.98 of 15
the Revised Code. For purposes of making tax payments under this 16
chapter, taxes equal to the amount of the refundable credit shall 17
be considered to be paid to the state on the first day of the tax 18
year. 19

(C) A taxpayer claiming a credit under this section shall 20
 retain the rehabilitation tax credit certificate for four years 21
 following the end of the tax year to which the credit was applied, 22
 and shall make the certificate available for inspection by the tax 23
 commissioner upon the request of the tax commissioner during that 24
 period. 25

(D) If, pursuant to division (G) of section 5733.01 of the 26
 Revised Code, a taxpayer no longer pays a tax under this chapter, 27
 the taxpayer may nonetheless file an annual report under section 28
 5733.02 of the Revised Code and claim the refundable credit 29
 authorized by this section. Nothing in this division allows a 30
 taxpayer to claim the credit under this section more than once. 31

(E) Nothing in this section limits or disallows pass-through 32
 treatment of the credit if the certificate owner is a pass-through 33
 entity. If the certificate owner is a pass-through entity, the 34
 amount of the credit allowed for the entity shall not exceed five 35
 million dollars, and the credit may be allocated among the 36
 entity's equity owners in proportion to their ownership interests 37
 or in such proportions or amounts as the equity owners mutually 38
 agree." 39

In line 90914, delete "5725.151," 40

In line 90916, after "5733.04," insert "5733.47," 41

Delete lines 106418 through 106420 42

In line 106424, delete "section" and insert "sections 5733.47 43
 and" 44

In line 106425, after "to" insert "credits claimed with 45
 respect to certificates issued in" 46

In line 163 of the title, delete "5725.151," 47

In line 165 of the title, after "5733.04," insert "5733.47," 48

The motion was _____ agreed to.

SYNOPSIS

Allocation of Historic Rehabilitation Tax Credits	49
R.C. 5725.151 and 5733.47; Section 803.20	50
Authorizes corporate owners of a pass-through entity to	51
allocate distributive or partnership shares of the historic	52
rehabilitation tax credit in any manner agreed to by the owners,	53
and not necessarily in proportion to ownership interest. Removes	54
such authorization for dealers in intangibles. The Senate-passed	55
bill authorizes this alternative allocation for pass-through	56
entities owned by individuals, estates, or trusts and to dealers	57
in intangibles	58

1 128HB1-CC4883.docx/ss

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Am. Sub. H.B. 1
As Passed by the Senate
CC-4883
MDC071

6 _____ moved to amend as follows: _____

7 In line 82592, after "~~or~~" insert "and exclusive of payments
8 received"; reinsert "pursuant to the medical assistance program
9 established under"

10 In line 82593, reinsert "Chapter 5111. of the Revised
11 Code"; after the reinserted "Code" insert "for the period ending
12 September 30, 2009"; reinsert the comma

13 In line 82601, after "~~or~~" insert "and exclusive of payments
14 received"; reinsert "pursuant to the medical assistance program
15 established under"

16 In line 82602, reinsert "Chapter 5111. of the Revised
17 Code"; after the reinserted "Code" insert "for the period ending
18 September 30, 2009"; reinsert the comma

19 Between lines 82611 and 82612 insert:

20 "Domestic insurance companies, including health insuring
21 corporations, receiving payments pursuant to the medical
22 assistance program established under Chapter 5111. of the
23 Revised Code during the period beginning October 1, 2009, and
24 ending December 31, 2009, shall file with the 2009 annual

25 statement to the superintendent a schedule that reflects those
26 payments received pursuant to the medical assistance program for
27 that period. The payments reflected in the schedule, plus all
28 other taxable premiums, are subject to the annual franchise tax
29 due to be paid in 2010."

30 In line 83198, after "~~or~~" insert "and exclusive of payments
31 received"; reinsert "pursuant to the medical assistance"

32 In line 83199, reinsert "program established under Chapter
33 5111. of the Revised Code"; after the reinserted "Code" insert
34 "for the period ending September 30, 2009"; reinsert the comma

35 In line 83205, after "~~or~~" insert "and exclusive of payments
36 received"; reinsert "pursuant to the"

37 In line 83206, reinsert "medical assistance program
38 established under Chapter 5111. of the"

39 In line 83207, reinsert "Revised Code"; after the
40 reinserted "Code" insert "for the period ending September 30,
41 2009"; reinsert the comma

42 In line 83213, after "~~or~~" insert "and exclusive of payments
43 received"; reinsert "pursuant to the medical assistance program"

44 In line 83214, reinsert "established under Chapter 5111. of
45 the Revised Code"; after the reinserted "Code" insert "for the
46 period ending September 30, 2009"; reinsert the comma

47 Between lines 83215 and 83216 insert:

48 "Each foreign insurance company, including health insuring
49 corporations, receiving payments pursuant to the medical
50 assistance program established under Chapter 5111. of the
51 Revised Code during the period beginning October 1, 2009, and
52 ending December 31, 2009, shall file with the 2009 annual
53 statement to the superintendent a schedule that reflects those
54 payments received pursuant to the medical assistance program for
55 that period. The payments reflected in the schedule, plus all
56 other taxable premiums, are subject to the annual franchise tax
57 due to be paid in 2010."

58 The motion was _____ agreed to.

59 SYNOPSIS

60 **Insurance Premiums Tax - Medicaid Managed Care**

61 **R.C. 5725.18 and 5729.03**

62 Delays the application of the bill's proposed extension of
63 the insurance company franchise (premiums) tax to include
64 Medicaid payments in the premiums base, to October 1, 2009. In
65 the House- and Senate-passed bills, the tax would have applied
66 to all of 2009.

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Am. Sub. H.B. 1
As Passed by the Senate
CC-488
DE1979

6 _____ moved to amend as follows:

7 Between lines 93707 and 93708, insert:

8 "Section 259. __. __. DIESEL EMISSIONS REDUCTION GRANT
9 PROGRAM

10 Any unexpended and unencumbered balance of appropriation item
11 195697, Diesel Emissions Reduction Grants, remaining at the end
12 of fiscal year 2009, less amounts encumbered by the Department
13 of Transportation for reimbursement of public entities for
14 fiscal year 2009, is hereby reappropriated to the Department of
15 Development for the same purpose in fiscal year 2010. Total
16 expenditures of both the Department of Development and the
17 Department of Transportation for the Diesel Emissions Reduction
18 Grant Program in fiscal year 2010 shall not exceed the
19 reappropriated amount."

20 The motion was _____ agreed to.

21 SYNOPSIS

22 **Department of Development**

23 **Section 259. __. __**

24 Requires the unexpended and unencumbered balance in
25 appropriation item 195697, Diesel Emissions Reduction Grants, at
Legislative Service Commission -1- 128HB1-CC4884.DOCX

26 the end of fiscal year 2009, less the amounts encumbered by the
27 Department of Transportation for reimbursement of public
28 entities for fiscal year 2009, to be reappropriated to the
29 Department of Development for the same purpose in fiscal year
30 2010, and requires that total expenditures of both departments
31 for the Diesel Emissions Reduction Grant Program in fiscal year
32 2010 not exceed the reappropriated amount.

1 128HB1-CC4885.docx/ss

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Am. Sub. H.B. 1
As Passed by the Senate
CC-4885
DEV078

6 _____ moved to amend as follows:

7 In line 103613, strike through "\$21,000,000" and insert
8 "\$24,979,600"

9 In line 103617, strike through "\$556,491,207" and insert
10 "\$560,470,807"

11 In line 103618, strike through "\$556,491,207" and insert
12 "\$560,470,807"

13 The motion was _____ agreed to.

14 SYNOPSIS

15 **Department of Development**

16 **Section 601.10**

17 Further amends Am. Sub. H.B. 2 of the 128th General
18 Assembly to increase Fund 3DB0 appropriation item 195642,
19 Federal Stimulus-Energy Efficiency and Conservation Block
20 Grants, to \$24,979,600 in fiscal year 2009.

5 _____ moved to amend as follows:

6 In line 451, delete "5111.165,"

7 In line 60331, after "(9)" insert "Study alternative care
8 management options for medicaid recipients who are not required
9 to participate in the care management system established under
10 section 5111.16 of the Revised Code;

11 (10)"

12 Delete lines 75764 through 75766

13 In line 75769, delete "The"

14 Delete lines 75770 through 75775

15 Delete lines 75859 through 75898

16 In line 213 of the title, delete "5111.165,"

17 The motion was _____ agreed to.

18 SYNOPSIS

19 **Alternative Care Management Program**

20 **R.C. 3923.91, 5111.141, 5111.142, and 5111.165**

21 Removes a provision requiring the Department of Job and
22 Family Services to implement an alternative care management

23 program for Medicaid recipients not participating in the
24 Medicaid care management system.

25 Requires the Health Care Coverage and Quality Council to
26 study alternative care management options for Medicaid
27 recipients not required to participate in the Medicaid care
28 management system.

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5 _____ moved to amend as follows:

6 In line 80346, delete "The" and insert "(1) In any county
7 that as of January 1, 2009, had closed one or more roads as a
8 result of grade separation failure at intersections of a
9 turnpike project with a county or township road, the"

10 In line 80348, after the first "of" insert "such failed";
11 after "separations" delete the balance of the line

12 In line 80349, delete "county and township roads"

13 In line 80351, after "of" insert "such failed"

14 Between lines 80351 and 80352, insert:

15 "(2) This section does not apply to any grade separation
16 at intersections of a turnpike project with a county or township
17 road except as described in division (A)(1) of this section."

18 The motion was _____ agreed to.

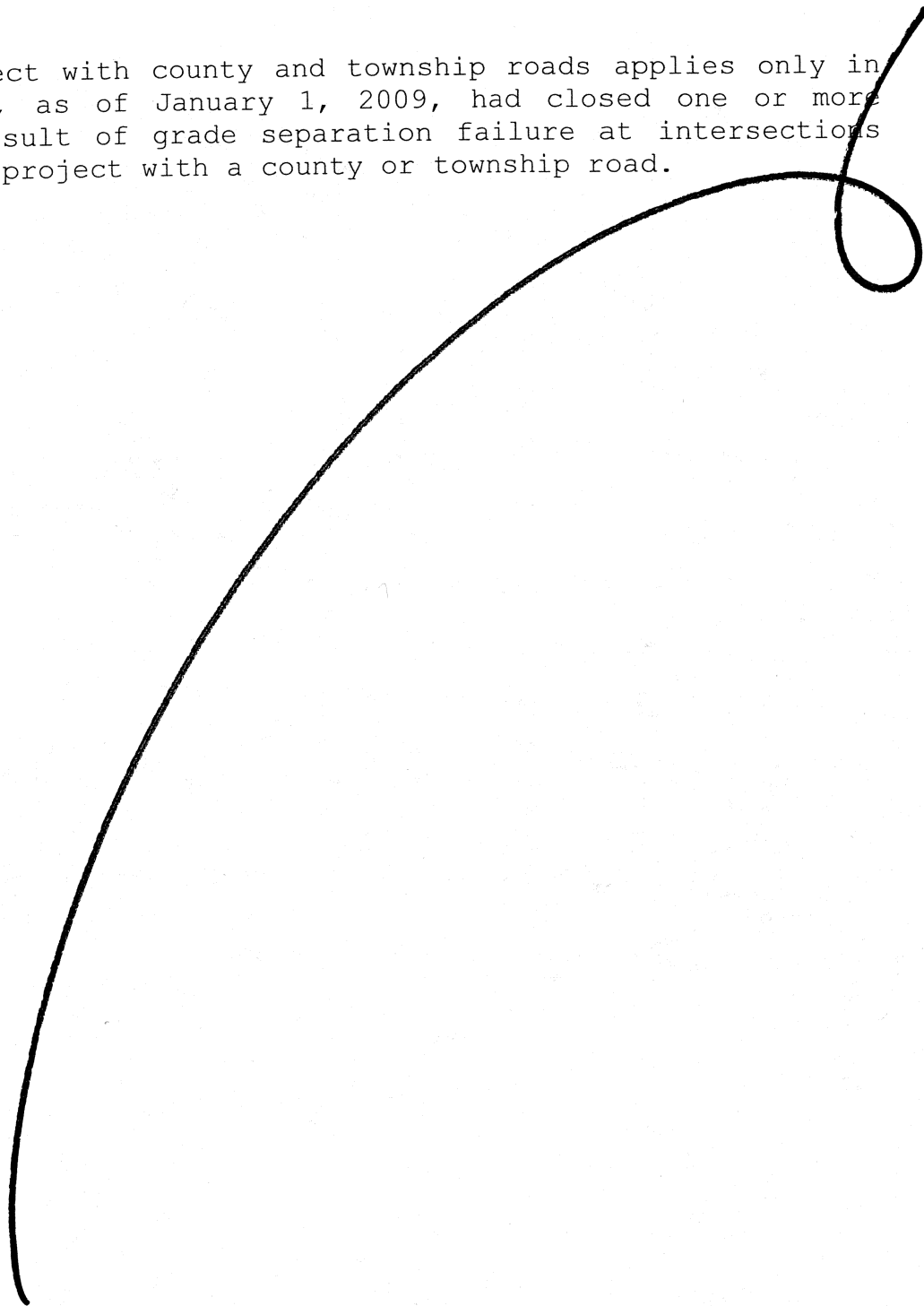
19 SYNOPSIS

20 **Ohio Turnpike Commission Grade Separation Maintenance**

21 **R.C. 5537.051**

22 Clarifies that the Senate-passed provision making the Ohio
23 Turnpike Commission responsible for major maintenance and repair
24 and replacement of grade separations at intersections of any

25 turnpike project with county and township roads applies only in
26 counties that, as of January 1, 2009, had closed one or more
27 roads as a result of grade separation failure at intersections
28 of a turnpike project with a county or township road.



1 128HB1-CC4899.docx/cm

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Am. Sub. H. B. 1
As Passed by the Senate
CC-4899
BDP002

6 _____ moved to amend as follows:

7 In line 93105, delete "\$927,892 \$927,892" and insert

8 "\$1,876,000 \$1,876,000"

9 In line 93107, delete "\$927,892 \$927,892" and insert

10 "\$1,876,000 \$1,876,000"

11 In line 93108, delete "\$927,892 \$927,892" and insert

12 "\$1,876,000 \$1,876,000"

13 The motion was _____ agreed to.

14 SYNOPSIS

15 **Board of Deposit**

16 **Section 257.10**

17 Increases appropriation item 974601, Board of Deposit (GSF
18 Fund 4M20), by \$948,108 in both fiscal years. The appropriation
19 is restored to the House-passed level.

1 128HB1-CC4900.docx/mlp

2 Am. Sub. H.B. 1
3 As Passed by the Senate
4 CC-4900
5 OBM083

6 _____ moved to amend as follows:

7 In line 95546, after "Management" insert ", with the
8 approval of the Controlling Board,"

9 In line 95550, after the comma insert "to meet the
10 maintenance of effort and use of funds provisions of the
11 American Recovery and Reinvestment Act,"

12 In line 95551, delete "The Director shall"

13 Delete lines 95552 through 95554

14 In line 101313, after "Management" insert ", with the
15 approval of the Controlling Board,"

16 In line 101318, after the comma insert "to meet the
17 maintenance of effort and use of funds provisions of the
18 American Recovery and Reinvestment Act,"

19 In line 101319, delete "The"

20 Delete lines 101320 through 101322

21 Between lines 102805 and 102806, insert:

22 **"Section ____.** TRANSFER AND ADJUSTMENT OF ARRA STATE FISCAL
23 STABILIZATION FUND APPROPRIATIONS

24 The Director of Budget and Management, with the approval of
25 Controlling Board, may transfer appropriation between GRF
26 appropriation items within the budgets and between the budgets
27 of agencies receiving funding from the State Fiscal
28 Stabilization Fund - Government Services in each fiscal year
29 upon the written request of the relevant agency, including
30 transferring appropriation between fiscal year 2010 and fiscal
31 year 2011, if necessary to meet the maintenance of effort and
32 use of funds provisions in the American Recovery and
33 Reinvestment Act."

34 The motion was _____ agreed to.

35 SYNOPSIS

36 **Department of Education, Board of Regents, and Department**
37 **of Rehabilitation and Corrections**

38 **Sections 265.50.55, 371.60.95, and Section ____.**

39 Specifies that the Director of Budget and Management must
40 seek Controlling Board approval to transfer appropriation
41 between appropriation items within the budgets of the Department
42 of Education and the Board of Regents to meet the maintenance of
43 effort and use of funds provisions of the American Recovery and
44 Reinvestment Act.

45 Permits the Director of Budget and Management with the
46 approval of the Controlling Board to transfer appropriation
47 between GRF appropriation items within the budgets and between
48 the budgets of agencies receiving funding from the State Fiscal
49 Stabilization Fund - Government Services, including
50 appropriation transfers between FY 2010 and FY 2011, to meet the
51 maintenance of effort and use the funds provisions of the
52 American Recovery and Reinvestment Act.

1 128HB1-CC4909X1.docx/ss

2 Am. Sub. H.B. 1
3 As Passed by the Senate
4 CC-4909-1
5 OBM082-01

6 _____ moved to amend as follows:

7 In line 13535, after "Code" insert " , except that it does
8 not mean an employing unit with fifty or fewer employees"

9 In line 13539, delete "July 1, 2009" and insert "the
10 effective date of this amendment"

11 In line 13546, delete "July 1, 2009" and insert "the
12 effective date of this amendment"

13 In line 13549, delete "two" and insert "three"; after
14 "hundred" insert "fifty"; delete "thirty" and insert "forty"

15 In line 13553, delete "July 1, 2009" and insert "the
16 effective date of this amendment"

17 In line 13560, delete "July 1, 2009" and insert "the
18 effective date of this amendment"

19 In line 13564, delete "two" and insert "three"; after
20 "hundred" insert "fifty"; delete "thirty" and insert "forty"

21 The motion was _____ agreed to.

22 SYNOPSIS

23 **PERS Retirement Incentive Plans**

24 **R.C. 145.298**

25 Increases to the lesser of 350 or 40% of its employees
26 (from the lesser of 200 or 30% of its employees, the threshold
27 under which a state institution or state employing unit must
28 establish a PERS retirement incentive plan if, on or after the
29 effective date of this provision, the institution or employing
30 unit proposes to close or lay off, within a six-month period,
31 the above-mentioned number of employees.

32 Exempts state employing units with 50 or fewer employees
33 from establishing a PERS retirement incentive plan under the
34 following circumstances: (1) prior to the effective date of
35 this provision, the employing unit proposes to close or lay off,
36 within a six-month period, the lesser of 50 or 10% of its
37 employees, or (2) on or after the effective date of this
38 provision, the employing unit proposes to close or lay off,
39 within a six-month period, 40% of its employees.

40 Modifies the date by which a state institution or state
41 employing unit must establish a PERS retirement incentive plan
42 depending on the date the institution or employing unit proposes
43 to close or lay off employees.