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Am. Sub. H.B. 1
As Passed by the Senate
CC-5040
DAS-75

6 _____ moved to amend as follows:

7 In line 425, delete "7.16,"

8 In line 428, delete "125.182, 125.183, 125.184,"

9 In line 455, delete "5721.012,"

10 Delete lines 518 through 529

11 Delete lines 12166 through 12259

12 Delete lines 82434 through 82441

13 In line 180 of the title, delete "7.16,"

14 In line 185 of the title, delete "125.182, 125.183,
15 125.184,"

16 In line 218 of the title, delete "5721.012,"

17 The motion was _____ agreed to.

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SYNOPSIS

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State-Sanctioned Public Notice Web Site

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R.C. 7.16, 125.182, 125.183, 125.184, and 5721.012

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Removes provisions added by the Senate to create the State-Sanctioned Public Notice Web Site.

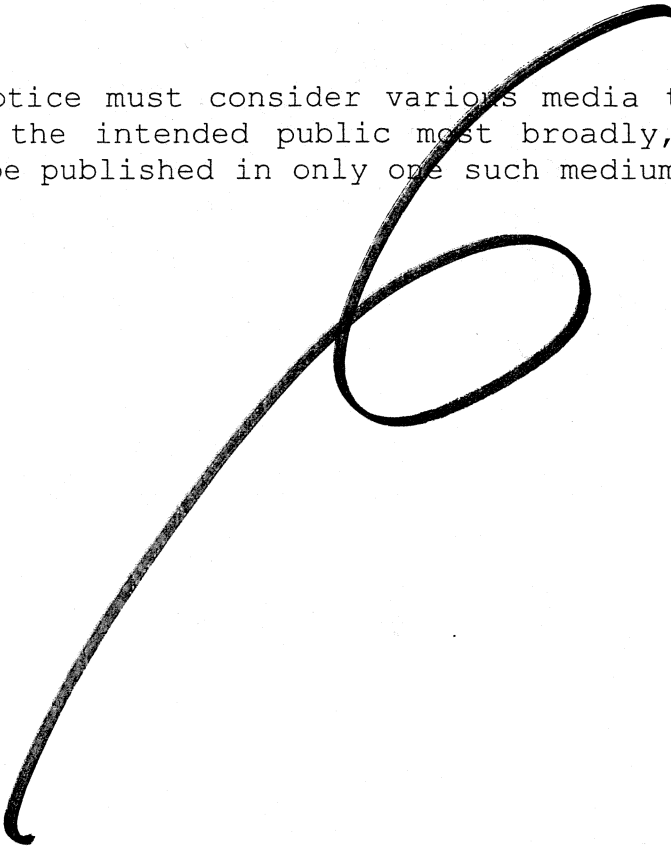
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23

Removes specifications added by the Senate that tax notices may be published in a newspaper insert, that the publisher of a

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25 tax notice must consider various media to determine which media
26 reach the intended public most broadly, and that a tax notice
27 need be published in only one such medium.



Am. Sub. H.B. 1
As Passed by the Senate
CC-5041

_____ moved to amend as follows.

In line 293, after "9.03," insert "9.06," 1

In line 406, after "5119.61," insert "5120.032, 5120.033," 2

Between lines 590 and 591 insert: 3

"Sec. 9.06. (A) (1) The department of rehabilitation and 4
correction ~~shall~~ may contract for the private operation and 5
management pursuant to this section of the initial intensive 6
program prison established pursuant to section 5120.033 of the 7
Revised Code, if one or more intensive program prisons are 8
established under that section, and may contract for the private 9
operation and management of any other facility under this section. 10
Counties and municipal corporations to the extent authorized in 11
sections 307.93, 341.35, 753.03, and 753.15 of the Revised Code, 12
may contract for the private operation and management of a 13
facility under this section. A contract entered into under this 14
section shall be for an initial term of not more than two years, 15
with an option to renew for additional periods of two years. 16

(2) The department of rehabilitation and correction, by rule, 17
shall adopt minimum criteria and specifications that a person or 18
entity, other than a person or entity that satisfies the criteria 19
set forth in division (A) (3) (a) of this section and subject to 20

division (I) of this section, must satisfy in order to apply to
 operate and manage as a contractor pursuant to this section the
 initial intensive program prison established pursuant to section
 5120.033 of the Revised Code, if one or more intensive program
 prisons are established under that section.

(3) Subject to division (I) of this section, any person or
 entity that applies to operate and manage a facility as a
 contractor pursuant to this section shall satisfy one or more of
 the following criteria:

(a) The person or entity is accredited by the American
 correctional association and, at the time of the application,
 operates and manages one or more facilities accredited by the
 American correctional association.

(b) The person or entity satisfies all of the minimum
 criteria and specifications adopted by the department of
 rehabilitation and correction pursuant to division (A)(2) of this
 section, provided that this alternative shall be available only in
 relation to the initial intensive program prison established
 pursuant to section 5120.033 of the Revised Code, if one or more
 intensive program prisons are established under that section.

(4) Subject to division (I) of this section, before a public
 entity may enter into a contract under this section, the
 contractor shall convincingly demonstrate to the public entity
 that it can operate the facility with the inmate capacity required
 by the public entity and provide the services required in this
 section and realize at least a five per cent savings over the
 projected cost to the public entity of providing these same
 services to operate the facility that is the subject of the
 contract. No out-of-state prisoners may be housed in any facility
 that is the subject of a contract entered into under this section.

(B) Subject to division (I) of this section, any contract

entered into under this section shall include all of the
following:

(1) A requirement that the contractor retain the contractor's accreditation from the American correctional association throughout the contract term or, if the contractor applied pursuant to division (A) (3) (b) of this section, continue complying with the applicable criteria and specifications adopted by the department of rehabilitation and correction pursuant to division (A) (2) of this section;

(2) A requirement that all of the following conditions be met:

(a) The contractor begins the process of accrediting the facility with the American correctional association no later than sixty days after the facility receives its first inmate.

(b) The contractor receives accreditation of the facility within twelve months after the date the contractor applies to the American correctional association for accreditation.

(c) Once the accreditation is received, the contractor maintains it for the duration of the contract term.

(d) If the contractor does not comply with divisions (B) (2) (a) to (c) of this section, the contractor is in violation of the contract, and the public entity may revoke the contract at its discretion.

(3) A requirement that the contractor comply with all rules promulgated by the department of rehabilitation and correction that apply to the operation and management of correctional facilities, including the minimum standards for jails in Ohio and policies regarding the use of force and the use of deadly force, although the public entity may require more stringent standards, and comply with any applicable laws, rules, or regulations of the

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federal, state, and local governments, including, but not limited to, sanitation, food service, safety, and health regulations. The contractor shall be required to send copies of reports of inspections completed by the appropriate authorities regarding compliance with rules and regulations to the director of rehabilitation and correction or the director's designee and, if contracting with a local public entity, to the governing authority of that entity.

(4) A requirement that the contractor report for investigation all crimes in connection with the facility to the public entity, to all local law enforcement agencies with jurisdiction over the place at which the facility is located, and, for a crime committed at a state correctional institution, to the state highway patrol;

(5) A requirement that the contractor immediately report all escapes from the facility, and the apprehension of all escapees, by telephone and in writing to all local law enforcement agencies with jurisdiction over the place at which the facility is located, to the prosecuting attorney of the county in which the facility is located, to the state highway patrol, to a daily newspaper having general circulation in the county in which the facility is located, and, if the facility is a state correctional institution, to the department of rehabilitation and correction. The written notice may be by either facsimile transmission or mail. A failure to comply with this requirement regarding an escape is a violation of section 2921.22 of the Revised Code.

(6) A requirement that, if the facility is a state correctional institution, the contractor provide a written report within specified time limits to the director of rehabilitation and correction or the director's designee of all unusual incidents at the facility as defined in rules promulgated by the department of

rehabilitation and correction or, if the facility is a local
correctional institution, that the contractor provide a written
report of all unusual incidents at the facility to the governing
authority of the local public entity;

(7) A requirement that the contractor maintain proper control
of inmates' personal funds pursuant to rules promulgated by the
department of rehabilitation and correction, for state
correctional institutions, or pursuant to the minimum standards
for jails along with any additional standards established by the
local public entity, for local correctional institutions, and that
records pertaining to these funds be made available to
representatives of the public entity for review or audit;

(8) A requirement that the contractor prepare and distribute
to the director of rehabilitation and correction or, if
contracting with a local public entity, to the governing authority
of the local entity, annual budget income and expenditure
statements and funding source financial reports;

(9) A requirement that the public entity appoint and
supervise a full-time contract monitor, that the contractor
provide suitable office space for the contract monitor at the
facility, and that the contractor allow the contract monitor
unrestricted access to all parts of the facility and all records
of the facility except the contractor's financial records;

(10) A requirement that if the facility is a state
correctional institution, designated department of rehabilitation
and correction staff members be allowed access to the facility in
accordance with rules promulgated by the department;

(11) A requirement that the contractor provide internal and
perimeter security as agreed upon in the contract;

(12) If the facility is a state correctional institution, a

requirement that the contractor impose discipline on inmates housed in a state correctional institution, only in accordance with rules promulgated by the department of rehabilitation and correction;

(13) A requirement that the facility be staffed at all times with a staffing pattern approved by the public entity and adequate both to ensure supervision of inmates and maintenance of security within the facility, and to provide for programs, transportation, security, and other operational needs. In determining security needs, the contractor shall be required to consider, among other things, the proximity of the facility to neighborhoods and schools.

(14) If the contract is with a local public entity, a requirement that the contractor provide services and programs, consistent with the minimum standards for jails promulgated by the department of rehabilitation and correction under section 5120.10 of the Revised Code;

(15) A clear statement that no immunity from liability granted to the state, and no immunity from liability granted to political subdivisions under Chapter 2744. of the Revised Code, shall extend to the contractor or any of the contractor's employees;

(16) A statement that all documents and records relevant to the facility shall be maintained in the same manner required for, and subject to the same laws, rules, and regulations as apply to, the records of the public entity;

(17) Authorization for the public entity to impose a fine on the contractor from a schedule of fines included in the contract for the contractor's failure to perform its contractual duties, or to cancel the contract, as the public entity considers appropriate. If a fine is imposed, the public entity may reduce

the payment owed to the contractor pursuant to any invoice in the amount of the imposed fine.

(18) A statement that all services provided or goods produced at the facility shall be subject to the same regulations, and the same distribution limitations, as apply to goods and services produced at other correctional institutions;

(19) Authorization for the department to establish one or more prison industries at a facility operated and managed by a contractor for the department;

(20) A requirement that, if the facility is an intensive program prison established pursuant to section 5120.033 of the Revised Code, the facility shall comply with all criteria for intensive program prisons of that type that are set forth in that section;

(21) If the institution is a state correctional institution, a requirement that the contractor provide clothing for all inmates housed in the facility that is conspicuous in its color, style, or color and style, that conspicuously identifies its wearer as an inmate, and that is readily distinguishable from clothing of a nature that normally is worn outside the facility by non-inmates, that the contractor require all inmates housed in the facility to wear the clothing so provided, and that the contractor not permit any inmate, while inside or on the premises of the facility or while being transported to or from the facility, to wear any clothing of a nature that does not conspicuously identify its wearer as an inmate and that normally is worn outside the facility by non-inmates.

(C) No contract entered into under this section may require, authorize, or imply a delegation of the authority or responsibility of the public entity to a contractor for any of the following:

(1) Developing or implementing procedures for calculating inmate release and parole eligibility dates and recommending the granting or denying of parole, although the contractor may submit written reports that have been prepared in the ordinary course of business;	205 206 207 208 209
(2) Developing or implementing procedures for calculating and awarding earned credits, approving the type of work inmates may perform and the wage or earned credits, if any, that may be awarded to inmates engaging in that work, and granting, denying, or revoking earned credits;	210 211 212 213 214
(3) For inmates serving a term imposed for a felony offense committed prior to July 1, 1996, or for a misdemeanor offense, developing or implementing procedures for calculating and awarding good time, approving the good time, if any, that may be awarded to inmates engaging in work, and granting, denying, or revoking good time;	215 216 217 218 219 220
(4) For inmates serving a term imposed for a felony offense committed on or after July 1, 1996, extending an inmate's term pursuant to the provisions of law governing bad time;	221 222 223
(5) Classifying an inmate or placing an inmate in a more or a less restrictive custody than the custody ordered by the public entity;	224 225 226
(6) Approving inmates for work release;	227
(7) Contracting for local or long distance telephone services for inmates or receiving commissions from those services at a facility that is owned by or operated under a contract with the department.	228 229 230 231
(D) A contractor that has been approved to operate a facility under this section, and a person or entity that enters into a contract for specialized services, as described in division (I) of	232 233 234

this section, relative to an intensive program prison established 235
pursuant to section 5120.033 of the Revised Code to be operated by 236
a contractor that has been approved to operate the prison under 237
this section, shall provide an adequate policy of insurance 238
specifically including, but not limited to, insurance for civil 239
rights claims as determined by a risk management or actuarial firm 240
with demonstrated experience in public liability for state 241
governments. The insurance policy shall provide that the state, 242
including all state agencies, and all political subdivisions of 243
the state with jurisdiction over the facility or in which a 244
facility is located are named as insured, and that the state and 245
its political subdivisions shall be sent any notice of 246
cancellation. The contractor may not self-insure. 247

A contractor that has been approved to operate a facility 248
under this section, and a person or entity that enters into a 249
contract for specialized services, as described in division (I) of 250
this section, relative to an intensive program prison established 251
pursuant to section 5120.033 of the Revised Code to be operated by 252
a contractor that has been approved to operate the prison under 253
this section, shall indemnify and hold harmless the state, its 254
officers, agents, and employees, and any local government entity 255
in the state having jurisdiction over the facility or ownership of 256
the facility, shall reimburse the state for its costs in defending 257
the state or any of its officers, agents, or employees, and shall 258
reimburse any local government entity of that nature for its costs 259
in defending the local government entity, from all of the 260
following: 261

(1) Any claims or losses for services rendered by the 262
contractor, person, or entity performing or supplying services in 263
connection with the performance of the contract; 264

(2) Any failure of the contractor, person, or entity or its 265

officers or employees to adhere to the laws, rules, regulations,
or terms agreed to in the contract;

(3) Any constitutional, federal, state, or civil rights claim
brought against the state related to the facility operated and
managed by the contractor;

(4) Any claims, losses, demands, or causes of action arising
out of the contractor's, person's, or entity's activities in this
state;

(5) Any attorney's fees or court costs arising from any
habeas corpus actions or other inmate suits that may arise from
any event that occurred at the facility or was a result of such an
event, or arise over the conditions, management, or operation of
the facility, which fees and costs shall include, but not be
limited to, attorney's fees for the state's representation and for
any court-appointed representation of any inmate, and the costs of
any special judge who may be appointed to hear those actions or
suits.

(E) Private correctional officers of a contractor operating
and managing a facility pursuant to a contract entered into under
this section may carry and use firearms in the course of their
employment only after being certified as satisfactorily completing
an approved training program as described in division (A) of
section 109.78 of the Revised Code.

(F) Upon notification by the contractor of an escape from, or
of a disturbance at, the facility that is the subject of a
contract entered into under this section, the department of
rehabilitation and correction and state and local law enforcement
agencies shall use all reasonable means to recapture escapees or
quell any disturbance. Any cost incurred by the state or its
political subdivisions relating to the apprehension of an escapee
or the quelling of a disturbance at the facility shall be

chargeable to and borne by the contractor. The contractor shall 297
also reimburse the state or its political subdivisions for all 298
reasonable costs incurred relating to the temporary detention of 299
the escapee following recapture. 300

(G) Any offense that would be a crime if committed at a state 301
correctional institution or jail, workhouse, prison, or other 302
correctional facility shall be a crime if committed by or with 303
regard to inmates at facilities operated pursuant to a contract 304
entered into under this section. 305

(H) A contractor operating and managing a facility pursuant 306
to a contract entered into under this section shall pay any inmate 307
workers at the facility at the rate approved by the public entity. 308
Inmates working at the facility shall not be considered employees 309
of the contractor. 310

(I) In contracting for the private operation and management 311
pursuant to division (A) of this section of ~~the initial~~ any 312
intensive program prison established pursuant to section 5120.033 313
of the Revised Code ~~or of any other intensive program prison~~ 314
~~established pursuant to that section~~, the department of 315
rehabilitation and correction may enter into a contract with a 316
contractor for the general operation and management of the prison 317
and may enter into one or more separate contracts with other 318
persons or entities for the provision of specialized services for 319
persons confined in the prison, including, but not limited to, 320
security or training services or medical, counseling, educational, 321
or similar treatment programs. If, pursuant to this division, the 322
department enters into a contract with a contractor for the 323
general operation and management of the prison and also enters 324
into one or more specialized service contracts with other persons 325
or entities, all of the following apply: 326

(1) The contract for the general operation and management 327

shall comply with all requirements and criteria set forth in this section, and all provisions of this section apply in relation to the prison operated and managed pursuant to the contract.

(2) Divisions (A) (2), (B), and (C) of this section do not apply in relation to any specialized services contract, except to the extent that the provisions of those divisions clearly are relevant to the specialized services to be provided under the specialized services contract. Division (D) of this section applies in relation to each specialized services contract.

(J) As used in this section:

(1) "Public entity" means the department of rehabilitation and correction, or a county or municipal corporation or a combination of counties and municipal corporations, that has jurisdiction over a facility that is the subject of a contract entered into under this section.

(2) "Local public entity" means a county or municipal corporation, or a combination of counties and municipal corporations, that has jurisdiction over a jail, workhouse, or other correctional facility used only for misdemeanants that is the subject of a contract entered into under this section.

(3) "Governing authority of a local public entity" means, for a county, the board of county commissioners; for a municipal corporation, the legislative authority; for a combination of counties and municipal ~~corporation~~ corporations, all the boards of county commissioners and municipal legislative authorities that joined to create the facility.

(4) "Contractor" means a person or entity that enters into a contract under this section to operate and manage a jail, workhouse, or other correctional facility.

(5) "Facility" means the specific county, multicounty,

municipal, municipal-county, or multicounty-municipal jail, 358
workhouse, prison, or other type of correctional institution or 359
facility used only for misdemeanants, or a state correctional 360
institution, that is the subject of a contract entered into under 361
this section. 362

(6) "Person or entity" in the case of a contract for the 363
private operation and management of a state correctional 364
institution, includes an employee organization, as defined in 365
section 4117.01 of the Revised Code, that represents employees at 366
state correctional institutions." 367

Between lines 78675 and 78676 insert: 368

"Sec. 5120.032. (A) No later than January 1, 1998, the 369
department of rehabilitation and correction ~~shall~~ may develop and 370
implement intensive program prisons for male and female prisoners 371
other than prisoners described in division (B)(2) of this section. 372
The intensive program prisons, if developed and implemented, shall 373
include institutions at which imprisonment of the type described 374
in division (B)(2)(a) of section 5120.031 of the Revised Code is 375
provided and prisons that focus on educational achievement, 376
vocational training, alcohol and other drug abuse treatment, 377
community service and conservation work, and other intensive 378
regimens or combinations of intensive regimens. 379

(B)(1)(a) Except as provided in division (B)(2) of this 380
section, if one or more intensive program prisons are established 381
under this section, if an offender is sentenced to a term of 382
imprisonment under the custody of the department, if the 383
sentencing court either recommends the prisoner for placement in 384
the an intensive program prison under this section or makes no 385
recommendation on placement of the prisoner, and if the department 386
determines that the prisoner is eligible for placement in an 387

intensive program prison under this section, the department may 388
place the prisoner in an intensive program prison established 389
pursuant to division (A) of this section. If the sentencing court 390
disapproves placement of the prisoner in an intensive program 391
prison, the department shall not place the prisoner in any 392
intensive program prison. 393

If the sentencing court recommends a prisoner for placement 394
in an intensive program prison and if the department subsequently 395
places the prisoner in the recommended prison, the department 396
shall notify the court of the prisoner's placement in the 397
recommended intensive program prison and shall include with the 398
notice a brief description of the placement. 399

If the sentencing court recommends placement of a prisoner in 400
an intensive program prison and the department for any reason does 401
not subsequently place the prisoner in the recommended prison, the 402
department shall send a notice to the court indicating why the 403
prisoner was not placed in the recommended prison. 404

If the sentencing court does not make a recommendation on the 405
placement of a prisoner in an intensive program prison and if the 406
department determines that the prisoner is eligible for placement 407
in a prison of that nature, the department shall screen the 408
prisoner and determine if the prisoner is suited for the prison. 409
If the prisoner is suited for ~~the~~ an intensive program prison, at 410
least three weeks prior to placing the prisoner in the prison, the 411
department shall notify the sentencing court of the proposed 412
placement of the prisoner in the intensive program prison and 413
shall include with the notice a brief description of the 414
placement. The court shall have ten days from receipt of the 415
notice to disapprove the placement. If the sentencing court 416
disapproves the placement, the department shall not proceed with 417
it. If the sentencing court does not timely disapprove of the 418

placement, the department may proceed with plans for it. 419

If the department determines that a prisoner is not eligible 420
for placement in an intensive program prison, the department shall 421
not place the prisoner in any intensive program prison. 422

(b) The department may reduce the stated prison term of a 423
prisoner upon the prisoner's successful completion of a ninety-day 424
period in an intensive program prison. A prisoner whose term has 425
been so reduced shall be required to serve an intermediate, 426
transitional type of detention followed by a release under 427
post-release control sanctions or, in the alternative, shall be 428
placed under post-release control sanctions, as described in 429
division (B) (2) (b) (ii) of section 5120.031 of the Revised Code. In 430
either case, the placement under post-release control sanctions 431
shall be under terms set by the parole board in accordance with 432
section 2967.28 of the Revised Code and shall be subject to the 433
provisions of that section and section 2929.141 of the Revised 434
Code with respect to a violation of any post-release control 435
sanction. 436

(2) A prisoner who is in any of the following categories is 437
not eligible to participate in an intensive program prison 438
established pursuant to division (A) of this section: 439

(a) The prisoner is serving a prison term for aggravated 440
murder, murder, or a felony of the first or second degree or a 441
comparable offense under the law in effect prior to July 1, 1996, 442
or the prisoner previously has been imprisoned for aggravated 443
murder, murder, or a felony of the first or second degree or a 444
comparable offense under the law in effect prior to July 1, 1996. 445

(b) The prisoner is serving a mandatory prison term, as 446
defined in section 2929.01 of the Revised Code. 447

(c) The prisoner is serving a prison term for a felony of the 448
third, fourth, or fifth degree that either is a sex offense, an 449

offense betraying public trust, or an offense in which the
 prisoner caused or attempted to cause actual physical harm to a
 person, the prisoner is serving a prison term for a comparable
 offense under the law in effect prior to July 1, 1996, or the
 prisoner previously has been imprisoned for an offense of that
 type or a comparable offense under the law in effect prior to July
 1, 1996.

(d) The prisoner is serving a mandatory prison term in prison
 for a third or fourth degree felony OVI offense, as defined in
 section 2929.01 of the Revised Code, that was imposed pursuant to
 division (G) (2) of section 2929.13 of the Revised Code.

(C) Upon the implementation of intensive program prisons
 pursuant to division (A) of this section, the department at all
 times shall maintain intensive program prisons sufficient in
 number to reduce the prison terms of at least three hundred fifty
 prisoners who are eligible for reduction of their stated prison
 terms as a result of their completion of a regimen in an intensive
 program prison under this section.

Sec. 5120.033. (A) As used in this section, "third degree
 felony OVI offense" and "fourth degree felony OVI offense" have
 the same meanings as in section 2929.01 of the Revised Code.

(B) Within eighteen months after October 17, 1996, the
 department of rehabilitation and correction ~~shall~~ may develop and
 implement intensive program prisons for male and female prisoners
 who are sentenced pursuant to division (G) (2) of section 2929.13
 of the Revised Code to a mandatory prison term for a third or
 fourth degree felony OVI offense. ~~The~~ If one or more intensive
program prisons are established under this section, the department
~~shall~~ may contract pursuant to section 9.06 of the Revised Code
 for the private operation and management of the initial intensive

program prison established under this section and may contract 480
pursuant to that section for the private operation and management 481
of any other intensive program prison established under this 482
section. The intensive program prisons, if established under this 483
section, shall include prisons that focus on educational 484
achievement, vocational training, alcohol and other drug abuse 485
treatment, community service and conservation work, and other 486
intensive regimens or combinations of intensive regimens. 487

(C) Except as provided in division (D) of this section, the 488
department may place a prisoner who is sentenced to a mandatory 489
prison term for a third or fourth degree felony OVI offense in an 490
intensive program prison established pursuant to division (B) of 491
this section if the sentencing judge, upon notification by the 492
department of its intent to place the prisoner in an intensive 493
program prison, does not notify the department that the judge 494
disapproves the placement. If the stated prison term imposed on a 495
prisoner who is so placed is longer than the mandatory prison term 496
that is required to be imposed on the prisoner, the department may 497
reduce the stated prison term upon the prisoner's successful 498
completion of the prisoner's mandatory prison term in an intensive 499
program prison. A prisoner whose term has been so reduced shall be 500
required to serve an intermediate, transitional type of detention 501
followed by a release under post-release control sanctions or, in 502
the alternative, shall be placed under post-release control 503
sanctions, as described in division (B)(2)(b)(ii) of section 504
5120.031 of the Revised Code. In either case, the placement under 505
post-release control sanctions shall be under terms set by the 506
parole board in accordance with section 2967.28 of the Revised 507
Code and shall be subject to the provisions of that section and 508
section 2929.141 of the Revised Code with respect to a violation 509
of any post-release control sanction. ~~Upon the establishment of~~ 510
~~the initial~~ If one or more intensive program prison prisons are 511

established pursuant to division (B) of this section ~~that is and~~ 512
if as described in that division the initial intensive program 513
prison is to be privately operated and managed by a contractor 514
pursuant to a contract the department entered into under section 515
9.06 of the Revised Code, upon the establishment of that initial 516
intensive program prison the department shall comply with 517
divisions (G)(2)(a) and (b) of section 2929.13 of the Revised Code 518
in placing prisoners in intensive program prisons under this 519
section. 520

(D) A prisoner who is sentenced to a mandatory prison term 521
for a third or fourth degree felony OVI offense is not eligible to 522
participate in an intensive program prison established under 523
division (B) of this section if any of the following applies 524
regarding the prisoner: 525

(1) In addition to the mandatory prison term for the third or 526
fourth degree felony OVI offense, the prisoner also is serving a 527
prison term of a type described in division (B)(2)(a), (b), or (c) 528
of section 5120.032 of the Revised Code. 529

(2) The prisoner previously has been imprisoned for an 530
offense of a type described in division (B)(2)(a) or (c) of 531
section 5120.032 of the Revised Code or a comparable offense under 532
the law in effect prior to July 1, 1996. 533

(E) Intensive program prisons established under division (B) 534
of this section are not subject to section 5120.032 of the Revised 535
Code." 536

In line 90795, after "9.03," insert "9.06," 537

In line 90909, after "5119.61," insert "5120.032, 5120.033," 538

In line 1 of the title, after "9.03," insert "9.06," 539

In line 155 of the title, after "5119.61," insert "5120.032, 540
5120.033," 541

The motion was _____ agreed to.

Intensive Program Prisons	542
R.C. 9.06, 5120.032, and 5120.033	543
Permits instead of requires the Department of Rehabilitation and Correction (DRC) to develop and implement intensive program prisons for male and female prisoners and, if any such prisons are established, permits instead of requires DRC to contract for the private operation and management of the initial intensive program prison for male and female prisoners who are sentenced to a mandatory prison term for a third or fourth degree felony OVI offense.	544 545 546 547 548 549 550 551

1 128HB1-CC5042.docx/ar

2 Am. Sub. H.B. 1
3 As Passed by the Senate
4 CC-5042
5 DPS-57

6 _____ moved to amend as follows:

7 In line 62947, after the period, insert "A person who
8 registers a vehicle under division (A)(1)(a)(ii) of this section
9 shall pay for each year of registration the additional fee
10 established under division (C)(1) of section 4503.10 of the
11 Revised Code. The person also shall pay one single deputy
12 registrar service fee in the amount specified in division (D) of
13 section 4503.10 of the Revised Code or one single bureau of
14 motor vehicles service fee in the amount specified in division
15 (G) of that section, as applicable, regardless of the number of
16 years for which the person is registering."

17 The motion was _____ agreed to.

18 SYNOPSIS

19 **Trailer and Semitrailer Multi-year Registration Fees**

20 **R.C. 4503.103**

21 For a person who registers a commercial trailer or
22 semitrailer under the multi-year registration provision,
23 requires the person to pay the additional \$30 registration fee

24 (used to support the Department of Public Safety's traffic law
25 enforcement costs) for each year of registration, but specifies
26 that the service fee for the Registrar of Motor Vehicles or a
27 deputy registrar be paid only once, regardless of the number of
28 years for which the person is registering.

✓

128HB1-CC5043/BLF

Am. Sub. H.B. 1
As Passed by the Senate
CC-5043
DAS-66

_____ moved to amend as follows:

Between lines 91580 and 91581, insert: 1

"Section 207. __. __. GRF TRANSFER TO STATE EQUAL EMPLOYMENT
OPPORTUNITY FUND 2
3

On July 1 of each fiscal year, or as soon as possible 4
thereafter, the Director of Budget and Management shall transfer 5
\$500,000 cash from the General Revenue Fund to the State Equal 6
Employment Opportunity Fund (Fund 1880) used by the Department of 7
Administrative Services." 8

The motion was _____ agreed to.

SYNOPSIS

Department of Administrative Services 9

Section 207. __. __ 10

Restores uncodified language transferring \$500,000 cash from 11
the General Revenue Fund to the Equal Employment Opportunity Fund 12
(Fund 1880). 13

1 128HB1-CC5044.docx/ss

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Am. Sub. H.B. 1
As Passed by the Senate
CC-5044

5 _____ moved to amend as follows:

6 In line 355, delete "3503.15,"

7 Delete lines 46980 through 47108

8 In line 90857, delete "3503.15,"

9 In line 85 of the title, delete "3503.15,"

10 The motion was _____ agreed to.

11 SYNOPSIS

12 **Match Voter Information in Statewide Voter Registration**
13 **Database with Database of Registrar of Motor Vehicles**

14 **R.C. 3503.15**

15 Removes a provision, added by the Senate, that requires the
16 Secretary of State to enter into an agreement with the Registrar
17 of Motor Vehicles to match information in the statewide voter
18 registration database with motor vehicle records for the purpose
19 of verifying the accuracy of information in the statewide voter
20 registration database and the information provided in voter
21 registration applications.



1 128HB1-CC5045.docx/ar

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Am. Sub. H.B. 1
As Passed by the Senate
CC-5045
DEV-75

6 _____ moved to amend as follows:

7 In line 294, delete "101.35,"; delete "103.0511,"

8 In line 296, delete "111.15,"; delete "117.20,"

9 In line 297, delete "119.03,"

10 In line 298, delete "121.39,"

11 In line 299, delete "122.08, 122.081,"

12 In line 300, delete "122.94,"

13 In line 332, delete "1710.02,"

14 Delete line 426

15 In line 427, delete "121.256, 121.257,"

16 In line 428, delete "124.95,"

17 Delete lines 790 through 858

18 Delete lines 1347 through 1372

19 Delete lines 3678 through 3875

20 Delete lines 4286 through 4341

21 Delete lines 4541 through 4933

22 Delete lines 5391 through 5395

23 Delete lines 5473 through 5676

24 Delete lines 6220 through 6347

25 Delete lines 6705 through 6843
26 Delete lines 8549 through 8563
27 Delete lines 9040 through 9042
28 Delete lines 11971 through 11989
29 Delete lines 26875 through 27041
30 In line 90796, delete "101.35,"; delete "103.0511,"
31 In line 90798, delete "111.15,"; delete "117.20,"
32 In line 90799, delete "119.03,"
33 In line 90800, delete "121.39,"
34 In line 90801, delete "122.08, 122.081,"
35 In line 90802, delete "122.94,"
36 In line 90834, delete "1710.02,"
37 In line 90933, delete "119.031, 121.24,"
38 Delete lines 105267 through 105270
39 Delete lines 106509 and 106510
40 In line 1 of the title, delete "101.35,"
41 In line 2 of the title, delete "103.0511,"
42 In line 5 of the title, delete "111.15,"; delete "117.20,"
43 In line 6 of the title, delete "119.03,"
44 In line 7 of the title, delete "121.39,"
45 In line 8 of the title, delete "122.08,"
46 In line 9 of the title, delete "122.081,"
47 In line 10 of the title, delete "122.94,"
48 In line 53 of the title, delete "1710.02,"

49 In line 181 of the title, delete "121.021,"
50 Delete line 182 of the title
51 In line 183 of the title, delete "121.255, 121.256,
52 121.257,"
53 In line 184 of the title, delete "124.95,"
54 In line 221 of the title, delete "119.031, 121.24,"

55 The motion was _____ agreed to.

56 SYNOPSIS

57 **New Small Business Rule Review Procedure; Agency Customer**
58 **Service Duty**

59 R.C. 101.35, 103.0511, 111.15, 117.20, 119.03, 119.031,
60 121.021, 121.24, 121.25, 121.251, 121.252, 121.253, 121.254,
61 121.255, 121.256, 121.257, 121.39, 122.08, 122.081, 122.94,
62 124.04, 124.95, and 1710.02

63 Removes the New Small Business Rule Review Act, which was
64 added by the Senate.

65 Removes the requirement that a rule-making agency prepare
66 cost-benefit and regulatory flexibility analyses of a rule that
67 may have an adverse impact on small business, and prepare a
68 report thereon, before the rule is introduced into the formal
69 rule-making process.

70 Removes a provision authorizing the Joint Committee on
71 Agency Rule Review to recommend invalidation of a rule that may
72 have an adverse impact on small businesses if the analyses and
73 reports have not been completed.

74 Removes a designation of the Manager of the Office of Small
75 Business as the Ohio Small Business Ombudsperson.

76 Removes additional duties that were assigned to the
77 Ombudsperson.

78 Removes a requirement that the Ombudsperson invite and
79 receive comments on rules that may have an adverse impact on
80 small businesses.

81 Removes creation of the Small Business Regulatory Review
82 Board that was to review rules, and cost-benefit and regulatory
83 flexibility reports and comments concerning rules, that may have
84 an adverse impact on small businesses.

85 Removes a requirement that state agencies promote improved
86 customer service.

87 Removes a requirement that the Director of Administrative
88 Services establish customer service performance standards for
89 nonelected officers and employees of state agencies.



1 128HB1-CC5046.docx/ar

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Am. Sub. H.B. 1
As Passed by the Senate
CC-5046
TAX-60

6 _____ moved to amend as follows:

7 Delete lines 87912 through 87923

8 In line 87924, delete "(gg)" and insert "(ff)"

9 Delete lines 106382 through 106389

10 The motion was _____ agreed to.

11 SYNOPSIS

12 **CAT Exemption for Petroleum-Related Transactions**

13 **R.C. 5751.01(F) (2) (ff)**

14 Removes the Senate bill's proposed exemption from the
15 commercial activity tax for gross receipts arising from inter-
16 dealer petroleum product exchanges pursuant to an exchange
17 agreement, and the associated refund for CAT paid since the July
18 1, 2005 inception of the CAT.

6 _____ moved to amend as follows:

7 In line 19278, delete all after "(D) (1)"

8 In line 19279, delete "may, by resolution, authorize the
9 use of money in" and insert "In any county, if the county
10 treasurer or prosecuting attorney determines that the amount
11 appropriated to the office from"

12 In line 19280, after "fund" insert "under division (A) of
13 this section exceeds the amount required to be used as
14 prescribed by that division, the county treasurer or prosecuting
15 attorney may expend the excess"

16 In line 19286, delete "board" and insert "the county
17 treasurer or prosecuting attorney"

18 In line 19288, delete "board" and insert "the county
19 treasurer or prosecuting attorney"

20 In line 19298, delete "board of county commissioners" and
21 insert "the county treasurer, prosecuting attorney,"

22 The motion was _____ agreed to.

23

SYNOPSIS

24

Use of Delinquent Tax and Assessment Collection (DTAC) Fund

25

R.C. 321.261(D) (1)

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Regarding the provision in the Senate-passed bill authorizing boards of county commissioners to use money in the DTAC for residential mortgage foreclosure prevention, foreclosure-related problems, nuisance abatement, and land reutilization (including lending to defaulting borrowers and paying borrowers' late fees and arrearages), shifts the authority from county commissioners to the county treasurer and prosecuting attorney (each of whom, under current law, receive one-half of the DTAC fund for collection and prosecution of delinquent taxes).

Am. Sub. H.B. 1

As Passed by the Senate

CC-5049-1

DOH-7

_____ moved to amend as follows:

- In line 360, after "3707.26," insert "3709.09," 1
- In line 365, after "3718.03," insert "3718.06,"; after 2
"3717.33," insert "3717.43, 3717.45," 3
- In line 369, after "3727.02," insert "3729.07,"; after 4
"3733.02," insert "3733.04, 3733.25," 5
- In line 371, after "3745.31," insert "3749.04," 6
- In line 444, after "3705.031," insert "3709.092," 7
- In line 47606, strike through "city or general health 8
district" and insert "board of health"; strike through "returned" 9
and insert "transmitted" 10
- In line 47607, strike through "department" and insert 11
"director"; after "health" insert "pursuant to section 3709.092 of 12
the Revised Code" 13
- In line 47608, strike through "collected" and insert 14
"received" 15
- Between lines 50264 and 50265, insert: 16
- "**Sec. 3709.09.** (A) The board of health of a city or general 17
health district may, by rule, establish a uniform system of fees 18

to pay the costs of any services provided by the board. 19

The fee for issuance of a certified copy of a vital record or 20
a certification of birth shall not be less than the fee prescribed 21
for the same service under division (A) (1) of section 3705.24 of 22
the Revised Code and shall include the fees required by division 23
(B) of section 3705.24 and section 3109.14 of the Revised Code. 24

Fees for services provided by the board for purposes 25
specified in sections 3701.344, 3711.10, 3718.06, 3729.07, 26
3730.03, 3733.04, 3733.25, and 3749.04 of the Revised Code shall 27
be established in accordance with rules adopted under division (B) 28
of this section. The district advisory council, in the case of a 29
general health district, and the legislative authority of the 30
city, in the case of a city health district, may disapprove any 31
fee established by the board of health under this division, and 32
any such fee, as disapproved, shall not be charged by the board of 33
health. 34

(B) The public health council shall adopt rules under section 35
111.15 of the Revised Code that establish fee categories and a 36
uniform ~~methodologies~~ methodology for use in calculating the costs 37
of services provided for purposes specified in sections 3701.344, 38
3711.10, 3718.06, 3729.07, 3730.03, 3733.04, 3733.25, and 3749.04 39
of the Revised Code. In adopting the rules, the public health 40
council shall consider recommendations it receives from advisory 41
boards established either by statute or the director of health for 42
entities subject to the fees. 43

(C) ~~At least thirty days prior to establishing a~~ Except when 44
a board of health establishes a fee by adopting a rule as an 45
emergency measure, the board of health shall hold a public hearing 46
regarding each proposed fee for a service provided by the board 47
for a purpose specified in section 3701.344, 3711.10, 3718.06, 48
3729.07, 3730.03, 3733.04, 3733.25, or 3749.04 of the Revised 49

~~Code, a board of health shall notify any entity that would be affected by the proposed fee of the amount of the proposed fee. If a public hearing is held, at least twenty days prior to the public hearing the board shall give written notice of the hearing to each entity affected by the proposed fee. The notice shall be mailed to the last known address of each entity and shall specify the date, time, and place of the hearing and the amount of the proposed fee.~~

(D) If payment of a fee established under this section is not received by the day on which payment is due, the board of health shall assess a penalty. The amount of the penalty shall be equal to twenty-five per cent of the applicable fee.

(E) All rules adopted by a board of health under this section shall be adopted, recorded, and certified as are ordinances of municipal corporations and the record thereof shall be given in all courts the same effect as is given such ordinances, but the advertisements of such rules shall be by publication in one newspaper of general circulation within the health district. Publication shall be made once a week for two consecutive weeks and such rules shall take effect and be in force ten days from the date of the first publication.

Sec. 3709.092. (A) A board of health of a city or general health district shall transmit to the director of health all fees or additional amounts that the public health council requires to be collected under sections 3701.344, 3718.06, 3729.07, 3733.04, 3733.25, and 3749.04 of the Revised Code. The fees and amounts shall be transmitted according to the following schedule:

(1) For fees and amounts received by the board on or after the first day of January but not later than the thirty-first day of March, transmit the fees and amounts not later than the fifteenth day of May;

(2) For fees and amounts received by the board on or after 81
the first day of April but not later than the thirtieth day of 82
June, transmit the fees and amounts not later than the fifteenth 83
day of August; 84

(3) For fees and amounts received by the board on or after 85
the first day of July but not later than the thirtieth day of 86
September, transmit the fees and amounts not later than the 87
fifteenth day of November; 88

(4) For fees and amounts received by the board on or after 89
the first day of October but not later than the thirty-first day 90
of December, transmit the fees and amounts not later than the 91
fifteenth day of February of the following year. 92

(B) The director shall deposit the fees and amounts received 93
under this section into the state treasury to the credit of the 94
general operations fund created in section 3701.83 of the Revised 95
Code. Each amount shall be used solely for the purpose for which 96
it was collected." 97

In line 51448, after "establishing" insert "a"; strike 98
through "methodologies" and insert "methodology" 99

In line 51450, after "and" insert "a uniform methodology for 100
use in calculating" 101

In line 51903, after "penalty" insert "if the licensor 102
charges a license renewal fee" 103

In line 51904, strike through "the lesser of fifty dollars 104
or" 105

In line 51905, strike through ", if the licensor" 106

In line 51906, strike through "charges renewal fees" 107

In line 51954, strike through "At least thirty days prior to 108
establishing" and insert "Except when"; after "fee" insert "is 109

established as an emergency measure" 110

In line 51956, strike through "thirty" and insert "twenty"; 111
strike through the first "the" and insert "holding a" 112

In line 51978, after "(C)" insert "(1)" 113

In line 51987, after "amounts" insert "to be"; strike through 114
"under this division" 115

Strike through line 51988 116

In line 51989, strike through "which a license is issued,
the" and insert: 117
118

"(2) A" 119

In line 51990, strike through "this"; after "division" insert 120
"(C) (1) of this section" 121

In line 51991, strike through ". All" and insert "according
to the following schedule:" 122
123

(a) For amounts received by the licensor on or after the 124
first day of January but not later than the thirty-first day of 125
March, transmit the amounts not later than the fifteenth day of 126
May; 127

(b) For amounts received by the licensor on or after the 128
first day of April but not later than the thirtieth day of June, 129
transmit the amounts not later than the fifteenth day of August; 130

(c) For amounts received by the licensor on or after the 131
first day of July but not later than the thirtieth day of 132
September, transmit the amounts not later than the fifteenth day 133
of November; 134

(d) For amounts received by the licensor on or after the 135
first day of October but not later than the thirty-first day of 136
December, transmit the amounts not later than the fifteenth day of 137
February of the following year. 138

<u>(3) All</u> "; after "received" insert " <u>under division (C) (2) of</u>	139
<u>this section</u> "	140
In line 51994, reinsert "the"; delete " <u>those</u> "	141
In line 51997, before "When" insert " <u>(4)</u> "	142
In line 51998, strike through "this"; after "division" insert	143
" <u>(C) (1) of this section</u> "	144
In line 52003, strike through "this"; after "division" insert	145
" <u>(C) (3) of this section</u> "	146
Between lines 52341 and 52342, insert:	147
" Sec. 3717.43. (A) Each person or government entity	148
requesting a food service operation license or the renewal of a	149
license shall apply to the appropriate licensor on a form provided	150
by the licensor. Licensors shall use a form prescribed and	151
furnished to the licensor by the director of health or a form	152
prescribed by the licensor that has been approved by the director.	153
The applicant shall include with the application all information	154
necessary for the licensor to process the application, as	155
requested by the licensor.	156
An application for a food service operation license, other	157
than an application for a mobile or catering food service	158
operation license, shall be submitted to the licensor for the	159
health district in which the food service operation is located. An	160
application for a mobile food service operation license shall be	161
submitted to the licensor for the health district in which the	162
applicant's business headquarters are located, or, if the	163
headquarters are located outside this state, to the licensor for	164
the district where the applicant will first operate in this state.	165
An application for a catering food service operation license shall	166
be submitted to the licensor for the district where the	167

applicant's base of operation is located. 168

(B) The licensor shall review all applications received. The 169
licensor shall issue a license for a new food service operation 170
when the applicant submits a complete application and the licensor 171
determines that the applicant meets all other requirements of this 172
chapter and the rules adopted under it for receiving the license. 173
The licensor shall issue a renewed license on receipt of a 174
complete renewal application. 175

The licensor shall issue licenses for food service operations 176
on forms prescribed and furnished by the director of health. If 177
the license is for a mobile food service operation, the licensor 178
shall post the operation's layout, equipment, and menu on the back 179
of the license. 180

A mobile or catering food service operation license issued by 181
one licensor shall be recognized by all other licensors in this 182
state. 183

(C) (1) A food service operation license expires at the end of 184
the licensing period for which the license is issued, except as 185
follows: 186

(a) A license issued to a new food service operation after 187
the first day of December shall not expire until the end of the 188
licensing period next succeeding issuance of the license. 189

(b) A temporary food service operation license expires at the 190
end of the period for which it is issued. 191

(2) All food service operation licenses remain valid until 192
they are scheduled to expire unless earlier suspended or revoked 193
under section 3717.49 of the Revised Code. 194

(D) A food service operation license may be renewed, except 195
that a temporary food service operation license is not renewable. 196
A person or government entity seeking license renewal shall submit 197

an application for renewal to the licensor not later than the first day of March, except that in the case of a mobile or seasonal food service operation the renewal application shall be submitted before commencing operation in a new licensing period. A licensor may renew a license prior to the first day of March or the first day of operation in a new licensing period, but not before the first day of February immediately preceding the licensing period for which the license is being renewed.

If a renewal application is not filed with the licensor or postmarked on or before the first day of March or, in the case of a mobile or seasonal food service operation, the first day of operation in a new licensing period, the licensor shall assess a penalty if the licensor charges a license renewal fee. The amount of the penalty shall be ~~the lesser of fifty dollars or twenty-five per cent of the renewal fee charged for renewing licenses, if the licensor charges renewal fees~~. If an applicant is subject to a penalty, the licensor shall not renew the license until the applicant pays the penalty.

(E) (1) A licensor may issue not more than ten temporary food service operation licenses per licensing period to the same person or government entity to operate at different events within the licensor's jurisdiction. For each particular event, a licensor may issue only one temporary food service operation license to the same person or government entity.

(2) A licensor may issue a temporary food service operation license to operate for more than five consecutive days if both of the following apply:

(a) The operation will be operated at an event organized by a county agricultural society or independent agricultural society organized under Chapter 1711. of the Revised Code;

(b) The person who will receive the license is a resident of

the county or one of the counties for which the agricultural society was organized. 229
230

(3) A person may be granted only one temporary food service operation license per licensing period pursuant to division (E) (2) of this section. 231
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(F) The licensor may place restrictions or conditions on a food service operation license limiting the types of food that may be prepared or served by the food service operation based on the equipment or facilities of the food service operation. Limitations pertaining to a mobile or catering food service operation shall be posted on the back of the license. 234
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(G) The person or government entity holding a license for a food service operation shall display the license for that food service operation at all times at the licensed location. A person or government entity holding a catering food service operation license shall also maintain a copy of the license at each catered event. 240
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(H) With the assistance of the department of health, the licensor, to the extent practicable, shall computerize the process for licensing food service operations. 246
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Sec. 3717.45. (A) A licensor may charge fees for issuing and renewing food service operation licenses. Any licensing fee charged shall be used solely for the administration and enforcement of the provisions of this chapter and the rules adopted under it applicable to food service operations. 249
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Any licensing fee charged under this section shall be based on the licensor's costs of regulating food service operations, as determined according to the uniform ~~methodologies~~ methodology established under section 3717.07 of the Revised Code. If the licensor is a board of health, a fee may be disapproved by the 254
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district advisory council in the case of a general health district 259
 or the legislative authority of the city in the case of a city 260
 health district. A disapproved fee shall not be charged by the 261
 board of health. 262

~~At least thirty days prior to establishing~~ Except when a 263
 licensing fee is established as an emergency measure, the licensor 264
 shall hold a public hearing regarding the proposed fee. At least 265
~~thirty~~ twenty days prior to ~~the~~ holding a public hearing, the 266
 licensor shall give written notice of the hearing to each person 267
 or government entity holding a food service operation license that 268
 may be affected by the proposed fee. The notice shall be mailed to 269
 the last known address of the licensee and shall specify the date, 270
 time, and place of the hearing and the amount of the proposed fee. 271
 On request, the licensor shall provide the completed uniform 272
 methodology used in the calculation of the licensor's costs and 273
 the proposed fee. 274

(B) In addition to licensing fees, a licensor may charge fees 275
 for the following: 276

(1) Review of facility layout and equipment specifications 277
 pertaining to food service operations, other than mobile and 278
 temporary food service operations, or similar reviews conducted 279
 for vending machine locations; 280

(2) Any necessary collection and bacteriological examination 281
 of samples from food service operations, or similar services 282
 specified in rules adopted under this chapter by the public health 283
 council; 284

(3) Attendance at a course of study offered by the licensor 285
 in food protection as it pertains to food service operations, if 286
 the course is approved under section 3717.09 of the Revised Code. 287

(C) (1) The public health council may determine by rule an 288
 amount to be collected from applicants for food service operation 289

licenses for use by the director of health in administering and 290
 enforcing the provisions of this chapter and the rules adopted 291
 under it applicable to food service operations. Licensors shall 292
 collect the amount prior to issuing an applicant's new or renewed 293
 license. If a licensing fee is charged under this section, the 294
 licensor shall collect the amount at the same time the fee is 295
 collected. Licensors are not required to provide notice or hold 296
 public hearings regarding amounts to be collected under this 297
division. 298

~~Not later than sixty days after the last day of the month in 299
 which a license is issued, the 300~~

(2) A licensor shall certify the amount collected under this 301
 division (C) (1) of this section and transmit the amount to the 302
 treasurer of state. All according to the following schedule: 303

(a) For amounts received by the licensor on or after the 304
 first day of January but not later than the thirty-first day of 305
 March, transmit the amounts not later than the fifteenth day of 306
 May; 307

(b) For amounts received by the licensor on or after the 308
 first day of April but not later than the thirtieth day of June, 309
 transmit the amounts not later than the fifteenth day of August; 310

(c) For amounts received by the licensor on or after the 311
 first day of July but not later than the thirtieth day of 312
 September, transmit the amounts not later than the fifteenth day 313
 of November; 314

(d) For amounts received by the licensor on or after the 315
 first day of October but not later than the thirty-first day of 316
 December, transmit the amounts not later than the fifteenth day of 317
 February of the following year. 318

(3) All amounts received under division (C) (2) of this 319

section shall be deposited into the general operations fund 320
 created in section 3701.83 of the Revised Code. The director shall 321
 use the amounts solely for the administration and enforcement of 322
 the provisions of this chapter and the rules adopted under it 323
 applicable to food service operations. 324

(4) The director may submit recommendations to the public 325
 health council regarding the amounts collected under ~~this~~ division 326
(C) (1) of this section. When making recommendations, the director 327
 shall submit a report stating the current and projected expenses 328
 of administering and enforcing the provisions of this chapter and 329
 the rules adopted under it applicable to food service operations 330
 and the total of all amounts that have been deposited in the 331
 general operations fund pursuant to ~~this~~ division (C) (3) of this 332
section. The director may include in the report any 333
 recommendations for modifying the department's administration and 334
 enforcement of the provisions of this chapter and the rules 335
 adopted under it applicable to food service operations." 336

Between lines 52474 and 52475, insert: 337

"Sec. 3718.06. (A) (1) A board of health shall establish fees 338
 in accordance with section 3709.09 of the Revised Code for the 339
 purpose of carrying out its duties under this chapter and rules 340
 adopted under it, including a fee for an installation permit 341
 issued by the board. All fees so established and collected by the 342
 board shall be deposited in a special fund of the district to be 343
 used exclusively by the board in carrying out those duties. 344

(2) In accordance with Chapter 119. of the Revised Code, the 345
 public health council may establish by rule a fee to be collected 346
 from applicants for installation permits issued under rules 347
 adopted under this chapter. The director of health shall use the 348
 proceeds from that fee for administering and enforcing this 349
 chapter and the rules adopted under it by the council. A board of 350

health shall collect and transmit the fee ~~at the same time that it~~ 351
~~collects the fee established by it under division (A) (1) of this~~ 352
~~section for installation permits.~~ 353

~~Not later than sixty days after the last day of the month in~~ 354
~~which an installation permit is issued, a board shall certify the~~ 355
~~amount collected under division (A) (2) of this section and~~ 356
~~transmit the amount to the treasurer of state. All money so~~ 357
~~received shall be deposited in the state treasury to the credit of~~ 358
~~the general operations fund created in section 3701.83 of the~~ 359
~~Revised Code to the director pursuant to section 3709.092 of the~~ 360
~~Revised Code.~~ The director shall use the money so credited solely 361
for the administration and enforcement of this chapter and the 362
rules adopted under it by the public health council. 363

(B) The director may submit recommendations to the council 364
regarding the amount of the fee collected under division (A) (2) of 365
this section for installation permits. When making the 366
recommendations, the director shall submit a report stating the 367
current and projected expenses of administering and enforcing this 368
chapter and the rules adopted under it by the council and the 369
total of all money that has been deposited to the credit of the 370
general operations fund under division (A) (2) of this section. The 371
director may include in the report any recommendations for 372
modifying the requirements established under this chapter and the 373
rules adopted under it by the council." 374

Between lines 54071 and 54072, insert: 375

"Sec. 3729.07. The licensor of a recreational vehicle park, 376
recreation camp, or combined park-camp may charge a fee for an 377
annual license to operate such a park, camp, or park-camp. In the 378
case of a temporary park-camp, the licensor may charge a fee for a 379
license to operate the temporary park-camp for the period 380

specified in division (A) of section 3729.05 of the Revised Code. 381
 The fees for both types of licenses shall be determined in 382
 accordance with section 3709.09 of the Revised Code and shall 383
 include the cost of licensing and all inspections. 384

Except for the fee for a temporary park-camp license, the fee 385
 also shall include any additional amount determined by rule of the 386
 public health council, which shall be collected and transmitted by 387
 the board of health to the ~~treasurer of state to be credited to~~ 388
~~the general operations fund created in section 3701.83 of the~~ 389
~~Revised Code~~ director of health pursuant to section 3709.092 of 390
the Revised Code and used only for the purpose of administering 391
 and enforcing this chapter and rules adopted under it. The portion 392
 of any fee retained by the board of health shall be paid into a 393
 special fund and used only for the purpose of administering and 394
 enforcing this chapter and rules adopted under it." 395

Between lines 54116 and 54117, insert: 396

"Sec. 3733.04. The licensor of a manufactured home park may 397
 charge a fee for an annual license to operate such a park. The fee 398
 for a license shall be determined in accordance with section 399
 3709.09 of the Revised Code and shall include the cost of 400
 licensing and all inspections. 401

The fee also shall include any additional amount determined 402
 by rule of the public health council, which shall be collected and 403
 transmitted by the board of health to the ~~treasurer of state to be~~ 404
~~credited to the general operations fund created in section 3701.83~~ 405
~~of the Revised Code~~ director of health pursuant to section 406
3709.092 of the Revised Code and used only for the purpose of 407
 administering and enforcing sections 3733.01 to 3733.08 of the 408
 Revised Code and the rules adopted under those sections. The 409
 portion of any fee retained by the board of health shall be paid 410
 into a special fund and used only for the purpose of administering 411

and enforcing sections 3733.01 to 3733.08 of the Revised Code and 412
the rules adopted thereunder. 413

Sec. 3733.25. Any fee for the license required by section 414
3733.24 of the Revised Code shall be determined in accordance with 415
section 3709.09 of the Revised Code. The license fee shall include 416
any additional amount determined by rule of the public health 417
council, which shall be collected and transmitted by the board of 418
~~health district~~ to the director of health ~~for deposit in the state~~ 419
~~treasury to the credit of the general operations fund created in~~ 420
~~section 3701.83 of the Revised Code pursuant to section 3709.092~~ 421
of the Revised Code and shall be used by the director to 422
administer and enforce sections 3733.21 to 3733.30 of the Revised 423
Code and rules adopted thereunder. The portion of any fee retained 424
by the health district shall be paid into a special fund which is 425
hereby created in each health district and shall be used only by 426
the board for the purpose of administering and enforcing sections 427
3733.21 to 3733.30 of the Revised Code and the rules adopted 428
thereunder. The health district may charge additional reasonable 429
fees for the collection and bacteriological examination of any 430
necessary water samples taken from a marina." 431

Between lines 57468 and 57469, insert: 432

"Sec. 3749.04. (A) No person shall operate or maintain a 433
public swimming pool, public spa, or special-use pool without a 434
license issued by the licensor having jurisdiction. 435

(B) Every person who intends to operate or maintain an 436
existing public swimming pool, public spa, or special-use pool 437
shall, during the month of April of each year, apply to the 438
licensor having jurisdiction for a license to operate the pool or 439
spa. Any person proposing to operate or maintain a new or 440
otherwise unlicensed public swimming pool, public spa, or 441

special-use pool shall apply to the licensor having jurisdiction 442
at least thirty days prior to the intended start of operation of 443
the pool or spa. Within thirty days of receipt of an application 444
for licensure of a public swimming pool, public spa, or 445
special-use pool, the licensor shall process the application and 446
either issue a license or otherwise respond to the applicant 447
regarding the application. 448

(C) Each license issued shall be effective from the date of 449
issuance until the last day of May of the following year. 450

(D) Each licensor administering and enforcing sections 451
3749.01 to 3749.09 of the Revised Code and the rules adopted 452
thereunder may establish licensing and inspection fees in 453
accordance with section 3709.09 of the Revised Code, which shall 454
not exceed the cost of licensing and inspecting public swimming 455
pools, public spas, and special-use pools. 456

(E) Except as provided in division (F) of this section and in 457
division (B) of section 3749.07 of the Revised Code, all license 458
fees collected by a licensor shall be deposited into a swimming 459
pool fund, which is hereby created in each health district. The 460
fees shall be used by the licensor solely for the purpose of 461
administering and enforcing this chapter and the rules adopted 462
under this chapter. 463

(F) An annual license fee established under division (D) of 464
this section shall include any additional amount determined by 465
rule of the public health council, which the ~~licensor~~ board of 466
health shall collect and transmit to the ~~treasurer of state to be~~ 467
~~deposited in the general operations fund created by section~~ 468
~~3701.83 of the Revised Code~~ director of health pursuant to section 469
3709.092 of the Revised Code. The amounts collected under this 470
division shall be administered by the director of health and shall 471
be used solely for the administration and enforcement of this 472

chapter and the rules adopted under this chapter." 473

In line 90862, after "3707.26," insert "3709.09," 474

In line 90867, after "3718.03," insert "3718.06,"; after 475
 "3717.33," insert "3717.43, 3717.45," 476

In line 90871, after "3727.02," insert "3729.07,"; after 477
 "3733.02," insert "3733.04, 3733.25," 478

In line 90873, after "3745.31," insert "3749.04," 479

In line 92 of the title, after "3707.26," insert "3709.09," 480

In line 99 of the title, after "3718.03," insert "3718.06,"; 481
 after "3717.33," insert "3717.43, 3717.45," 482

In line 104 of the title, after "3727.02," insert "3729.07,"; 483
 after "3733.02," insert "3733.04, 3733.25," 484

In line 107 of the title, after "3745.31," insert "3749.04," 485

In line 204 of the title, after "3705.031," insert 486
 "3709.092," 487

The motion was _____ agreed to.

SYNOPSIS

Fees for Board of Health Services 488

R.C. 3701.344, 3709.09, 3709.092, 3717.07, 3717.23, 3717.25, 489
 3717.43, 3717.45, 3718.06, 3729.07, 3733.04, 3733.25, and 3749.04 490

Restores the bill's Executive and House provisions regarding 491
 fees to be charged and collected by boards of health, but limits 492
 the amount that boards may charge as a penalty for late payment to 493
 25% of the applicable fee (instead of the greater of 25% of the 494
 fee or 10% of the fee for each week late). 495



Am. Sub. H.B. 1
As Passed by the Senate
CC-5050
BOR-13

_____ moved to amend as follows:

Between lines 100209 and 100210, insert: 1

"Section ____ . ECONOMIC GROWTH CHALLENGE 2

The foregoing appropriation item 235433, Economic Growth Challenge, shall be used for administrative expenses of the Research Incentive Program and other economic advancement initiatives undertaken by the Chancellor of the Board of Regents. 3
4
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6

The Chancellor of the Board of Regents shall use any appropriation transfer to the foregoing appropriation item 235433, Economic Growth Challenge, to enhance the basic research capabilities of public colleges and universities and accredited Ohio institutions of higher education holding certificates of authorization issued under section 1713.02 of the Revised Code, in order to strengthen academic research for pursuing Ohio's economic development goals. The Chancellor shall give priority consideration to projects that are eligible to receive federal stimulus funds." 7
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The motion was _____ agreed to.

SYNOPSIS

Board of Regents	17
Section ____	18
Requires that GRF appropriation item 235433, Economic Growth Challenge, be used for the administrative expenses of the Research Incentive Program and other economic advancement initiatives.	19 20 21
Specifies that the Chancellor can use any appropriation transfer to that item to enhance basic research capabilities of Ohio institutions of higher education and give priority to projects that are eligible for federal stimulus funds.	22 23 24 25



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Am. Sub. H.B. 1
As Passed by the Senate
CC-5051
BOR-19

6 _____ moved to amend as follows:

7 In line 100278, delete ", in consultation with the Adult"

8 In line 100279, delete "Workforce Training Workgroup"

9 Delete lines 100293 through 100303

10 The motion was _____ agreed to.

11 SYNOPSIS

12 **Board of Regents**

13 **Section 371.20.60**

14 Eliminates the Adult Workforce Training Workgroup with
15 which the Chancellor must consult regarding the FY 2011 plan for
16 integrating adult workforce education program funding.

6 _____ moved to amend as follows:

7 Between lines 102805 and 102806, insert:

8 **"Section ____.** CASH TRANSFERS FROM THE TOBACCO USE
9 PREVENTION AND CONTROL FOUNDATION ENDOWMENT FUND

10 The Director of Budget and Management may request the
11 Treasurer of State to transfer \$258,622,890 cash from moneys in
12 the custody of the Treasurer of State that were formerly to the
13 credit of the Tobacco Use Prevention and Control Foundation
14 Endowment Fund, to the General Health and Human Service Pass-
15 Through Fund (Fund 5HC0). If any cash is transferred to the
16 General Health and Human Service Pass-Through Fund (Fund 5HC0)
17 the Director of Budget and Management shall transfer the cash as
18 follows:

19 (A) Up to \$46,000,000 cash in each fiscal year to the Child
20 and Adult Protective Services Fund (Fund 5GV0), used by the
21 Department of Job and Family Services, to support child and
22 adult protective services under Title XX of the "Social Security
23 Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. The
24 amount transferred is hereby appropriated.

25 (B) Up to \$31,808,863 cash in fiscal year 2010 to the
26 Health Care Services - Other Fund (Fund 5HA0), used by the
27 Department of Job and Family Services and up to \$129,814,027
28 cash in fiscal year 2011 to Fund 5HA0, to support health care
29 services under the state Medicaid plan. The amount transferred
30 is hereby appropriated.

31 (C) Up to \$2,500,000 cash in each fiscal year to the Breast
32 and Cervical Cancer Fund (Fund 5HB0), used by the Department of
33 Health, to support breast and cervical cancer screenings. The
34 amount transferred is hereby appropriated."

35 The motion was _____ agreed to.

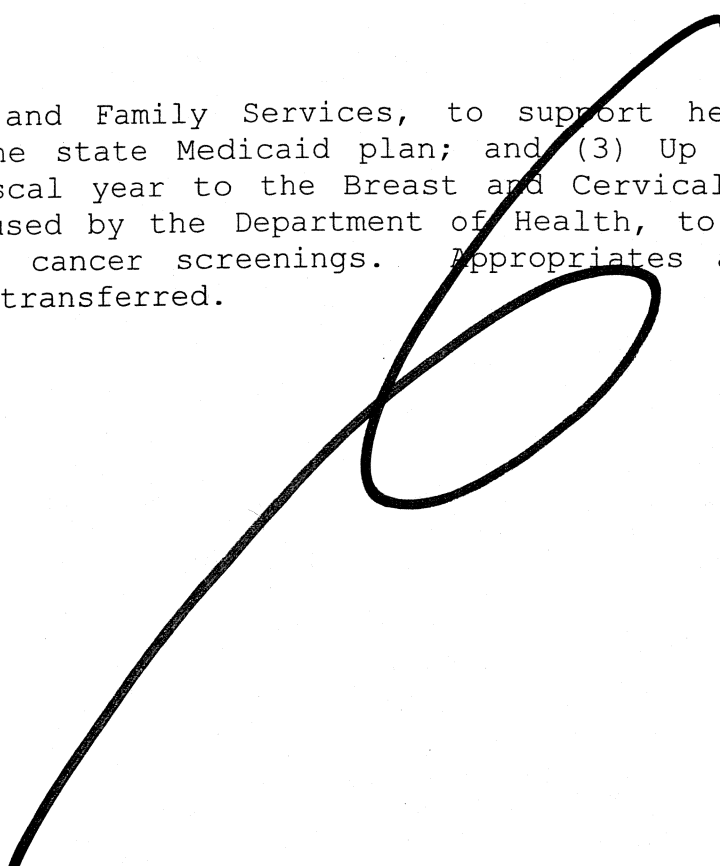
36 SYNOPSIS

37 **Transfers from the Tobacco Use Prevention and Control**
38 **Foundation Endowment Fund for Various Health and Human Services**
39 **Purposes**

40 **Section _____**

41 Permits the Director of Budget and Management to request
42 the Treasurer of State to transfer \$258.6 million from moneys
43 that were formerly to the credit of the Tobacco Use Prevention
44 and Control Foundation Endowment Fund to the General Health and
45 Human Service Pass-Through Fund (Fund 5HC0). Requires the
46 Director of Budget and Management to transfer any cash
47 transferred to the General Health and Human Service Pass-Through
48 Fund as follows: (1) Up to \$46.0 million in each fiscal year to
49 the Child and Adult Protective Services Fund (Fund 5GV0), used
50 by the Department of Job and Family Services, to support child
51 and adult protective services; (2) Up to \$31.8 million in fiscal
52 year 2010 and up to \$129.8 million in fiscal year 2011 to the
53 Health Care Services - Other (Fund 5HA0), used by the Department

54 of Job and Family Services, to support health care services
55 under the state Medicaid plan; and (3) Up to \$2.5 million in
56 each fiscal year to the Breast and Cervical Cancer Fund (Fund
57 5HB0), used by the Department of Health, to support breast and
58 cervical cancer screenings. Appropriates any amount of cash
59 that is transferred.



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Am. Sub. H.B. 1
As Passed by the Senate
CC-5059
MIS-30

6 _____ moved to amend as follows:

7 In line 310, after "176.05," delete the remainder of the
8 line

9 Delete line 311

10 In line 312, delete "302.202, 302.204, 302.21, 302.22,
11 302.24,"

12 In line 433, after "175.35," delete the remainder of the
13 line

14 In line 434, delete "302.013, 302.014, 302.015,"

15 Delete lines 17309 through 17899

16 In line 90812, after "176.05," delete the remainder of the
17 line

18 Delete line 90813

19 In line 90814, delete "302.202, 302.204, 302.21, 302.22,
20 302.24,"

21 In line 23 of the title, after "176.05," delete the
22 remainder of the line

23 Delete lines 24 and 25 of the title

24 In line 26 of the title, delete "302.202, 302.204, 302.21,
25 302.22, 302.24,"

26 In line 192 of the title, after "175.35," delete the
27 remainder of the line

28 In line 193 of the title, delete "302.014, 302.015,"

29 The motion was _____ agreed to.

30 SYNOPSIS

31 **Alternative Form of County Government**

32 R.C. 302.011, 302.012, 302.013, 302.014, 302.015, 302.02,
33 302.03, 302.05, 302.081, 302.082, 302.09, 302.10, 302.11,
34 302.12, 302.13, 302.14, 302.17, 302.18, 302.19, 302.201,
35 302.202, 302.204, 302.21, 302.22, and 302.24

36 Removes provisions that require the board of county
37 commissioners, within a reasonable time before the next general
38 election occurring not less than 75 days after the section's
39 effective date, in a county with a population of 1.2 million or
40 more according to the 2000 federal decennial census, to vote
41 upon the question of whether to adopt a resolution to cause the
42 board of elections in the county to submit to the electors of
43 the county the question of adopting the blended form of county
44 government.

45 Removes provisions that require, if at least two-thirds of
46 the board of county commissioners votes in the affirmative, the
47 question to be voted upon at the next general election occurring
48 not less than 75 days after the section's effective date.

49 Removes provisions that creates the blended county
50 government plan that does the following:

51 Consists of a thirteen member county council elected by
52 districts.

53 Includes a county executive elected at large for a four
54 year term.

55 Combines the offices of county auditor, county treasurer,
56 and county recorder into an elected office of chief financial
57 officer.

58 Creates the chief operating officer who is appointed by a
59 vote of at least nine county council members and who oversees
60 the offices of medical examiner, county engineer, and clerk of
61 the court of common pleas.

62 Replaces the elected office of county coroner with an
63 appointed office of medical examiner (chief operating officer
64 appoints with approval of nine county council members).

65 Replaces the elected office of county engineer with an
66 appointed office of county engineer (chief operating officer
67 appoints with approval of nine county council members).

68 Replaces the elected office of the clerk of the court of
69 common pleas with an appointed clerk of the court of common
70 pleas (chief operating officer appoints with approval of nine
71 county council members).

72 Retains the elected offices of county prosecutor and county
73 sheriff.

74 Removes provisions that amend current law that allows for
75 an alternative form of county government to include the blended
76 county government plan.

Am. Sub. H.B. 1

As Passed by the Senate

CC-5060

DEV-73

_____ moved to amend as follows:

- In line 306, after "150.04," insert "150.05," 1
- In line 430, after "149.308," insert "150.051," 2
- In line 442, after "3333.91," insert "3334.111," 3
- In line 445, after "3923.91," insert "4123.446," 4
- Between lines 14771 and 14772, insert: 5

"Sec. 150.05. (A) The authority shall select, as program 6
administrators, not more than two private, for-profit investment 7
funds to acquire loans for the program fund and to invest money in 8
the program fund as prescribed in the investment policy 9
established or modified by the authority in accordance with 10
sections 150.03 and 150.04 of the Revised Code. The authority 11
shall give equal consideration, in selecting these program 12
administrators, to minority owned and controlled investment funds, 13
to funds owned and controlled by women, to ventures involving 14
minority owned and controlled funds, and to ventures involving 15
funds owned and controlled by women that otherwise meet the 16
policies and criteria established by the authority. To be eligible 17
for selection, an investment fund must be incorporated or 18
organized under Chapter 1701., 1705., 1775., 1776., 1782., or 19

1783. of the Revised Code, must have an established business 20
presence in this state, and must be capitalized in accordance with 21
any state and federal laws applicable to the issuance or sale of 22
securities. 23

The authority shall select program administrators only after 24
soliciting and evaluating requests for proposals as prescribed in 25
this section. The authority shall publish a notice of a request 26
for proposals in newspapers of general circulation in this state 27
once each week for two consecutive weeks before a date specified 28
by the authority as the date on which it will begin accepting 29
proposals. The notices shall contain a general description of the 30
subject of the proposed agreement and the location where the 31
request for proposals may be obtained. The request for proposals 32
shall include all the following: 33

(1) Instructions and information to respondents concerning 34
the submission of proposals, including the name and address of the 35
office where proposals are to be submitted; 36

(2) Instructions regarding the manner in which respondents 37
may communicate with the authority, including the names, titles, 38
and telephone numbers of the individuals to whom such 39
communications shall be directed; 40

(3) Description of the performance criteria that will be used 41
to evaluate whether a respondent selected by the authority is 42
satisfying the authority's investment policy; 43

(4) Description of the factors and criteria to be considered 44
in evaluating respondents' proposals, the relative importance of 45
each factor or criterion, and description of the authority's 46
evaluation procedure; 47

(5) Description of any documents that may be incorporated by 48
reference into the request for proposals, provided that the 49

request specifies where such documents may be obtained and such documents are readily available to all interested parties.

After the date specified for receiving proposals, the authority shall evaluate submitted proposals. The authority may discuss a respondent's proposal with that respondent to clarify or revise a proposal or the terms of the agreement.

The authority shall choose for review proposals from at least three respondents the authority considers qualified to operate the program in the best interests of the investment policy adopted by the authority. If three or fewer proposals are submitted, the authority shall review each proposal. The authority may cancel a request for proposals at any time before entering into an agreement with a respondent. The authority shall provide respondents fair and equal opportunity for such discussions. The authority may terminate discussions with any respondent upon written notice to the respondent.

(B) After reviewing the chosen proposals, the authority may select not more than two such respondents and enter into a written agreement with each of the selected respondents, provided that at no time shall there be agreements with more than two persons.

The agreement shall do all of the following:

(1) Specify that borrowing and investing by the program administrator will be budgeted to guarantee that no tax credits will be granted during the first four years of the Ohio venture capital program, and will be structured to ensure that payments of principal, interest, or interest equivalent due in any fiscal year, when added to such payments due from any other program administrator, does not exceed twenty million dollars;

(2) Require investment by the program administrator or the fund manager employed by the program administrator to be in

compliance with the investment policy established or modified in 80
accordance with sections 150.03 and 150.04 of the Revised Code 81
that is in effect at the time the investment is made, and prohibit 82
the program administrator or fund manager from engaging in any 83
investment activities other than activities to carry out that 84
policy; 85

(3) Require periodic financial reporting by the program 86
administrator to the authority, which reporting shall include an 87
annual audit by an independent auditor and such other financial 88
reporting as is specified in the agreement or otherwise required 89
by the authority for the purpose of ensuring that the program 90
administrator is carrying out the investment policy; 91

(4) Specify any like standards or general limitations in 92
addition to or in furtherance of investment standards or 93
limitations that apply pursuant to division (H) of section 150.03 94
of the Revised Code; 95

(5) Require the program administrator to apply program fund 96
revenue first to the payment of principal borrowed by the program 97
administrator for investment under the program, then to interest 98
related to that principal, and then to amounts necessary to cover 99
the program administrator's pro rata share required under division 100
(B) (9) of this section; and require the program administrator to 101
pay the authority not less than ninety per cent of the amount by 102
which program fund revenue attributable to investments under the 103
program administrator's investment authority exceeds amounts so 104
applied; 105

(6) Specify the procedures by which the program administrator 106
shall certify immediately to the authority the necessity for the 107
authority to issue tax credit certificates pursuant to contracts 108
entered into under section 150.07 of the Revised Code; 109

(7) Specify any general limitations regarding the employment 110

of a fund manager by the program administrator, in addition to an
 express limitation that the fund manager be a person with
 demonstrated, substantial, successful experience in the design and
 management of seed and venture capital investment programs and in
 capital formation. The fund manager may be, but need not be, an
 equity owner or affiliate of the program administrator.

(8) Specify the terms and conditions under which the
 authority or the program administrator may terminate the
 agreement, including in the circumstance that the program
 administrator or fund manager violates the investment policy;

(9) Require the program administrator or fund manager
 employed by the program administrator to provide capital in the
 form of a loan equal to one per cent of the amount of outstanding
 loans by lenders to the program fund. The loan from the program
 administrator or fund manager shall be on the same terms and
 conditions as loans from other lenders, except that the loan from
 the program administrator or fund manager shall not be secured by
 the Ohio venture capital fund or tax credits available to other
 lenders under division (B) of section 150.04 of the Revised Code.
 Such capital shall be placed at the same risk as the proceeds from
 such loans. The program administrator shall receive a pro rata
 share of the net income, including net loss, from the investment
 of money from the program fund, but is not entitled to the
 security against losses provided under section 150.04 of the
 Revised Code.

Sec. 150.051. (A) As used in this section:

(1) "Minority business enterprise" has the meaning defined in
 section 122.71 of the Revised Code.

(2) "Women's business enterprise" means a business, or a
 partnership, corporation, limited liability company, or joint

venture of any kind, that is owned and controlled by women who are 141
United States citizens and residents of this state. 142

(B) The Ohio venture capital authority shall submit annually 143
to the governor and to the general assembly (under section 101.68 144
of the Revised Code) a report containing the following 145
information: 146

(1) The name of each program administrator that is a minority 147
business enterprise or a women's business enterprise with which 148
the authority contracts; 149

(2) The amount of assets managed by program administrators 150
that are minority business enterprises or women's business 151
enterprises, expressed as a percentage of assets managed by 152
program administrators with which the authority has contracted. 153

(3) Efforts by the authority to increase utilization of 154
program administrators that are minority business enterprises or 155
women's business enterprises." 156

Between lines 45404 and 45405, insert: 157

"Sec. 3334.111. (A) As used in this section: 158

(1) "Minority business enterprise" has the meaning defined in 159
section 122.71 of the Revised Code. 160

(2) "Women's business enterprise" means a business, or a 161
partnership, corporation, limited liability company, or joint 162
venture of any kind, that is owned and controlled by women who are 163
United States citizens and residents of this state. 164

(B) The chancellor of the board of regents shall submit 165
annually to the governor and to the general assembly (under 166
section 101.68 of the Revised Code) a report containing the 167
following information: 168

(1) The name of each investment manager that is a minority business enterprise or a women's business enterprise with which the chancellor contracts; 169
170
171

(2) The amount of assets managed by investment managers that are minority business enterprises or women's business enterprises, expressed as a percentage of assets managed by investment managers with which the chancellor has contracted; 172
173
174
175

(3) Efforts by the chancellor to increase utilization of investment managers that are minority business enterprises or women's business enterprises." 176
177
178

Between lines 61650 and 61651, insert: 179

"Sec. 4123.446. (A) As used in this section: 180

(1) "Minority business enterprise" has the meaning defined in section 122.71 of the Revised Code. 181
182

(2) "Women's business enterprise" means a business, or a partnership, corporation, limited liability company, or joint venture of any kind, that is owned and controlled by women who are United States citizens and residents of this state. 183
184
185
186

(B) The administrator of workers' compensation shall submit annually to the governor and to the general assembly (under section 101.68 of the Revised Code) a report containing the following information: 187
188
189
190

(1) The name of each investment manager that is a minority business enterprise or a women's business enterprise with which the administrator contracts; 191
192
193

(2) The amount of assets managed by investment managers that are minority business enterprises or women's business enterprises, expressed as a percentage of assets managed by investment managers with which the administrator has contracted; 194
195
196
197

(3) Efforts by the administrator to increase utilization of investment managers that are minority business enterprises or women's business enterprises. 198
 199
 200

In line 90808, after "150.04," insert "150.05," 201

In line 19 of the title, after "150.04," insert "150.05," 202

In line 188 of the title, after "149.308," insert "150.051," 203

In line 202 of the title, after "3333.91," insert "3334.111," 204
 205

In line 206 of the title, after "3923.91," insert "4123.446," 206

The motion was _____ agreed to.

SYNOPSIS

Minority and Women-Owned Investment Managers and Agents 207

R.C. 150.05, 150.051, 3334.111, and 4123.446 208

Requires the Ohio Venture Capital Authority to give equal 209
 consideration, in selecting program administrators, to minority 210
 owned and controlled firms, firms owned and controlled by women, 211
 and ventures involving minority owned and controlled firms and 212
 firms owned and controlled by women that otherwise meet the 213
 established policies and criteria. 214

Requires the Ohio Venture Capital Authority, the Chancellor 215
 of the Board of Regents, and the Administrator of Workers' 216
 Compensation to submit an annual report containing information 217
 regarding the minority or women-owned businesses with which it 218
 contracts, the amount of assets managed by minority or women-owned 219
 businesses, and efforts it has made to increase utilizations of 220
 minority or women-owned businesses. 221

5 _____ moved to amend as follows:

6 Between lines 105448 and 105449, insert:

7 **"Section 733._____.** If a board of education acquired or
8 acquires a parcel of real property between January 1, 2008, and
9 December 31, 2010, and if the board, by vote of a majority of
10 its members, determines that a portion of the parcel, or a
11 portion of the improvements located on or to be constructed on
12 the parcel, is not required for school use, the board may convey
13 a leasehold interest in that excess property for a term not to
14 exceed ninety-nine years, without reserving any right to cancel
15 or terminate the lease other than breach of the lease by the
16 lessee. The board may convey the leasehold interest as a single
17 leasehold interest pursuant to one lease or as separate
18 leasehold interests pursuant to two or more leases.

19 The board shall convey the leasehold interest at public
20 auction or by sealed bid to the highest bidder. If the board
21 proceeds by sealed bid, the board shall prescribe the form of
22 the bid, and shall require that each bid contain the name of the
23 person submitting the bid.

24 The board shall publish notice of the time and place of the
25 auction or bid opening in a newspaper of general circulation in
26 the school district or by posting notices in five of the most
27 public places in the school district. The notice shall state
28 that the terms and conditions of the lease are available in the
29 office of the treasurer of the school district for review by
30 prospective bidders. If the board proceeds by sealed bid, the
31 notice shall include instructions for making a bid.

32 The board, from and after the day the notice is published,
33 shall make all the terms and conditions of the lease available
34 in the office of the treasurer of the school district for review
35 by prospective bidders.

36 The base rent payable under the lease shall not be part of
37 the terms and conditions of the lease. Rather, the highest bid
38 shall establish the base rent payable under the lease. The base
39 rent may be in addition to other payments and nonmonetary
40 obligations of the lessee under the lease.

41 If the board proceeds by auction, the board shall conduct
42 the auction at the time and place stated in the notice. If the
43 board proceeds by sealed bid, the board shall open and tabulate
44 bids at the time and place stated in the notice. The board may
45 reject all bids, but only if the rejection occurs within sixty
46 days following the auction or the opening of bids. Upon
47 rejection of all bids, the board may again proceed by public

48 auction or sealed bid to convey the leasehold interest in the
49 manner prescribed by this section.

50 The president and treasurer of the board of education shall
51 execute and deliver the lease agreement and any other
52 agreements, documents, or instruments that are necessary to
53 complete conveyance of the leasehold interest."

54 The motion was _____ agreed to.

55 SYNOPSIS

56 **School District Ninety-Nine Year Lease of Excess Real**
57 **Property**

58 **Section 733. _____**

59 Authorizes a board of education that (1) acquired or
60 acquires a parcel of real property between January 1, 2008, and
61 December 31, 2010, and that (2) determines, by vote of a
62 majority of its members, that a portion of the parcel, or a
63 portion of the improvements located on or to be constructed on,
64 the parcel is not required for school use to convey a leasehold
65 interest in that excess property for a term not to exceed
66 ninety-nine years, without reserving any right to cancel or
67 terminate the lease other than breach of the lease by the
68 lessee.

1 128HB1-CC5062.docx/ar

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Am. Sub. H.B. 1
As Passed by the Senate
CC-5062
CSR004

6 _____ moved to amend as follows:

7 Between lines 92570 and 92571, insert:

8 "Federal Special Revenue Fund Group

9 5AQ0 874606 Grant \$3,977 \$0"

10 TOTAL FED Federal Special Revenue Fund Group \$3,977 \$0"

11 In line 92575, add \$3,977 to fiscal year 2010

12 The motion was _____ agreed to.

13 SYNOPSIS

14 **Capitol Square Review and Advisory Board**

15 **Section 231.10**

16 Appropriates \$3,977 in fiscal year 2010 in Fund 5AQ0
17 appropriation item 874606, Grant, in order to account for funds
18 from a federal grant that will continue into FY 2010.

Am. Sub. H.B. 1
As Passed by the Senate
CC 5065
DEV-61

_____ moved to amend as follows:

In line 427, after "121.376," insert "122.042,"

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Between lines 6564 and 6565, insert:

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"Sec. 122.042. The director of development may found an employment opportunity program that encourages employers to employ individuals who are members of significantly disadvantaged groups. If the director intends to found such an employment opportunity program, the director shall adopt, and thereafter may amend or rescind, rules under Chapter 119. of the Revised Code to found, and to operate, maintain, and improve, the program. In the rules, the director shall:

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(A) Construct, and, as changing circumstances indicate, re-construct, procedures according to which significantly disadvantaged groups are identified as such, an individual is identified as being a member of a significantly disadvantaged group, and an employer is identified as being a potential employer of an individual who is a member of a significantly disadvantaged group:

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(B) Describe, and, as experience indicates, re-describe, the kinds of evidence that shall be considered to identify

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significantly disadvantaged groups, the kinds of evidence an individual shall offer to prove that the individual is a member of a significantly disadvantaged group, and the kinds of evidence an employer shall offer to prove that the employer is a potential employer of an individual who is a member of a significantly disadvantaged group;

(C) Specify, and, as experience indicates, re-specify, strategies and tactics for connecting individuals who are members of significantly disadvantaged groups with potential employers of members of significantly disadvantaged groups; and

(D) Construct, describe, specify, define, and prescribe any other thing that is necessary and proper for the founding, and for the successful and efficient operation, maintenance, and improvement, of the employment opportunity program.

In founding, and in operating, maintaining, and improving, the employment opportunity program under the rules, the director shall proceed so that the resulting program functions as a coherent, efficient system for improving employment opportunities for significantly disadvantaged groups. Examples of significantly disadvantaged groups include individuals who have not graduated from high school, individuals who have been convicted of a crime, individuals who are disabled, and individuals who are chronically unemployed (usually for more than eighteen months)."

In line 183 of the title, after "121.376," insert "122.042,"

The motion was _____ agreed to.

SYNOPSIS

Program for Hiring Significantly Disadvantaged Workers 44

R.C. 122.042

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Authorizes the Department of Development to develop a program
to encourage employers to hire individuals from significantly
disadvantaged groups.

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Specifies that eligible individuals may include, but are not
limited to, persons who have not graduated from high school, have
been convicted of a crime, are disabled, or are chronically
unemployed.

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1 128HB1-CC5066.docx/ss

2 Am. Sub. H.B. 1
3 As Passed by the Senate
4 CC-5066
5 DOT-66

6 _____ moved to amend as follows:

7 Delete lines 106255 through 106303

8 The motion was _____ agreed to.

9 SYNOPSIS

10 **Ohio Task Force on Transportation Funding and Fuel Taxes**

11 **Section 755.20**

12 Removes the Ohio Task Force on Transportation Funding and
13 Fuel Taxes (consisting of six members from the General Assembly,
14 four designees from the executive branch, and ten members
15 representing specified industry groups), which was to consider
16 current transportation funding, transportation funding needs,
17 and funding options and issue a report with recommendations by
18 June 30, 2010.

6 _____ moved to amend as follows:

7 In line 97051, delete "\$69,876,838 \$68,313,238" and insert
8 "\$76,076,838 \$77,563,238"

9 In line 97052, delete the first "\$63,600,000" and insert
10 "\$99,916,750"

11 In line 97058, add \$42,516,750 to fiscal year 2010 and
12 \$9,250,000 to fiscal year 2011

13 In line 97071, delete "\$3,257,696,629 \$2,481,516,614" and
14 insert "\$3,364,069,130 \$2,730,922,601"

15 In line 97080, delete "\$755,528,435 \$760,614,433" and
16 insert "\$819,207,893 \$811,170,741"

17 In line 97082, add \$170,051,959 to fiscal year 2010 and
18 \$299,962,295 to fiscal year 2011

19 In line 97094, delete "\$1,000,000 \$1,000,000" and insert
20 "\$10,000,000 \$10,000,000"

21 In line 97100, delete "\$357,000,000 \$354,000,000" and
22 insert "\$338,505,284 \$370,861,816"

23 In line 97102, delete "\$347,955,251 \$365,135,000" and
24 insert "\$359,332,500 \$381,710,000"

25 In line 97103, delete the second "\$2,070,707" and insert
26 "\$5,493,954"

27 In line 97104, delete the second "\$12,017,389" and insert
28 "\$14,393,903"

29 In line 97105, delete "\$3,000,000 \$3,000,000" and insert
30 "\$4,719,470 \$4,719,470"

31 In line 97108, add \$3,602,003 to fiscal year 2010 and
32 \$49,956,047 to fiscal year 2011

33 In line 97118, add \$216,170,712 to fiscal year 2010 and
34 \$359,168,342 to fiscal year 2011

35 Between lines 97967 and 97968, insert:

36 **"Section ____.** MEDICARE PART D APPROPRIATIONS

37 If the Centers for Medicare and Medicaid Services do not
38 reduce the Medicaid grant award in lieu of state payments for
39 Medicare Part D services as planned in state fiscal years 2010
40 and 2011, the appropriation in appropriation item 600526,
41 Medicare Part D, shall be increased by the amount of the
42 unanticipated GRF Medicaid grant award received. The
43 unanticipated amounts are hereby appropriated."

44 The motion was _____ agreed to

45 SYNOPSIS

46 **Ohio Department of Job and Family Services**

47 **Section 309.10**

48 Increases the appropriations in line item 600671, Medicaid
49 Program Support, by \$6.2 million in FY 2010 and \$9.3 million in
50 FY 2011.

51 Increases the appropriations in line item 600639, Medicaid
52 Revenue and Collections, by \$36.3 million in FY 2010.

53 Increases the appropriations in line item 600623, Health
54 Care Federal, by \$106.4 million in FY 2010 and \$249.4 million in
55 FY 2011.

56 Increases the appropriations in line item 600689, TANF
57 Block Grant, by \$63.7 million in FY 2010 and \$50.6 million in FY
58 2011.

59 Increases the appropriations in line item 600625,
60 HealthCare Compliance, by \$9 million each year.

61 Decreases the appropriations in line item 600656, Medicaid
62 - Hospital, by \$18.5 million in FY 2010 and increases the
63 appropriations in that line item by \$16.9 million in FY 2011.

64 Increases the appropriations in line item 600608, Medicaid-
65 Nursing Facilities, by \$11.4 million in FY 2010 and \$16.6
66 million in FY 2011.

67 Increases the appropriations in line item 600629, MR/DD
68 Medicaid Administration and Oversight, by \$3.4 million in FY
69 2011.

70 Increases the appropriations in line item 600654, Health
71 Care Services Administration, by \$2.4 million in FY 2011.

72 Increases the appropriations in line item 600663, Children
73 and Family Support, by \$1.7 million each year.

74 **Section** _____

75 Authorizes an increase in the appropriations in GRF line
76 item 600526, Medicare Part D, if the Centers for Medicare and
77 Medicaid Services do not reduce the Medicaid grant award in lieu
78 of state payments for Medicare Part D services as planned in
79 state fiscal years 2010 and 2011.

Am. Sub. H.B. 1
As Passed by the Senate
CC-5068
EDU285

_____ moved to amend as follows:

In line 410, after "5703.80," insert "5705.211," 1

Between lines 80872 and 80873, insert: 2

"Sec. 5705.211. (A) As used in this section: 3

(1) "Adjusted charge-off increase" for a tax year means two 4
~~and three tenths~~ per cent of the cumulative carryover property 5
value increase. If the cumulative carryover property value 6
increase is computed on the basis of a school district's 7
recognized valuation for a fiscal year before fiscal year 2014, 8
the adjusted charge-off increase shall be adjusted to account for 9
the greater charge-off rates prescribed for such fiscal years 10
under sections 3317.022 and 3306.13 of the Revised Code. 11

(2) "Cumulative carryover property value increase" means the 12
sum of the increases in carryover value certified under division 13
(B) (2) of section 3317.015 of the Revised Code and included in a 14
school district's total taxable value in the computation of 15
recognized valuation under division (B) of that section for all 16
fiscal years from the fiscal year that ends in the first tax year 17
a levy under this section is extended on the tax list of real and 18
public utility property until and including the fiscal year that 19

ends in the current tax year. 20

(3) "Taxes charged and payable" means the taxes charged and payable from a tax levy extended on the real and public utility property tax list and the general list of personal property before any reduction under section 319.302, 323.152, or 323.158 of the Revised Code. 21
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(B) The board of education of a city, local, or exempted village school district may adopt a resolution proposing the levy of a tax in excess of the ten-mill limitation for the purpose of paying the current operating expenses of the district. If the resolution is approved as provided in division (D) of this section, the tax may be levied at such a rate each tax year that the total taxes charged and payable from the levy equals the adjusted charge-off increase for the tax year or equals a lesser amount as prescribed under division (C) of this section. The tax may be levied for a continuing period of time or for a specific number of years, but not fewer than five years, as provided in the resolution. The tax may not be placed on the tax list for a tax year beginning before the first day of January following adoption of the resolution. A board of education may not adopt a resolution under this section proposing to levy a tax under this section concurrently with any other tax levied by the board under this section. 26
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(C) After the first year a tax is levied under this section, the rate of the tax in any year shall not exceed the rate, estimated by the county auditor, that would cause the sums levied from the tax against carryover property to exceed one hundred four per cent of the sums levied from the tax against carryover property in the preceding year. A board of education imposing a tax under this section may specify in the resolution imposing the tax that the percentage shall be less than one hundred four per 43
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cent, but the percentage shall not be less than one hundred per 51
cent. At any time after a resolution adopted under this section is 52
approved by a majority of electors as provided in division (D) of 53
this section, the board of education, by resolution, may decrease 54
the percentage specified in the resolution levying the tax. 55

(D) A resolution adopted under this section shall state that 56
the purpose of the tax is to pay current operating expenses of the 57
district, and shall specify the first year in which the tax is to 58
be levied, the number of years the tax will be levied or that it 59
will be levied for a continuing period of time, and the election 60
at which the question of the tax is to appear on the ballot, which 61
shall be a general or special election consistent with the 62
requirements of section 3501.01 of the Revised Code. If the board 63
of education specifies a percentage less than one hundred four per 64
cent pursuant to division (C) of this section, the percentage 65
shall be specified in the resolution. 66

Upon adoption of the resolution, the board of education may 67
certify a copy of the resolution to the proper county board of 68
elections. The copy of the resolution shall be certified to the 69
board of elections not later than seventy-five days before the day 70
of the election at which the question of the tax is to appear on 71
the ballot. Upon receiving a timely certified copy of such a 72
resolution, the board of elections shall make the necessary 73
arrangements for the submission of the question to the electors of 74
the school district, and the election shall be conducted, 75
canvassed, and certified in the same manner as regular elections 76
in the school district for the election of members of the board of 77
education. Notice of the election shall be published in one or 78
more newspapers of general circulation in the school district once 79
per week for four consecutive weeks. The notice shall state that 80
the purpose of the tax is for the current operating expenses of 81

the school district, the first year the tax is to be levied, the
 number of years the tax is to be levied or that it is to be levied
 for a continuing period of time, that the tax is to be levied each
 year in an amount estimated to offset decreases in state base cost
 funding caused by appreciation in real estate values, and that the
 estimated additional tax in any year shall not exceed the previous
 year's by more than four per cent, or a lesser percentage
 specified in the resolution levying the tax, except for increases
 caused by the addition of new taxable property.

The question shall be submitted as a separate proposition but
 may be printed on the same ballot with any other proposition
 submitted at the same election other than the election of
 officers.

The form of the ballot shall be substantially as follows:

"An additional tax for the benefit of (name of school
 district) for the purpose of paying the current operating expenses
 of the district, for (number of years or for continuing
 period of time), at a rate sufficient to offset any reduction in
 basic state funding caused by appreciation in real estate values?
 This levy will permit variable annual growth in revenue up to
 (amount specified by school district) per cent for the
 duration of the levy.

	For the tax levy
	Against the tax levy

"

If a majority of the electors of the school district voting
 on the question vote in favor of the question, the board of
 elections shall certify the results of the election to the board
 of education and to the tax commissioner immediately after the

canvass.

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(E) When preparing any estimate of the contemplated receipts from a tax levied pursuant to this section for the purposes of sections 5705.28 to 5705.40 of the Revised Code, and in preparing to certify the tax under section 5705.34 of the Revised Code, a board of education authorized to levy such a tax shall use information supplied by the department of education to determine the adjusted charge-off increase for the tax year for which that certification is made. If the board levied a tax under this section in the preceding tax year, the sum to be certified for collection from the tax shall not exceed the sum that would exceed the limitation imposed under division (C) of this section. At the request of the board of education or the treasurer of the school district, the county auditor shall assist the board of education in determining the rate or sum that may be levied under this section.

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The board of education shall certify the sum authorized to be levied to the county auditor, and, for the purpose of the county auditor determining the rate at which the tax is to be levied in the tax year, the sum so certified shall be the sum to be raised by the tax unless the sum exceeds the limitation imposed by division (C) of this section. A tax levied pursuant to this section shall not be levied at a rate in excess of the rate estimated by the county auditor to produce the sum certified by the board of education before the reductions under sections 319.302, 323.152, and 323.158 of the Revised Code. Notwithstanding section 5705.34 of the Revised Code, a board of education authorized to levy a tax under this section shall certify the tax to the county auditor before the first day of October of the tax year in which the tax is to be levied, or at a later date as approved by the tax commissioner."

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In line 90912, after "5703.80," insert "5705.211," 143

In line 160 of the title, after "5703.80," insert "5705.211," 144

The motion was _____ agreed to.

SYNOPSIS

School Funding: Adjusted Charge-off Increase 145

R.C. 5705.211 146

Modifies the computation of the rate of a levy as school 147
districts may impose to compensate for a reduction in the state's 148
share of the district's funding caused by an increase in the 149
formula charge-off to correspond with the phased-in reduction in 150
school district charge-off rates under the evidence-based school 151
funding model (not in the Senate-passed bill). 152

Am. Sub. H.B. 1
As Passed by the Senate
CC-5071-1

_____ moved to amend as follows:

In line 315, after "340.033," insert "351.01," 1

Between lines 19771 and 19772, insert: 2

"Sec. 351.01. As used in this chapter: 3

(A) "Convention facilities authority" means a body corporate 4
and politic created pursuant to section 351.02 of the Revised 5
Code. 6

(B) "Governmental agency" means a department, division, or 7
other unit of the state government or of a municipal corporation, 8
county, township, or other political subdivision of the state; any 9
state university or college, as defined in section 3345.12 of the 10
Revised Code, community college, state community college, 11
university branch, or technical college; any other public 12
corporation or agency having the power to acquire, construct, or 13
operate facilities; the United States or any agency thereof; and 14
any agency, commission, or authority established pursuant to an 15
interstate compact or agreement. 16

(C) "Person" means any individual, firm, partnership, 17
association, or corporation, or any combination of them. 18

(D) "Facility" or "facilities" means any convention, 19
entertainment, or sports facility, or combination of them, located 20

within the territory of the convention facilities authority, 21
together with all hotels, parking facilities, walkways, and other 22
auxiliary facilities, real and personal property, property rights, 23
easements and interests that may be appropriate for, or used in 24
connection with, the operation of the facility. 25

(E) "Cost" means the cost of acquisition of all land, 26
rights-of-way, property rights, easements, franchise rights, and 27
interests required for such acquisition; the cost of demolishing 28
or removing any buildings or structures on land so acquired, 29
including the cost of acquiring any lands to which such buildings 30
or structures may be moved; the cost of acquiring or constructing 31
and equipping a principal office of the convention facilities 32
authority; the cost of diverting highways, interchange of 33
highways, access roads to private property, including the cost of 34
land or easements for such access roads; the cost of public 35
utility and common carrier relocation or duplication; the cost of 36
all machinery, furnishings, and equipment; financing charges; 37
interest prior to and during construction and for no more than 38
eighteen months after completion of construction; expenses of 39
research and development with respect to facilities; legal 40
expenses; expenses of obtaining plans, specifications, engineering 41
surveys, studies, and estimates of cost and revenues; working 42
capital; expenses necessary or incident to determining the 43
feasibility or practicability of acquiring or constructing such 44
facility; administrative expense; and such other expenses as may 45
be necessary or incident to the acquisition or construction of the 46
facility, the financing of such acquisition or construction, 47
including the amount authorized in the resolution of the 48
convention facilities authority providing for the issuance of 49
convention facilities authority revenue bonds to be paid into any 50
special funds from the proceeds of such bonds, the cost of issuing 51
the bonds, and the financing of the placing of such facility in 52

operation. Any obligation, cost, or expense incurred by any
governmental agency or person for surveys, borings, preparation of
plans and specifications, and other engineering services, or any
other cost described above, in connection with the acquisition or
construction of a facility may be regarded as part of the cost of
such facility and may be reimbursed out of the proceeds of
convention facilities authority revenue bonds as authorized by
this chapter.

(F) "Owner" includes a person having any title or interest in
any property, rights, easements, or interests authorized to be
acquired by Chapter 351. of the Revised Code.

(G) "Revenues" means all rentals and other charges received
by the convention facilities authority for the use or services of
any facility, the sale of any merchandise, or the operation of any
concessions; any gift or grant received with respect to any
facility, any moneys received with respect to the lease, sublease,
sale, including installment sale or conditional sale, or other
disposition of a facility or part thereof; moneys received in
repayment of and for interest on any loans made by the authority
to a person or governmental agency, whether from the United States
or any department, administration, or agency thereof, or
otherwise; proceeds of convention facilities authority revenue
bonds to the extent the use thereof for payment of principal or of
premium, if any, or interest on the bonds is authorized by the
authority; proceeds from any insurance, appropriation, or guaranty
pertaining to a facility or property mortgaged to secure bonds or
pertaining to the financing of the facility; income and profit
from the investment of the proceeds of convention facilities
authority revenue bonds or of any revenues; contributions of the
proceeds of a tax levied pursuant to division (A) (3) of section
5739.09 of the Revised Code; and moneys transmitted to the

authority pursuant to division (B) of section 5739.211 and	84
division (B) of section 5741.031 of the Revised Code.	85
(H) "Public roads" includes all public highways, roads, and	86
streets in the state, whether maintained by the state, county,	87
city, township, or other political subdivision.	88
(I) "Construction," unless the context indicates a different	89
meaning or intent, includes, but is not limited to,	90
reconstruction, enlargement, improvement, or providing fixtures,	91
furnishings, and equipment.	92
(J) "Convention facilities authority revenue bonds" or	93
"revenue bonds," unless the context indicates a different meaning	94
or intent, includes convention facilities authority revenue notes,	95
convention facilities authority revenue renewal notes, and	96
convention facilities authority revenue refunding bonds.	97
(K) "Convention facilities authority tax anticipation bonds"	98
or "tax anticipation bonds," unless the context indicates a	99
different meaning, includes convention facilities authority tax	100
anticipation bonds, tax anticipation notes, tax anticipation	101
renewal notes, and tax anticipation refunding bonds.	102
(L) "Bonds and notes" means convention facilities authority	103
revenue bonds and convention facilities authority tax anticipation	104
bonds.	105
(M) "Territory of the authority" means all of the area of the	106
county creating the convention facilities authority.	107
(N) "Excise taxes" means any of the taxes levied pursuant to	108
division (B) or (C) of section 351.021 of the Revised Code.	109
"Excise taxes" does not include taxes levied pursuant to section	110
4301.424, 5743.026, or 5743.324 of the Revised Code.	111
(O) "Transaction" means the charge by a hotel for each	112
occupancy by transient guests of a room or suite of rooms used in	113

a hotel as a single unit for any period of twenty-four hours or	114
less.	115

(P) "Hotel" and "transient guests" have the same meanings as	116
in section 5739.01 of the Revised Code.	117

(Q) "Sports facility" means a facility intended to house	118
major league professional athletic teams.	119

(R) "Constructing" or "construction" includes providing	120
fixtures, furnishings, and equipment."	121

In line 90817, after "340.033," insert "351.01,"	122
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In line 29 of the title, after "340.033," insert "351.01,"	123
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The motion was _____ agreed to.

SYNOPSIS

Convention Facility	124
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R.C. 351.01	125
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Expressly authorizes a convention facilities authority to	126
acquire or construct hotels as part of the auxiliary facilities of	127
a convention, entertainment, or sports facility.	128

Am. Sub. H.B. 1

As Passed by the Senate

CC-5072

EDU 36

_____ moved to amend as follows:

Delete lines 93834 through 93844 and insert:

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"Of the foregoing appropriation item 200100, Personal Services, up to \$500,000 in each fiscal year shall be used to support administration and activities including travel, contract services, and other expenses of the Governor's Closing the Achievement Gap Initiative in the Department."

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The motion was _____ agreed to.

SYNOPSIS

Department of Education Closing the Achievement Gap

7

Section 265.10.10

8

Removes earmark from appropriation item 200100, Personal Services of up to \$150,000 in each fiscal year to support Ohio's Partnership for Continued Learning. Earmarks up to \$500,000 from this line item in each fiscal year to support the administration and activities of the Governor's Closing the Achievement Gap Initiative

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Am. Sub. H.B. 1
As Passed by the Senate
CC-5073
EDU-156

6 _____ moved to amend as follows:

7 Delete lines 94003 through 94018

8 The motion was _____ agreed to.

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SYNOPSIS

10 **Department of Education - Educator Training**

11 **Section 265.10.25**

12 Eliminates provision that authorizes the Department of
13 Education to use funds from appropriation item 200410, Educator
14 Training, to provide grants to pay \$2,225 of the application fee
15 to assist up to 400 teachers applying for certification from the
16 National Board for Professional Standards and to provide
17 stipends for teachers who have obtained certification.

Am. Sub. H.B. 1
As Passed by the Senate
CC-5074-1
EDU-42

_____ moved to amend as follows:

In line 94071, delete "up to \$2,000,000" and insert 1
"\$1,279,948"; delete "each"; after "year" insert "2010 and 2
\$1,500,000 in fiscal year 2011" 3

Between lines 95543 and 95544, insert: 4

"Section ____ . DEPARTMENT OF EDUCATION APPROPRIATION TRANSFERS 5
FOR SCHOOL MANAGEMENT ASSISTANCE 6

In fiscal year 2010 and fiscal year 2011, if the 7
Superintendent of Public Instruction determines that additional 8
funds are needed to meet the reporting requirements of the federal 9
American Recovery and Reinvestment Act, the Superintendent of 10
Public Instruction may recommend the reallocation of unexpended 11
and unencumbered General Revenue Fund appropriations within the 12
Department of Education to appropriation item 200422, School 13
Management Assistance, to the Director of Budget and Management. 14
If the Director of Budget and Management determines that such a 15
reallocation is required, the Director of Budget and Management 16
may transfer unexpended and unencumbered appropriations within the 17
Department of Education as necessary to appropriation item 200422, 18
School Management Assistance." 19

The motion was _____ agreed to.

SYNOPSIS

Department of Education - School Management Assistance 20

Section 265.10.50 21

Decreases earmark of appropriation item 200422, School Management Assistance, for use by the Auditor of State for expenses incurred in the Auditor of State's role relating to fiscal caution, fiscal watch, and fiscal emergency activities, by \$720,052 in FY 2010 and by \$500,000 in FY 2011 and removes the "up to" qualifier. 22-27

Department of Education 28

Section _____ 29

Permits the Director of Budget and Management, in FY 2010 and FY 2011, to transfer unexpended and unencumbered GRF appropriations in the Department's budget to GRF appropriation item 200422, School Management Assistance, on the recommendation of the Superintendent of Public Instruction, if the Superintendent determines additional funds are needed to meet the reporting requirements of ARRA. 30-36

Am. Sub. H.B. 1

As Passed by the Senate

CC 5075

Compare Doc No. EDU - 43

_____ moved to amend as follows:

Between lines 94112 and 94113, insert:

"A portion of the foregoing appropriation item 200424, Policy
 Analysis, may be used in conjunction with appropriation item
 200439, Accountability/Report Cards, to develop a fiscal reporting
 dimension, which shall contain fiscal data reported for the prior
 fiscal year, to the school report card for publication beginning
 in fiscal year 2011. The fiscal information contained therein
 shall be updated and reported annually in a form and in a manner
 as determined by the Department."

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The motion was _____ agreed to.

SYNOPSIS

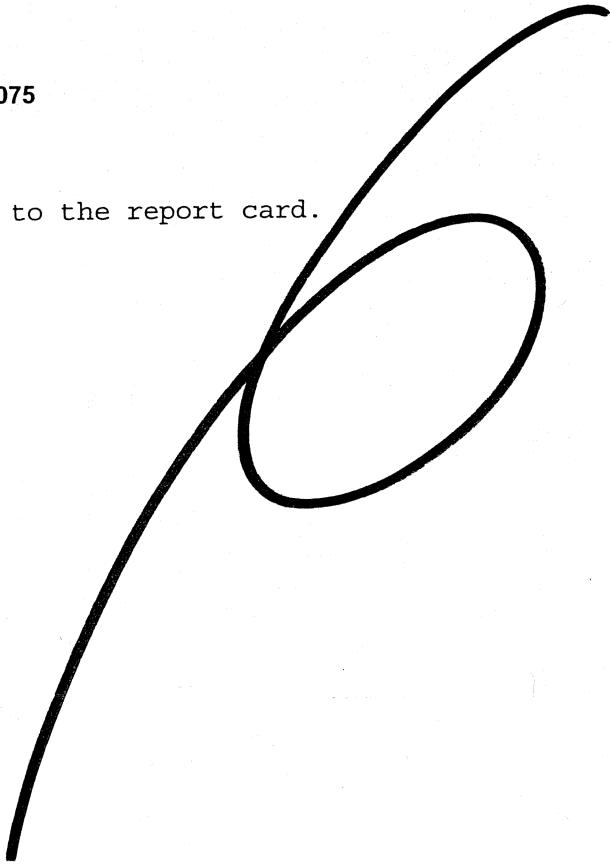
Department of Education

Section 265.10.60

Permits a portion of GRF appropriation item 200424, Policy
 Analysis, to be used in conjunction with GRF appropriation item
 200439, Accountability/Report Cards, to develop a fiscal reporting

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dimension to the report card.



1 128HB1-CC5076.docx/ar

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Am. Sub. H. B. 1
As Passed by the Senate
CC-5076
EDU-45

6 _____ moved to amend as follows:

7 In line 94131, delete "\$14,948,498" and insert
8 "\$11,626,123"; delete "each"; after "year" insert "2010 and
9 \$11,895,077 in fiscal year 2011"

10 In line 94151, delete "\$2,038,657" and insert "\$1,600,000"

11 In line 94161, delete "\$7,442,391" and insert "\$5,800,000"

12 The motion was _____ agreed to.

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SYNOPSIS

14 **Department of Education - Ohio Educational Computer Network**

15 **Section 265.10.70**

16 Decreases the following earmarks of appropriation item
17 200426, Ohio Educational Computer Network, from \$14,948,498 in
18 each fiscal year to \$11,626,123 in fiscal year 2010 and to
19 \$11,895,077 in fiscal year 2011, to be used by the Department to
20 support connection of all public and participating chartered
21 nonpublic schools to the state's education network; from
22 \$2,038,657 to \$1,600,000 in each fiscal year, to be used for the
23 Union Catalog and InfoOhio Network; and, from \$7,442,391 to
24 \$5,800,000 in each fiscal year, to be used to subsidize the
25 activities of designated information technology centers.

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6 _____ moved to amend as follows:

7 Delete lines 94189 through 94194 and insert "Of the
8 foregoing appropriation item 200431, School Improvement
9 Initiatives, up to \$300,000 in each fiscal year may be used by
10 the Department for administrative costs associated with middle
11 school and high school reform programs."

12 In line 94195, delete "Of" and insert "The remainder of"

13 In line 94196, delete everything after the first comma

14 Delete lines 94202 through 94210

15 The motion was _____ agreed to.

16 SYNOPSIS

17 **Department of Education - School Improvement Initiatives**

18 **Section 265.10.90**

19 Removes the following earmarks of appropriation item
20 200431, School Improvement Initiatives: up to \$410,990 in each
21 fiscal year to be used by the Department of Education to support
22 educational media centers and up to \$3,500,000 in each fiscal
23 year to support early college high schools. Permits up to
24 \$300,000 of this appropriation item in each fiscal year to be
25 used by the Department for administrative costs related to
26 middle school and high school reform programs. Specifies that
27 the remainder of this appropriation item, in each fiscal year,
28 be used to support district continuous improvement plans.

6 _____ moved to amend as follows:

7 In line 94227, delete "up to \$2,378,976" and insert "a
8 portion"

9 In line 94228, delete "shall" and insert "may"

10 In line 94231, after the period insert "This training may
11 include teacher and administrator professional development in
12 the use of data to improve instruction and student learning, and
13 teacher and administrator training in understanding teacher
14 value-added reports and how they can be used as a component in
15 measuring teacher and administrator effectiveness."; delete
16 "This" and insert "A portion of this"; delete "shall be used in
17 consultation" and insert "may be provided to"

18 In line 94232, delete "with"

19 The motion was _____ agreed to.

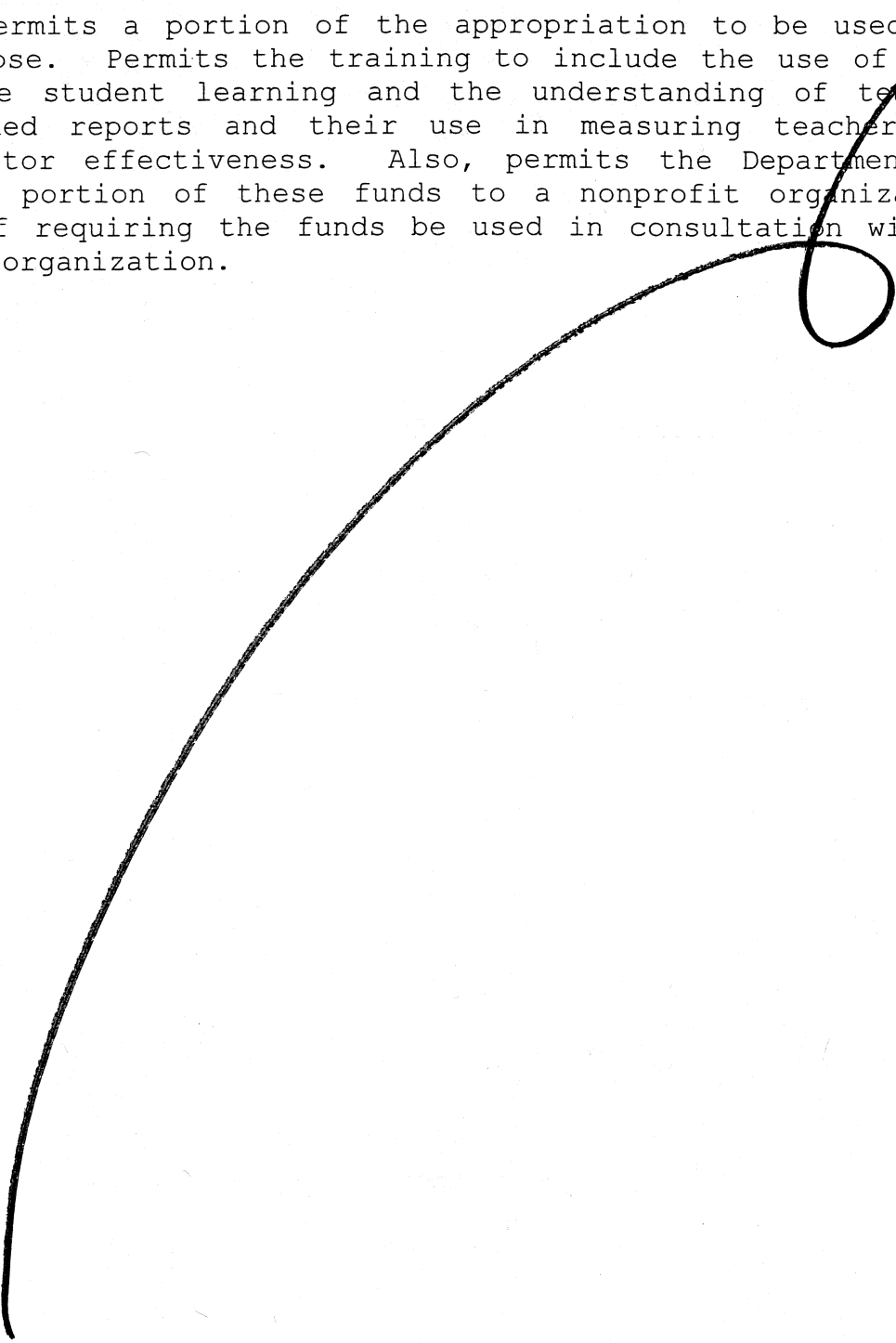
20 SYNOPSIS

21 **Department of Education**

22 **Section 265.20.20**

23 Removes the specific amount (\$2,378,976 in each fiscal
24 year) set aside for training district and regional specialists
25 in the use of the value-added progress dimension in GRF
26 appropriation item 200439, Accountability/Report Cards, and

27 instead permits a portion of the appropriation to be used for
28 that purpose. Permits the training to include the use of data
29 to improve student learning and the understanding of teacher
30 valued-added reports and their use in measuring teacher and
31 administrator effectiveness. Also, permits the Department to
32 provide a portion of these funds to a nonprofit organization
33 instead of requiring the funds be used in consultation with a
34 nonprofit organization.



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Am. Sub. H.B. 1
As Passed by the Senate
CC-5079
EDU-56

6 _____ moved to amend as follows:

7 In line 94252, delete "\$1,276,761" and insert "\$1,000,000";
8 delete "each"

9 In line 94253, after "year" insert "2010 and up to \$810,000
10 in fiscal year 2011"

11 In line 94262, delete "\$7,874,541" and insert "\$6,035,256";
12 delete "each"

13 In line 94263, after "year" insert "2010 and up to
14 \$4,960,388 in fiscal year 2011"

15 The motion was _____ agreed to.

16 SYNOPSIS

17 **Department of Education**

18 **Section 265.20.30**

19 Decreases from up to \$1,276,761 in each fiscal year to
20 \$1,000,000 in FY 2010 and \$810,000 in FY 2011 the earmark in GRF
21 appropriation item 200446, Education Management Information
22 System, for information technology centers.

23 Decreases from up to \$7,874,541 in each fiscal year to
24 \$6,035,256 in FY 2010 and \$4,960,388 in FY 2011 the earmark in
25 GRF appropriation item 200446, Education Management Information
26 System, to be distributed on a per-pupil basis for costs
27 relating to reporting, processing, storing, transferring, and
28 exchanging data necessary to meet the requirements of ODE's data
29 system.

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2 Am. Sub. H.B. 1
3 As Passed by the Senate
4 CC-5080
5 EDU-59

6 _____ moved to amend as follows:

7 Delete lines 94336 through 94339

8 In line 94340, delete "remainder of" and insert "foregoing"

9 The motion was _____ agreed to.

10 SYNOPSIS

11 **Department of Education**

12 **Section 265.20.50**

13 Removes the earmark of up to \$350,000 in each fiscal year
14 for training and professional development of school
15 administrators, school treasurers, and school business officials
16 in GRF appropriation item 200448, Educator Preparation.

Am. Sub. H.B. 1

As Passed by the Senate

CC-5081-2

EDU-61

_____ moved to amend as follows:

- In line 94349, delete "Of the" and insert "The" 1
- In line 94350, delete "up to \$1,308,661 in each fiscal year" 2
- In line 94354, delete "up to \$225,000" and insert "a portion" 3
- In line 94613, delete "\$47,000,000" and insert "\$46,400,000" 4

The motion was _____ agreed to.

SYNOPSIS

Department of Education 5

Sections 265.20.60 and 265.30.40 6

Removes the earmark of up to \$225,000 in each fiscal year, 7
 and instead allows that a portion in each fiscal year may be used, 8
 for training for community schools and community school sponsors 9
 in GRF appropriation item 200455, Community Schools. 10

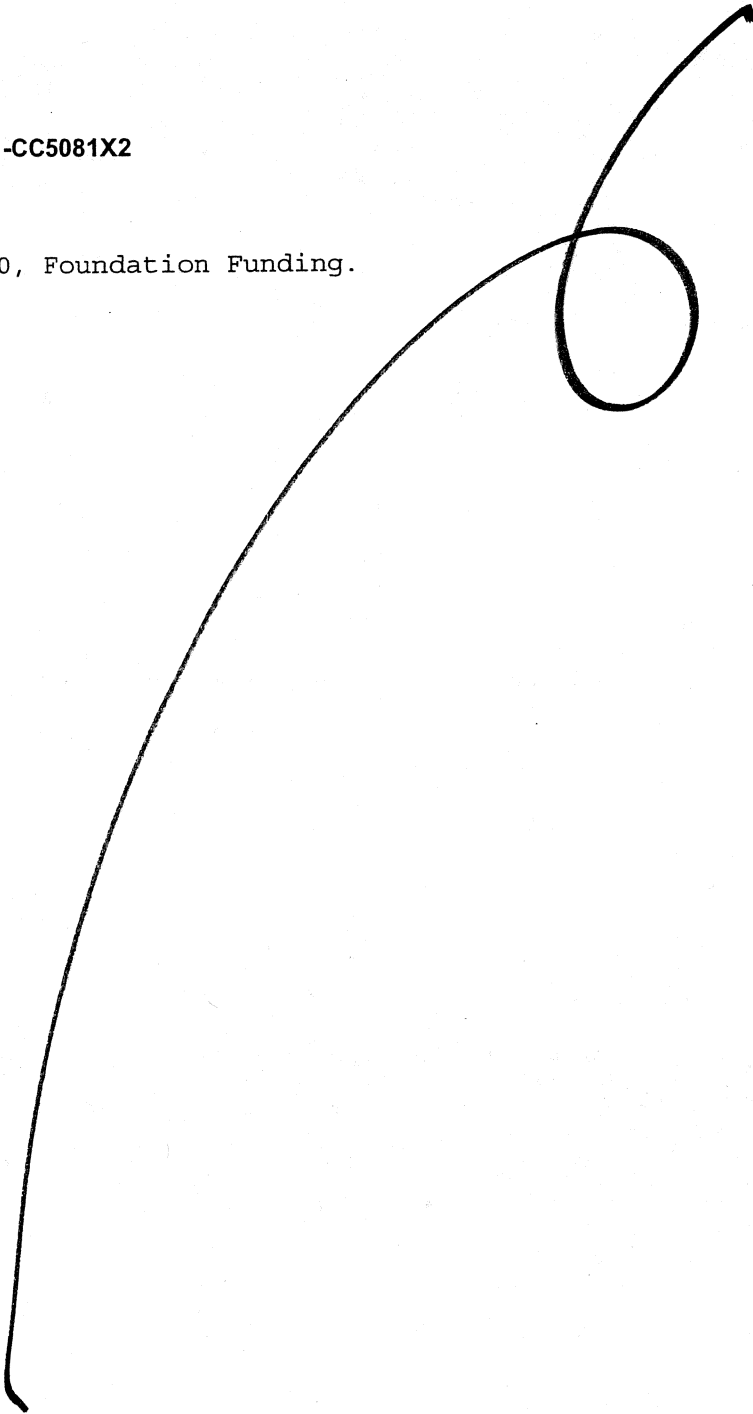
Decreases from \$47,000,000 in each fiscal year to \$46,400,000 11
 in each fiscal year the earmark to fund the reimbursement of 12
 educational service centers (ESCs) in GRF appropriation item 13

128HB1-CC5081X2

Page 2

200550, Foundation Funding.

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Am. Sub. H.B. 1
As Passed by the Senate
CC-5082-1
EDU-62

_____ moved to amend as follows:

In line 94364, after "be" delete the balance of the line and	1
insert "distributed by the STEM Committee to STEM schools, STEM	2
Programs of Excellence, or other initiatives that support	3
innovative mathematics and science education and mathematics and	4
science professional development for teachers. Such initiatives	5
may include on-site laboratories, job-embedded professional	6
development, and mentoring and coaching."	7

Delete lines 94365 through 94385	8
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The motion was _____ agreed to.

SYNOPSIS

Department of Education	9
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Section 265.20.60	10
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Re-establishes the executive intent language regarding the	11
use of GRF appropriation item 200457, STEM Initiatives, but also	12
specifies the appropriation be distributed by the STEM Committee	13
to STEM schools and STEM Programs of Excellence.	14

1 128HB1-CC5084.docx/ss

2 Am. Sub. H.B. 1
3 As Passed by the Senate
4 CC-5084
5 EDU-69

6 _____ moved to amend as follows:

7 In line 94408, delete "BUS PURCHASE ALLOWANCE"

8 Delete lines 94409 through 94418

9 The motion was _____ agreed to.

10 SYNOPSIS

11 **Department of Education**

12 **Section 265.20.80**

13 Eliminates temporary law language for GRF appropriation
14 item 200503, Bus Purchase Allowance.

1 128HB1-CC5085.docx/ss

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Am. Sub. H.B. 1
As Passed by the Senate
CC-5085
EDU-185

6 _____ moved to amend as follows:

7 Delete lines 94438 through 94475

8 The motion was _____ agreed to.

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SYNOPSIS

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Department of Education

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Section 265.20.90

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Eliminates temporary law language for GRF appropriation

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200521, Gifted Pupil Program.

1 128HB1-CC5086.docx/ar

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Am. Sub. H. B. 1
As Passed by the Senate
CC-5086
EDU-74

6 _____ moved to amend as follows:

7 In line 94484, delete "\$2,906,875" and insert "\$2,206,875"

8 In line 94487, delete "\$47,518,582" and insert
9 "\$44,700,561"

10 In line 94488, delete "\$48,421,435" and insert
11 "\$45,282,959"

12 In line 94497, delete "1.9" and insert "0.75"

13 In line 94501, delete "\$1,500,000" and insert "\$1,333,468"

14 In line 94504, delete "\$2,783,396" and insert "\$2,537,824";
15 delete "shall" and insert "may"

16 The motion was _____ agreed to.

17 SYNOPSIS

18 **Department of Education**

19 **Section 265.30.20**

20 Makes various changes to the temporary law section of GPE
21 appropriation item 200540, Special Education Enhancements,
22 including the following:

23 Decreases the following earmarks: from up to \$2,906,875 to
24 up to \$2,206,875 in each fiscal year, to be used for home
25 instruction for children with disabilities; from up to
26 \$47,518,582 to up to \$44,700,561 in fiscal year 2010 and from up
27 to \$48,421,435 to up to \$45,282,959 in fiscal year 2011, to be
28 used to fund special education and related services at MR/DD
29 county boards; from up to \$1,500,000 to up to \$1,338,468 in each
30 fiscal year to be used for parent mentoring programs; and, from
31 up to \$2,783,396 to up to \$2,537,824 in each fiscal year, to be
32 used for school psychology interns.

33 Reduces the annual percentage increase of funding that
34 MR/DD boards and institutions receive in fiscal year 2010 and
35 fiscal year 2011 from 1.9% to .75%. Specifies that earmarked
36 funds may be used, rather than shall be used, for school
37 psychology interns.

6 _____ moved to amend as follows:

7 In line 94537, delete "\$2,633,531" and insert "\$2,543,531"

8 In line 94538, delete "\$2,683,568" and insert "\$2,563,568"

9 In line 94541, delete "\$2,228,281" and insert "\$2,138,281"

10 In line 94550, delete "\$2,890,850" and insert "\$2,800,850"

11 In line 94561, after "to" insert "\$270,000 in fiscal year
12 2010 and up to"; delete "each"; after "year" insert "2011"

13 The motion was _____ agreed to.

14 SYNOPSIS

15 **Department of Education**

16 **Section 265.30.30**

17 Makes the following earmark changes to GRF appropriation
18 item 200545, Career-Technical Education Enhancements:

19 (1) Reduces, from up to \$2,633,531 to up to \$2,543,531 in
20 fiscal year 2010 and from up to \$2,683,568 to up to
21 \$2,563,568 in fiscal year 2011, the earmark to fund
22 secondary career-technical education at institutions;

23 (2) Reduces, from up to \$2,228,281 to up to \$2,138,281 in
24 each fiscal year, the earmark to be used by the
25 Department to fund tech prep consortia grants;

- 26 (3) Reduces, from up to \$2,890,850 to up to \$2,800,850 in
27 each fiscal year, the earmark to be used by the
28 Department to support existing and new High Schools
29 That Work sites; and
- 30 (4) Changes, from up to \$300,000 in each fiscal year to up
31 to \$270,000 in fiscal year 2010 and to up to \$300,000
32 in fiscal year 2011, the earmark to be used by the
33 Department to enable students in agricultural programs
34 to enroll in a Fifth Quarter Program.

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Am. Sub. H.B. 1
As Passed by the Senate
CC-5088
EDU-86

6 _____ moved to amend as follows:

7 In line 95056, delete "Of the" and insert "The"

8 In line 95057, after the comma delete the balance of the
9 line

10 Delete lines 95060 through 95067

11 The motion was _____ agreed to.

12 SYNOPSIS

13 **Department of Education**

14 **Section 265.30.70**

15 Removes language specifying that the remainder of GRF
16 appropriation 200578, Violence Prevention and School Safety, be
17 distributed based on guidelines developed by the Department to
18 enhance school safety and, instead, specifies that the entire
19 appropriation be used to fund a safe school center.

Am. Sub. H.B. 1

As Passed by the Senate

CC-5089

_____ moved to amend as follows:

In line 410, after "5703.80," insert "5705.01,"; after
"5705.214," insert "5705.25,"

In line 441, after "3313.719," insert "3313.82,"

In line 454, after "5705.2110," insert "5705.2111,"

Between lines 37770 and 37771, insert:

"Sec. 3313.82. (A)(1) For the purpose of pooling resources,
operating more cost effectively, minimizing administrative
overhead, encouraging the sharing of resource development, and
diminishing duplication, the boards of education of two or more
city, local, or exempted village school districts each having a
majority of its territory in a county with a population greater
than one million two hundred thousand, by adopting identical
resolutions, may enter into an agreement providing for the
creation of a regional student education district for the purpose
of funding the following for students enrolled in those school
districts, including students diagnosed as autistic and students
with special needs, and their immediate family members:

(a) Special education services;

(b) Behavioral health services for persons with special
needs.

If more than eight boards of education adopt resolutions to form a regional student education district, the boards may meet at facilities of the educational service center of the county to discuss membership in the district.

(2) The territory of a regional student education district at any time shall be composed of the combined territories of the school districts that are parties to the agreement at that time. Services funded by a regional student education district shall be available to all individuals enrolled in a school district that is a part of the regional student education district and members of their immediate family.

(3) The agreement may be amended pursuant to terms and procedures mutually agreed to by the boards of education that are parties to the agreement.

(B) Each regional student education district shall be governed by a board of directors. The superintendent of each board of education that is a party to the agreement shall serve on the board of directors. The agreement shall provide for the terms of office of directors. Directors shall receive no compensation, but shall be reimbursed, from the special fund of the regional student education district, for the reasonable and necessary expenses they incur in the performance of their duties for the district. The agreement shall provide for the conduct of the board's initial organizational meeting and for the frequency of subsequent meetings and quorum requirements. At its first meeting, the board shall designate from among its members a president and secretary in the manner provided in the agreement.

The board of directors of a regional student education district is a body corporate and politic, is capable of suing and being sued, is capable of contracting within the limits of this section and the agreement governing the district, and is capable

of accepting gifts, donations, bequests, or other grants of money
for use in paying its expenses. The district is a public office
and its directors are public officials within the meaning of
section 117.01 of the Revised Code, the board of directors is a
public body within the meaning of section 121.22 of the Revised
Code, and records of the board and of the district are public
records within the meaning of section 149.43 of the Revised Code.

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The agreement shall require the board to designate a
permanent location for its offices and meeting place, and may
provide for the use of such facilities and property for the
provision of services by the agencies with which the board
contracts under division (C) of this section.

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(C) (1) To provide the services identified in division (A) (1)
of this section, the board of directors of a regional student
education district shall provide for the hiring of employees or
shall contract with one or more entities. Except as provided in
division (C) (2) of this section, any entity with which the board
of directors contracts to provide the services identified in
division (A) (1) (b) of this section shall be a qualified nonprofit,
nationally accredited agency to which both of the following apply:

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(a) The agency is licensed or certified by the departments of
mental health, job and family services, and alcohol and drug
addiction services.

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(b) The agency provides school-based behavioral health
services.

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(2) The board of directors may contract with an entity that
does not meet the conditions stated in division (C) (1) of this
section if the services to be provided by the entity are only
incidental to the services identified in division (A) (1) (b) of
this section.

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(3) The board of directors may levy a tax throughout the district as provided in section 5705.2111 of the Revised Code. The board of directors shall provide for the creation of a special fund to hold the proceeds of any tax levied under section 5705.2111 of the Revised Code and any gifts, donations, bequests, or other grants of money coming into the possession of the district. A regional student education district is a subdivision, and the board of directors is a governing body, within the meaning of section 135.01 of the Revised Code. The board of directors may not issue securities or otherwise incur indebtedness.

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(4) The adoption or rejection by electors of a tax levy to fund a regional student education district pursuant to section 5705.2111 of the Revised Code does not alter the duty of each school district member of the regional student education district to provide special education and related services as required under Chapter 3323. of the Revised Code. On the expiration of a regional student education district levy, the state, member school districts of the regional student education district, and any other governmental entity shall not be obligated to provide replacement funding for the revenues under the expired levy. The tax levy, in whole or in part, shall not be considered a levy for current operating expenses pursuant to division (A) of section 3317.01 of the Revised Code for any of the school districts that are members of the regional student education district.

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(D) (1) The agreement shall provide for the manner of appointing an individual or entity to perform the duties of fiscal officer of the regional student education district. The agreement shall specify the length of time the individual or entity shall perform those duties and whether the individual or entity may be reappointed upon the completion of a term. The fiscal officer may

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receive compensation for performing the duties of the position and 114
be reimbursed for reasonable expenses of performing those duties 115
from the regional student education district's special fund. 116

(2) The legal advisor of the board of directors of a regional 117
student education district shall be the prosecuting attorney of 118
the most populous county containing a school district that is a 119
member of the regional student education district. The prosecuting 120
attorney shall prosecute all actions against a member of the board 121
of directors for malfeasance or misfeasance in office and shall be 122
the legal counsel for the board and its members in all other 123
actions brought by or against them and shall conduct those actions 124
in the prosecuting attorney's official capacity. No compensation 125
in addition to the prosecuting attorney's regular salary shall be 126
allowed. 127

(E) The board of directors of a regional student education 128
district shall procure a policy or policies of insurance insuring 129
the board, the fiscal officer, and the legal representative 130
against liability on account of damage or injury to persons and 131
property. Before procuring such insurance the board shall adopt a 132
resolution setting forth the amount of insurance to be purchased, 133
the necessity of the insurance, and a statement of its estimated 134
premium cost. Insurance procured pursuant to this section shall be 135
from one or more recognized insurance companies authorized to do 136
business in this state. The cost of the insurance shall be paid 137
from the district's special fund. 138

A regional student education district is a political 139
subdivision within the meaning of section 2744.01 of the Revised 140
Code. 141

(F) (1) The board of education of a school district having a 142
majority of its territory in the county may join an existing 143
regional student education district by adopting a resolution 144

requesting to join as a party to the agreement and upon approval 145
by the boards of education that currently are parties to the 146
agreement. If a tax is levied in the regional student education 147
district under section 5705.2111 of the Revised Code, a board of 148
education may join the district only after a majority of qualified 149
electors in the school district voting on the question vote in 150
favor of levying the tax throughout the school district. A board 151
of education joining an existing district shall have the same 152
powers, rights, and obligations under the agreement as other 153
boards of education that are parties to the agreement. 154

(2) A board of education that is a party to an agreement 155
under this section may withdraw the school district from a 156
regional student education district by adopting a resolution. The 157
withdrawal shall take effect on the date provided in the 158
resolution. If a tax is levied in the regional student education 159
district under section 5705.2111 of the Revised Code, the 160
resolution shall take effect not later than the first day of 161
January following adoption of the resolution. Beginning with the 162
first day of January following adoption of the resolution, any tax 163
levied under section 5705.2111 of the Revised Code shall not be 164
levied within the territory of the withdrawing school district. 165
Any collection of tax levied in the territory of the withdrawing 166
school district under that section that has not been settled and 167
distributed when the resolution takes effect shall be credited to 168
the district's special fund. 169

(G) An agreement entered into under this section shall 170
provide for the manner of the regional student education 171
district's dissolution. The district shall cease to exist when not 172
more than one school district remains in the district, and the 173
levy of any tax under section 5705.2111 of the Revised Code shall 174
not be extended on the tax lists in any tax year beginning after 175

the dissolution of the district. The agreement shall provide that, 176
upon dissolution of the district, any unexpended balance in the 177
district's special fund shall be divided among the school 178
districts that are parties to the agreement immediately before 179
dissolution in proportion to the taxable valuation of taxable 180
property in the districts, and credited to their respective 181
general funds." 182

Between lines 80872 and 80873, insert: 183

"Sec. 5705.01. As used in this chapter: 184

(A) "Subdivision" means any county; municipal corporation; 185
township; township police district; township fire district; joint 186
fire district; joint ambulance district; joint emergency medical 187
services district; fire and ambulance district; joint recreation 188
district; township waste disposal district; township road 189
district; community college district; technical college district; 190
detention facility district; a district organized under section 191
2151.65 of the Revised Code; a combined district organized under 192
sections 2152.41 and 2151.65 of the Revised Code; a joint-county 193
alcohol, drug addiction, and mental health service district; a 194
drainage improvement district created under section 6131.52 of the 195
Revised Code; a union cemetery district; a county school financing 196
district; ~~or~~ a city, local, exempted village, cooperative 197
education, or joint vocational school district; or a regional 198
student education district created under section 3313.82 of the 199
Revised Code. 200

(B) "Municipal corporation" means all municipal corporations, 201
including those that have adopted a charter under Article XVIII, 202
Ohio Constitution. 203

(C) "Taxing authority" or "bond issuing authority" means, in 204
the case of any county, the board of county commissioners; in the 205

case of a municipal corporation, the council or other legislative authority of the municipal corporation; in the case of a city, local, exempted village, cooperative education, or joint vocational school district, the board of education; in the case of a community college district, the board of trustees of the district; in the case of a technical college district, the board of trustees of the district; in the case of a detention facility district, a district organized under section 2151.65 of the Revised Code, or a combined district organized under sections 2152.41 and 2151.65 of the Revised Code, the joint board of county commissioners of the district; in the case of a township, the board of township trustees; in the case of a joint fire district, the board of fire district trustees; in the case of a joint recreation district, the joint recreation district board of trustees; in the case of a joint-county alcohol, drug addiction, and mental health service district, the district's board of alcohol, drug addiction, and mental health services; in the case of a joint ambulance district or a fire and ambulance district, the board of trustees of the district; in the case of a union cemetery district, the legislative authority of the municipal corporation and the board of township trustees, acting jointly as described in section 759.341 of the Revised Code; in the case of a drainage improvement district, the board of county commissioners of the county in which the drainage district is located; in the case of a joint emergency medical services district, the joint board of county commissioners of all counties in which all or any part of the district lies; and in the case of a township police district, a township fire district, a township road district, or a township waste disposal district, the board of township trustees of the township in which the district is located. "Taxing authority" also means the educational service center governing board that serves as the taxing authority of a county school

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financing district as provided in section 3311.50 of the Revised Code, and the board of directors of a regional student education district created under section 3313.82 of the Revised Code.

(D) "Fiscal officer" in the case of a county, means the county auditor; in the case of a municipal corporation, the city auditor or village clerk, or an officer who, by virtue of the charter, has the duties and functions of the city auditor or village clerk, except that in the case of a municipal university the board of directors of which have assumed, in the manner provided by law, the custody and control of the funds of the university, the chief accounting officer of the university shall perform, with respect to the funds, the duties vested in the fiscal officer of the subdivision by sections 5705.41 and 5705.44 of the Revised Code; in the case of a school district, the treasurer of the board of education; in the case of a county school financing district, the treasurer of the educational service center governing board that serves as the taxing authority; in the case of a township, the township fiscal officer; in the case of a joint fire district, the clerk of the board of fire district trustees; in the case of a joint ambulance district, the clerk of the board of trustees of the district; in the case of a joint emergency medical services district, the person appointed as fiscal officer pursuant to division (D) of section 307.053 of the Revised Code; in the case of a fire and ambulance district, the person appointed as fiscal officer pursuant to division (B) of section 505.375 of the Revised Code; in the case of a joint recreation district, the person designated pursuant to section 755.15 of the Revised Code; in the case of a union cemetery district, the clerk of the municipal corporation designated in section 759.34 of the Revised Code; in the case of a children's home district, educational service center, general health district, joint-county alcohol, drug addiction, and mental health

service district, county library district, detention facility 270
 district, district organized under section 2151.65 of the Revised 271
 Code, a combined district organized under sections 2152.41 and 272
 2151.65 of the Revised Code, or a metropolitan park district for 273
 which no treasurer has been appointed pursuant to section 1545.07 274
 of the Revised Code, the county auditor of the county designated 275
 by law to act as the auditor of the district; in the case of a 276
 metropolitan park district which has appointed a treasurer 277
 pursuant to section 1545.07 of the Revised Code, that treasurer; 278
 in the case of a drainage improvement district, the auditor of the 279
 county in which the drainage improvement district is located; in 280
the case of a regional student education district, the fiscal 281
officer appointed pursuant to section 3313.82 of the Revised Code; 282
 and in all other cases, the officer responsible for keeping the 283
 appropriation accounts and drawing warrants for the expenditure of 284
 the moneys of the district or taxing unit. 285

(E) "Permanent improvement" or "improvement" means any 286
 property, asset, or improvement with an estimated life or 287
 usefulness of five years or more, including land and interests 288
 therein, and reconstructions, enlargements, and extensions thereof 289
 having an estimated life or usefulness of five years or more. 290

(F) "Current operating expenses" and "current expenses" mean 291
 the lawful expenditures of a subdivision, except those for 292
 permanent improvements, and except payments for interest, sinking 293
 fund, and retirement of bonds, notes, and certificates of 294
 indebtedness of the subdivision. 295

(G) "Debt charges" means interest, sinking fund, and 296
 retirement charges on bonds, notes, or certificates of 297
 indebtedness. 298

(H) "Taxing unit" means any subdivision or other governmental 299
 district having authority to levy taxes on the property in the 300

district or issue bonds that constitute a charge against the
 property of the district, including conservancy districts,
 metropolitan park districts, sanitary districts, road districts,
 and other districts.

(I) "District authority" means any board of directors,
 trustees, commissioners, or other officers controlling a district
 institution or activity that derives its income or funds from two
 or more subdivisions, such as the educational service center, the
 trustees of district children's homes, the district board of
 health, a joint-county alcohol, drug addiction, and mental health
 service district's board of alcohol, drug addiction, and mental
 health services, detention facility districts, a joint recreation
 district board of trustees, districts organized under section
 2151.65 of the Revised Code, combined districts organized under
 sections 2152.41 and 2151.65 of the Revised Code, and other such
 boards.

(J) "Tax list" and "tax duplicate" mean the general tax lists
 and duplicates prescribed by sections 319.28 and 319.29 of the
 Revised Code.

(K) "Property" as applied to a tax levy means taxable
 property listed on general tax lists and duplicates.

(L) "School library district" means a school district in
 which a free public library has been established that is under the
 control and management of a board of library trustees as provided
 in section 3375.15 of the Revised Code."

Between lines 81095 and 81096, insert:

"Sec. 5705.2111. (A) If the board of directors of a regional
 student education district created under section 3313.82 of the
 Revised Code desires to levy a tax in excess of the ten-mill
 limitation throughout the district for the purpose of funding the

services to be provided by the district to students enrolled in 331
the school districts of which the district is composed and their 332
immediate family members, the board shall propose the levy to each 333
of the boards of education of those school districts. The proposal 334
shall specify the rate or amount of the tax, the number of years 335
the tax will be levied or that it will be levied for a continuing 336
period of time, and that the aggregate rate of the tax shall not 337
exceed three mills per dollar of taxable value in the regional 338
student education district. 339

(B) (1) If a majority of the boards of education of the school 340
districts of which the regional student education district is 341
composed approves the proposal for the tax levy, the board of 342
directors of the regional student education district may adopt a 343
resolution approved by a majority of the board's full membership 344
declaring the necessity of levying the proposed tax in excess of 345
the ten-mill limitation throughout the district for the purpose of 346
funding the services to be provided by the district to students 347
enrolled in the school districts of which the district is composed 348
and their immediate family members. The resolution shall provide 349
for the question of the tax to be submitted to the electors of the 350
district at a general, primary, or special election on a day to be 351
specified in the resolution that is consistent with the 352
requirements of section 3501.01 of the Revised Code and that 353
occurs at least seventy-five days after the resolution is 354
certified to the board of elections. The resolution shall specify 355
the rate or amount of the tax and the number of years the tax will 356
be levied or that the tax will be levied for a continuing period 357
of time. The aggregate rate of tax levied by a regional student 358
education district under this section at any time shall not exceed 359
three mills per dollar of taxable value in the district. A tax 360
levied under this section may be renewed, subject to section 361
5705.25 of the Revised Code, or replaced as provided in section 362

5705.192 of the Revised Code. 363

(2) The resolution shall take effect immediately upon 364
passage, and no publication of the resolution is necessary other 365
than that provided in the notice of election. The resolution shall 366
be certified and submitted in the manner provided under section 367
5705.25 of the Revised Code, and that section governs the 368
arrangements governing submission of the question and other 369
matters concerning the election. 370

Sec. 5705.25. (A) A copy of any resolution adopted as 371
provided in section 5705.19 or 5705.2111 of the Revised Code shall 372
be certified by the taxing authority to the board of elections of 373
the proper county not less than seventy-five days before the 374
general election in any year, and the board shall submit the 375
proposal to the electors of the subdivision at the succeeding 376
November election. Except as otherwise provided in this division, 377
a resolution to renew an existing levy, regardless of the section 378
of the Revised Code under which the tax was imposed, shall not be 379
placed on the ballot unless the question is submitted at the 380
general election held during the last year the tax to be renewed 381
or replaced may be extended on the real and public utility 382
property tax list and duplicate, or at any election held in the 383
ensuing year. The limitation of the foregoing sentence does not 384
apply to a resolution to renew and increase or to renew part of an 385
existing levy that was imposed under section 5705.191 of the 386
Revised Code to supplement the general fund for the purpose of 387
making appropriations for one or more of the following purposes: 388
for public assistance, human or social services, relief, welfare, 389
hospitalization, health, and support of general hospitals. The 390
limitation of the second preceding sentence also does not apply to 391
a resolution that proposes to renew two or more existing levies 392
imposed under section 5705.21 of the Revised Code, in which case 393

the question shall be submitted on the date of the general or 394
 primary election held during the last year at least one of the 395
 levies to be renewed may be extended on the real and public 396
 utility property tax list and duplicate, or at any election held 397
 during the ensuing year. For purposes of this section, a levy 398
 shall be considered to be an "existing levy" through the year 399
 following the last year it can be placed on that tax list and 400
 duplicate. 401

The board shall make the necessary arrangements for the 402
 submission of such questions to the electors of such subdivision, 403
 and the election shall be conducted, canvassed, and certified in 404
 the same manner as regular elections in such subdivision for the 405
 election of county officers. Notice of the election shall be 406
 published in a newspaper of general circulation in the subdivision 407
 once a week for two consecutive weeks prior to the election, and, 408
 if the board of elections operates and maintains a web site, the 409
 board of elections shall post notice of the election on its web 410
 site for thirty days prior to the election. The notice shall state 411
 the purpose, the proposed increase in rate expressed in dollars 412
 and cents for each one hundred dollars of valuation as well as in 413
 mills for each one dollar of valuation, the number of years during 414
 which the increase will be in effect, the first month and year in 415
 which the tax will be levied, and the time and place of the 416
 election. 417

(B) The form of the ballots cast at an election held pursuant 418
 to division (A) of this section shall be as follows: 419

"An additional tax for the benefit of (name of subdivision or 420
 public library) for the purpose of (purpose stated in 421
 the resolution) at a rate not exceeding mills 422
 for each one dollar of valuation, which amounts to (rate expressed 423
 in dollars and cents) for each one hundred dollars of 424

valuation, for (life of indebtedness or number of years the
levy is to run).

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	For the Tax Levy
	Against the Tax Levy

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(C) If the levy is to be in effect for a continuing period of
time, the notice of election and the form of ballot shall so state
instead of setting forth a specified number of years for the levy.

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If the tax is to be placed on the current tax list, the form
of the ballot shall be modified by adding, after the statement of
the number of years the levy is to run, the phrase ", commencing
in (first year the tax is to be levied), first due in
calendar year (first calendar year in which the tax
shall be due)."

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If the levy submitted is a proposal to renew, increase, or
decrease an existing levy, the form of the ballot specified in
division (B) of this section may be changed by substituting for
the words "An additional" at the beginning of the form, the words
"A renewal of a" in case of a proposal to renew an existing levy
in the same amount; the words "A renewal of mills and an
increase of mills to constitute a" in the case of an
increase; or the words "A renewal of part of an existing levy,
being a reduction of mills, to constitute a" in the case of
a decrease in the proposed levy.

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If the levy submitted is a proposal to renew two or more
existing levies imposed under section 5705.21 of the Revised Code,
the form of the ballot specified in division (B) of this section
shall be modified by substituting for the words "an additional
tax" the words "a renewal of(insert the number of levies to

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be renewed) existing taxes."

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The question covered by such resolution shall be submitted as a separate proposition but may be printed on the same ballot with any other proposition submitted at the same election, other than the election of officers. More than one such question may be submitted at the same election.

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(D) A levy voted in excess of the ten-mill limitation under this section shall be certified to the tax commissioner. In the first year of the levy, it shall be extended on the tax lists after the February settlement succeeding the election. If the additional tax is to be placed upon the tax list of the current year, as specified in the resolution providing for its submission, the result of the election shall be certified immediately after the canvass by the board of elections to the taxing authority, who shall make the necessary levy and certify it to the county auditor, who shall extend it on the tax lists for collection. After the first year, the tax levy shall be included in the annual tax budget that is certified to the county budget commission."

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In line 90912, after "5703.80," insert "5705.01,"; after "5705.214," insert "5705.25,"

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In line 160 of the title, after "5703.80," insert "5705.01,"; after "5705.214," insert "5705.25,"

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In line 200 of the title, after "3313.719," insert "3313.82,"

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In line 218 of the title, after "5705.2110," insert "5705.2111,"

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The motion was _____ agreed to.

SYNOPSIS

New Taxing District: Regional Student Education Districts	480
R.C. 3313.82, 5705.01, 5705.2111, and 5705.25	481
Authorizes two or more school boards in a county with a	482
population greater than 1,200,000 to create a taxing district for	483
the joint funding of special education and behavioral health	484
services for students and their immediate families.	485

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Am. Sub. H.B. 1
As Passed by the Senate
CC-5091-2

5 _____ moved to amend as follows:

6 Between lines 103333 and 103334, insert:

7 **"Section 525. __.** INTERIM BUDGET RECONCILIATION

8 All amounts expended or encumbered from interim budget
9 appropriations made in Am. Sub. H.B. 16 of the 128th General
10 Assembly, H.B. 245 of the 128th General Assembly, or any
11 successive act providing such interim budget appropriations
12 shall be deducted from the appropriate line item appropriations
13 made in this act. The Director of Budget and Management shall
14 make any necessary adjustments to the appropriate line item
15 appropriations to carry out this Section."

16 The motion was _____ agreed to.

17 SYNOPSIS

18 **Interim Budget Reconciliation**

19 **Section __.**

20 Requires that all amounts expended or encumbered under
21 interim budget acts be deducted from the appropriate line item
22 appropriations made in the bill and directs the Director of
23 Budget and Management to make any necessary adjustments to the
24 appropriate line item appropriations to carry out the
25 reductions.

Am. Sub. H.B. 1
As Passed by the Senate
CC-5092
EDU-48

_____ moved to amend as follows:

In line 94213, delete "\$212,486" and insert "\$100,000" 1

The motion was _____ agreed to.

SYNOPSIS

Department of Education - Student Assessments 2

Section 265.20.10 3

Decreases the earmark of appropriation item 200437, Student 4
Assessments, from up to \$212,486 to \$100,000 in each fiscal year 5
for costs associated with the state's required diagnostic 6
assessments. 7

Am. Sub H.B. 1

As Passed by the Senate

CC-5093

DEV-56

_____ moved to amend as follows:

In line 427, after "121.376," insert "122.12, 122.121," 1

Between lines 6843 and 6844, insert: 2

"Sec. 122.12. As used in this section and in section 122.121 3
of the Revised Code: 4

(A) "Endorsing county" means a county that contains a site 5
selected by a site selection organization for one or more games. 6

(B) "Endorsing municipality" means a municipal corporation 7
that contains a site selected by a site selection organization for 8
one or more games. 9

(C) "Game support contract" means a joinder undertaking, 10
joinder agreement, or similar contract executed by an endorsing 11
municipality or endorsing county and a site selection 12
organization. 13

(D) "Game" means a national football league "super bowl," a 14
national collegiate athletic association championship game, the 15
national basketball association all-star game, the national hockey 16
league all-star game, the major league baseball all-star game, a 17
national collegiate athletic association bowl championship series 18
game, a world cup soccer game, the nation senior games, or the 19

olympic games.

(E) "Joinder agreement" means an agreement entered into by an endorsing municipality or endorsing county, or more than one endorsing municipality or county acting collectively and a site selection organization setting out representations and assurances by each endorsing municipality or endorsing county in connection with the selection of a site in this state for the location of a game.

(F) "Joinder undertaking" means an agreement entered into by an endorsing municipality or endorsing county, or more than one endorsing municipality or county acting collectively and a site selection organization that each endorsing municipality or endorsing county will execute a joinder agreement in the event that the site selection organization selects a site in this state for a game.

(G) "Local organizing committee" means a nonprofit corporation or its successor in interest that:

(1) Has been authorized by an endorsing municipality, endorsing county, or more than one endorsing municipality or county acting collectively to pursue an application and bid on the applicant's behalf to a site selection organization for selection as the site of one or more games; or

(2) With the authorization of an endorsing municipality, endorsing county, or more than one endorsing municipality or county acting collectively, has executed an agreement with a site selection organization regarding a bid to host one or more games.

(H) "Site selection organization" means the national football league, the national collegiate athletic association, the national basketball association, the national hockey league, major league baseball, the federation internationale de football association,

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the international world games association, the United States olympic committee, the national senior games association, or the national governing body of a sport that is recognized as such by the United States olympic committee.

Sec. 122.121. (A) If an endorsing municipality or endorsing county enters into a joinder undertaking with a site selection organization, the endorsing municipality or endorsing county may apply to the director of development, on a form and in the manner prescribed by the director, for a grant based on the projected incremental increase in the receipts from the tax imposed under section 5739.02 of the Revised Code within the market area designated under division (C) of this section, for the two-week period that ends at the end of the day after the date on which a game will be held, that is directly attributable, as determined by the director, to the preparation for and presentation of the game. The director shall determine the projected incremental increase in the tax imposed under section 5739.02 of the Revised Code from information certified to the director by the endorsing municipality or the endorsing county including, but not limited to, historical attendance and ticket sales for the game, income statements showing revenue and expenditures for the game in prior years, attendance capacity at the proposed venues, event budget at the proposed venues, and projected lodging room nights based on historical attendance, attendance capacity at the proposed venues, and duration of the game and related activities. The endorsing municipality or endorsing county is eligible to receive a grant under this section only if the projected incremental increase in receipts from the tax imposed under section 5739.02 of the Revised Code, as determined by the director, exceeds two hundred fifty thousand dollars. The amount of the grant shall be determined by the director but shall not exceed five hundred thousand dollars.

The director shall not issue grants with a total value of more than one million dollars in any fiscal year, and shall not issue any grant before July 1, 2011.

(B) If the director of development approves an application for an endorsing municipality or endorsing county and that endorsing municipality or endorsing county enters into a joinder agreement with a site selection organization, the endorsing municipality or endorsing county shall file a copy of the joinder agreement with the director of development, who immediately shall notify the director of budget and management of the filing. Within thirty days after receiving the notice, the director of budget and management shall establish a schedule to disburse from the general revenue fund to such endorsing municipality or endorsing county payments that total the amount certified by the director of development under division (A) of this section, but in no event shall the total amount disbursed exceed five hundred thousand dollars, and no disbursement shall be made before July 1, 2011. The payments shall be used exclusively by the endorsing municipality or endorsing county to fulfill a portion of its obligations to a site selection organization under game support contracts, which obligations may include the payment of costs relating to the preparations necessary for the conduct of the game, including acquiring, renovating, or constructing facilities; to pay the costs of conducting the game; and to assist the local organizing committee, endorsing municipality, or endorsing county in providing assurances required by a site selection organization sponsoring one or more games.

(C) For the purposes of division (A) of this section, the director of development, in consultation with the tax commissioner, shall designate as a market area for a game each area in which they determine there is a reasonable likelihood of

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measurable economic impact directly attributable to the 112
preparation for and presentation of the game and related events, 113
including areas likely to provide venues, accommodations, and 114
services in connection with the game based on the information and 115
the copy of the joinder undertaking provided to the director under 116
divisions (A) and (B) of this section. The director and 117
commissioner shall determine the geographic boundaries of each 118
market area. An endorsing municipality or endorsing county that 119
has been selected as the site for a game must be included in a 120
market area for the game. 121

(D) A local organizing committee, endorsing municipality, or 122
endorsing county shall provide information required by the 123
director of development and tax commissioner to enable the 124
director and commissioner to fulfill their duties under this 125
section, including annual audited statements of any financial 126
records required by a site selection organization and data 127
obtained by the local organizing committee, endorsing 128
municipality, or endorsing county relating to attendance at a game 129
and to the economic impact of the game. A local organizing 130
committee, an endorsing municipality, or an endorsing county shall 131
provide an annual audited financial statement if so required by 132
the director and commissioner, not later than the end of the 133
fourth month after the date the period covered by the financial 134
statement ends. 135

(E) Within sixty days after the game, the endorsing 136
municipality or the endorsing county shall report to the director 137
of development about the economic impact of the game. The report 138
shall be in the form and substance required by the director, 139
including, but not limited to, a final income statement for the 140
event showing total revenue and expenditures and revenue and 141
expenditures in the market area for the game, and ticket sales for 142

the game and any related activities for which admission was charged. The director of development shall determine, based on the reported information and the exercise of reasonable judgment, the incremental increase in receipts from the tax imposed under section 5739.02 of the Revised Code directly attributable to the game. If the actual incremental increase in such receipts is less than the projected incremental increase in receipts, the director may require the endorsing municipality or the endorsing county to refund to the state all or a portion of the grant.

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(F) No disbursement may be made under this section if the director of development determines that it would be used for the purpose of soliciting the relocation of a professional sports franchise located in this state.

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(G) This section may not be construed as creating or requiring a state guarantee of obligations imposed on an endorsing municipality or endorsing county under a game support contract or any other agreement relating to hosting one or more games in this state."

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In line 183 of the title, after "121.376," insert "122.12, 122.121,"

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The motion was _____ agreed to.

SYNOPSIS

Grants for Hosting Sporting Events or Olympics in Ohio 163

R.C. 122.12 and 122.121 164

Provides up to \$500,000 to municipal corporations or counties to attract games to Ohio, including NCAA championship and bowl games, the Olympics, all-star basketball, baseball, and hockey 165
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games, World Cup Soccer games, Senior Games, and the World Games. 168
The money is to be disbursed from the General Revenue Fund by the 169
Director of Budget and Management in an amount equal to the 170
estimated incremental increase in state sales tax collections from 171
holding the game in Ohio, up to \$500,000, upon certification by 172
the Director of Development that the projected incremental 173
increase exceeds \$250,000. No grant is allowed before FY 2012, and 174
total grants in any fiscal year are limited to \$1 million. The 175
Senate-passed version of the bill removed this provision, which 176
was included in the House-passed version. 177

Am. Sub. H.B. 1
As Passed by the Senate
CC-5094

_____ moved to amend as follows:

In line 341, after "3301.56," insert "3301.57," 1

Between lines 34257 and 34258, insert: 2

"Sec. 3301.57. (A) For the purpose of improving programs, 3
facilities, and implementation of the standards promulgated by the 4
state board of education under section 3301.53 of the Revised 5
Code, the state department of education shall provide consultation 6
and technical assistance to school districts, county MR/DD boards, 7
and eligible nonpublic schools operating preschool programs or 8
school child programs, and inservice training to preschool staff 9
members, school child program staff members, and nonteaching 10
employees. 11

(B) The department and the school district board of 12
education, county MR/DD board, or eligible nonpublic school shall 13
jointly monitor each preschool program and each school child 14
program. 15

If the program receives any grant or other funding from the 16
state or federal government, the department annually shall monitor 17
all reports on attendance, financial support, and expenditures 18
according to provisions for use of the funds. 19

(C) The department of education, at least ~~twice~~ once during 20

every twelve-month period of operation of a preschool program or a
licensed school child program, shall inspect the program and
provide a written inspection report to the superintendent of the
school district, county MR/DD board, or eligible nonpublic school.
~~At least one inspection shall be unannounced, and all~~ The
department may inspect any program more than once, as considered
necessary by the department, during any twelve-month period of
operation. All inspections may be unannounced. No person shall
interfere with any inspection conducted pursuant to this division
or to the rules adopted pursuant to sections 3301.52 to 3301.59 of
the Revised Code.

Upon receipt of any complaint that a preschool program or a
licensed school child program is out of compliance with the
requirements in sections 3301.52 to 3301.59 of the Revised Code or
the rules adopted under those sections, the department shall
investigate and may inspect the program.

(D) If a preschool program or a licensed school child program
is determined to be out of compliance with the requirements of
sections 3301.52 to 3301.59 of the Revised Code or the rules
adopted under those sections, the department of education shall
notify the appropriate superintendent, county MR/DD board, or
eligible nonpublic school in writing regarding the nature of the
violation, what must be done to correct the violation, and by what
date the correction must be made. If the correction is not made by
the date established by the department, it may commence action
under Chapter 119. of the Revised Code to close the program or to
revoke the license of the program. If a program does not comply
with an order to cease operation issued in accordance with Chapter
119. of the Revised Code, the department shall notify the attorney
general, the prosecuting attorney of the county in which the
program is located, or the city attorney, village solicitor, or
other chief legal officer of the municipal corporation in which

the program is located that the program is operating in violation
of sections 3301.52 to 3301.59 of the Revised Code or the rules
adopted under those sections and in violation of an order to cease
operation issued in accordance with Chapter 119. of the Revised
Code. Upon receipt of the notification, the attorney general,
prosecuting attorney, city attorney, village solicitor, or other
chief legal officer shall file a complaint in the court of common
pleas of the county in which the program is located requesting the
court to issue an order enjoining the program from operating. The
court shall grant the requested injunctive relief upon a showing
that the program named in the complaint is operating in violation
of sections 3301.52 to 3301.59 of the Revised Code or the rules
adopted under those sections and in violation of an order to cease
operation issued in accordance with Chapter 119. of the Revised
Code.

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(E) The department of education shall prepare an annual
report on inspections conducted under this section. The report
shall include the number of inspections conducted, the number and
types of violations found, and the steps taken to address the
violations. The department shall file the report with the
governor, the president and minority leader of the senate, and the
speaker and minority leader of the house of representatives on or
before the first day of January of each year, beginning in 1999."

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In line 90843, after "3301.56," insert "3301.57,"

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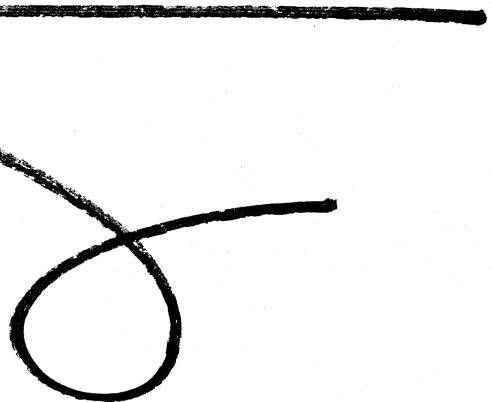
In line 106538, after "3301.164," insert "3301.57,"

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In line 65 of the title, after "3301.56," insert "3301.57,"

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The motion was _____ agreed to.



SYNOPSIS

Inspection of Preschool Programs and Licensed School Child Programs	79
R.C. 3301.57	80
Reduces the number of annual inspections of preschool programs and licensed school child programs by the department of education from twice during each 12-month period of operation to once each 12-month period of operation; permits the department of education to inspect any program more than once during any 12-month period if considered necessary by the department.	81
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6 _____ moved to amend as follows:

7 Between lines 101607 and 101608, insert:

8 "Section __. PUBLIC LIBRARY FUND ALLOCATION

9 Notwithstanding any provision of law to the contrary, for
10 the period August 1, 2009, to June 30, 2011, the monthly
11 allocation made to the Public Library Fund under section 131.51
12 of the Revised Code shall be one and ninety-seven one hundredths
13 per cent of the total tax revenue credited to the General
14 Revenue Fund in the preceding month. In determining the total
15 tax revenue credited to the General Revenue Fund during the
16 preceding month, the Director of Budget and Management shall
17 include amounts transferred from that fund during the preceding
18 month pursuant to this section and divisions (A) and (B) of
19 section 131.51 of the Revised Code."

20 The motion was _____ agreed to.

SYNOPSIS

21

22 **Public Library Fund**

23 **Section ____.**

24 Reduces the percentage of monthly total GRF tax revenue to
25 be allocated to the Public Library Fund (Fund 7065) to 1.97%
26 from 2.22% of the total tax revenue credited to the General
27 Revenue Fund in the preceding month, beginning from August 1,
28 2009 through June 30, 2011.

Am. Sub. H.B. 1

As Passed by the Senate

CC-5097

_____ moved to amend as follows:

In line 390, after "4741.46," insert "4751.07," 1

Between lines 69994 and 69995, insert: 2

"Sec. 4751.07. (A) Every individual who holds a valid license 3
as a nursing home administrator issued under division (A) of 4
section 4751.06 of the Revised Code, shall immediately upon 5
issuance thereof be registered with the board of examiners of 6
nursing home administrators and be issued a certificate of 7
registration. Such individual shall annually apply to the board 8
for a new certificate of registration on forms provided for such 9
purpose prior to the expiration of the certificate of registration 10
and shall at the same time submit satisfactory evidence to the 11
board of having attended such continuing education programs or 12
courses of study as may be prescribed in rules adopted by the 13
board. 14

(B) Upon making an application for a new certificate of 15
registration such individual shall pay the annual registration fee 16
of ~~two~~ three hundred ~~fifty~~ dollars. 17

(C) Upon receipt of such application for registration and the 18
registration fee required by divisions (A) and (B) of this 19
section, the board shall issue a certificate of registration to 20

such nursing home administrator. 21

(D) The license of a nursing home administrator who fails to 22
comply with this section shall automatically lapse. 23

(E) A nursing home administrator who has been licensed and 24
registered in this state who determines to temporarily abandon the 25
practice of nursing home administration shall notify the board in 26
writing immediately; provided, that such individual may thereafter 27
register to resume the practice of nursing home administration 28
within the state upon complying with the requirements of this 29
section regarding annual registration. 30

(F) Only an individual who has qualified as a licensed and 31
registered nursing home administrator under Chapter 4751. of the 32
Revised Code and the rules adopted thereunder, and who holds a 33
valid current registration certificate pursuant to this section, 34
may use the title "nursing home administrator," or the 35
abbreviation "N.H.A." after the individual's name. No other person 36
shall use such title or such abbreviation or any other words, 37
letters, sign, card, or device tending to indicate or to imply 38
that the person is a licensed and registered nursing home 39
administrator. 40

(G) Every person holding a valid license entitling the person 41
to practice nursing home administration in this state shall 42
display said license in the nursing home which is the person's 43
principal place of employment, and while engaged in the practice 44
of nursing home administration shall have at hand the current 45
registration certificate. 46

(H) Every person holding a valid temporary license shall have 47
such license at hand while engaged in the practice of nursing home 48
administration." 49

In line 90892, after "4741.46," insert "4751.07," 50

In line 133 of the title, after "4741.46," insert "4751.07," 51

The motion was _____ agreed to.

SYNOPSIS

Nursing Home Administrator Annual Registration Fee	52
R.C. 4751.07	53
Increases the fee for obtaining a nursing home administrator annual certificate of registration from \$250 to \$300.	54 55

Am. Sub. H.B. 1
As Passed by the Senate
CC-5100

_____ moved to amend as follows:

- In line 340, after "3301.0714," insert "3301.0715," 1
- In line 346, after "3319.08," insert "3319.088," 2
- In line 349, after "3319.391," insert "3319.41," 3
- In line 33494, strike through all after "(j)" 4
- In line 33495, strike through "(k)" 5
- In line 33496, strike through "(l)" and insert "(k)" 6
- In line 33497, strike through "(m)" and insert "(l)" 7
- In line 33500, strike through "(n)" and insert "(m)" 8
- In line 33505, strike through "(o)" and insert "(n)" 9
- In line 33886, strike through "(o)" and insert "(n)" 10
- Between lines 33894 and 33895, insert: 11
- "Sec. 3301.0715. (A) Except as provided in division (E) of 12
- this section, the board of education of each city, local, and 13
- exempted village school district shall administer each applicable 14
- diagnostic assessment developed and provided to the district in 15
- accordance with section 3301.079 of the Revised Code to the 16
- following: 17
- (1) Each student enrolled in a building that has failed to 18

make adequate yearly progress for two or more consecutive school years; 19
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(2) Any student who transfers into the district or to a different school within the district if each applicable diagnostic assessment was not administered by the district or school the student previously attended in the current school year, within thirty days after the date of transfer. If the district or school into which the student transfers cannot determine whether the student has taken any applicable diagnostic assessment in the current school year, the district or school may administer the diagnostic assessment to the student. 21
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(3) Each kindergarten student, not earlier than four weeks prior to the first day of school and not later than the first day of October. For the purpose of division (A) (3) of this section, the district shall administer the kindergarten readiness assessment provided by the department of education. In no case shall the results of the readiness assessment be used to prohibit a student from enrolling in kindergarten. 30
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(4) Each student enrolled in first or second grade. 37

(B) Each district board shall administer each diagnostic assessment as the board deems appropriate. However, the board shall administer any diagnostic assessment at least once annually to all students in the appropriate grade level. A district board may administer any diagnostic assessment in the fall and spring of a school year to measure the amount of academic growth attributable to the instruction received by students during that school year. 38
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(C) Each district board shall utilize and score any diagnostic assessment administered under division (A) of this section in accordance with rules established by the department. Except as required by division (B) (1) ~~(e)~~ (n) of section 3301.0714 46
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of the Revised Code, neither the state board of education nor the department shall require school districts to report the results of diagnostic assessments for any students to the department or to make any such results available in any form to the public. After the administration of any diagnostic assessment, each district shall provide a student's completed diagnostic assessment, the results of such assessment, and any other accompanying documents used during the administration of the assessment to the parent of that student upon the parent's request.

(D) Each district board shall provide intervention services to students whose diagnostic assessments show that they are failing to make satisfactory progress toward attaining the academic standards for their grade level.

(E) Any district that made adequate yearly progress in the immediately preceding school year may assess student progress in grades one through three using a diagnostic assessment other than the diagnostic assessment required by division (A) of this section.

(F) A district board may administer the third grade writing diagnostic assessment provided to the district in accordance with section 3301.079 of the Revised Code to any student enrolled in a building that is not subject to division (A) (1) of this section. Any district electing to administer the diagnostic assessment to students under this division shall provide intervention services to any such student whose diagnostic assessment shows unsatisfactory progress toward attaining the academic standards for the student's grade level.

(G) As used in this section, "adequate yearly progress" has the same meaning as in section 3302.01 of the Revised Code."

In line 38423, after "3319.391," insert "3319.41,"

Between lines 41446 and 41447, insert:

"Sec. 3319.088. As used in this section, "educational assistant" means any nonteaching employee in a school district who directly assists a teacher as defined in section 3319.09 of the Revised Code, by performing duties for which a license issued pursuant to sections 3319.22 to 3319.30 of the Revised Code is not required.

(A) The state board of education shall issue educational aide permits and educational paraprofessional licenses for educational assistants and shall adopt rules for the issuance and renewal of such permits and licenses which shall be consistent with the provisions of this section. Educational aide permits and educational paraprofessional licenses may be of several types and the rules shall prescribe the minimum qualifications of education, health, and character for the service to be authorized under each type. The prescribed minimum qualifications may require special training or educational courses designed to qualify a person to perform effectively the duties authorized under an educational aide permit or educational paraprofessional license.

(B) (1) Any application for a permit or license, or a renewal or duplicate of a permit or license, under this section shall be accompanied by the payment of a fee in the amount established under division (A) of section 3319.51 of the Revised Code. Any fees received under this division shall be paid into the state treasury to the credit of the state board of education licensure fund established under division (B) of section 3319.51 of the Revised Code.

(2) Any person applying for or holding a permit or license pursuant to this section is subject to sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code and sections 3319.31 and 3319.311 of the Revised Code.

(C) Educational assistants shall at all times while in the performance of their duties be under the supervision and direction of a teacher as defined in section 3319.09 of the Revised Code. Educational assistants may assist a teacher to whom assigned in the supervision of pupils, in assisting with instructional tasks, and in the performance of duties which, in the judgment of the teacher to whom the assistant is assigned, may be performed by a person not licensed pursuant to sections 3319.22 to 3319.30 of the Revised Code and for which a teaching license, issued pursuant to sections 3319.22 to 3319.30 of the Revised Code is not required. The duties of an educational assistant shall not include the assignment of grades to pupils. The duties of an educational ~~assistants~~ assistant need not be performed in the physical presence of the teacher to whom assigned, but the activity of an educational assistant shall at all times be under the direction of the teacher to whom assigned. The assignment of an educational assistant need not be limited to assisting a single teacher. In the event an educational assistant is assigned to assist more than one teacher the assignments shall be clearly delineated and so arranged that the educational assistant shall never be subject to simultaneous supervision or direction by more than one teacher.

Educational assistants assigned to supervise children shall, when the teacher to whom assigned is not physically present, maintain the degree of control and discipline ~~which~~ that would be maintained by the teacher, ~~but an educational assistant may not render corporal punishment.~~

Except when expressly permitted solely for the purposes of section 3317.029 of the Revised Code, educational assistants may not be used in place of classroom teachers or other employees and any payment of compensation by boards of education to educational assistants for such services is prohibited. The ratio between the

number of licensed teachers and the pupils in a school district 143
may not be decreased by utilization of educational assistants and 144
no grouping, or other organization of pupils, for utilization of 145
educational assistants shall be established which is inconsistent 146
with sound educational practices and procedures. A school district 147
may employ up to one full time equivalent educational assistant 148
for each six full time equivalent licensed employees of the 149
district. Educational assistants shall not be counted as licensed 150
employees for purposes of state support in the school foundation 151
program and no grouping or regrouping of pupils with educational 152
assistants may be counted as a class or unit for school foundation 153
program purposes. Neither special courses required by the 154
regulations of the state board of education, prescribing minimum 155
qualifications of education for an educational assistant, nor 156
years of service as an educational assistant shall be counted in 157
any way toward qualifying for a teacher license, for a teacher 158
contract of any type, or for determining placement on a salary 159
schedule in a school district as a teacher. 160

(D) Educational assistants employed by a board of education 162
shall have all rights, benefits, and legal protection available to 163
other nonteaching employees in the school district, except that 164
provisions of Chapter 124. of the Revised Code shall not apply to 165
any person employed as an educational assistant, and shall be 166
members of the school employees retirement system. Educational 167
assistants shall be compensated according to a salary plan adopted 168
annually by the board. 169

Except as provided in this section nonteaching employees 170
shall not serve as educational assistants without first obtaining 171
an appropriate educational aide permit or educational 172
paraprofessional license from the state board of education. A 173
nonteaching employee who is the holder of a valid educational aide 174

permit or educational paraprofessional license shall neither 175
render nor be required to render services inconsistent with the 176
type of services authorized by the permit or license held. No 177
person shall receive compensation from a board of education for 178
services rendered as an educational assistant in violation of this 179
provision. 180

Nonteaching employees whose functions are solely 181
secretarial-clerical and who do not perform any other duties as 182
educational assistants, even though they assist a teacher and work 183
under the direction of a teacher shall not be required to hold a 184
permit or license issued pursuant to this section. Students 185
preparing to become licensed teachers or educational assistants 186
shall not be required to hold an educational aide permit or 187
paraprofessional license for such periods of time as such students 188
are assigned, as part of their training program, to work with a 189
teacher in a school district. Such students shall not be 190
compensated for such services. 191

Following the determination of the assignment and general job 192
description of an educational assistant and subject to supervision 193
by the teacher's immediate administrative officer, a teacher to 194
whom an educational assistant is assigned shall make all final 195
determinations of the duties to be assigned to such assistant. 196
Teachers shall not be required to hold a license designated for 197
being a supervisor or administrator in order to perform the 198
necessary supervision of educational assistants. 199

(E) No person who is, or who has been employed as an 200
educational assistant shall divulge, except to the teacher to whom 201
assigned, or the administrator of the school in the absence of the 202
teacher to whom assigned, or when required to testify in a court 203
or proceedings, any personal information concerning any pupil in 204
the school district which was obtained or obtainable by the 205

educational assistant while so employed. Violation of this 206
 provision is grounds for disciplinary action or dismissal, or 207
 both." 208

Between lines 42763 and 42764, insert: 209

~~"Sec. 3319.41. (A)(1) Beginning September 1, 1994, and except 210
 as provided in division (C) of this section, no No person employed 211
 or engaged as a teacher, principal, administrator, nonlicensed 212
 school employee, or bus driver in a public school may inflict or 213
 cause to be inflicted corporal punishment as a means of discipline 214
 upon a pupil attending such school, unless the board of education 215
 of the school district in which the school is located adopts a 216
 resolution no later than September 1, 1994, to permit corporal 217
 punishment as a means of discipline and does not adopt a 218
 resolution prohibiting corporal punishment pursuant to division 219
 (B) of this section. No board shall adopt a resolution permitting 220
 corporal punishment before receiving and studying the report of 221
 the local discipline task force appointed under division (A)(2) of 222
 this section. 223~~

~~(2) The board of education of each city, local, exempted 224
 village, and joint vocational school district that has not adopted 225
 a rule prohibiting corporal punishment under section 3313.20 of 226
 the Revised Code prior to the effective date of this amendment 227
 shall appoint, and any board that has adopted a rule under that 228
 section prior to the effective date of this amendment may appoint, 229
 no later than April 1, 1994, a local discipline task force to 230
 conduct a study of effective discipline measures that are 231
 appropriate for that school district. Members of the task force 232
 shall include teachers, administrators, nonlicensed school 233
 employees, school psychologists, members of the medical 234
 profession, pediatricians when available, and representatives of 235
 parents' organizations. 236~~

~~The task force shall hold meetings regularly. All meetings of the task force shall be open to the public and at least one of the meetings shall be for the purpose of inviting public participation. The board of education shall provide public notice of any public meeting of the task force in newspapers or other periodicals of general circulation in the school district. The task force shall report its findings and recommendations in writing to the board of education no later than July 15, 1994. The task force's written report must be available for inspection by the public at the board's offices for at least five years after being submitted to the board.~~

~~(B) (1) At any time after September 1, 1996, the board of education of any city, local, exempted village, or joint vocational school district in which corporal punishment is permitted may adopt a resolution to prohibit corporal punishment. After the adoption of a resolution prohibiting corporal punishment pursuant to division (B) (1) of this section, the board of education of any city, local, exempted village, or joint vocational school district may adopt a resolution permitting corporal punishment after complying with division (B) (3) of this section.~~

~~(2) At any time after September 1, 1998, the board of education of any city, local, exempted village, or joint vocational school district that did not adopt a resolution permitting corporal punishment as a means of discipline pursuant to division (A) (1) of this section may adopt a resolution permitting corporal punishment after complying with division (B) (3) of this section.~~

~~(3) (a) The board of education of each city, local, exempted village, and joint vocational school district that intends to adopt a resolution permitting corporal punishment as a means of~~

~~discipline pursuant to division (B) (1) or (2) of this section may
adopt that resolution permitting corporal punishment as a means of
discipline only after receiving and studying the report of the
secondary local discipline task force appointed under division
(B) (3) (b) of this section.~~

~~(b) Any board of education described in division (B) (1) or
(2) of this section that intends to adopt a resolution permitting
corporal punishment as a means of discipline shall appoint a
secondary local discipline task force to conduct a study of
effective discipline measures that are appropriate for that school
district. Membership on the secondary local discipline task force
shall consist of the same types of persons that are required to be
included as members of the local discipline task force pursuant to
division (A) (2) of this section. The secondary local discipline
task force shall follow the same procedures with respect to
holding meetings, the provision of public notice, and the
production and inspection of a written report of findings and
recommendations that are applicable to the local discipline task
force pursuant to division (A) (2) of this section, except that the
secondary local discipline task force is not required to present
its written report to the board of education on a date that is no
later than July 15, 1994.~~

~~(C) The prohibition of corporal punishment by division (A) of
this section or by a resolution adopted under division (B) of this
section does not prohibit the use of reasonable force or restraint
in accordance with division (C) of this section.~~

~~(D) If the board of education of any city, local, exempted
village, or joint vocational school district does not prohibit
corporal punishment on the effective date of this amendment but at
any time after that date corporal punishment will be prohibited in
the district pursuant to division (A) (1) or (B) of this section,~~

~~the board shall do both of the following prior to the date on
which the prohibition takes effect.~~

~~(1) Adopt a disciplinary policy for the district that
includes alternative disciplinary measures;~~

~~(2) Consider what in service training, if any, school
district employees might need as part of implementing the policy
adopted under division (D) (1) of this section.~~

~~(E) A person employed or otherwise engaged as a teacher,
principal, or administrator by a board of education permitting
corporal punishment pursuant to division (A) (1) of this section or
by a nonpublic school, except as otherwise provided by the
governing authority of the nonpublic school, may inflict or cause
to be inflicted reasonable corporal punishment upon a pupil
attending the school to which the person is assigned whenever such
punishment is reasonably necessary in order to preserve discipline
while the student is subject to school authority.~~

~~(F) A board of education of a school district that permits
the use of corporal punishment as a means of discipline pursuant
to a resolution adopted by the board pursuant to division (A) (1)
of this section shall permit as part of its discipline policy the
parents, guardian, or custodian of a child that is attending any
school within the school district to request that corporal
punishment not be used as a means of discipline on that child;
upon the receipt of a request of that nature, shall ensure that an
alternative disciplinary measure is applied with respect to that
child; and shall include a procedure for the exercise of that
option in the resolution adopted pursuant to division (A) (1) of
this section.~~

~~(G) (C) Persons employed or engaged as teachers, principals,
or administrators in a school, whether public or private, and
nonlicensed school employees and school bus drivers may, within~~

the scope of their employment, use and apply such amount of force 330
 and restraint as is reasonable and necessary to quell a 331
 disturbance threatening physical injury to others, to obtain 332
 possession of weapons or other dangerous objects upon the person 333
 or within the control of the pupil, for the purpose of 334
 self-defense, or for the protection of persons or property." 335

In line 43406, after "3319.391," insert "3319.41," 336

In line 90842, after "3301.0714," insert "3301.0715," 337

In line 90848, after "3319.08," insert "3319.088," 338

In line 90851, after "3319.391," insert "3319.41," 339

In line 65 of the title, after "3301.0714," insert 340
 "3301.0715," 341

In line 73 of the title, after "3319.08," insert "3319.088," 342

In line 76 of the title, after "3319.391," insert "3319.41," 343

The motion was _____ agreed to.

SYNOPSIS

Corporal Punishment 344

R.C. 3301.0714(B) (1) and (P), 3301.0715, 3314.03(A) (11) (d), 345
 3319.088, 3319.41, and 3326.11 346

Reinstates the House provision prohibiting corporal 347
 punishment in all school districts, community schools, and STEM 348
 schools. (The amendment retains current law (1) allowing corporal 349
 punishment in *nonpublic* schools and (2) permitting public and 350
 nonpublic school employees to use force or restraint as reasonable 351
 or necessary to quell a disturbance, to obtain possession of a 352
 weapon, for self-defense, or to protect persons or property.) 353

Am. Sub. H.B. 1

As Passed by the Senate

CC-5101



_____ moved to amend as follows:

Strike through lines 76888 through 76907

1

The motion was _____ agreed to.

SYNOPSIS

Nursing Facility Refund of Excess Depreciation

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R.C. 5111.25

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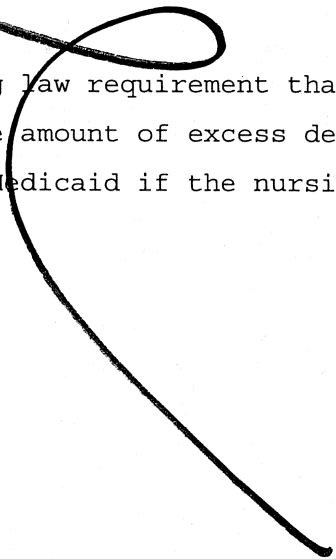
Eliminates the existing law requirement that a nursing facility refund to ODJFS the amount of excess depreciation paid to the nursing facility under Medicaid if the nursing facility is sold.

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Am. Sub. H.B. 1
As Passed by the Senate
CC-5103
BOR-77

6 _____ moved to amend as follows:

7 Delete lines 100210 through 100217

8 The motion was _____ agreed to.

9 SYNOPSIS

10 **Board of Regents**

11 **Section 371.20.06**

12 Eliminates the intent language for GRF appropriation item
13 235434, College Readiness and Access.

Am. Sub. H.B. 1
As Passed by the Senate
CC-5106
Compare Doc. No. ETC-3

_____ moved to amend as follows:

Between lines 96380 and 96381, insert: 1

"Of the foregoing appropriation item 935409, Technology 2
Operations, \$2,000,000 in fiscal year 2010 shall be used by eTech 3
Ohio to contract with an entity to provide a common statewide 4
platform and online advanced placement courses to public school 5
students in Ohio and, \$1,000,000 in fiscal year 2011 shall be used 6
to maintain the clearinghouse established under section 3333.82 of 7
the Revised Code for online advanced placement courses. School 8
districts that have students participating in the program shall 9
not be charged a fee in fiscal year 2010, but may be charged a fee 10
in fiscal year 2011 through the clearinghouse. Students 11
participating in the program shall receive services free of 12
charge. 13

An amount equal to the unexpended, unencumbered portion of 14
the foregoing appropriation item 935409, at the end of fiscal year 15
2010 is hereby reappropriated in fiscal year 2011 to continue to 16
support the statewide platform and to maintain the clearinghouse." 17

In line 96381, delete "foregoing" and insert "remainder of" 18

The motion was _____ agreed to.

SYNOPSIS

eTech Ohio 19

Section 281.20 20

Reinstates House-passed language earmarking funds from GRF 21
 appropriation item 935409, Technology Operations, for eTech Ohio, 22
 in fiscal year 2010, to contract with an entity to provide online 23
 advanced placement courses to public school students in Ohio and 24
 to maintain a clearinghouse for online advanced placement courses 25
 in fiscal year 2011. 26

Reduces the earmark amounts from \$3,000,000 in each fiscal 27
 year to \$2,000,000 in fiscal year 2010 and to \$1,000,000 in fiscal 28
 year 2011. Eliminates language that specifies the number of public 29
 school students in the program (5,000 under the House version). 30

Specifies that school districts that have students 32
 participating in the program not be charged a fee in fiscal year 33
 2010, but may be charged a fee in fiscal year 2011 through the 34
 clearinghouse. 35

Specifies that students participating in the program receive 36
 services free of charge. 37

Reappropriates an amount equal to the unexpended, 38
 unencumbered portion of 935409 at the end of fiscal year 2010 to 39
 continue to support the statewide platform and to maintain the 40
 clearinghouse in fiscal year 2011. 41

1 128HB1-CC5109.docx/rs

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Am. Sub. H.B. 1
As Passed by the Senate
CC-5109

5 _____ moved to amend as follows:

6 In line 94310, delete "at no cost to applicants,"

7 The motion was _____ agreed to.

8

SYNOPSIS

9

~~Department of Education~~

10

~~Section 265.20.40~~

11

12 Removes language requiring the Department to provide GED
13 testing at no cost to applicants with GRF appropriation item
200447, GED Testing.

Am. Sub. H.B. 1
As Passed by the Senate
CC-5113-1

_____ moved to amend as follows:

- In line 14530, delete "lender" and insert "issuer" 1
- In line 14558, delete everything after "(6)" 2
- Delete lines 14559 through 14563 3
- In line 14564, delete "(8)" and insert "(7)" 4
- In line 14566, delete "(9)" and insert "(8)" 5
- In line 14570, delete "(10)" and insert "(9)" 6
- In line 14572, after "state" insert ", being a taxpayer under
Chapter 5707., 5725., 5727., 5729., 5733., or 5747. of the Revised 7
Code at the time it may claim and receive a tax credit under 8
division (E) of section 150.07 of the Revised Code." 9
10
- In line 14585, delete "its" 11
- In line 14586, after "enterprises" insert "in accordance with
the investment policy authorized and required under section 150.03 12
of the Revised Code." 13
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- In line 14602, strike through all after "of" and insert 15
"three" 16
- In line 14603, strike through "shall be"; strike through 17
"with the advice and" 18
- In line 14604, strike through all before the period and 19

insert "one of whom the governor shall select from a list of three
nominees provided by the president of the senate, and one of whom
the governor shall select from a list of three nominees provided
by the speaker of the house of representatives. If the governor
rejects all the nominees provided in either list, the governor
shall request that the president of the senate or speaker of the
house, as the case may be, provide another list of three nominees,
and the president or speaker, as the case may be, shall provide
another list of three nominees."; after "All" insert "nominated
and"

In line 14609, strike through "be ex officio, nonvoting
members" and insert "serve as advisors to the authority but shall
not be members and shall not vote on any matter before the
authority"

In line 14611, strike through "gubernatorial"

In line 14614, after the period insert "The terms of all
members serving on the authority on January 31, 2010, expire on
that date, and the three appointees appointed pursuant to the
amendment of this section by H.B. 1 of the 128th general assembly
shall begin their terms February 1, 2010, with one term expiring
January 31, 2012, one term expiring January 31, 2013, and one term
expiring January 31, 2014."

In line 14630, strike through "voting"

In line 14632, strike through "voting"

In line 14633, strike through "voting"

In line 14641, delete "shall" and insert "may"

In line 14642, delete "shall"

In line 14644, delete "Any agreement shall" and insert "Such
agreements may"

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In line 14646, delete "shall provide for" 49

In line 14647, delete the first "to" and insert "that may";
delete "the issuer or"; after "trustee" insert "for the benefit of
the issuer" 50
51
52

In line 14648, after "to" insert "division (E) of"; delete
"shall" and insert "are to" 53
54

In line 14649, delete "shall provide" and insert "such other" 55

In line 14651, delete "the" and insert "a" 56

In line 14674, delete all after "that" 57

In line 14675, delete all before "a" 58

In line 14679, delete "all" and insert "both" 59

In line 14681, reinsert "be"; delete "is" 60

Delete lines 14684 through 14686 61

In line 14687, delete "(3)" and insert "(2)"; delete
"investment" 62
63

In line 14688, delete the first "in" and insert "commitment
to"; delete "invested in" and insert "funded into" 64
65

In line 14689, delete "in" and insert "to" 66

In line 14690, delete "invested is" and insert "committed be" 67

In line 14691, delete "invested in" and insert "funded into" 68

In line 14697, reinsert all after "fund" 69

Reinsert line 14698 70

In line 14699, reinsert "capital fund,"; reinsert "lesser of
the" 71
72

In line 14700, delete all after "(1)" 73

Delete lines 14701 through 14706 74

In line 14707, delete " <u>(a)</u> "	75
In line 14708, reinsert "(2) (a)"; delete " <u>(b) (i)</u> "	76
In line 14712, reinsert "(b)"; delete " <u>(ii)</u> "	77
In line 14718, delete " <u>other than an Ohio</u> "	78
In line 14719, delete " <u>co-investment fund</u> "	79
In line 14721, delete all after "fund"	80
Delete lines 14722 through 14726	81
In line 14727, delete " <u>administrator</u> "	82
In line 14767, delete " <u>, including to fund</u> " and insert " <u>to satisfy lenders' losses and restore money used to pay losses from</u> "	83
	84
	85
In line 14768, after " <u>reserves</u> " insert " <u>established and</u> "; delete " <u>or</u> " and insert " <u>a trustee</u> "	86
	87
In line 14771, after " <u>Code</u> " insert " <u>. Tax credits shall not be used initially to establish such a reserve or to fund a reserve with respect to any lender's loan as to which no loss has occurred. This division does not prohibit establishment of a reserve from the proceeds of any loan or any obligations issued under section 4582.71 of the Revised Code or from other sources available to the program fund</u> "	88
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In line 14784, after the period insert " <u>The program administrator shall provide to the authority an estimate of the amount of tax credits, if any, that are likely, in the administrator's reasonable judgment, to be claimed by a lender during the current and next succeeding state fiscal years. The estimate shall be provided at the same time each year that the administrator is required to report the annual audit to the authority under section 150.05 of the Revised Code.</u> "	95
	96
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In line 14788, strike through everything after "claimed" 103

In line 14789, strike through "establishes the investment 104
policy. A" and insert "before July 1, 2007, or after June 30, 105
2026, except, with respect to loans made from the proceeds of 106
obligations issued under section 4582.71 of the Revised Code, a"; 107
after "claimed" insert "before July 1, 2012, or" 108

In line 14822, after "certificates" insert "under this 109
section" 110

In line 14823, after the period insert "The authority shall 111
not issue tax credit certificates under this section in a total 112
amount exceeding three hundred eighty million dollars." 113

In line 14824, delete "anything in this section or in" 114

In line 14825, delete "in" and insert "any provision of" 115

In line 14826, delete "an issuer or a trustee on" 116

In line 14827, delete everything before the first "the" and 117
insert "if provided by"; delete the second "the" and insert "an" 118

In line 14829, after the underlined comma insert "and subject 119
to the limitations of divisions (B) and (D) of this section, a 120
trustee shall have"; after "right" insert ", for the benefit of 121
the issuer," 122

In line 14830, after "under" insert "division (A) of"; delete 123
the second "and" 124

Delete line 14831 125

In line 14832, delete all before "entitled" and insert 126
"solely for the purpose provided for in section 150.04 of the 127
Revised Code, and the trustee shall be" 128

In line 14834, delete "chapter," 129

In line 14835, delete "but solely" and insert "provisions of 130

Chapter 5707., 5725., 5727., 5729., 5733., or 5747. of the Revised Code" 131
132

In line 14836, delete "issuer or the"; after the underlined 133
period insert "The trustee shall receive the proceeds of such a 134
tax credit for the benefit of the issuer, and shall apply the 135
proceeds solely to satisfy a loss or restore a reserve as provided 136
in section 150.04 of the Revised Code."; delete "an" 137

In line 14837, delete "issuer or" 138

In line 14838, delete "issuer or" 139

Between lines 14839 and 14840, insert: 140

"The general assembly may from time to time modify or repeal 141
any of the taxes against which the credits authorized under 142
division (A) of this section may be claimed, and may authorize 143
those credits to be claimed for the purposes provided for in 144
section 150.04 of the Revised Code with respect to any other tax 145
imposed by this state; provided, that if any obligations issued 146
under section 4582.71 of the Revised Code are then outstanding and 147
such modification or repeal would have the effect of impairing any 148
covenant made in or pursuant to an agreement under division (E) of 149
section 150.02 of the Revised Code regarding the maintenance or 150
restoration of reserves established and maintained with a trustee 151
consistent with division (B) (2) of section 150.04 of the Revised 152
Code and such agreement, the state shall provide other security to 153
the extent necessary to avoid or offset the impairment of such 154
covenant." 155

Delete lines 68557 through 68560 156

In line 68561, delete "(C)" and insert "(B)" 157

In line 68567, after the underlined period insert "Activities 158
authorized by Section 2p of Article VIII, Ohio Constitution, shall 159
be authorized purposes of port authorities to the extent necessary 160

<u>for a port authority to act as an issuing authority under this</u>	161
<u>section."</u>	162
In line 68568, delete " <u>(D)</u> " and insert " <u>(C)</u> "	163
In line 68588, delete " <u>(E)</u> " and insert " <u>(D)</u> "; delete " <u>issuing</u>	164
<u>authority, the</u> "; delete " <u>or both shall</u> " and insert " <u>for the</u>	165
<u>benefit of the issuing authority, may</u> "	166
In line 68591, delete " <u>, and</u> " and insert " <u>. If the trustee is</u>	167
<u>so authorized.</u> "	168
In line 68594, delete " <u>, or</u> "	169
In line 68595, delete " <u>require the issuing authority to</u>	170
<u>take.</u> "	171
In line 68597, delete " <u>credits</u> " and insert " <u>credit</u>	172
<u>certificate</u> "; delete " <u>the issuing</u> "	173
In line 68598, delete " <u>authority or</u> "	174
In line 68600, delete " <u>an</u> "	175
Delete lines 68601 and 68602 and insert " <u>shall promptly</u>	176
<u>deposit the proceeds</u> "	177
In line 68603, delete " <u>(D)</u> " and insert " <u>(C)</u> "	178
Delete lines 68605 through 68628	179
In line 68629, delete " <u>(G)</u> " and insert " <u>(E)</u> "	180
In line 68635, after " <u>interest</u> " insert " <u>or any premium</u> "	181
In line 68639, delete " <u>both</u> "	182
In line 68640, after " <u>interest</u> " insert " <u>and any premium</u> "	183
In line 68644, delete " <u>(H)</u> " and insert " <u>(F)</u> "	184
In line 68647, after the underlined comma insert " <u>for the</u>	185
<u>purpose of making loans to the program fund to provide for</u>	186
<u>research and development costs.</u> "	187

In line 68648, delete " <u>the</u> " and insert " <u>such</u> "; delete " <u>of</u>	188
<u>that section</u> "	189

The motion was _____ agreed to.

SYNOPSIS

Venture Capital Authority and Tax Credit	190
R.C. 150.01 to 150.04, 150.07, and 4582.71	191
Modifies a provision in both the House- and Senate-passed	192
bills authorizing port authorities to issue revenue bonds for the	193
research and development purposes of Section 2p, Article VIII,	194
Ohio Constitution, lend the bond proceeds to venture capital funds	195
through the Ohio Venture Capital Authority program fund, and	196
authorizing the trustee agreeing to secure the bonds to claim	197
refundable venture capital program tax credits to cover investment	198
losses.	199
Obligates the state of Ohio to provide "security" as	200
necessary to avoid or offset any impairment of a covenant between	201
the OVC Authority and the port authority that may result if the	202
General Assembly were to modify or repeal the venture capital tax	203
credits available to the trustee in such a way as to impair the	204
reserves created to cover investment losses.	205
Limits the total amount of Venture Capital Authority tax	206
credit issuances to \$380 million.	207
Specifies that the OVC Authority's investment policy must	208
require that a new commitment of OVC Fund money to a venture	209
capital fund may be made only if the total amount of investments	210
made by all venture capital funds receiving OVC commitments in	211
Ohio-based business enterprises is at least equal to the total	212

amount of OVC money committed to those funds. 213

Recreates the Ohio Venture Capital Authority as a 214
three-member board composed of three members appointed by the 215
Governor, one of whom must be selected from among three nominees 216
provided by the President of the Senate, and one of whom must be 217
selected from among three nominees provided by the Speaker of the 218
House. The Director of Development and the Tax Commissioner are 219
removed from the board as ex officio and nonvoting members, but 220
they (or their designees) would continue to serve the board in an 221
advisory capacity. 222

1 128HB1-CC5114.docx/ss

2 Am. Sub. H.B. 1
3 As Passed by the Senate
4 CC-5114
5 EDU-71

6 _____ moved to amend as follows:

7 In line 94432, delete "\$2,121,800" and insert "\$1,789,943"

8 The motion was _____ agreed to.

9 SYNOPSIS

10 **Department of Education - Auxiliary Services**

11 **Section 265.20.90**

12 Decreases the earmark of appropriation item 200511,
13 Auxiliary Services, from up to \$2,121,800 to up to \$1,789,943 in
14 each fiscal year for payment of the Post-Secondary Enrollment
15 Options Program for nonpublic school students.

Am. Sub. H.B. 1
As Passed by the Senate
CC-5116-5

_____ moved to amend as follows:

Between lines 105455 and 105456, insert: 1

"Section 741.01. For purposes of Sections 741.01, 741.02, 2
741.03, 741.04, 741.05, 741.06, and 741.07 of this act: 3

(A) "Appropriate unit" means independent child care providers 4
or independent home care providers, whichever is the subject of 5
the bargaining activity. 6

(B) "Independent child care provider" means a child care 7
provider categorized under the Revised Code as either a Type A 8
licensed provider who does not meet the definition of employee 9
under the National Labor Relations Act, or a Type B certified or 10
licensed provider or an in-home aide who is not a county or state 11
employee. The terms in this division have the same meanings as the 12
terms defined in Chapter 5104. of the Revised Code. 13

(C) (1) "Independent home care provider" means any person who 14
meets either of the following criteria: 15

(a) The person provides home services under a medicaid waiver 16
component as described in section 5111.851 or 5111.87 of the 17
Revised Code. 18

(b) The person provides home services through a state 19
medicaid plan amendment as described in 42 U.S.C. 1396n(i). 20

(2) "Independent home care provider" does not include any person employed by a private agency for purposes of performing the activities described in division (C)(1) of this section.

(D) "Provider" means an independent child care provider or an independent home care provider.

(E) "Recipient" means any person receiving the services of an independent child care provider or an independent home care provider, or that person's parent or legal guardian.

(F) "Representative organization" means any employee organization as defined in division (D) of section 4117.01 of the Revised Code or any labor or bona fide organization in which providers participate and that exists for the purpose, in whole or in part, of dealing with the state concerning grievances, wages, hours, terms, and other conditions of employment of providers that are within the control of the state.

Section 741.02. Providers may do all of the following:

(A) Form, join, assist, or participate in, or refrain from forming, joining, assisting, or participating in, except as otherwise provided in sections 741.01 to 741.06 of this act, any representative organization of their own choosing;

(B) Engage in concerted activities, other than those described in division (A) of this section, for the purpose of collective bargaining or other mutual aid and protection;

(C) Be represented by a representative organization;

(D) Bargain collectively with the state to determine wages, hours, terms, other conditions of employment that are within the control of the state, the continuation, modification, or deletion of an existing provision of a collective bargaining agreement, and enter into a collective bargaining agreement.

(E) Present grievances and have them adjusted, without the
intervention of the representative organization, so long as the
adjustment is not inconsistent with the terms of any collective
bargaining agreement then in effect and the representative
organization has the opportunity to be present at the adjustment.

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Section 741.03. (A) A representative organization shall
become the exclusive representative of all the providers in an
appropriate unit for the purpose of collective bargaining by
satisfying either of the following criteria:

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(1) Being certified by an impartial election monitor as
described in the governor's executive order 2008-02S for
independent child care providers or the governor's executive order
2007-23S for independent home care providers;

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(2) Filing a request with the state for recognition as an
exclusive representative, as described in division (B) of this
section, a copy of which shall be sent to the state employment
relations board.

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(B)(1) In the request for recognition, the representative
organization shall do all of the following:

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(a) Describe the bargaining unit;

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(b) Allege that a majority of the providers in the bargaining
unit wish to be represented by the representative organization;

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(c) Support the request with substantial evidence based on,
and in accordance with, rules prescribed by the state employment
relations board demonstrating that a majority of the providers in
the bargaining unit wish to be represented by the representative
organization.

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(2) Immediately upon receipt of the request described in
divisions (A)(2) and (B)(1) of this section, the state shall

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request an election in accordance with the same requirements as 79
 provided in division (A)(2) of section 4117.07 of the Revised 80
 Code. 81

(C) Nothing in this section shall be construed to permit the 82
 state to recognize, or the state employment relations board to 83
 certify, a representative organization as an exclusive 84
 representative if there is in effect a lawful written agreement, 85
 contract, or memorandum of understanding between the state and 86
 another representative organization that, on the effective date of 87
 this section, has been recognized by the state as the exclusive 88
 representative of the providers in an appropriate unit or that by 89
 tradition, custom, practice, election, or negotiation has been the 90
 only representative organization representing all providers in the 91
 unit. This division does not apply to any agreement that has been 92
 in effect in excess of three years. For purposes of this section, 93
 extensions of an agreement do not affect the expiration of the 94
 original agreement. 95

Section 741.04. (A) All matters pertaining to wages, hours, 96
 terms and other conditions of employment that are within the 97
 control of the state, the continuation, modification, or deletion 98
 of an existing provision of a collective bargaining agreement 99
 shall be subject to collective bargaining between the state and 100
 the exclusive representative as described in Section 741.03 of 101
 this act, except as otherwise specified in this section. 102

(B) This section shall not alter the unique relations between 103
 providers and recipients of care. The recipient retains the 104
 absolute right to choose providers and to control the hiring, 105
 termination, and supervision of providers. 106

(C) This section shall not affect the ability of the state to 107
 take appropriate action when a provider is no longer eligible to 108

provide care under state or federal law, or any rules or regulations adopted thereunder.

Section 741.05. The parties to any collective bargaining agreement entered into pursuant to sections 741.01, 741.02, 741.03, and 741.04 of this act shall record that agreement in writing, which is to be executed by all of the parties to the agreement. The agreement shall contain the same provisions as described in divisions (B), (C), and (E) of section 4117.09 of the Revised Code. Such provisions shall apply to the state, its agents or representatives, any representative organization, its agents or representatives, and to providers in the same manner as the same provisions apply to public employers, public employees, and employee organizations as described in Chapter 4117. of the Revised Code.

Section 741.06. The state employment relations board has the same authority as described in sections 4117.12 and 4117.13 of the Revised Code to investigate, hold hearings, make determinations, and issue complaints regarding unfair labor practices, insofar as that authority does not conflict with sections 741.01, 741.02, 741.03, 741.04, 741.05, and 741.06 of this act. For purposes of this section, "unfair labor practice" has the same meaning as in section 4117.11 of the Revised Code, except any provisions applying to public employers shall apply to the state, any provisions applying to employee organizations shall apply to representative organizations, and any provisions applying to public employees shall apply to providers.

Section 741.07. Sections 741.01 to 741.06 of this act shall remain in effect until the end of the current governor's time in office as governor.

The motion was _____ agreed to.

SYNOPSIS

Collective Bargaining for Independent Child Care Providers	138
and Independent Home Care Providers	139
Sections 741.01 to 741.07	140
Allows independent home care providers and independent child	141
care providers to do all of the following:	142
Form, join, assist, or participate in, or refrain from	143
forming, joining, assisting, or participating in, except as	144
otherwise specified, any representative organization of their own	145
choosing;	146
Engage in concerted activities, other than those described	147
above, for the purpose of collective bargaining or other mutual	148
aid and protection.	149
Be represented by a representative organization;	150
Bargain collectively with the state to determine wages,	151
hours, terms, other conditions of employment that are within the	152
control of the state, the continuation, modification, or deletion	153
of an existing provision of a collective bargaining agreement, and	154
enter a collective bargaining agreement;	155
Present grievances and have them adjusted, without the	156
intervention of the representative organization, so long as the	157
adjustment is not inconsistent with the terms of any collective	158
bargaining agreement then in effect and the representative	159
organization has the opportunity to be present at the adjustment.	160
Defines "independent home care provider" as any person who	161

either provides home services under a Medicaid waiver component of
 through a state Medicaid plan amendment. Excludes independent home
 care providers employed by a private agency for purposes of
 performing home care services from the definition of independent
 home care provider. Defines "independent child care provider" as a
 child care provider categorized under the Child Care Law (R.C.
 Chapter 5104.) as either a Type A licensed provider who does not
 meet the definition of employee under the National Labor Relations
 Act, or a Type B certified or licensed provider or an in-home aide
 who is not a county or state employee.

Specifies two processes by which a representative
 organization may become the exclusive representative of all of the
 providers in an appropriate bargaining unit. Allows the
 representative organization to be certified as the exclusive
 representative by an impartial election monitor as described in
 specified executive orders issued by the Governor. Allows the
 representative organization to become the exclusive representative
 by filing a request with the state and the State Employment
 Relations Board (hereafter, "SERB"). Requires the request to
 describe the bargaining unit, allege that a majority of the
 providers in the bargaining unit wish to be represented by the
 representative organization, and support the request with
 substantial evidence based on, and in accordance with, rules
 adopted by SERB demonstrating that a majority of the providers in
 the bargaining unit wish to be represented by the representative
 organization. Requires the state to request an election
 immediately upon receipt of the request. Prohibits the state from
 recognizing a representative organization as an exclusive
 representative if there is in effect a lawful written agreement,
 contract, or memorandum of understanding between the state and
 another representative organization.

Requires all matters pertaining to wages, hours, terms and 193
 other conditions of employment that are within the control of the 194
 state, the continuation, modification, or deletion of an existing 195
 provision of a collective bargaining agreement to be subject to 196
 collective bargaining between the state and the exclusive 197
 representative. 198

Prohibits the collective bargaining rights provided in the 199
 amendment from altering the unique relations between providers and 200
 recipients of care. Maintains the right of the recipient to choose 201
 providers and to control the hiring, termination, and supervision 202
 of providers. Maintains the ability of the state to take 203
 appropriate action when a provider is no longer eligible to 204
 provide care under state or federal law, or any state or federal 205
 rules or regulations. 206

Requires the parties to a collective bargaining agreement 207
 entered into under this amendment to record the agreement in 208
 writing, which must be executed by all of the parties to the 209
 agreement. Requires the agreement to contain the same provisions 210
 required by the Public Employee Collective Bargaining Law (R.C. 211
 Chapter 4117.). 212

Grants SERB the same authority as that provided in the Public 213
 Employee Collective Bargaining Law to investigate, hold hearings, 214
 make determinations, and issue complaints regarding unfair labor 215
 practices. 216

Provides that the preceding provisions continue to remain in 217
 effect until the end of the current governor's time in office as 218
 governor. 219

5 _____ moved to amend as follows:

- 6 In line 96395, delete "\$1,104,605" and insert "\$731,055"
- 7 In line 96396, delete "\$1,104,905" and insert "\$731,221"
- 8 In line 96409, delete "\$2,695,736" and insert "\$1,810,966"
- 9 In line 96410, delete "\$2,696,336" and insert "\$1,811,376"
- 10 In line 96420, delete "\$336,965" and insert "\$221,902"
- 11 In line 96421, delete "\$337,003" and insert "\$221,952"
- 12 In line 96441, delete "\$2,675,641" and insert "\$1,875,826"
- 13 In line 96442, delete "\$2,675,966" and insert "\$1,879,668"

14 The motion was _____ agreed to.

15 SYNOPSIS

16 eTech Ohio

17 Sections 281.20 and 281.30

18 Reduces the earmarks of the following GRF appropriation
19 items:

- 20 (1) 935411, Content Development, Acquisition, and
- 21 Distribution - from up to \$1,104,605 to up to \$731,055 in fiscal
- 22 year 2010 and from up to \$1,104,905 to up to \$731,226 in fiscal
- 23 year 2011, to be allocated equally among the 12 Ohio educational
- 24 television stations; from up to \$2,695,736 to up to \$1,810,966

25 in fiscal year 2010 and from up to \$2,696,336 to up to
26 \$1,811,376 in fiscal year 2011, to be distributed to Ohio's
27 qualified public educational television and radio stations; and,
28 from up to \$336,965 to up to \$221,902 in fiscal year 2010 and
29 from up to \$337,003 to up to \$221,952 in fiscal year 2011, for
30 radio reading services.

31 (2) 935411, Technology Integration and Professional
32 Development - from up to \$2,675,641 to up to \$1,875,826 in
33 fiscal year 2010 and from up to \$2,675,966 to up to \$1,879,668
34 in fiscal year 2011, for eTech to contract with educational
35 television to provide public schools with instructional
36 resources.

Am. Sub. H.B. 1

As Passed by the Senate
CC-5120-1

_____ moved to amend as follows:

Between lines 96826 and 96827, insert:

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"Section _____. LIMITED EXTENSION OF THE MORATORIUM UNDER THE
CERTIFICATE OF NEED PROGRAM

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(A) As used in this section, "certificate of need" and
"long-term care bed" have the same meanings as in section 3702.51
of the Revised Code.

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(B) Until the effective date of the actions taken by this act
to amend, enact, and repeal sections included within the range
consisting of sections 3702.51 to 3702.62 of the Revised Code, the
Director of Health shall proceed as follows with respect to a
certificate of need application proposing an increase in long-term
care beds:

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(1) If the application was received during the period
beginning July 1, 2009, and ending on the day before the effective
date of this section, the Director shall grant the certificate of
need only if the proposed increase in long-term care beds is
attributable solely to a replacement or relocation of existing
long-term care beds within the same county.

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(2) If the application is received on or after the effective
date of this section, the Director shall accept the application,
for review under section 3702.52 of the Revised Code, only if the

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proposed increase in long-term care beds is attributable solely to 22
 a replacement or relocation of existing long-term care beds within 23
 the same county. 24

(3) If a certificate of need is granted to the applicant, the 25
 Director shall not authorize additional beds beyond those being 26
 replaced or relocated. 27

(C) If pursuant to division (B)(1) of this section a 28
 certificate of need cannot be granted or pursuant to division 29
 (B)(2) of this section an application cannot be accepted, the 30
 Director shall return to the applicant both the application and 31
 the fee that accompanied the application. This division applies to 32
 all pending actions regarding applications received before the 33
 effective date of the actions taken by this act to amend, enact, 34
 and repeal sections included within the range consisting of 35
 sections 3702.51 to 3702.62 of the Revised Code. 36

(D) The provisions of this section are applicable to the 37
 Director and the Certificate of Need Program, notwithstanding any 38
 conflicting provision of sections 3702.51 to 3702.62 of the 39
 Revised Code." 40

The motion was _____ agreed to.

SYNOPSIS

Limited Extension of the Moratorium under the CON Program 41
 Section _____ 42
 Establishes a limited extension of the Certificate of Need 43
 (CON) Program's moratorium (which expired June 30, 2009) on 44
 increases in the number of long-term care beds, specifically by 45
 permitting the Director of Health to grant a CON or accept a CON 46

application for review only if the proposed bed increase is 47
attributable solely to the replacement or relocation of existing 48
beds within the same county. 49

Requires the Director to return CON applications and their 50
accompanying fees for proposals that cannot be approved as a 51
result of the limited extension of the moratorium. 52

Am. Sub. H.B. 1
As Passed by the Senate
CC-5121-5

_____ moved to amend as follows:

In line 371, after "3767.41," insert "3770.03," 1

In line 445, after "3745.50," insert "3770.21," 2

Between lines 58047 and 58048, insert: 3

"Sec. 3770.03. (A) The state lottery commission shall 4
promulgate rules under which a statewide lottery may be conducted, 5
which includes, and since the original enactment of this section 6
has included, the authority for the commission to operate video 7
lottery terminal games. Any reference in this chapter to tickets 8
shall not be construed to in any way limit the authority of the 9
commission to operate video lottery terminal games. Nothing in 10
this chapter shall restrict the authority of the commission to 11
promulgate rules related to the operation of games utilizing video 12
lottery terminals as described in section 3770.21 of the Revised 13
Code. The rules shall be promulgated pursuant to Chapter 119. of 14
the Revised Code, except that instant game rules shall be 15
promulgated pursuant to section 111.15 of the Revised Code but are 16
not subject to division (D) of that section. Subjects covered in 17
these rules shall include, but need not be limited to, the 18
following: 19

(1) The type of lottery to be conducted; 20

(2) The prices of tickets in the lottery; 21

(3) The number, nature, and value of prize awards, the manner 22
and frequency of prize drawings, and the manner in which prizes 23
shall be awarded to holders of winning tickets. 24

(B) The commission shall promulgate rules, in addition to 25
those described in division (A) of this section, pursuant to 26
Chapter 119. of the Revised Code under which a statewide lottery 27
and statewide joint lottery games may be conducted. Subjects 28
covered in these rules shall include, but not be limited to, the 29
following: 30

(1) The locations at which lottery tickets may be sold and 31
the manner in which they are to be sold. These rules may authorize 32
the sale of lottery tickets by commission personnel or other 33
licensed individuals from traveling show wagons at the state fair, 34
and at any other expositions the director of the commission 35
considers acceptable. These rules shall prohibit commission 36
personnel or other licensed individuals from soliciting from an 37
exposition the right to sell lottery tickets at that exposition, 38
but shall allow commission personnel or other licensed individuals 39
to sell lottery tickets at an exposition if the exposition 40
requests commission personnel or licensed individuals to do so. 41
These rules may also address the accessibility of sales agent 42
locations to commission products in accordance with the "Americans 43
with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101 44
et seq. 45

(2) The manner in which lottery sales revenues are to be 46
collected, including authorization for the director to impose 47
penalties for failure by lottery sales agents to transfer revenues 48
to the commission in a timely manner; 49

(3) The amount of compensation to be paid licensed lottery 50
sales agents; 51

(4) The substantive criteria for the licensing of lottery sales agents consistent with section 3770.05 of the Revised Code, and procedures for revoking or suspending their licenses consistent with Chapter 119. of the Revised Code. If circumstances, such as the nonpayment of funds owed by a lottery sales agent, or other circumstances related to the public safety, convenience, or trust, require immediate action, the director may suspend a license without affording an opportunity for a prior hearing under section 119.07 of the Revised Code.

(5) Special game rules to implement any agreements signed by the governor that the director enters into with other lottery jurisdictions under division (J) of section 3770.02 of the Revised Code to conduct statewide joint lottery games. The rules shall require that the entire net proceeds of those games that remain, after associated operating expenses, prize disbursements, lottery sales agent bonuses, commissions, and reimbursements, and any other expenses necessary to comply with the agreements or the rules are deducted from the gross proceeds of those games, be transferred to the lottery profits education fund under division (B) of section 3770.06 of the Revised Code.

(6) Any other subjects the commission determines are necessary for the operation of video lottery terminal games, including the establishment of any fees, fines, or payment schedules.

(C) Chapter 2915. of the Revised Code does not apply to, affect, or prohibit lotteries conducted pursuant to this chapter.

(D) The commission may promulgate rules, in addition to those described in divisions (A) and (B) of this section, that establish standards governing the display of advertising and celebrity images on lottery tickets and on other items that are used in the conduct of, or to promote, the statewide lottery and statewide

joint lottery games. Any revenue derived from the sale of 83
 advertising displayed on lottery tickets and on those other items 84
 shall be considered, for purposes of section 3770.06 of the 85
 Revised Code, to be related proceeds in connection with the 86
 statewide lottery or gross proceeds from statewide joint lottery 87
 games, as applicable. 88

~~(D)~~(E) (1) The commission shall meet with the director at 89
 least once each month and shall convene other meetings at the 90
 request of the chairperson or any five of the members. No action 91
 taken by the commission shall be binding unless at least five of 92
 the members present vote in favor of the action. A written record 93
 shall be made of the proceedings of each meeting and shall be 94
 transmitted forthwith to the governor, the president of the 95
 senate, the senate minority leader, the speaker of the house of 96
 representatives, and the house minority leader. 97

(2) The director shall present to the commission a report 98
 each month, showing the total revenues, prize disbursements, and 99
 operating expenses of the state lottery for the preceding month. 100
 As soon as practicable after the end of each fiscal year, the 101
 commission shall prepare and transmit to the governor and the 102
 general assembly a report of lottery revenues, prize 103
 disbursements, and operating expenses for the preceding fiscal 104
 year and any recommendations for legislation considered necessary 105
 by the commission." 106

Between lines 58209 and 58210, insert: 107

"Sec. 3770.21. (A) "Video lottery terminal" means any 108
electronic device approved by the state lottery commission that 109
provides immediate prize determinations for participants on an 110
electronic display. 111

(B) The state lottery commission shall include, in any rules 112

adopted concerning video lottery terminals, the level of minimum 113
investments that must be made by video lottery terminal licensees 114
in the buildings and grounds at the facilities, including 115
temporary facilities, in which the terminals will be located, 116
along with any standards and timetables for such investments. 117

(C) No license or excise tax or fee not in effect on the 118
effective date of this section shall be assessed upon or collected 119
from a video lottery terminal licensee by any county, township, 120
municipal corporation, school district, or other political 121
subdivision of the state that has authority to assess or collect a 122
tax or fee by reason of the video lottery terminal related conduct 123
authorized by section 3770.03 of the Revised Code. This division 124
does not prohibit the imposition of taxes under Chapter 718. or 125
3769. of the Revised Code. 126

(D) The supreme court shall have exclusive, original 127
jurisdiction over any claim asserting that this section or section 128
3770.03 of the Revised Code or any portion of those sections or 129
any rule adopted under those sections violates any provision of 130
the Ohio Constitution, any claim asserting that any action taken 131
by the governor or the lottery commission pursuant to those 132
sections violates any provision of the Ohio Constitution or any 133
provision of the Revised Code, or any claim asserting that any 134
portion of this section violates any provision of the Ohio 135
Constitution. If any claim over which the supreme court is granted 136
exclusive, original jurisdiction by this division is filed in any 137
lower court, the claim shall be dismissed by the court on the 138
ground that the court lacks jurisdiction to review it. 139

140
(E) Should any portion of this section or of section 3770.03 141
of the Revised Code be found to be unenforceable or invalid, it 142
shall be severed and the remaining portions remain in full force 143

and effect. 144

In line 90873, after "3767.41," insert "3770.03," 145

In lines 96920 and 96921, delete "\$1,164,218 \$1,164,218" and insert "\$1,214,218 \$1,214,218" 146
147

In line 96926, delete "\$1,989,218 \$1,989,218" and insert "\$2,039,218 \$2,039,218" 148
149

Between lines 96926 and 96928, insert: 150

"VIDEO LOTTERY TERMINAL OVERSIGHT 151

Of the foregoing GRF appropriation item 965321, Operating Expenses, \$50,000 in each fiscal year may be used to defray any expenses associated with the review of the operation of video lottery terminal operations as specified in Chapter 3770. of the Revised Code." 152
153
154
155
156

Between lines 105448 and 105449, insert: 157

"Section 735.____. It is the intent of the General Assembly to address political contribution issues by the end of the 128th General Assembly. 158
159
160

Section 737.____. Notwithstanding any other provision to the contrary in Chapter 3769. of the Revised Code, for a period of two years after the effective date of this section, any person holding a permit under the provisions of that chapter to conduct live horse-racing meetings at a facility owned by a political subdivision may apply for, and the State Racing Commission may grant, a permit to conduct horse-racing meetings at a location at which such meetings have not previously been conducted, if the permit application is accompanied by a resolution adopted by the board of county commissioners of the county of the proposed location, and of the local legislative authority, whether a municipal corporation or township, of the proposed location, 161
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requesting that the Commission grant the permit. The Commission 173
 may only grant such an application if the proposed location is in 174
 the same or a contiguous county and is within fifty miles of the 175
 current location associated with the permit, but is not in the 176
 same county as another location at which live horse-racing 177
 meetings are conducted." 178

In line 106543, after "3718.03," insert "3770.03, 3770.21," 179

In line 107 of the title, after "3767.41," insert "3770.03," 180

In line 205 of the title, after "3745.50," insert "3770.21," 181

The motion was _____ agreed to.

SYNOPSIS

Authority of State Lottery Commission to Conduct Video 182
 Lottery Terminal Games 183

R.C. 3770.03 and 3770.21 184

Specifically authorizes the State Lottery Commission to 185
 operate video lottery terminal games and to adopt rules the 186
 Commission determines necessary for the operation of these games, 187
 including the establishment of any fees, fines, or payment 188
 schedules and the level of minimum investments that must be made 189
 in the buildings and grounds in which video lottery terminals will 190
 be located. 191

Prohibits any license or excise tax or fee not in effect on 192
 the provisions effective date from being assessed upon or 193
 collected from a video lottery terminal licensee by any political 194
 subdivision that has authority to assess or collect a tax or fee, 195
 by reason of video lottery related conduct, except for municipal 196
 income taxes and horse racing taxes. 197

Grants the Ohio Supreme Court exclusive original jurisdiction	198
over any claim that the bill's provisions dealing with video	199
lottery terminal games, or rules adopted under those provisions,	200
are unconstitutional.	201
Authorizes the transfer of a horse-racing permit to another	202
location under specified conditions.	203
Inspector General	204
Section 305.10	205
Appropriates an additional \$50,000 in each fiscal year to GRF	206
appropriation item 965327, Operating Expenses, and permits this	207
additional appropriation to be used to defray any expenses	208
incurred from the oversight of operations pertaining to video	209
lottery terminals.	210

2
3
4

Am. Sub. H.B. 1
As Passed by the Senate
CC-5127

5 _____ moved to amend as follows:

- 6 Delete line 103788
- 7 In line 103790, reinsert "25,777,964"
- 8 Delete line 103790a
- 9 Delete lines 103991 through 104190
- 10 In line 255 of the title, delete "301.20.80,"

11 The motion was _____ agreed to.

12 SYNOPSIS

13 **Board of Regents**

14 **Sections 301.20.80, 610.10, 610.16, and 610.17**

15 Eliminates the transfer of State University capital
16 appropriation item C315R9, Camp Clifton Improvements, with an
17 appropriation of \$90,000 to Wright State University capital
18 appropriation item C27538, Camp Clifton Improvements, with an
19 appropriation of \$90,000.

Am. Sub. H.B. 1
As Passed by the Senate
CC-5128-1

_____ moved to amend as follows:

In line 406, delete "5112.371," 1

In line 407, after "5123.0413," insert "5123.0417," 2

In line 424, delete the first "and"; after "5111.688" insert
", and 5112.371" 3
4

In line 453, delete "5112.372," 5

Delete lines 78314 through 78394 and insert: 6

"Sec. 5112.30. As used in sections 5112.30 to 5112.39 of the
Revised Code: 7
8

(A) "Franchise permit fee rate" means the following: 9

(1) Until August 1, 2009, eleven dollars and ninety-eight
cents; 10
11

(2) For the period beginning August 1, 2009, and ending June
30, 2010, fourteen dollars and seventy-five cents; 12
13

(3) For fiscal year 2011, thirteen dollars and fifty-five
cents; 14
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(4) For fiscal year 2012 and each fiscal year thereafter, the
rate used for the immediately preceding fiscal year as adjusted in
accordance with the composite inflation factor established in 16
17
18

rules adopted under section 5112.39 of the Revised Code. 19

(B) "Intermediate care facility for the mentally retarded" 20
has the same meaning as in section 5111.20 of the Revised Code, 21
except that, until August 1, 2009, it does not include any such 22
facility operated by the department of mental retardation and 23
developmental disabilities. 24

~~(B)(C)~~ "Medicaid" has the same meaning as in section 5111.01 25
of the Revised Code. 26

Sec. 5112.31. The department of job and family services shall 27
do all of the following: 28

(A) ~~For~~ Subject to division (B) of this section and for the 29
purposes specified in sections 5112.37 and 5112.371 of the Revised 30
Code, annually assess for each fiscal year each intermediate care 31
facility for the mentally retarded a franchise permit fee equal to 32
~~eleven dollars and ninety-eight cents~~ the franchise permit fee 33
rate multiplied by the product of the following: 34

(1) The number of beds certified under Title XIX of the 35
"Social Security Act" on the first day of May of the calendar year 36
in which the assessment is determined pursuant to division (A) of 37
section 5112.33 of the Revised Code; 38
39

(2) The following number of days: 40

(a) For fiscal year 2010, the following: 41

(i) For the part of fiscal year 2010 during which the 42
franchise permit fee rate is eleven dollars and ninety-eight 43
cents, the number of days during fiscal year 2010 during which the 44
franchise permit fee rate is that amount; 45

(ii) For the part of fiscal year 2010 during which the 46
franchise permit fee rate is fourteen dollars and seventy-five 47

cents, the number of days during fiscal year 2010 during which the franchise permit fee is that amount; 48
49

(iii) For fiscal year 2011 and each fiscal year thereafter, 50
the number of days in the fiscal year beginning on the first day 51
of July of the same calendar year. 52

(B) Beginning July 1, 2009, and the first day of each July 53
thereafter, adjust fees determined under division (A) of this 54
section in accordance with the composite inflation factor 55
established in rules adopted under section 5112.39 of the Revised 56
Code If the total amount of the franchise permit fee assessed 57
under division (A) of this section for a fiscal year exceeds five 58
and one-half per cent of the actual net patient revenue for all 59
intermediate care facilities for the mentally retarded for that 60
fiscal year, do both of the following: 61

(1) Recalculate the assessments under division (A) of this 62
section using a per bed per day rate equal to five and one-half 63
per cent of actual net patient revenue for all intermediate care 64
facilities for the mentally retarded for that fiscal year; 65

(2) Refund the difference between the amount of the franchise 66
permit fee assessed for that fiscal year under division (A) of 67
this section and the amount recalculated under division (B) (1) of 68
this section as a credit against the assessments imposed under 69
division (A) of this section for the subsequent fiscal year. 70

(C) If the United States secretary of health and human 71
services determines that the franchise permit fee established by 72
sections 5112.30 to 5112.39 of the Revised Code would be an 73
impermissible health care-related tax under section 1903(w) of the 74
"Social Security Act," 42 U.S.C.A. 1396b(w), as amended, take all 75
necessary actions to cease implementation of those sections in 76
accordance with rules adopted under section 5112.39 of the Revised 77
Code. 78

Sec. 5112.37. There is hereby created in the state treasury 79
the home and community-based services for the mentally retarded 80
and developmentally disabled fund. ~~Ninety-four~~ Eighty-four and 81
~~twenty-eight hundredths~~ two tenths per cent of all installment 82
payments and penalties paid by an intermediate care facility for 83
the mentally retarded under sections 5112.33 and 5112.34 of the 84
Revised Code for state fiscal year 2010 shall be deposited into 85
the fund. Seventy-nine and twelve hundredths per cent of all 86
installment payments and penalties paid by an intermediate care 87
facility for the mentally retarded under sections 5112.33 and 88
5112.34 of the Revised Code for state fiscal year 2011 and 89
thereafter shall be deposited into the fund. The department of job 90
and family services shall distribute the money in the fund in 91
accordance with rules adopted under section 5112.39 of the Revised 92
Code. The departments of job and family services and mental 93
retardation and developmental disabilities shall use the money for 94
the medicaid program established under Chapter 5111. of the 95
Revised Code and home and community-based services to mentally 96
retarded and developmentally disabled persons. 97

Sec. 5112.371. There is hereby created in the state treasury 98
the department of developmental disabilities operating and 99
services fund. Fifteen and eight tenths per cent of all 100
installment payments and penalties paid by an intermediate care 101
facility for the mentally retarded under sections 5112.33 and 102
5112.34 of the Revised Code for state fiscal year 2010 shall be 103
deposited into the fund. Twenty and eighty-eight hundredths per 104
cent of all installment payments and penalties paid by an 105
intermediate care facility for the mentally retarded under 106
sections 5112.33 and 5112.34 of the Revised Code for state fiscal 107
year 2011 and thereafter shall be deposited into the fund. The 108
money in the fund shall be used for the expenses of the programs 109

that the department of mental retardation and developmental 110
disabilities administers and the department's administrative 111
expenses. 112

Sec. 5112.39. The director of job and family services shall 113
adopt rules in accordance with Chapter 119. of the Revised Code to 114
do all of the following: 115

(A) Establish a composite inflation factor ~~with which to~~ 116
~~adjust franchise permit fees under~~ for the purpose of division 117
(A) (4) of section 5112.31 5112.30 of the Revised Code; 118

(B) Prescribe the actions the department will take to cease 119
implementation of sections 5112.30 to 5112.39 of the Revised Code 120
if the United States secretary of health and human services 121
determines that the franchise permit fee imposed under section 122
5112.31 of the Revised Code is an impermissible health 123
care-related tax under section 1903(w) of the "Social Security 124
Act," 49 Stat. 620 (1935), 42 U.S.C.A. 1396b(w), as amended; 125

(C) Establish the method of distributing the money in the 126
home and community-based services for the mentally retarded and 127
developmentally disabled fund created by section 5112.37 of the 128
Revised Code; 129

(D) Establish any other requirements or procedures the 130
director considers necessary to implement sections 5112.30 to 131
5112.39 of the Revised Code." 132

Between lines 78929 and 78930, insert: 133

"Sec. 5123.0417. (A) ~~Using funds available under section~~ 134
~~5112.371 of the Revised Code, the~~ The director of mental 135
retardation and developmental disabilities shall establish one or 136
more programs for individuals under twenty-one years of age who 137

have intensive behavioral needs, including such individuals with a primary diagnosis of autism spectrum disorder. The programs may include one or more medicaid waiver components that the director administers pursuant to section 5111.871 of the Revised Code. The programs may do one or more of the following:

(1) Establish models that incorporate elements common to effective intervention programs and evidence-based practices in services for children with intensive behavioral needs;

(2) Design a template for individualized education plans and individual service plans that provide consistent intervention programs and evidence-based practices for the care and treatment of children with intensive behavioral needs;

(3) Disseminate best practice guidelines for use by families of children with intensive behavioral needs and professionals working with such families;

(4) Develop a transition planning model for effectively mainstreaming school-age children with intensive behavioral needs to their public school district;

(5) Contribute to the field of early and effective identification and intervention programs for children with intensive behavioral needs by providing financial support for scholarly research and publication of clinical findings.

(B) The director of mental retardation and developmental disabilities shall collaborate with the director of job and family services and consult with the executive director of the Ohio center for autism and low incidence and university-based programs that specialize in services for individuals with developmental disabilities when establishing programs under this section."

In line 90908, delete "5112.371,"

In line 90910, after "5123.0413," insert "5123.0417,"	167
In line 90950, after "5101.072," insert "5112.371,"	168
In line 97029, delete "\$2,493,379,157 \$3,539,256,149" and insert "\$2,483,515,766 \$3,206,274,820"	169 170
In line 97030, delete "\$6,372,697,855 \$7,407,374,830" and insert "\$6,317,293,740 \$7,144,647,402"	171 172
In line 97031, delete "\$8,866,077,012 \$10,946,630,979" and insert "\$8,800,809,506 \$10,350,922,222"	173 174
In line 97044, subtract \$9,863,391 from fiscal year 2010 and \$332,981,329 from fiscal year 2011	175 176
In line 97045, subtract \$55,404,115 from fiscal year 2010 and \$262,727,428 from fiscal year 2011	177 178
In line 97046, subtract \$65,267,506 from fiscal year 2010 and \$595,708,757 from fiscal year 2011	179 180
In line 97071, delete "\$3,257,696,629 \$2,481,516,614" and insert "\$3,367,952,785 \$2,729,816,014"	181 182
In line 97082, add \$110,256,156 to fiscal year 2010 and \$248,299,400 to fiscal year 2011	183 184
In line 97092, delete "\$28,261,826 \$29,482,434" and insert "\$29,696,029 \$28,976,838"	185 186
In line 97108, add \$1,434,203 to fiscal year 2010 and subtract \$505,596 from fiscal year 2011	187 188
In line 97118, add \$46,422,853 to fiscal year 2010 and subtract \$347,914,954 from fiscal year 2011	189 190
Delete lines 97350 through 97483 and insert:	191
"Section 309.30.60. FISCAL YEAR 2010 MEDICAID REIMBURSEMENT	192
SYSTEM FOR ICFs/MR	193

(A) As used in this section:	194
"Change of operator," "entering operator," and "exiting operator" have the same meanings as in section 5111.65 of the Revised Code.	195 196 197
"Franchise permit fee" and "provider" have the same meanings as in section 5111.20 of the Revised Code.	198 199
"ICF/MR" means an intermediate care facility for the mentally retarded as defined in section 5111.20 of the Revised Code.	200 201
"ICF/MR services" means services covered by the Medicaid program that an ICF/MR provides to a Medicaid recipient eligible for the services.	202 203 204
"Medicaid days" means all days during which a resident who is a Medicaid recipient occupies a bed in an ICF/MR that is included in the ICF/MR's Medicaid-certified capacity. Therapeutic or hospital leave days for which payment is made under section 5111.33 of the Revised Code are considered Medicaid days proportionate to the percentage of the ICF/MR's per resident per day rate paid for those days.	205 206 207 208 209 210 211
"Per diem rate" means the per diem rate calculated pursuant to sections 5111.20 to 5111.33 of the Revised Code.	212 213
(B) This section applies to providers of ICFs/MR to which either of the following applies:	214 215
(1) The provider has a valid Medicaid provider agreement for the ICF/MR on June 30, 2009, and a valid Medicaid provider agreement for the ICF/MR during fiscal year 2010.	216 217 218
(2) The ICF/MR undergoes a change of operator effective July 1, 2009, the exiting operator has a valid Medicaid provider agreement for the ICF/MR on June 30, 2009, and the entering operator has a valid Medicaid provider agreement for the ICF/MR	219 220 221 222

during fiscal year 2010. 223

(C) Except as otherwise provided by this section, the 224
provider of an ICF/MR to which this section applies shall be paid, 225
for ICF/MR services the ICF/MR provides during fiscal year 2010, 226
the rate calculated for the ICF/MR under sections 5111.20 to 227
5111.33 of the Revised Code. 228

(D) The provider of an ICF/MR to which this section applies 229
shall be paid, for ICF/MR services the ICF/MR provides during the 230
period beginning on the effective date of this section and ending 231
July 31, 2009, the rate the provider was paid for ICF/MR services 232
the ICF/MR provided on June 29, 2009. 233

(E) If the mean total per diem rate for all ICFs/MR in this 234
state for the period beginning August 1, 2009, and ending June 30, 235
2010, weighted by May 2009 Medicaid days and calculated as of 236
August 1, 2009, exceeds \$278.15, the Department shall reduce, for 237
the period beginning August 1, 2009, and ending June 30, 2010, the 238
total per diem rate for each ICF/MR to which this section applies 239
by a percentage that is equal to the percentage by which the mean 240
total per diem rate exceeds \$278.15. 241

(F) The rate of an ICF/MR set pursuant to this section shall 242
not be subject to any adjustments authorized by sections 5111.20 243
to 5111.33 of the Revised Code, or any rule authorized by those 244
sections, during the remainder of fiscal year 2010. 245

(G) If the United States Centers for Medicare and Medicaid 246
Services requires that the franchise permit fee be reduced or 247
eliminated, the Department of Job and Family Services shall reduce 248
the amount it pays providers of ICF/MR services under this section 249
as necessary to reflect the loss to the state of the revenue and 250
federal financial participation generated from the franchise 251
permit fee. 252

(H) The Department of Job and Family Services shall follow 253
 this section in determining the rate to be paid providers of 254
 ICF/MR services subject to this section notwithstanding anything 255
 to the contrary in sections 5111.20 to 5111.33 of the Revised 256
 Code. 257

Section 309.30.70. FISCAL YEAR 2011 MEDICAID REIMBURSEMENT 258
SYSTEM FOR ICFs/MR 259

(A) As used in this section: 260

"Change of operator," "entering operator," and "exiting 261
 operator" have the same meanings as in section 5111.65 of the 262
 Revised Code. 263

"Franchise permit fee" and "provider" have the same meanings 264
 as in section 5111.20 of the Revised Code. 265

"ICF/MR" means an intermediate care facility for the mentally 266
 retarded as defined in section 5111.20 of the Revised Code. 267

"ICF/MR services" means services covered by the Medicaid 268
 program that an ICF/MR provides to a Medicaid recipient eligible 269
 for the services. 270

"Medicaid days" means all days during which a resident who is 271
 a Medicaid recipient occupies a bed in an ICF/MR that is included 272
 in the ICF/MR's Medicaid-certified capacity. Therapeutic or 273
 hospital leave days for which payment is made under section 274
 5111.33 of the Revised Code are considered Medicaid days 275
 proportionate to the percentage of the ICF/MR's per resident per 276
 day rate paid for those days. 277

"Per diem rate" means the per diem rate calculated pursuant 278
 to sections 5111.20 to 5111.33 of the Revised Code. 279

(B) This section applies to providers of ICFs/MR to which 280
 either of the following applies: 281

(1) The provider has a valid Medicaid provider agreement for the ICF/MR on June 30, 2010, and a valid Medicaid provider agreement for the ICF/MR during fiscal year 2011.

(2) The ICF/MR undergoes a change of operator effective July 1, 2010, the exiting operator has a valid Medicaid provider agreement for the ICF/MR on June 30, 2010, and the entering operator has a valid Medicaid provider agreement for the ICF/MR during fiscal year 2011.

(C) Except as otherwise provided by this section, the provider of an ICF/MR to which this section applies shall be paid, for ICF/MR services the ICF/MR provides during fiscal year 2011, the rate calculated for the ICF/MR under sections 5111.20 to 5111.33 of the Revised Code.

(D) If the mean total per diem rate for all ICFs/MR in this state for fiscal year 2011, weighted by May 2010 Medicaid days and calculated as of July 1, 2010, exceeds \$278.15, the Department shall reduce the total per diem rate for each ICF/MR to which this section applies by a percentage that is equal to the percentage by which the mean total per diem rate exceeds \$278.15.

(E) The rate of an ICF/MR set pursuant to this section shall not be subject to any adjustments authorized by sections 5111.20 to 5111.33 of the Revised Code, or any rule authorized by those sections, during the remainder of fiscal year 2011.

(F) If the United States Centers for Medicare and Medicaid Services requires that the franchise permit fee be reduced or eliminated, the Department of Job and Family Services shall reduce the amount it pays providers of ICF/MR services under this section as necessary to reflect the loss to the state of the revenue and federal financial participation generated from the franchise permit fee.

(G) The Department of Job and Family Services shall follow 312
this section in determining the rate to be paid providers of 313
ICF/MR services subject to this section notwithstanding anything 314
to the contrary in sections 5111.20 to 5111.33 of the Revised 315
Code." 316

In line 99302, delete "\$5,600,000 \$7,500,000" and insert 317
"\$5,953,391 \$7,146,609" 318

In line 99304, add \$353,391 to fiscal year 2010 and subtract 319
\$353,391 from fiscal year 2011 320

In line 99330, add \$353,391 to fiscal year 2010 and subtract 321
\$353,391 from fiscal year 2011 322

In line 106546, after "5111.875," insert "5112.30, 5112.31, 323
5112.37, 5112.39,"; after "5123.0412," insert "5123.0417," 324

Between lines 106549 and 106550, insert: 325

"The repeal and reenactment of section 5112.371 of the 326
Revised Code." 327

In line 106554, after "5111.24," insert "and"; delete the 328
seventh comma 329

In line 106555, delete "5112.30, 5112.31, 5112.37, 5112.371, 330
and 5112.372" 331

In line 155 of the title, delete "5112.371," 332

In line 156 of the title, after "5123.0413," insert 333
"5123.0417," 334

In line 180 of the title, delete the first "and"; after 335
"5111.688" insert ", and 5112.371" 336

In line 216 of the title, delete "5112.372," 337

In line 243 of the title, after "5101.072," insert 338
"5112.371," 339

The motion was _____ agreed to.

SYNOPSIS

ICF/MR Franchise Permit Fee 340

R.C. 5112.30, 5112.31, 5112.37, 5112.371 (repealed), 5112.371 341
(new enactment), 5112.39, and 5123.0417 342

Provides that developmental centers are not subject to the 343
ICF/MR franchise permit fee until August 1, 2009. 344

Provides that the franchise permit fee on ICF/MR beds is to 345
(1) remain at \$11.98 until August 1, 2009, (2) be raised to \$14.75 346
for the period beginning August 1, 2009, and ending June 30, 2010, 347
(3) be \$13.55 for fiscal year 2011, and (4) be, for each 348
successive fiscal year, the amount set for the previous fiscal 349
year as adjusted by a composite inflation factor. 350

Requires ODJFS to recalculate the franchise permit fee if the 351
amount assessed by the fee for a fiscal year exceeds 5.5% of the 352
actual net patient revenue for all ICFs/MR for that fiscal year 353
and to credit the franchise permit fees to ICFs/MR for the 354
following fiscal year. 355

Provides for the money raised by the ICF/MR franchise permit 356
fee to be deposited as follows: (1) 84.2% in fiscal year 2010 and 357
79.12% in fiscal year 2011 and thereafter into the Home and 358
Community-Based Services for the Mentally Retarded and 359
Developmentally Disabled Fund and (2) 15.8% in fiscal year 2010 360
and 20.88% in fiscal year 2011 and thereafter into a new fund 361
created in the state treasury called the Department of 362
Developmental Disabilities Operating and Services Fund. 363

Abolishes the Children with Intensive Behavioral Needs 364

Programs Fund but maintains the requirement for the Director of
 Developmental Disabilities to establish one or more programs for
 individuals under age 21 who have intensive behavioral needs
 which, under current law, are funded with money in the Children
 with Intensive Behavioral Needs Programs Fund.

FY 2010 Medicaid Reimbursement Rate for ICFs/MR 370

Section 309.30.60 371

Provides for an ICF/MR to be paid, for services provided
 during the period beginning on the effective date of this
 provision and ending July 31, 2009, the Medicaid rate the ICF/MR
 was paid on June 29, 2009.

Provides that the mean total per diem rate that is used in
 setting the Medicaid reimbursement rate for the period beginning
 August 1, 2009, and ending June 30, 2010, is \$278.15.

Removes the bill's provision that requires ODJFS to seek
 federal approval not later than September 30, 2009, for the
 changes to the fiscal year 2010 Medicaid reimbursement rate for
 ICFs/MR and to implement the changes retroactive to the later of
 the effective date of the federal approval and July 1, 2009.

FY 2011 Medicaid Reimbursement Rate for ICFs/MR 384

Section 309.30.70 385

Decreases the mean total per diem rate that is used in
 setting the fiscal year 2011 Medicaid reimbursement rate for
 ICFs/MR from \$282.54 to \$278.15.

Removes the bill's provision that requires ODJFS to seek
 federal approval not later than September 30, 2010, for the
 changes to the fiscal year 2011 Medicaid reimbursement rate for
 ICFs/MR and to implement the changes retroactive to the later of
 the effective date of the federal approval and July 1, 2010.

Department of Job and Family Services 394

Section 309.10 395

Increases the appropriation to appropriation item 600525, 396
Health Care/Medicaid, by \$20,207,812 (\$5,411,334 state share) in 397
FY 2010 and decreases the appropriation by \$19,757,071 (\$6,411,809 398
state share) in FY 2011. 399

Increases the appropriation to appropriation item 600621, 400
ICF/MR Bed Assessments, by \$1,434,203 in FY 2010 and decreases the 401
appropriation by \$505,596 in FY 2011. 402

Increases the appropriation to appropriation item 600623, 403
Health Care Federal, by \$110,256,156 in FY 2010 and \$248,299,400 404
in FY 2011 (to reflect changes made by this amendment and updated 405
conference estimates provided by ODJFS). 406

Department of Developmental Disabilities 407

Section 337.10 408

Increases GFF line item 322647, ICF/MR Franchise Fee - 409
Developmental Centers, by \$353,391 in fiscal year 2010 and reduces 410
that line item by the same amount in fiscal year 2011. 411

Am. Sub. H.B. 1
As Passed by the Senate
CC-5138
EPA-23

_____ moved to amend as follows:

- In line 361, delete "3714.01, 3714.02,"; delete "3714.081,
3714.083," 1
- In line 371, delete "3745.31," 2
- In line 444, delete "3714.011, 3714.074," 3
- Delete lines 50309 through 50660 4
- Delete lines 50921 through 50998 5
- Delete lines 57390 through 57457 6
- In line 90863, delete "3714.01, 3714.02,"; delete "3714.081,
3714.083," 7
- In line 90873, delete "3745.31," 8
- In line 93 of the title, delete "3714.01, 3714.02,"; delete
"3718.081," 9
- In line 94 of the title, delete "3714.083," 10
- In line 107 of the title, delete "3745.31," 11
- In line 204 of the title, delete "3714.011, 3714.074," 12

The motion was _____ agreed to.

SYNOPSIS

Construction and Demolition Debris	16
R.C. 3714.01, 3714.011, 3714.02, 3714.074, 3714.081, 3718.083, and 3745.31	17 18
Removes alterations made by the bill to the definitions of "new construction and demolition debris facility" and "pulverized debris" in the Construction and Demolition Debris Law.	19 20 21
Removes provisions of the bill that require the Director of Environmental Protection to appoint and convene an advisory board to advise the Director with respect to the adoption of rules governing construction and demolition debris facilities and the inspection of and issuance of permits to install and licenses for those facilities.	22 23 24 25 26 27
Eliminates a provision of the bill that requires the fees on the disposal of construction and demolition debris to be paid by a customer to the owner or operator of a construction and demolition debris facility.	28 29 30 31
Eliminates provisions of the bill that govern the refund of disposal fees paid by the owner or operator of a construction and demolition debris facility to the Director of Environmental Protection or a board of health, but not collected by the owner of operator.	32 33 34 35 36
Eliminates a provision of the bill that specifies that the existence of small particles and dust in a load of construction and demolition debris does not render the load unidentifiable as construction and demolition debris.	37 38 39 40
Eliminates a provision of the bill that specifies that for purposes of the statute that establishes certain notification requirements when a load of construction and demolition debris is	41 42 43

rejected, acceptance of a load of construction and demolition debris is deemed to occur when the debris is placed on the working face of a construction and demolition debris facility for final disposal. 44
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Eliminates a provision of the bill that provides that rejection of a load of debris before acceptance of the load is not a violation of the Construction and Demolition Debris Law. 48
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Eliminates a provision of the bill that adds the Construction and Demolition Debris Law and rules adopted under it to the list of environmental laws to which the existing five-year statute of limitations for certain civil actions applies. 51
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Am. Sub. H.B. 1
As Passed by the Senate
CC-5139
EPA-22

_____ moved to amend as follows:

- In line 361, delete "3714.073," 1
- Delete lines 50847 through 50920 2
- In line 90863, delete "3714.073," 3
- In line 106543, delete "3714.073," 4
- In line 93 of the title, delete "3714.073," 5

The motion was _____ agreed to.

SYNOPSIS

- Application of Construction and Demolition Debris Disposal** 6
- Fees to Asbestos** 7
- R.C. 3714.07 and 3714.073** 8
- Removes language added by the House that applies construction 9
- and demolition debris disposal fees to the disposal of asbestos 10
- and asbestos-containing materials or products at a licensed 11
- construction and demolition debris facility. 12

