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Am. Sub H.B. 1
As Passed by the Senate
CC-4675
DOT-61

_____ moved to amend as follows:

In line 408, after "5139.43, insert "5501.04," 1

Between lines 80093 and 80094, insert: 2

"Sec. 5501.04. The following divisions are hereby established 3
in the department of transportation: 4

(A) The division of business services; 5

(B) The division of engineering policy; 6

(C) The division of finance; 7

(D) The division of human resources; 8

(E) The division of information technology; 9

(F) The division of multi-modal planning and programs; 10

(G) The division of project management; 11

(H) The division of equal opportunity. 12

The director of transportation shall distribute the duties, 13
powers, and functions of the department among the divisions of the 14
department. 15

Each division shall be headed by a deputy director, whose 16
title shall be designated by the director, and shall include those 17

other officers and employees as may be necessary to carry out the work of the division. The director shall appoint the deputy director of each division, who shall be in the unclassified civil service of the state and shall serve at the pleasure of the director. The director shall supervise the work of each division and shall be responsible for the determination of general policies in the performance of the duties, powers, and functions of the department and of each division. The director shall have complete executive charge of the department, shall be responsible for the organization, direction, and supervision of the work of the department and the performance of the duties, powers, and functions assigned to each division, and may establish necessary administrative units therein. The deputy director of each division, with the approval of the director and subject to Chapter 124. of the Revised Code, shall appoint the necessary employees of the division and may remove such employees for cause.

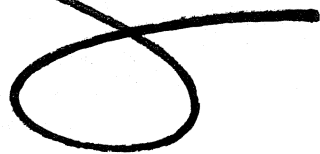
The division of equal opportunity shall ensure that minority groups and all groups protected by state and federal civil rights laws are afforded equal opportunity to be recruited, trained, and work in the employment of or on projects of the department of transportation, and to participate in contracts awarded by the department. The director of transportation each year shall report to the governor and the general assembly on the division's activities and accomplishments.

In line 90911, after "5139.43," insert "5501.04,"

In line 158 of the title, after "5139.43," insert "5501.04,"

The motion was _____ agreed to

SYNOPSIS



Restoration of Creation of a Division, and a Deputy Director, 44
of Equal Opportunity in the Department of Transportation 45

R.C. 5501.04 46

Restores to the Senate version the provision of the House 47
version that creates a Division, and a Deputy Director, of Equal 48
Opportunity in the Department of Transportation. 49

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Am. Sub H.B. 1
As Passed by the Senate
CC-4676
MIS-21

6 _____ moved to amend as follows:

7 In line 431, delete "167.081,"

8 Delete lines 15706 through 15736

9 In line 188 of the title, delete "167.081,"

10 The motion was _____ agreed to.

11 SYNOPSIS

12 **Regional Council of Governments**

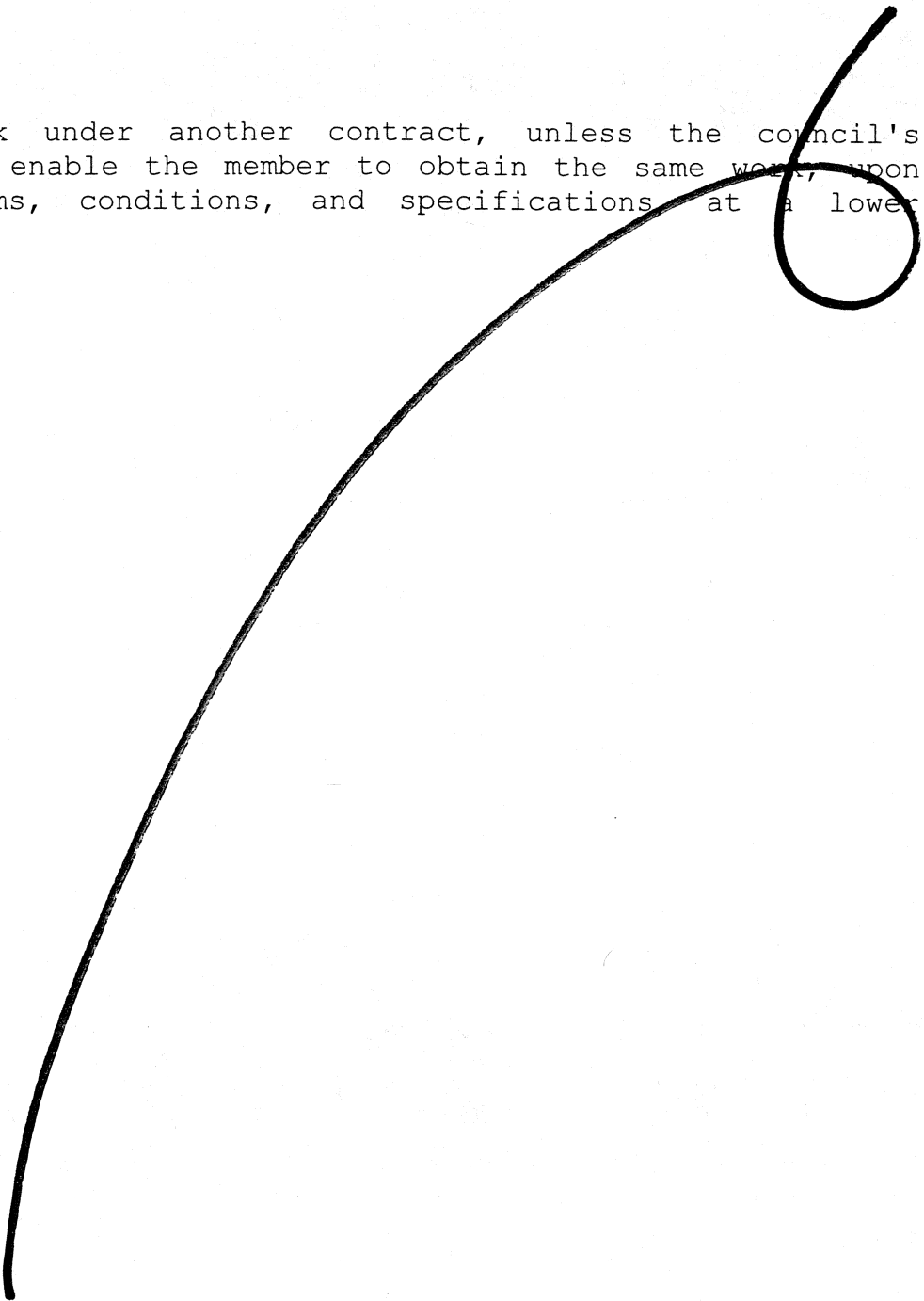
13 **R.C. 167.081**

14 Removes provisions added by the Senate that provide that
15 unless certain provisions requiring separate bids apply, a
16 regional council of governments can enter into a contract that
17 establishes a unit price for, and provides upon a per unit
18 basis, materials, labor, services, overhead, profit, and
19 associated expenses for the repair, enlargement, improvement, or
20 demolition of a building or structure if the contract is awarded
21 pursuant certain competitive bidding procedures.

22 Removes provision added by the Senate that specifies that a
23 public notice requirement pertaining to the contract must be
24 considered to be met if certain newspaper notice and internet
25 notice requirements are met.

26 Removes provision added by the Senate that permits a
27 council member to participate in such a contract, but prohibits
28 a council member from participating if it has received bids for

29 the same work under another contract, unless the council's
30 contract will enable the member to obtain the same work, upon
31 the same terms, conditions, and specifications at a lower
32 price.



1 128HB1-CC4678.docx/ss

2 Am. Sub. H.B. 1
3 As Passed by the Senate
4 CC-4678
5 MIS-13

6 _____ moved to amend as follows:

7 Between lines 106234 and 106235, insert:

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

14 STATE OF OHIO TO BOARD OF EDUCATION 45.3599 Acres

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

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

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

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

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

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

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

57 Thence with the south line of said 1.056 acre tract and the
58 south line of a 1.056 acre tract of land conveyed to the City of
59 Dayton as recorded in M.F. No. 78-725 B08, South 89°27' 55" East
60 a distance of 400.00 feet to a found 5/8" iron pin and passing a
61 5/8 inch iron pin found stamped "Riancho" at 200.00 feet;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

127 All iron pins set in the above boundary description are
128 5/8" (O.D.) 30" long with a plastic cap stamped "LJB"

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

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

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

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

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

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

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

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

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

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

185 As used in this division:

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

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

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

203 The motion was _____ agreed to.

204 SYNOPSIS

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

207 **Section 753. _____**

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

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

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

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

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

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

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

Am. Sub H.B. 1

As Passed by the Senate

CC-4679-1

DAS-69

_____ moved to amend as follows:

Between lines 105214 and 105215, insert:

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"Section 701.50. (A) Each state agency shall appoint an Equal
 Employment Opportunity Officer who shall be responsible for
 monitoring the agency's compliance with sections 123.151, 123.152,
 and 125.081 of the Revised Code and for reporting the level of the
 agency's compliance to the Deputy Director of the Equal
 Opportunity Division of the Department of Administrative Services.
 The Equal Employment Opportunity Officer for each state agency
 shall also do all of the following:

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(1) Analyze spending on goods, services, and construction
 projects for the officer's agency and determine any missed
 opportunities for the inclusion of certified minority business
 enterprise and EDGE business vendors;

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(2) Analyze the spending of the officer's agency with EDGE
 business enterprise vendors, as well as EDGE business enterprise
 vendor availability by regions of this state, and communicate the
 analysis to the Department of Administrative Services so that the
 department may determine the appropriate EDGE business enterprise
 goal for each contract;

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(3) Report minority business enterprise or EDGE business enterprise enrollment for all contracts issued by the officer's agency to the Deputy Director of the Equal Opportunity Division;

(4) Implement a scorecard system that tracks compliance with minority business enterprise and EDGE business enterprise program requirements for the officer's agency;

(5) Implement the outreach and training plan to ensure compliance by the officer's agency with minority business enterprise and EDGE business enterprise requirements;

(6) Attend the semiannual training conducted by the Deputy Director of the Equal Opportunity Division on minority business enterprise and EDGE business enterprise requirements; and

(7) Participate in the annual compliance review conducted by the Deputy Director of the Equal Employment Opportunity Division and implement recommendations made by the Deputy Director as a result of the review process.

The Deputy Director of the Equal Opportunity Division shall develop the scorecard system and the outreach and training plan, shall conduct semiannual training on minority business enterprise and EDGE business enterprise requirements for Equal Employment Opportunity Officers, shall conduct an annual review of each state agency's compliance with minority business enterprise and EDGE business enterprise requirements, and shall make recommendations for improved compliance as a result of each review.

(B) Each state agency shall ensure that all contracts the agency enters into for the purchase of goods and services contain provisions that do all of the following:

(1) Prohibit contractors and subcontractors from engaging in discriminatory employment practices;

(2) Certify that contractors and subcontractors are in

compliance with all applicable federal and state laws and rules 50
that govern fair labor and employment practices; and 51

(3) Encourage contractors and subcontractors to purchase 52
goods and services from certified minority business enterprise and 53
EDGE business enterprise vendors. 54

(C) (1) A state agency shall not issue an EDGE business 55
enterprise waiver without doing all of the following: 56

(a) Having all waivers reviewed by the agency's Procurement 57
Officer, in collaboration with the agency's Equal Employment 58
Opportunity Officer, who shall certify that each waiver the agency 59
issues complies with criteria for granting the waiver; 60

(b) Submitting quarterly reports to the Equal Opportunity 61
Division that lists each waiver the agency grants; 62

(c) Permitting the Equal Opportunity Division to complete its 63
review of the agency's quarterly report and to conduct periodic 64
audits of the agency's administration of the waiver process. 65

The Deputy Director of the Equal Opportunity Division shall 66
review each quarterly report of EDGE business enterprise waivers 67
and shall conduct periodic audits of each agency's administration 68
of the waiver process. 69

(2) If the Deputy Director of the Equal Opportunity Division 70
determines that a state agency has not properly administered the 71
issuance of EDGE business enterprise waivers, subsequent waivers 72
shall not be issued by that state agency without the authorization 73
and approval of the Deputy Director. The Deputy Director may 74
release a state agency from the approval process when the Deputy 75
Director has determined that the agency has the ability to 76
consistently administer the waiver process. 77

(D) On the first day of October of each year, the Deputy 78
Director of the Equal Opportunity Division shall submit a written 79

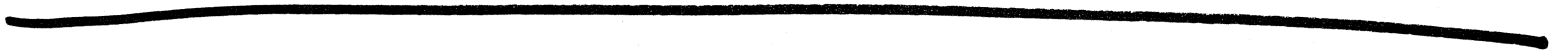
report to the Governor, the Speaker of the House of
 Representatives, the President of the Senate, and the Minority
 Leaders of the House of Representatives and Senate that describe
 the progress of state agencies in advancing the minority business
 enterprise and EDGE business enterprise programs, as well as any
 initiatives that have been implemented to increase the number of
 certified minority business enterprise and EDGE business
 enterprise vendors doing business with this state.

Section 701.51. (A) The Ohio Housing Finance Agency, the
 Third Frontier Commission, and the Clean Ohio Council shall comply
 with agency procurement for contracting with EDGE business
 enterprises established under section 123.152 of the Revised Code.

(B) To the extent that a state university as defined in
 section 3345.011 of the Revised Code, the Ohio Housing Finance
 Agency, the Third Frontier Commission, the Clean Ohio Council, or
 the Ohio School Facilities Commission is authorized to make
 purchases, it shall comply with the minority business set aside
 requirements in division (B) of section 125.081 of the Revised
 Code.

Section 701.52. If a state agency, including a state
 university as defined in section 3345.011 of the Revised Code and
 the Ohio Housing Finance Agency, the Third Frontier Commission,
 the Clean Ohio Council, and the Ohio School Facilities Commission,
 has failed to comply with the set-aside requirement in division
 (B) of section 125.081 of the Revised Code, or to comply with the
 procurement goals specified under division (B)(2) or (14) of
 section 123.152 of the Revised Code, the state agency shall
 establish, not later than December 31, 2009, a long-term plan for
 complying with those provisions."

Delete lines 105271 through 105303

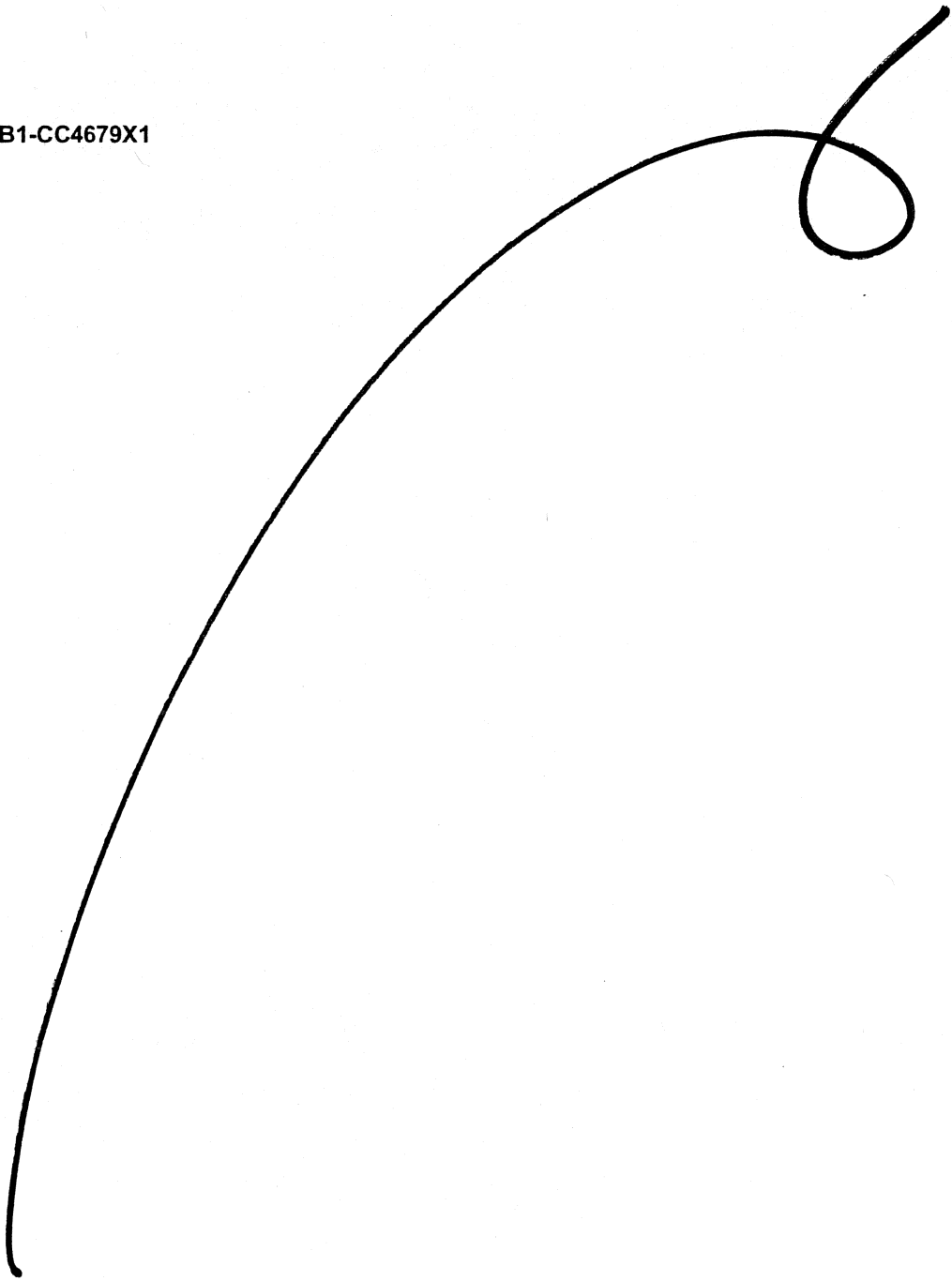


The motion was _____ agreed to.

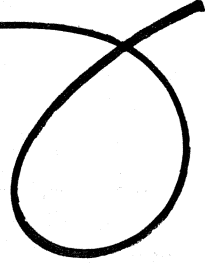
SYNOPSIS

Codification of Executive Order 2008-13S; Compliance with the	110
Minority Set Aside Law and EDGE Business Enterprise Law	111
Sections 701.50, 701.51, 701.52, and 701.97	112
In uncodified law, which, unless context indicates otherwise,	113
will have no effect after June 30, 2011, requires state agencies,	114
state universities, and the Ohio Housing Finance Agency, Third	115
Frontier Commission, Clean Ohio Council, and Ohio School	116
Facilities Commission to comply with the provisions that codify	117
Executive Order 2008-13S, which requires each agency to appoint an	118
Equal Opportunity Officer and to include specified provisions in	119
their contracts for the purchase of goods and services, when	120
complying with the purchasing requirements of the Minority Set	121
Aside Law or the procurement goals of the EDGE Business Enterprise	122
Law.	123
Requires state agencies, including state universities and the	124
Ohio Housing Finance Agency, the Third Frontier Commission, the	125
Clean Ohio Council, and the Ohio School Facilities Commission,	126
that have failed to comply with set-aside requirements under the	127
Minority Business Enterprise Law, or procurement goals under the	128
EDGE Business Enterprise Law, to establish a long-term plan for	129
compliance by December 31, 2009.	130
Explicitly requires that the Ohio School Facilities	131
Commission, the Ohio Housing Finance Agency, the Third Frontier	132
Commission, the Clean Ohio Council, and state universities	133
purchase goods and services as required by the Minority Set Aside	134

Law.



Am. Sub. H.B. 1
As Passed by the Senate
CC-4681
AGR-20



_____ moved to amend as follows:

- In line 318, delete "915.24," 1
- In line 356, delete "3701.83," 2
- In line 362, delete everything after "3715.873," 3
- Delete lines 363 and 364 4
- In line 365, delete "3717.30, 3717.31, 3717.32, 3717.33, 3717.48," 5
- Delete lines 20824 through 20844 6
- Delete lines 47752 through 47766 7
- Delete lines 51155 through 52364 8
- In line 90820, delete "915.24," 9
- In line 90858, delete "3701.83," 10
- In line 90864, delete everything after "3715.873," 11
- Delete lines 90865 and 90866 12
- In line 90867, delete "3717.30, 3717.31, 3717.32, 3717.33, 3717.48," 13
- Between lines 92143a and 92144, insert: 14
- "GRF 700407 Food Safety \$ 875,043 \$ 875,043" 15

In line 92154, add \$875,043 to each fiscal year 18

Between lines 92174a and 92175, insert: 19

"4P70700610 Food Safety \$ 1,099,396 \$ 1,099,396" 20

Inspection

In line 92188, add \$1,099,396 to each fiscal year 21

In line 92192, add \$1,974,439 to each fiscal year 22

Delete lines 92214 through 92218 23

Delete lines 103082 through 103156 24

In line 33 of the title, delete "915.24," 25

In line 87 of the title, delete "3701.83," 26

In line 94 of the title, delete "3717.01," 27

Delete lines 95 through 98 of the title 28

In line 99 of the title, delete "3717.32, 3717.33, 3717.48," 29

The motion was _____ agreed to.

SYNOPSIS

Transfer of Retail Food Establishment Licensing Program 30

R.C. 915.24, 3701.83, 3717.01, 3717.02, 3717.03, 3717.04, 31

3717.041, 3717.05, 3717.06, 3717.07, 3717.071, 3717.08, 3717.11, 32

3717.111, 3717.22, 3717.221, 3717.23, 3717.25, 3717.27, 3717.28, 33

3717.29, 3717.30, 3717.31, 3717.32, 3717.33, and 3717.48; Section 34

515.60 35

Removes the transfer of the administration and enforcement of 36

the retail food establishment licensing program from the 37

Department of Agriculture to the Department of Health, thus 38

requiring the program to be administered and enforced by the 39

Department of Agriculture as in current law.

Department of Agriculture

Section 211.10

Restores GRF line item 700407, Food Safety, and appropriates \$875,043 in each fiscal year. Restores SBR line item 700610, Food Safety Inspection, and appropriates \$1,099,396 in each fiscal year. Removes the requirement that the Director of Budget and Management at the beginning of FY 2010, transfer the unexpended, unencumbered balance of the Food Safety Fund (Fund 4P70) to the GRF.

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Am. Sub. H.B. 1
As Passed by the Senate
CC-4682
AGR-4

_____ moved to amend as follows:

In line 318, after "915.24," insert "918.08, 918.28," 1

Between lines 20844 and 20845, insert: 2

"Sec. 918.08. (A) Except as provided in division (F) of this 3
section, no person shall operate an establishment without first 4
licensing the establishment with the department of agriculture. 5
The owner of an establishment desiring a license with the 6
department may make application therefor on forms provided by the 7
department. If after inspection the director of agriculture finds 8
that an establishment is in compliance with this chapter and rules 9
adopted under it, the director shall notify the owner of the 10
establishment and, upon receipt of the required license fee, the 11
establishment shall be permitted to operate. However, if after 12
inspection the director finds that an establishment is not in 13
compliance with this chapter and rules adopted under it, the 14
director shall deny the license application. The applicant may 15
appeal the denial of the license application in accordance with 16
Chapter 119. of the Revised Code. The license shall expire 17
annually on the thirty-first day of March and, if the director 18
finds that the establishment is in compliance with this chapter 19
and rules adopted under it, shall be renewed according to the 20

standard renewal procedure of sections 4745.01 to 4745.03 of the Revised Code. 21
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(B) The annual license fee for each establishment, or a renewal thereof, is ~~fifty~~ one hundred dollars. All fees collected under this section shall be deposited into the poultry and meat products fund created in section 918.15 of the Revised Code. 23
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(C) If after inspection the director determines that an establishment licensed under division (A) of this section is operating in violation of this chapter or the rules adopted thereunder, the director shall notify the licensee in writing of the violation and give the licensee ten days from the date of notice to cease or correct the conditions causing the violation. If the conditions causing the violation continue after the expiration of the ten-day period, the director may do either of the following: 27
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(1) Impose progressive enforcement actions as provided in division (D)(1) of this section in the same manner as inspectors; 36
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(2) Suspend or revoke the establishment's license in accordance with Chapter 119. of the Revised Code. 38
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(D) (1) If an inspector determines that an establishment licensed under division (A) of this section is operating in violation of sections 918.01 to 918.12 of the Revised Code and rules adopted under those sections, the inspector may notify the licensee in writing of the violation. The inspector immediately may impose progressive enforcement actions, including withholding the mark of inspection, suspension of inspection, suspension of inspection held in abeyance, and withdrawal of inspection. The progressive enforcement actions may be taken prior to affording the licensee an opportunity for a hearing. As authorized in division (C) of section 119.06 of the Revised Code, a decision to 40
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impose a progressive enforcement action is immediately appealable 51
to a higher authority within the department who is classified by 52
the director as a district supervisor and who is designated by the 53
director to hear the appeal. If the district supervisor affirms 54
the enforcement action of the inspector, the licensee may appeal 55
the enforcement action in accordance with Chapter 119. of the 56
Revised Code. 57

(2) As used in division (D) (1) of this section, "suspension 58
of inspection held in abeyance" means a period of time during 59
which a suspension of inspection is lifted because an 60
establishment has presented the director with a corrective action 61
plan that, if implemented properly, would bring the establishment 62
into compliance with this chapter and rules adopted under it. 63

(E) If in the opinion of the director the establishment is 64
being operated under such insanitary conditions as to be a hazard 65
to public health, or if the director determines that an 66
establishment is not in compliance with its hazard analysis 67
critical control point plan as required by rules, the director may 68
condemn or retain the product on hand and immediately withdraw 69
inspection from the establishment until the insanitary conditions 70
are corrected or until the establishment is in compliance with its 71
hazard analysis critical control point plan, as applicable. The 72
director may take those actions prior to an adjudication hearing 73
as required under section 119.06 of the Revised Code. The director 74
subsequently shall afford a hearing upon the request of the owner 75
or operator of the establishment. 76

(F) Any person operating an establishment as defined in 77
section 918.01 of the Revised Code who also operates on the same 78
premises an establishment as defined in section 918.21 of the 79
Revised Code shall apply either for licensure under section 918.08 80
of the Revised Code or for licensure under section 918.28 of the 81

Revised Code, but not for both, as the director shall determine. 82

(G) If the director determines that the owner or operator of 83
 or any person employed by an establishment licensed under division 84
 (A) of this section forcibly assaulted, resisted, opposed, 85
 impeded, intimidated, or interfered with any person while that 86
 person was engaged in, or because of the person's performance of, 87
 official duties under sections 918.01 to 918.12 of the Revised 88
 Code or the rules adopted under those sections, the director 89
 immediately may withdraw inspection from the establishment prior 90
 to an adjudication hearing as required under section 119.06 of the 91
 Revised Code. 92

(H) In addition to any remedies provided by law and 93
 irrespective of whether or not there exists an adequate remedy at 94
 law, the director may apply to the court of common pleas of the 95
 county in which a violation of sections 918.01 to 918.12 of the 96
 Revised Code or rules adopted under those sections occurs for a 97
 temporary or permanent injunction or other appropriate relief 98
 concerning the violation. 99

Sec. 918.28. (A) Except as provided in division (F) of 100
 section 918.08 of the Revised Code, application for a license to 101
 operate an establishment shall be made to the director of 102
 agriculture on forms provided by the department of agriculture. 103
 The director shall inspect the establishment and if, upon 104
 inspection, the establishment is found to be in compliance with 105
 this chapter and rules adopted under it, the director shall so 106
 notify the owner of the establishment and, upon receipt of the 107
 annual license fee of ~~fifty~~ one hundred dollars, shall issue the 108
 owner a license. However, if after inspection the director finds 109
 that an establishment is not in compliance with this chapter and 110
 rules adopted under it, the director shall deny the license 111
 application. The applicant may appeal the denial of the license 112

application in accordance with Chapter 119. of the Revised Code. 113
 The license shall expire on the thirty-first day of March of each 114
 year and, if the director finds that the establishment is in 115
 compliance with this chapter and rules adopted under it, shall be 116
 renewed according to the standard renewal procedures of sections 117
 4745.01 to 4745.03 of the Revised Code. 118

(B) If after inspection the director determines that an 119
 establishment licensed under this section is operating in 120
 violation of this chapter or a rule or order adopted or issued 121
 under authority thereof, the director shall notify the licensee in 122
 writing of the violation, giving the licensee ten days from the 123
 date of the notice to correct the conditions causing the 124
 violation. If the conditions are not corrected within the ten-day 125
 period, the director may do either of the following: 126

(1) Impose progressive enforcement actions as provided in 127
 division (C) (1) of this section in the same manner as inspectors; 128

(2) Suspend or revoke the license in accordance with Chapter 129
 119. of the Revised Code. 130

(C) (1) If an inspector determines that an establishment 131
 licensed under division (A) of this section is operating in 132
 violation of sections 918.21 to 918.31 of the Revised Code and 133
 rules adopted under those sections, the inspector may notify the 134
 licensee in writing of the violation. The inspector immediately 135
 may impose progressive enforcement actions, including withholding 136
 the mark of inspection, suspension of inspection, suspension of 137
 inspection held in abeyance, and withdrawal of inspection. The 138
 progressive enforcement actions may be taken prior to affording 139
 the licensee an opportunity for a hearing. As authorized in 140
 division (C) of section 119.06 of the Revised Code, a decision to 141
 impose a progressive enforcement action is immediately appealable 142
 to a higher authority within the department who is classified by 143

the director as a district supervisor and who is designated by the 144
director to hear the appeal. If the district supervisor affirms 145
the enforcement action of the inspector, the licensee may appeal 146
the enforcement action in accordance with Chapter 119. of the 147
Revised Code. 148

(2) As used in division (C) (1) of this section, "suspension 149
of inspection held in abeyance" means a period of time during 150
which a suspension of inspection is lifted because an 151
establishment has presented the director with a corrective action 152
plan that, if implemented properly, would bring the establishment 153
into compliance with this chapter and rules adopted under it. 154

(D) If in the opinion of the director the establishment is 155
being operated under such insanitary conditions as to be a hazard 156
to public health, or if the director determines that an 157
establishment is not in compliance with its hazard analysis 158
critical control point plan as required by rules, the director may 159
condemn or retain the product on hand and immediately withdraw 160
inspection from the establishment until such time as the 161
insanitary conditions are corrected or until the establishment is 162
in compliance with its hazard analysis critical control point 163
plan, as applicable. 164

(E) If the director determines that the owner or operator of 165
or any person employed by an establishment licensed under division 166
(A) of this section forcibly assaulted, resisted, opposed, 167
impeded, intimidated, or interfered with any person while that 168
person was engaged in, or because of the person's performance of, 169
official duties under sections 918.21 to 918.31 of the Revised 170
Code or the rules adopted under those sections, the director 171
immediately may withdraw inspection from the establishment prior 172
to an adjudication hearing as required under section 119.06 of the 173
Revised Code. 174

(F) In addition to any remedies provided by law and 175
irrespective of whether or not there exists an adequate remedy at 176
law, the director may apply to the court of common pleas of the 177
county in which a violation of sections 918.21 to 918.31 of the 178
Revised Code or rules adopted under those sections occurs for a 179
temporary or permanent injunction or other appropriate relief 180
concerning the violation." 181

In line 90820, after "915.24," insert "918.08, 918.28," 182

In line 33 of the title, after "915.24," insert "918.08, 183
918.28," 184

The motion was _____ agreed to.

SYNOPSIS

License Fee to Operate Meat or Poultry Processing 185
Establishment 186

R.C. 918.08 and 918.28 187

Restores the increase in the House-passed version of the bill 188
of the annual fee for a license to operate a meat processing 189
establishment or a poultry processing establishment from \$50 to 190
\$100. 191

Am. Sub. H.B. 1
As Passed by the Senate
CC-4683
AGR-7



_____ moved to amend as follows:

In line 316, after "901.32," insert "901.43," 1

In line 320, after "927.71," insert "942.01, 942.02, 942.06,
942.13, 943.01, 943.02, 943.04, 943.05, 943.06, 943.07, 943.13,
943.14, 943.16, 953.21, 953.22, 953.23," 2
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4

In line 435, after "927.54," insert "943.031," 5

Between lines 20279 and 20280, insert: 6

"Sec. 901.43. (A) The director of agriculture may authorize 7
any department of agriculture laboratory to perform a laboratory 8
service for any person, organization, political subdivision, state 9
agency, federal agency, or other entity, whether public or 10
private. The director shall adopt and enforce rules to provide for 11
the rendering of a laboratory service. 12

(B) The director may charge a reasonable fee for the 13
performance of a laboratory service, except when the service is 14
performed on an official sample taken by the director acting 15
pursuant to Title IX, Chapter 3715., or Chapter 3717. of the 16
Revised Code; by a board of health acting as the licensor of 17
retail food establishments or food service operations under 18
Chapter 3717. of the Revised Code; or by the director of health 19

acting as the licensor of food service operations under Chapter 20
 3717. of the Revised Code. The director of agriculture shall adopt 21
 rules specifying what constitutes an official sample. 22

The director shall publish a list of laboratory services 23
 offered, together with the fee for each service. 24

(C) The director may enter into a contract with any person, 25
 organization, political subdivision, state agency, federal agency, 26
 or other entity for the provision of a laboratory service. 27

(D) (1) The director may adopt rules establishing standards 28
 for accreditation of laboratories and laboratory services and in 29
 doing so may adopt by reference existing or recognized standards 30
 or practices. 31

(2) The director may inspect and accredit laboratories and 32
 laboratory services, and may charge a reasonable fee for the 33
 inspections and accreditation. 34

(E) (1) There is hereby created in the state treasury the 35
 animal health and ~~food safety~~ consumer analytical laboratory fund. 36
 Moneys from the following sources shall be deposited into the 37
 state treasury to the credit of the fund: all moneys collected by 38
 the director under this section that are from fees generated by a 39
 laboratory service performed by the department and related to the 40
 diseases of animals, all moneys so collected that are from fees 41
 generated for the inspection and accreditation of laboratories and 42
 laboratory services related to the diseases of animals, all moneys 43
 collected by the director under this section that are from fees 44
 generated by a laboratory service performed by the consumer 45
 analytical laboratory, ~~and~~ all moneys so collected that are from 46
 fees generated for the inspection and accreditation of 47
 laboratories and laboratory services not related to weights and 48
 measures, and all moneys collected under Chapters 942., 943., and 49
953. of the Revised Code. The director may use the moneys held in 50

the fund to pay the expenses necessary to operate the animal industry laboratory and the consumer analytical laboratory, including the purchase of supplies and equipment.

(2) All moneys collected by the director under this section that are from fees generated by a laboratory service performed by the weights and measures laboratory, and all moneys so collected that are from fees generated for the inspection and accreditation of laboratories and laboratory services related to weights and measures, shall be deposited in the state treasury to the credit of the weights and measures laboratory fund, which is hereby created in the state treasury. The moneys held in the fund may be used to pay the expenses necessary to operate the division of weights and measures, including the purchase of supplies and equipment."

Between lines 21720 and 21721, insert:

"Sec. 942.01. As used in sections 942.01 to 942.13 of the Revised Code:

(A) "Conveyance" means a vehicle, trailer, or compartment that is used to transport raw rendering material.

(B) "Garbage" means all waste material derived in whole or in part from the meat of any animal, including fish and poultry, or other animal material, and other refuse of any character that has been associated with such waste material resulting from the handling, preparation, cooking, or consumption of food.

~~(B)~~(C) "Person" means any individual, corporation, partnership, association, society, company, firm, or other legal entity.

~~(C)~~(D) "Raw rendering material" has the same meaning as in section 953.21 of the Revised Code.

(E) "Treated garbage" means any edible garbage for consumption by swine that has been heated at boiling point while being agitated, except in steam cooking equipment, to ensure that the garbage is heated throughout for thirty minutes under the supervision of a person licensed pursuant to section 942.02 of the Revised Code.

Sec. 942.02. (A) No person shall feed on ~~his~~ the person's premises, or permit the feeding of, treated garbage to swine without a license to do so issued by the department of agriculture.

(B) An application for a license to feed treated garbage shall be made in writing on a form prescribed by the director of agriculture.

(C) A license shall be renewed before the thirty-first day of December of each year, and an application for renewal shall be filed before the thirtieth day of November of each year.

(D) The fee for the license shall be fifty one hundred dollars per annum. A late fee of fifty dollars shall be paid for each application that is received after the thirtieth day of November each year.

(E) All money collected under this section shall be credited to the animal and consumer analytical laboratory fund created in section 901.43 of the Revised Code.

Sec. 942.06. (A) Equipment used for handling garbage, except for the containers in which the garbage is treated, and conveyances shall not subsequently be used in the feeding of swine unless first cleaned and disinfected in accordance with directions on the labels of one of the following disinfectants approved by the "Federal Insecticide, Fungicide and Rodenticide Act," 61 Stat.

- 163 (1947), 7 U.S.C.A. 136, as amended: 109
- (1) A registered brand of sodium orthophenylphenate; 110
- (2) A registered cresylic disinfectant, provided that the 111
conditions set forth under 9 C.F.R. 71.10 and 77.11 are met; 112
- (3) Disinfectants with tuberculocidal claims and labeled as 113
efficacious against any species within the viral genus herpes. 114
- (B) Treated or untreated garbage that is not fed to swine and 115
materials associated with such garbage shall be disposed of in a 116
manner consistent with all applicable federal and state laws and 117
in an area inaccessible to the swine. 118
- (C) All refuse resulting from feeding treated garbage to 119
swine, that is not fed to swine shall be disposed of in a manner 120
so as to prevent the attraction of insects and rodents or the 121
contamination of adjoining property. 122
- (D) The premises, vehicles, and equipment used in the feeding 123
of treated garbage to swine shall be subject to inspection by the 124
department of agriculture during regular business hours. If the 125
director of agriculture or ~~his~~ the director's designee is denied 126
access to any premises as authorized under this division, ~~he~~ the 127
director or the director's designee may apply to any court of 128
competent jurisdiction for a search warrant authorizing access to 129
the requested premises. Upon receipt of an application for a 130
search warrant, the court may issue a search warrant for the 131
purposes requested. 132
- (E) (1) The owner of the premises, vehicles, and equipment 133
used in the feeding of treated garbage to swine and licensed 134
pursuant to section 942.02 of the Revised Code shall be 135
responsible for cleaning and disinfecting them with no expense to 136
the department. 137
- (2) The owner of a conveyance is responsible for cleaning and 138

disinfecting the conveyance with no expense to the department. 139

Sec. 942.13. This chapter does not apply to any either of the 140
following: 141

(A) An individual who feeds garbage from his the individual's 142
household to his the individual's own animals or to any an 143
individual who only feeds bakery waste, candy waste, eggs, 144
vegetables, or dairy products to swine; 145

(B) Rendered products. As used in this division, "rendered 146
product" means raw rendering material that has been ground and 147
heated to a minimum temperature of two hundred thirty degrees 148
Fahrenheit to make products such as animal, poultry, or fish 149
protein, grease, or tallow. 150

Sec. 943.01. As used in sections 943.01 to 943.18 of the 151
Revised Code: 152

(A) "Animals" or "livestock" means horses, mules, and other 153
equidae, cattle, sheep, and goats and other bovidae, swine and 154
other suidae, poultry, alpacas, and llamas. 155

(B) "Dealer" or "broker" means any person found by the 156
department of agriculture buying, receiving, selling, 157
slaughtering, with the exception of those persons designated by 158
division (B) (1) of section 918.10 of the Revised Code, exchanging, 159
negotiating, or soliciting the sale, resale, exchange, or transfer 160
of any animals in an amount of more than two hundred fifty head of 161
cattle, horses, or other equidae or five hundred head of sheep, 162
goats, or other bovidae ~~or~~, swine and other suidae ~~or~~, poultry, 163
alpacas, or llamas during any one year. "Dealer" or "broker" does 164
not mean any of the following: 165

(1) Any railroad or other carrier transporting animals either 166
interstate or intrastate; 167

(2) Any person who by dispersal sale is permanently discontinuing the business of farming, dairying, breeding, raising, or feeding animals;	168 169 170
(3) Any person who sells livestock that has been raised from birth on the premises of the person;	171 172
(4) Any person who buys or receives animals for grazing or feeding purposes at a premises owned or controlled by the person and sells or disposes of the animals after the minimum grazing or feeding period of thirty days;	173 174 175 176
(5) Any person who places livestock in facilities other than the person's own pursuant to a written agreement for feeding or finishing, provided that the person retains legal and equitable title to the livestock during the term of the agreement.	177 178 179 180
The exemptions set forth in divisions (B) (1) to (5) of this section are exclusive of those activities requiring licensure under this chapter, so that a person shall be deemed to be a dealer or broker or subject to divisions (B) (1) to (5) of this section, but shall not be, or be subject to, both. No person who is a licensed dealer or broker and whose license is suspended shall have livestock or animals exempted pursuant to divisions (B) (1) to (5) of this section.	181 182 183 184 185 186 187 188
(C) "Employee" means any person employed by a dealer or broker to act in the dealer's or broker's behalf to buy, sell, exchange, negotiate, or solicit sale or resale of animals in the dealer's or broker's name.	189 190 191 192
<u>(D) "Small dealer" means any person found by the department buying, receiving, selling, slaughtering, with the exception of those persons designated by division (B) (1) of section 918.10 of the Revised Code, exchanging, negotiating, or soliciting the sale, resale, exchange, or transfer of any animals in an amount of two</u>	193 194 195 196 197

hundred fifty head or less of cattle, horses, or other equidae or 198
five hundred head or less of sheep, goats, or other bovidae, swine 199
or other suidae, poultry, alpacas, or llamas during any one year. 200

Sec. 943.02. (A) No person shall act as a small dealer, 201
dealer, or broker without first being licensed. No person shall be 202
an employee of more than one small dealer, dealer, or broker. 203
Except as provided in division (B) of this section, no person 204
holding a license as a small dealer, dealer, or broker shall be an 205
employee. No employee shall act for any small dealer, dealer, or 206
broker unless the small dealer, dealer, or broker is licensed, and 207
has designated the employee to act in ~~his~~ the small dealer's, 208
dealer's, or broker's behalf and has notified the department of 209
agriculture in ~~his~~ the application for license or has given 210
official notice in writing of the appointment of the employee. The 211
small dealer, dealer, or broker shall be accountable and 212
responsible for all contracts pertaining to the purchase, 213
exchange, or sale of livestock made by the employee. The small 214
dealer, dealer, or broker who terminates the services of an 215
employee shall notify the department in writing of the employee's 216
termination. No person who is a licensed small dealer, dealer, or 217
broker shall have livestock exempted pursuant to divisions (B)(1) 218
~~through (5)~~ to (6) of section 943.01 of the Revised Code. 219

(B) A small dealer, dealer, or broker may be an employee of 220
other small dealers, dealers, or brokers only when ~~he~~ the small 221
dealer, dealer, or broker so employed is a soliciting agent for a 222
video auction. 223

(C) The director of agriculture shall define by rule 224
"soliciting agent" and "video auction" for the purposes of this 225
section. 226

Sec. 943.031. (A) Application for a license as a small dealer 227

shall be made in writing to the department of agriculture. The 228
application shall state the nature of the business, the municipal 229
corporation or township, county, and post-office address of the 230
location where the business is to be conducted, the name of any 231
employee who is authorized to act in the small dealer's behalf, 232
and any additional information that the department prescribes. 233
234

(B) The applicant shall satisfy the department of the 235
applicant's character and good faith in seeking to engage in the 236
business of a small dealer. The department then shall issue to the 237
applicant a license to conduct the business of a small dealer at 238
the place named in the application. Licenses, unless revoked, 239
shall expire annually on the thirty-first day of March and shall 240
be renewed according to the standard renewal procedure established 241
in sections 4745.01 to 4745.03 of the Revised Code. 242

(C) No license shall be issued by the department to a small 243
dealer having weighing facilities until the applicant has filed 244
with the department a copy of a scale test certificate showing the 245
weighing facilities to be in satisfactory condition, a copy of the 246
license of each weigher employed by the applicant, and a 247
certificate of inspection by the department showing livestock 248
market facilities to be in satisfactory sanitary condition. 249

(D) No licensed small dealer shall employ as an employee a 250
person who, as a small dealer, dealer, or broker, previously 251
defaulted on contracts pertaining to the purchase, exchange, or 252
sale of livestock until the licensee does both of the following: 253

(1) Appears at a hearing before the director of agriculture 254
or the director's designee conducted in accordance with Chapter 255
119. of the Revised Code pertaining to that person; 256

(2) Signs and files with the director an agreement that 257

258 guarantees, without condition, all contracts pertaining to the
 259 purchase, exchange, or sale of livestock made by the person while
 260 in the employ of the licensee. The director shall prescribe the
 261 form and content of the agreement.

262 (E) A licensed small dealer is not required to maintain
 263 financial responsibility or furnish proof of financial
 264 responsibility.

265 **Sec. 943.04. (A)** Fees for the initial issuance of any license
 266 issued pursuant to sections 943.02 and, 943.03, and 943.031 of the
 267 Revised Code, shall be paid to the department of agriculture.

268 (B) All annual renewal fees for ~~such~~ the licenses shall be
 269 paid by the applicant for ~~such~~ the renewal of a license on or
 270 before the thirty-first day of March of each year to the treasurer
 271 of state. ~~Such~~ Except for license fees for small dealers, the fees
 272 shall be based on the number of head of livestock purchased, sold,
 273 or exchanged, in this state, whichever is the greatest, during the
 274 preceding calendar year. ~~Such~~ Those fees for dealers or brokers
 275 shall be as follows:

276 Less than 1,000 head ~~\$10.00~~ \$50.00 per annum;

277 For 1,001 to 10,000 head ~~\$25.00~~ \$125.00 per annum;

278 For more than 10,000 head ~~\$50.00~~ \$250.00 per
 279 annum.

280 In the event a dealer or broker operates more than one place
 281 where livestock is purchased, sold, or exchanged, a fee shall be
 282 paid for each ~~such~~ place, but only the original purchase, sale,
 283 or exchange shall be counted in computing the amount of the fee to
 284 be paid for each ~~such~~ place operated by ~~such~~ the dealer or broker.
 285 Shipment between yards owned or operated by ~~such~~ the dealer or
 286 broker shall be exempt.

A late fee of one hundred dollars shall be paid for each dealer or broker license renewal application that is received after the thirty-first day of March each year. 287
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(C)(1) A fee of twenty-five dollars shall be paid by each small dealer. 290
291

If a small dealer operates more than one place where livestock is purchased, sold, or exchanged, a fee shall be paid for each place, but only the original purchase, sale, or exchange shall be counted in computing the amount of fee to be paid for each place operated by the small dealer. Shipment between yards owned or operated by the small dealer shall be exempt. 292
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(2) A late fee of twenty-five dollars shall be paid for each small dealer license renewal application that is received after the thirty-first day of March each year. 298
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(D) A fee of twenty dollars shall be paid by each employee that is appointed by a small dealer, dealer, or broker as provided in section 943.02 of the Revised Code. 301
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(E) A fee of five ~~ten~~ dollars shall be paid by each licensed weigher. 304
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(F) All ~~fees and charges~~ money collected under section 943.03 of the Revised Code, and under this section shall be ~~paid into the state treasury, and shall be credited to the general revenue animal and consumer analytical laboratory fund created in section 901.43 of the Revised Code.~~ 306
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Sec. 943.05. (A) The director of agriculture may refuse to grant or may suspend a ~~small dealer's,~~ dealer's, or broker's license, without prior hearing, ~~when he determines after determining~~ from evidence presented to ~~him~~ the director that there is reasonable cause to believe any of the following situations 311
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exist:	316
(1) Where the applicant or licensee or an employee has	317
violated the laws of the state or official regulations governing	318
the interstate or intrastate movement, shipment, or transportation	319
of animals, or has been convicted of a crime involving moral	320
turpitude or convicted of a felony;	321
(2) Where there have been false or misleading statements as	322
to the health or physical condition of the animals with regard to	323
official tests or quantity of animals, or the practice of fraud or	324
misrepresentation in connection therewith or in the buying or	325
receiving of animals or receiving, selling, exchanging,	326
soliciting, or negotiating the sale, resale, exchange, weighing,	327
or shipment of animals;	328
(3) Where the applicant or licensee acts as a <u>small dealer,</u>	329
dealer, or broker for a person attempting to conduct business in	330
violation of section 943.02 of the Revised Code, after the notice	331
of the violation has been given to the licensee by the department	332
of agriculture;	333
(4) Where the applicant or licensee or employee fails to	334
practice measures of sanitation, disinfection, and inspection as	335
required by sections 943.01 to 943.18 of the Revised Code, or	336
prescribed by the department, of premises or vehicles used for the	337
yarding, holding, or transporting of animals;	338
(5) Where there has been a failure to keep records required	339
by the department or where there is a refusal on the part of the	340
applicant or licensee or employee to produce records of	341
transactions in the carrying on of the business for which the	342
license is granted;	343
(6) Where the applicant or licensee providing weighing	344
facilities used for, in connection with, or incident to the	345
purchase or sale of livestock for the account of the licensee or	346

others, fails to maintain and operate the weighing facilities in accordance with sections 943.08 and 943.10 of the Revised Code;

(7) Where the applicant or licensee in the conduct of the business covered by the license fails to maintain and operate weighing facilities in accordance with sections 943.08 and 943.10 of the Revised Code or fails to cause its livestock to be weighed by licensed weighers as provided in those sections;

(8) ~~Where~~ With regard to a dealer or broker licensee, where the licensee fails to maintain a bond or deposit, or letter of credit, if applicable, or fails to adjust the bond or deposit upon thirty days' notice or refuses or neglects to pay the fees or inspection charges required to be paid;

(9) Where the licensee has been suspended by order of the secretary of agriculture of the United States department of agriculture under provisions of the "Packers and Stockyards Act of 1921," 42 Stat. 159, 7 U.S.C.A. 181, as amended;

(10) ~~Where~~ With regard to a dealer or broker licensee, where the surety company, trustee, or issuer of a letter of credit of the licensee issues a notice of termination of the licensee's bond agreement, deposit agreement, or letter of credit.

(B) When the director refuses to grant or suspends a small dealer's, dealer's, or broker's license, ~~he~~ the director or ~~his~~ the director's designee may hand deliver the order. The licensee to whom a suspension order is issued shall be afforded a hearing in accordance with Chapter 119. of the Revised Code, after which the director shall reinstate, revoke, or suspend for a longer or indefinite period the suspended license.

Sec. 943.06. Every small dealer, dealer, and broker licensed under section 943.03 or 943.031 of the Revised Code, as applicable, and carrying on or conducting business under ~~such that~~

license, shall post in a conspicuous place in or at the place of 377
 business of ~~such~~ the licensee a copy of ~~such~~ the license furnished 378
 by the department of agriculture, to be kept so posted and exposed 379
 for inspection by any person. 380

Sec. 943.07. Each small dealer, dealer, or broker leasing, 381
 renting, operating, or owning livestock yards, pens, premises, or 382
 vehicles in which animals are quartered, fed, held, or 383
 transported, shall have a veterinary inspector approved by the 384
 department of agriculture, inspect, when directed, all such yards, 385
 premises, and vehicles and shall thoroughly and completely 386
 disinfect all such yards, pens, premises, and vehicles under the 387
 direction of the veterinary inspector and as prescribed by the 388
 department. The cost of ~~such~~ the inspection and disinfection shall 389
 be borne by ~~such~~ the small dealer, dealer, or broker. 390

The department shall not require such veterinary inspection 391
 of yards, pens, premises, or other facilities where veterinary 392
 inspection is regularly maintained by the United States department 393
 of agriculture, or by the municipal corporation in which the same 394
 are located, or where livestock is transported to markets or 395
 slaughtering establishments where such inspection is maintained. 396

The department may adopt ~~and promulgate~~ adequate sanitary 397
 requirements covering the construction and maintenance of 398
 buildings, pens, and chutes on all premises regularly used for the 399
 assembling, receiving, handling, feeding, watering, holding, 400
 buying, or selling of livestock, and may prescribe and enforce 401
 rules ~~and regulations~~ for the purpose of carrying into effect 402
 sections 943.01 to 943.18 of the Revised Code. ~~Such~~ Those sections 403
 shall not apply to railroads subject to the "Interstate Commerce 404
 Act of 1887," 24 Stat. 379, 49 U.S.C.A. 1. 405

Sec. 943.13. The department of agriculture shall require 406

inspection, tests, and treatments necessary to prevent the spread
of diseases of all animals sold or transferred from pens, yards,
premises, or vehicles by ~~brokers or~~ small dealers, dealers, or
brokers except when such animals are immediately delivered to a
slaughtering establishment. ~~Such~~ The inspection, tests, and
treatments shall be made by a veterinary inspector approved by the
department and shall be made and reported as prescribed by the
department. The fees for ~~such~~ that service shall be paid by the
~~broker or small dealer, dealer, or broker.~~ This section shall not
apply to a person operating a slaughtering establishment at which
antemortem veterinary inspection is regularly maintained.

The director of agriculture, without a prior hearing, may
revoke the approval of a veterinary inspector. A person to whom an
order of revocation is issued shall be afforded a hearing in
accordance with sections 119.01 to 119.13 of the Revised Code.

Animals sold through a livestock auction market shall be
accompanied by a release as may be prescribed by the department
and issued by the ~~broker or~~ small dealer, dealer, or broker. ~~Such~~
The release shall state the date, number and kind of animals
moved, point of origin, and buyer.

Animals sold for slaughter may be identified by an ear tag, a
livestock paint brand, or other prescribed identification,
whenever the department finds such identification necessary.

Operators of livestock auction markets shall furnish and
maintain cattle chutes suitable for restraining animals for
careful inspection and shall provide suitable laboratory space for
the veterinary inspector. All swine pens shall be paved and
maintained so that they can be cleaned and disinfected. All
diseased animals shall be segregated by species and held in
designated pens constructed to facilitate cleaning and
disinfecting.

Sec. 943.14. (A) The department of agriculture or any of its 438
 authorized agents may inspect the records of any licensee or 439
 employee at any time to determine the origin and destination of 440
 any livestock handled by the licensee and to determine if sections 441
 943.01 to 943.18 of the Revised Code, or the rules ~~promulgated~~ 442
adopted thereunder, have been violated. 443

(B) A small dealer, dealer, or broker, employee, or person 444
 described in division (B)(4) of section 943.01 of the Revised 445
 Code, who acquires or disposes of an animal by any means, shall 446
 make a record of the name and address of the person from whom the 447
 animal was acquired and to whom disposed. The record also shall 448
 show the individual identification of each animal at the time of 449
 acquisition or disposal. These records shall be maintained for a 450
 period of ~~twenty-four~~ sixty months or longer from the date of 451
 acquisition or disposal. 452

(C) The individual identification in division (B) of this 453
 section shall be in a manner or form approved by the department. 454

(D) A person who is a soliciting agent for a video auction 455
 pursuant to division (B) of section 943.02 of the Revised Code 456
 shall maintain records in a manner or form approved by the 457
 department. 458

Sec. 943.16. All fines imposed and collected under section 459
 943.99 of the Revised Code, shall be ~~paid to the department of~~ 460
~~agriculture and by it paid into the state treasury~~ credited to the 461
animal and consumer analytical laboratory fund created in section 462
901.43 of the Revised Code. 463

Sec. 953.21. As used in this chapter: 464

(A) "Animal" means any animal, other than ~~man~~ a human being, 465

and includes domestic fowl, wild birds, fish, and reptiles, living 466
or dead. 467

(B) "Licensee" means any person who is licensed in accordance 468
with this chapter. 469

(C) "Loading platform" means any place operated by a licensee 470
for loading dead animals, or parts thereof, onto trucks to take 471
them to a rendering plant or composting facility. 472

(D) "Person" means any natural person, partnership, 473
association, or corporation. 474

(E) "Raw rendering material" means any body, part of a body, 475
or product of a body of any dead animal that is unwholesome, 476
condemned, inedible, or otherwise unfit for human consumption. 477

(F) "Rendering plant" means any premises where raw rendering 478
materials are converted into fats, oils, feeds, fertilizer, and 479
other products. 480

(G) "Composting facility" means any premises, including 481
~~structure~~ structures and equipment, operating in accordance with 482
rules adopted under section 3734.02 of the Revised Code and used 483
for the controlled decomposition of organic solid material, 484
including dead animals, that stabilizes the organic fraction of 485
the material. 486

(H) "Conveyance" means a vehicle, trailer, or compartment. 487

Sec. 953.22. (A) No person shall engage in the business of 488
disposing of, picking up, rendering, or collecting raw rendering 489
material or transporting the material to a composting facility 490
without a license to do so from the department of agriculture. 491

(B) This chapter does not apply to any of the following: 492

(1) ~~Operations on any premises that are licensed in 493
compliance with Chapter 918. of the Revised Code or are subject to 494~~

federal meat inspection and render only raw rendering material	495
that is produced on the premises;	496
(2) A farmer who slaughters his <u>the farmer's</u> own animals,	497
raised by him <u>the farmer</u> on his <u>the farmer's</u> own farm, processes	498
his <u>the farmer's</u> own meat therefrom, and disposes of his <u>the</u>	499
<u>farmer's</u> raw rendering material only by delivery to a person	500
licensed under section 953.23 of the Revised Code;	501
(3)(2) A person whose only connection with raw rendering	502
material is curing hides and skins;	503
(4)(3) A person whose only connection with raw rendering	504
material is operating a pet cemetery;	505
(5)(4) A person who is conducting composting, as defined in	506
section 1511.01 of the Revised Code, in accordance with section	507
1511.022 of the Revised Code;	508
(5) <u>A person whose only connection with raw rendering</u>	509
<u>material is trapping wild animals in accordance with a nuisance</u>	510
<u>wild animal permit issued by the chief of the division of wildlife</u>	511
<u>in the department of natural resources under rules adopted</u>	512
<u>pursuant to section 1531.08 of the Revised Code;</u>	513
(6) <u>A county dog warden or animal control officer who</u>	514
<u>transports raw rendering material only for disposal purposes.</u>	515
Sec. 953.23. (A) Application for a license shall be made to	516
the department of agriculture on a form prescribed by the	517
department.	518
(B) Each application shall include all of the following:	519
(1) The name and address of the applicant;	520
(2) The applicant's proposed place of business;	521
(3) A detailed statement of the method that the applicant	522

intends to use to dispose of, pick up, render, or collect raw rendering material or to transport it to a composting facility; 523
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(4) Such other relevant information as the department may require. 525
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(C) Each applicant shall submit the annual license fee with ~~his~~ the application. 527
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(1) The license fee for a person applying for an annual license to pick up or collect raw rendering material and dispose of the material to a licensee or in accordance with divisions (B) and (C) of section 953.26 of the Revised Code, or to transport raw rendering material to a composting facility, is twenty-five dollars per conveyance that is used to pick up or collect and dispose of or to transport raw rendering material. A late fee of ten dollars per conveyance shall be charged for each application that is received after the thirtieth day of November each year. 529
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(2) The license fee for a person applying for an annual license to pick up or collect raw rendering material and to operate one or more rendering plants is ~~one~~ three hundred dollars for each such plant. A late fee of one hundred dollars shall be charged for each application that is received after the thirtieth day of November each year. 538
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(D) On receipt of an application and fee, under this section, the department shall inspect the means of conveyance and premises that the applicant proposes to use to dispose of, collect, pick up, or render raw rendering material or to transport it to a composting facility for profit. 544
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(E) If the department finds that the applicant's means of conveyance, premises, and operation meet the requirements of this chapter and rules adopted thereunder, the department shall issue a license to the applicant to dispose of, pick up, render, or 549
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collect for profit raw rendering material or to transport it to a 553
composting facility for profit. 554

(F) Each license issued under this section shall expire on 555
the thirty-first day of December of each year. Each person 556
licensed under this section shall make application for renewal of 557
~~his~~ the person's license no later than the thirtieth day of 558
November of each year. 559

(G) Application for renewal shall be in accordance with the 560
requirements of this section for initial application for a license 561
and the standard renewal procedure of sections 4745.01 to 4745.03 562
of the Revised Code. 563

(H) All money collected under this section shall be credited 564
to the animal and consumer analytical laboratory fund created in 565
section 901.43 of the Revised Code." 566

In line 90818, after "901.32," insert "901.43," 567

In line 90822, after "927.71," insert "942.01, 942.02, 568
942.06, 942.13, 943.01, 943.02, 943.04, 943.05, 943.06, 943.07, 569
943.13, 943.14, 943.16, 953.21, 953.22, 953.23," 570

In line 92185, delete "\$4,300,000 \$4,300,000" and insert 571
"\$4,400,000 \$4,400,000" 572

In line 92188, delete "\$17,823,282 \$17,823,282" and insert 573
"\$17,923,282 \$17,923,282" 574

In line 92192, delete "\$45,029,595 \$45,029,595" and insert 575
"\$45,129,595 \$45,129,595" 576

In line 106523, after "901.20," insert "901.43," 577

In line 106528, after "927.74," insert "942.01, 942.02, 578
942.06, 942.13, 943.01, 943.02, 943.031, 943.04, 943.05, 943.06, 579
943.07, 943.13, 943.14, 943.16, 953.21, 953.22, 953.23," 580

In line 31 of the title, after "901.32," insert "901.43," 581

In line 37 of the title, after "927.71," insert "942.01, 582
 942.02, 942.06, 942.13, 943.01, 943.02, 943.04, 943.05, 943.06, 583
 943.07, 943.13, 943.14, 943.16, 953.21, 953.22, 953.23," 584
 In line 194 of the title, after "927.54," insert "943.031," 585

The motion was _____ agreed to.

SYNOPSIS

Changes in Garbage-Fed Swine and Poultry, Livestock Dealers, 586
 and Rendering Plants Laws; Animal and Consumer Analytical 587
 Laboratory Fund 588

R.C. 901.43, 942.01, 942.02, 942.06, 942.13, 943.01, 943.02, 589
 943.031, 943.04, 943.05, 943.06, 943.07, 943.13, 943.14, 943.16, 590
 953.21, 953.22, and 953.23 591

Does all of the following as in the House-passed version of 592
 the bill: 593

(1) Renames the Animal Health and Food Safety Fund the Animal 594
 and Consumer Analytical Laboratory Fund in the Department of 595
 Agriculture Law; 596

(2) Increases the annual license fee to feed treated garbage 597
 to swine from \$50 to \$100, establishes a fee of \$50 for late 598
 renewal, and credits the fees to the Animal and Consumer 599
 Analytical Laboratory Fund; requires conveyances to be cleaned and 600
 disinfected before they can be used in the feeding of swine, and 601
 defines "conveyance" as a vehicle, trailer, or compartment that is 602
 used to transport raw rendering material as defined in the 603
 Rendering Plants Law; and exempts rendered products from the 604
 Garbage-Fed Swine Law, and defines "rendered product"; 605

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(3) Increases or adds fees under the Livestock Dealers Law as follows:

License fee	Current fee	Proposed fee	
For dealers or brokers that purchased, sold, or exchanged 501 to 1,000 head of livestock in the preceding calendar year	\$10	\$50	611
For dealers or brokers that purchased, sold, or exchanged 1,001 to 10,000 head of livestock in the preceding calendar year	\$25	\$125	613
For dealers or brokers that purchased, sold, or exchanged more than 10,000 head of livestock in the preceding calendar year	\$50	\$250	615

Late renewal fee for	No fee	\$100
dealers or brokers		

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Weighers	\$5	\$10
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(4) Requires small dealers of livestock to be licensed by the Department of Agriculture, defines "small dealers," and establishes requirements and procedures governing small dealers, including a \$25 license fee and a \$25 fee for late license renewal; requires employees that are appointed by a small dealer, dealer, or broker of livestock to perform certain duties to pay an annual fee of \$20; requires money collected and fines imposed and collected under the Livestock Dealers Law to be credited to the Animal and Consumer Analytical Laboratory Fund rather than to the General Revenue Fund; and requires certain records that must be maintained by a small dealer, dealer, or broker of livestock to be maintained for 60 months rather than 24 months as in current law; and

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(5) Applies the existing \$25 fee for an annual license to pick up or collect raw rendering material or to transport raw rendering material to a composting facility to each conveyance that is used for those purposes, establishes a \$10 per-conveyance fee for late renewal applications, and defines "conveyance"; increases the annual license fee to pick up or collect raw rendering material and to operate one or more rendering plants from \$100 per plant to \$300 per plant, and establishes a \$100 fee for late renewal applications; requires all money collected for those licenses to be credited to the Animal and Consumer Analytical Laboratory Fund; removes a provision in current law that excludes operations on any premises that are licensed under the Meat and Poultry Inspection Law or are subject to federal meat inspection and render only raw rendering material that is produced on the premises from licensure requirements for disposing of,

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picking up, rendering, or collecting raw rendering material or
transporting the material to a composting facility; and excludes
holders of nuisance wild animal permits issued by the Division of
Wildlife in the Department of Natural Resources and county dog
wardens or animal control officers from those licensure
requirements.

Department of Agriculture

Section 211.10

Increases SSR Fund 6520 appropriation item 700634, Animal and
Consumer Analytical Laboratory, by \$100,000 in each fiscal year.

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6 _____ moved to amend as follows:

7 In line 22340, delete "video service authorization" and
8 insert "division of administration"

9 In line 22341, delete "1332.25" and insert "121.08"

10 In line 22342, delete "three" and insert "four"

11 In line 22350, delete "October 9, 2009,"

12 In line 22351, delete "initially and by"

13 In line 22352, delete "subsequent"

14 In line 22357, delete "By October 16,"

15 In line 22358, delete "2009, initially and on" and insert
16 "On"

17 In line 22359, delete "subsequent"

18 In line 22363, after the underlined period insert "After
19 the initial assessment, the director annually shall reconcile
20 the amount collected with the total, current amount assessed
21 pursuant to this section, and either shall charge each assessed
22 video service provider its respective proportion of any
23 insufficiency or proportionately credit the provider's next
24 assessment for any excess collected."

25 In line 22533, after "(F)" insert "(1)"

26 Between lines 22536 and 22537, insert:

27 "(2) A video service provider may identify or make
28 reference on a subscriber bill to an assessment under section
29 1332.24 of the Revised Code only if the provider opts to pass
30 the cost of the assessment onto subscribers."

31 The motion was _____ agreed to.

32 SYNOPSIS

33 **Assessments on Video Service Providers**

34 **R.C. 1332.24 and 1332.25**

35 Regarding the provision that the total amount assessed on
36 video service providers in a fiscal year not exceed the greater
37 of actual administrative costs or a certain dollar amount,
38 increases that amount from \$350,000 to \$450,000; requires
39 assessment revenue to be deposited into the Department of
40 Commerce's Division of Administration Fund instead of into a new
41 VSA Fund; requires that the Director annually charge, or credit,
42 each franchisee to preclude over- or under-collection of
43 assessment revenue; in effect begins the assessment in 2010 by
44 removing a requirement that the initial subscriber counts and
45 assessment payment be made in October of this year; and
46 authorizes a provider to identify or refer to the assessment on
47 a subscriber bill only if it opts to pass the cost onto
48 subscribers.

Am. Sub. H.B. 1

As Passed by the Senate

CC-4688

COM-3

moved to amend as follows:

In line 332, after "1707.17," insert "1707.18," 1

Between lines 26874 and 26875, insert: 2

"Sec. 1707.18. (A) (1) If a partnership licensed as a dealer 3
 is terminated under the laws of the state where the partnership is 4
 organized, or by death, resignation, withdrawal, or addition of a 5
 general partner, the license of the partnership shall be 6
 automatically extended for a period of thirty days after the 7
 termination. The license of the partnership and the licenses of 8
 its salespersons may be transferred to the successor partnership 9
 within that period if the division of securities finds that the 10
 successor partnership is substantially similar to its predecessor 11
 partnership, and if an application for transfer of license has 12
 been filed. The fee for such a transfer shall be fifty dollars, 13
 plus ~~ten~~ fifteen dollars for every salesperson's license that is 14
 transferred. 15

(2) If a partnership licensed as an investment adviser is 16
 terminated under the laws of the state where the partnership is 17
 organized, or by death, resignation, withdrawal, or addition of a 18
 general partner, the license of the partnership shall be 19
 automatically extended for a period of thirty days after the 20

21 termination. The license of the partnership shall, and the
22 licenses of its investment adviser representatives may, be
23 transferred to the successor partnership within that period if the
24 division finds that the successor partnership is substantially
25 similar to its predecessor partnership, and if an application for
26 transfer of license has been filed. The fee for such transfer
27 shall be fifty dollars, plus ~~ten~~ fifteen dollars for every
28 investment adviser representative's license that is transferred.

29 (B) (1) If a licensed dealer changes its business form,
30 reincorporates, or by merger or otherwise becomes a different
31 person, as person is defined in section 1707.01 of the Revised
32 Code, upon application the division may transfer the dealer's
33 license and the licenses of its salespersons to the successor
34 entity, if the division finds that the successor entity is
35 substantially similar to the predecessor entity. The fee for such
36 a transfer shall be fifty dollars plus ~~ten~~ fifteen dollars for
37 every salesperson's license transferred.

38 (2) If a licensed investment adviser changes its business
39 form, reincorporates, or by merger or otherwise becomes a
40 different person, as person is defined in section 1707.01 of the
41 Revised Code, upon application, the division may transfer the
42 investment adviser license and the licenses of its investment
43 adviser representatives to the successor entity, if the division
44 finds that the successor entity is substantially similar to the
45 predecessor entity. The fee for the transfer shall be fifty
46 dollars plus ~~ten~~ fifteen dollars for every investment adviser
47 representative's license transferred."

48 In line 90834, after "1707.17," insert "1707.18,"

49 In line 53 of the title, after "1707.17," insert "1707.18,"

The motion was _____ agreed to.

SYNOPSIS

Fees Associated with the Transfer of a Securities Dealer or	50
Investment Adviser License	51
R.C. 1707.18	52
In the case of a transfer of a dealer's license and the	53
licenses of its salespersons to a successor entity, increases	54
(from \$10 to \$15) the fee charged by the Division of Securities	55
for every salesperson's license that is transferred.	56
In the case of a transfer of an investment adviser's license	57
and the licenses of its investment adviser representatives to a	58
successor entity, increases (from \$10 to \$15) the fee charged by	59
the Division for every investment adviser representative's license	60
that is transferred.	61

Am. Sub. H.B. 1
As Passed by the Senate
CC-4693
TAX-46

_____ moved to amend as follows:

In line 332, after "1707.17," insert "1710.01,"; after 1
"1710.02," insert "1710.03, 1710.04, 1710.06, 1710.10, 1710.13," 2

Delete lines 26875 through 27041 and insert: 3

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

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

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

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

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

(E) "Participating political subdivision" means the municipal corporation or township, or each of the municipal corporations or townships, that has territory within the boundaries of a special improvement district created under this chapter.

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

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

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

(I) "Existing qualified nonprofit corporation" means a nonprofit corporation that existed before the creation of the corresponding district under this chapter, that is composed of members located within or adjacent to the district, that has established a police department under section 1702.80 of the Revised Code, and that is organized for purposes that include acquisition of real property within an area specified by its articles for the subsequent transfer of such property to its members exclusively for charitable, scientific, literary, or educational purposes, or holding and maintaining and leasing such property; planning for and assisting in the development of its members; providing for the relief of the poor and distressed or underprivileged in the area and adjacent areas; combating community deterioration and lessening the burdens of government; providing or assisting others in providing housing for low- or moderate-income persons; and assisting its members by the

provision of public safety and security services, parking 50
facilities, transit service, landscaping, and parks. 51

Sec. 1710.02. (A) A special improvement district may be 52
 created within the boundaries of any one municipal corporation, 53
 any one township, or any combination of contiguous municipal 54
 corporations and townships ~~by a petition of the property owners~~ 55
~~within the proposed district,~~ for the purpose of developing and 56
 implementing plans for public improvements and public services 57
 that benefit the district. A district may be created by petition 58
of the owners of real property within the proposed district, or by 59
an existing qualified nonprofit corporation. If the district is 60
created by an existing qualified nonprofit corporation, the 61
purposes for which the district is created may be supplemental to 62
the other purposes for which the corporation is organized. All 63
 territory in a district shall be contiguous. 64

The district shall be governed by the board of trustees of a 65
 nonprofit corporation. This board shall be known as the board of 66
 directors of the special improvement district. No special 67
 improvement district shall include any church property, or 68
 property of the federal or state government or a county, township, 69
 or municipal corporation, unless the church or the county, 70
 township, or municipal corporation specifically requests in 71
 writing that the property be included within the district, or 72
unless the church is a member of the existing qualified nonprofit 73
corporation creating the district at the time the district is 74
created. More than one district may be created within a 75
 participating political subdivision, but no real property may be 76
 included within more than one district unless the owner of the 77
 property files a written consent with the clerk of the legislative 78
 authority, the township fiscal officer, or the village clerk, as 79
 appropriate. The area of each district shall be contiguous. 80

(B) Except as provided in division (C) of this section, a district created under this chapter is not a political subdivision. A district created under this chapter shall be considered a public agency under section 102.01 and a public authority under section 4115.03 of the Revised Code. Each member of the board of directors of a district, each member's designee or proxy, and each officer and employee of a district shall be considered a public official or employee under section 102.01 of the Revised Code and a public official and public servant under section 2921.42 of the Revised Code. Districts created under this chapter are not subject to section ~~121.24~~ 121.251 of the Revised Code. Districts created under this chapter are subject to sections 121.22 and 121.23 of the Revised Code.

(C) Each district created under this chapter shall be considered a political subdivision for purposes of section 4905.34 of the Revised Code.

Membership on the board of directors of the district shall not be considered as holding a public office. Directors and their designees shall be entitled to the immunities provided by Chapter 1702. and to the same immunity as an employee under division (A) (6) of section 2744.03 of the Revised Code, except that directors and their designees shall not be entitled to the indemnification provided in section 2744.07 of the Revised Code unless the director or designee is an employee or official of a participating political subdivision of the district and is acting within the scope of the director's or designee's employment or official responsibilities.

District officers and district members and directors and their designees or proxies shall not be required to file a statement with the Ohio ethics commission under section 102.02 of the Revised Code. All records of the district shall be treated as

public records under section 149.43 of the Revised Code, except 112
 that records of organizations contracting with a district shall 113
 not be considered to be public records under section 149.43 or 114
 section 149.431 of the Revised Code solely by reason of any 115
 contract with a district. 116

(D) Except as otherwise provided in this section, the 117
 nonprofit corporation that governs a district shall be organized 118
 in the manner described in Chapter 1702. of the Revised Code. ~~The~~ 119
Except in the case of a district created by an existing qualified 120
nonprofit corporation, the corporation's articles of incorporation 121
 are required to be approved, as provided in division (E) of this 122
 section, by resolution of the legislative authority of each 123
 participating political subdivision of the district. A copy of 124
 that resolution shall be filed along with the articles of 125
 incorporation in the secretary of state's office. 126

In addition to meeting the requirements for articles of 127
 incorporation set forth in Chapter 1702. of the Revised Code, the 128
 articles of incorporation for the nonprofit corporation governing 129
 a district formed under this chapter shall provide all the 130
 following: 131

(1) The name for the district, which shall include the name 132
 of each participating political subdivision of the district; 133

(2) A description of the territory within the district, which 134
 may be all or part of each participating political subdivision. 135
 The description shall be specific enough to enable real property 136
 owners to determine if their property is located within the 137
 district. 138

(3) A description of the procedure by which the articles of 139
 incorporation may be amended. The procedure shall include 140
 receiving approval of the amendment, by resolution, from the 141
 legislative authority of each participating political subdivision 142

and filing the approved amendment and resolution with the 143
secretary of state. 144

(4) The reasons for creating the district, plus an 145
explanation of how the district will be conducive to the public 146
health, safety, peace, convenience, and welfare of the district. 147

(E) The articles of incorporation for a nonprofit corporation 148
governing a district created under this chapter and amendments to 149
them shall be submitted to the municipal executive, if any, and 150
the legislative authority of each municipal corporation or 151
township in which the proposed district is to be located. Except 152
in the case of a district created by an existing qualified 153
nonprofit corporation, the articles or amendments shall be 154
accompanied by a petition signed either by the owners of at least 155
sixty per cent of the front footage of all real property located 156
in the proposed district that abuts upon any street, alley, public 157
road, place, boulevard, parkway, park entrance, easement, or other 158
existing public improvement within the proposed district, 159
excluding church property or property owned by the state, county, 160
township, municipal, or federal government, unless a church, 161
county, township, or municipal corporation has specifically 162
requested in writing that the property be included in the 163
district, or by the owners of at least seventy-five per cent of 164
the area of all real property located within the proposed 165
district, excluding church property or property owned by the 166
state, county, township, municipal, or federal government, unless 167
a church, county, township, or municipal corporation has 168
specifically requested in writing that the property be included in 169
the district. For purposes of determining compliance with these 170
requirements, the area of the district, or the front footage and 171
ownership of property, shall be as shown in the most current 172
records available at the county recorder's office and the county 173

engineer's office sixty days prior to the date on which the petition is filed.	174 175
Each municipal corporation or township with which the petition is filed has sixty days to approve or disapprove, by resolution, the petition, including the articles of incorporation. <u>In the case of a district created by an existing qualified nonprofit corporation, each municipal corporation or township has sixty days to approve or disapprove the creation of the district after the corporation submits the articles of incorporation or amendments thereto.</u> This chapter does not prohibit or restrict the rights of municipal corporations under Article XVIII of the Ohio Constitution or the right of the municipal legislative authority to impose reasonable conditions in a resolution of approval.	176 177 178 179 180 181 182 183 184 185 186
(F) Persons proposing creation and operation of the district may propose an initial plan for public services or public improvements that benefit all or any part of the district. Any initial plan shall be submitted as part of the petition proposing creation of the district <u>or, in the case of a district created by an existing qualified nonprofit corporation, shall be submitted with the articles of incorporation or amendments thereto.</u>	187 188 189 190 191 192 193
An initial plan may include provisions for the following:	194
(1) Creation and operation of the district and of the nonprofit corporation to govern the district under this chapter;	195 196
(2) Hiring employees and professional services;	197
(3) Contracting for insurance;	198
(4) Purchasing or leasing office space and office equipment;	199
(5) Other actions necessary initially to form, operate, or organize the district and the nonprofit corporation to govern the district;	200 201 202
(6) A plan for public improvements or public services that	203

benefit all or part of the district, which plan shall comply with 204
the requirements of division (A) of section 1710.06 of the Revised 205
Code and may include, but is not limited to, any of the permissive 206
provisions described in the fourth sentence of that division or 207
listed in divisions (A) (1) to (5) of that section. 208

After the initial plan is approved by all municipal 209
corporations and townships to which it is submitted for approval 210
and the district is created, each participating subdivision shall 211
levy a special assessment within its boundaries to pay for the 212
costs of the initial plan. The levy shall be for no more than ten 213
years from the date of the approval of the initial plan. For 214
purposes of levying an assessment for this initial plan, the 215
services or improvements included in the initial plan shall be 216
deemed a special benefit to property owners within the district. 217

(G) Each nonprofit corporation governing a district under 218
this chapter may do the following: 219

(1) Exercise all powers of nonprofit corporations granted 220
under Chapter 1702. of the Revised Code that do not conflict with 221
this chapter; 222

(2) Develop, adopt, revise, implement, and repeal plans for 223
public improvements and public services for all or any part of the 224
district; 225

(3) Contract with any person, political subdivision as 226
defined in section 2744.01 of the Revised Code, or state agency as 227
defined in section 1.60 of the Revised Code to develop and 228
implement plans for public improvements or public services within 229
the district; 230

(4) Contract and pay for insurance for the district and for 231
directors, officers, agents, contractors, employees, or members of 232
the district for any consequences of the implementation of any 233

plan adopted by the district or any actions of the district. 234

Sec. 1710.03. (A) ~~Each owner, other than a church or the~~ 235
~~state, county, township, municipal, or federal government, unless~~ 236
~~a church or county, township, or municipal corporation has~~ 237
~~specifically requested in writing that the property be included in~~ 238
~~the district, Except as otherwise provided in this division, each~~ 239
~~owner~~ of real property within a special improvement district ~~other~~ 240
~~than the state or federal government~~ is a member of the district, 241
and the real property of each member of the district is subject to 242
special assessment under division (C) of section 1710.06 of the 243
Revised Code. ~~The~~ A church is not a member of the district unless 244
~~the church specifically requested in writing that its property be~~ 245
~~included in the district or unless, in the case of a district~~ 246
~~created by an existing qualified nonprofit corporation, the church~~ 247
~~is a member of the corporation at the time the district is~~ 248
~~created. A county, township, or municipal corporation owning real~~ 249
~~property in the district is not a member of the district unless~~ 250
~~such entity specifically requested in writing that its property be~~ 251
~~included in the district.~~ 252

The identity and address of the owners shall be determined 253
for any particular action of the nonprofit corporation that 254
governs the district, including notice of meetings of the 255
district, no more than sixty days prior to the date of the action, 256
from the most current records available at the county auditor's 257
office. For purposes of this chapter, the persons shown on such 258
records as having common or joint ownership interests in a parcel 259
of real property collectively shall constitute the owner of the 260
real property. 261

(B) A member may file a written statement with the district's 262
secretary at least three days prior to any meeting of the entire 263
membership of the district to appoint a proxy to carry out the 264

member's rights and responsibilities under this chapter at that meeting. 265
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(C) A member also may appoint a designee to carry out the member's rights and responsibilities under this chapter by filing a written designation form with the district's secretary. This form shall include the name and address of the member, the name and address of the designee, and the expiration date, if any, of the designation and may authorize the designee to vote at any meeting of the district. 267
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(D) A proxy or designee need not be an elector or resident of any participating political subdivision of the district or a member of the district. The appointment of a proxy or a designee may be changed by filing a new form with the district's secretary. The most current form filed with the secretary is the valid appointment. Service of any notice upon a proxy or designee at the proxy's or designee's address as shown on that form satisfies any requirements for notification of the member. 274
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Sec. 1710.04. (A) A special improvement district created under this chapter shall be governed by the board of directors of the special improvement district. The board shall consist of at least five directors. The board shall include a person appointed by the legislative authority of each participating political subdivision and the municipal executive of each municipal corporation with territory within the boundaries of the special improvement district. The remainder of the board's members shall be members of the district. Except for the municipal executives and the appointees of the legislative authorities, and except as otherwise provided in this division, members of the board of directors shall be elected at a meeting of the entire membership of the district. The initial election of directors may occur at the first meeting of the entire membership of the district after 282
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its creation. All subsequent elections shall be held at a November meeting of the membership.

Each municipal executive may designate one person who is an employee of the municipal corporation involved with its planning or economic development functions to serve in the municipal executive's stead. This designee shall serve at the pleasure of the municipal executive.

In the case of a district created by an existing qualified nonprofit corporation, the corporation's board of trustees or other governing board, however denominated, shall be the board of directors of the special improvement district for the purposes of this chapter. The election of directors otherwise required by this division shall not be required, and the requirement that municipal executives and appointees of the legislative authorities be members of the district's board of directors may be satisfied by the membership on the corporation's governing board of representatives of such participating political subdivisions, or may be waived if approved by resolution of the legislative authorities of the participating political subdivisions.

(B) A director may file a written statement with the district's secretary at least three days prior to any meeting of the board to have a person act as proxy to carry out the director's rights and responsibilities under this chapter at that meeting.

A director may also appoint a designee to carry out the director's rights and responsibilities under this chapter by filing a written designation form with the district's secretary. This form shall include the name and address of the director, the name and address of the designee, and the expiration date, if any, of the designation.

A proxy or designee need not be an elector or resident of a

participating political subdivision of the district or a member of
the district. The appointment of a proxy or designee may be
changed by filing a new form with the district's secretary. The
most current form filed with the secretary is the valid
appointment. Service of any notice upon a proxy or designee at the
proxy's or designee's address as shown on that form satisfies any
requirements for notification of the director.

(C) Notice of the time, date, place, and agenda for any
meeting of the board of directors shall be by written notice to
each director, transmitted by certified mail, personal service, or
electronic device prior to the meeting. If possible, the notice
shall be served at least one week prior to the meeting.

The board shall act by a majority vote of those present and
authorized to vote at any meeting where proper notice has been
served.

(D) The board shall elect a chairperson, vice-chairperson,
secretary, and treasurer of the board. These officers shall serve
at the board's pleasure. A director may be elected to more than
one office, except that the director elected as treasurer shall
not be elected to any other office of the board.

By the first day of March of each year, the treasurer shall
submit to each member of the district and to the municipal
executive, chief fiscal officer, and legislative authority of each
municipal corporation with territory within the boundaries of the
special improvement district and the board of township trustees of
each township with territory within the boundaries of the special
improvement district, a report of the district's activities and
financial condition for the previous year.

(E) Divisions (B), (C), and (D) of this section do not apply
to a district created by an existing qualified nonprofit
corporation to the extent those divisions are not consistent with

the regulations of the corporation, in which case the regulations 358
of the corporation shall govern. 359

Sec. 1710.06. (A) The board of directors of a special 360
improvement district may develop and adopt one or more written 361
plans for public improvements or public services that benefit all 362
or any part of the district. Each plan shall set forth the 363
specific public improvements or public services that are to be 364
provided, identify the area in which they will be provided, and 365
specify the method of assessment to be used. Each plan for public 366
improvements or public services shall indicate the period of time 367
the assessments are to be levied for the improvements and services 368
and, if public services are included in the plan, the period of 369
time the services are to remain in effect. Plans for public 370
improvements may include the planning, design, construction, 371
reconstruction, enlargement, or alteration of any public 372
improvements and the acquisition of land for the improvements. 373
Plans for public improvements or public services may also include, 374
but are not limited to, provisions for the following: 375

(1) Creating and operating the district and the nonprofit 376
corporation under this chapter, including hiring employees and 377
professional services, contracting for insurance, and purchasing 378
or leasing office space and office equipment and other 379
requirements of the district; 380

(2) Planning, designing, and implementing a public 381
improvements or public services plan, including hiring 382
architectural, engineering, legal, appraisal, insurance, and 383
planning services, and, for public services, managing, protecting, 384
and maintaining public and private facilities, including public 385
improvements; 386

(3) Conducting court proceedings to carry out this chapter; 387

(4) Paying damages resulting from the provision of public 388
improvements or public services and implementing the plans; 389

(5) Paying the costs of issuing, paying interest on, and 390
redeeming notes and bonds issued for funding public improvements 391
and public services plans. 392

(B) Once the board of directors adopts a plan, it shall 393
submit the plan to the legislative authority of each participating 394
political subdivision and the municipal executive of each 395
municipal corporation in which the district is located, if any. 396
The legislative authorities and municipal executives shall review 397
the plan and, within sixty days after receiving it, may submit 398
their comments and recommendations about it to the district. After 399
reviewing these comments and recommendations, the board of 400
directors may amend the plan. It may then submit the plan, amended 401
or otherwise, in the form of a petition to members of the district 402
whose property may be assessed for the plan. Once the petition is 403
signed by those members who own at least sixty per cent of the 404
front footage of property that is to be assessed and that abuts 405
upon a street, alley, public road, place, boulevard, parkway, park 406
entrance, easement, or other public improvement, or those members 407
who own at least seventy-five per cent of the area to be assessed 408
for the improvement or service, the petition may be submitted to 409
each legislative authority for approval. 410

Each legislative authority shall, by resolution, approve or 411
reject the petition within sixty days after receiving it. If the 412
petition is approved by the legislative authority of each 413
participating political subdivision, the plan contained in the 414
petition shall be effective at the earliest date on which a 415
nonemergency resolution of the legislative authority with the 416
latest effective date may become effective. A plan may not be 417
resubmitted to the legislative authorities and municipal 418

executives more than three times in any twelve-month period. 419

(C) Each participating political subdivision shall levy, by 420
special assessment upon specially benefited property located 421
within the district, the costs of any public improvements or 422
public services plan contained in a petition approved by the 423
participating political subdivisions under this section or 424
division (F) of section 1710.02 of the Revised Code. The levy 425
shall be made in accordance with the procedures set forth in 426
Chapter 727. of the Revised Code, except that: 427

(1) The assessment for each improvements or services plan may 428
be levied by any one or any combination of the methods of 429
assessment listed in section 727.01 of the Revised Code, provided 430
that the assessment is uniformly applied. 431

(2) For the purpose of levying an assessment, the board of 432
directors may combine one or more improvements or services plans 433
or parts of plans and levy a single assessment against specially 434
benefited property. 435

(3) For purposes of special assessments levied by a township 436
pursuant to this chapter, references in Chapter 727. of the 437
Revised Code to the municipal corporation shall be deemed to refer 438
to the township, and references to the legislative authority of 439
the municipal corporation shall be deemed to refer to the board of 440
township trustees. 441

Church property or property owned by a political subdivision, 442
including any participating political subdivision in which a 443
special improvement district is located, shall be included in and 444
be subject to special assessments made pursuant to a plan adopted 445
under this section or division (F) of section 1710.02 of the 446
Revised Code, if the church or political subdivision has 447
specifically requested in writing that its property be included 448
within the special improvement district and the church or 449

political subdivision is a member of the district or, in the case 450
of a district created by an existing qualified nonprofit 451
corporation, if the church is a member of the corporation. 452

(D) All rights and privileges of property owners who are 453
 assessed under Chapter 727. of the Revised Code shall be granted 454
 to property owners assessed under this chapter, including those 455
 rights and privileges specified in sections 727.15 to 727.17 and 456
 727.18 to 727.22 of the Revised Code and the right to notice of 457
 the resolution of necessity and the filing of the estimated 458
 assessment under section 727.13 of the Revised Code. Property 459
 owners assessed for public services under this chapter shall have 460
 the same rights and privileges as property owners assessed for 461
 public improvements under this chapter. 462

Sec. 1710.10. (A) When a participating political subdivision 463
 contracts to provide improvements or services to a special 464
 improvement district, the participating political subdivision 465
 shall charge only its additional cost of providing the improvement 466
 or service, without any allocation of overhead costs, fixed costs, 467
 or assignment of costs at rates higher than those at which the 468
 participating political subdivision assigns costs for similar 469
 improvements or services for political subdivision purposes. 470

(B) ~~Any~~ Except in the case of a district created by an 471
existing qualified nonprofit corporation, any law enforcement or 472
 fire protection service to be provided under a district's public 473
 service plan shall be provided only by contract with a 474
 participating political subdivision of the district. ~~The~~ In the 475
case of a district created by an existing qualified nonprofit 476
corporation, the corporation may provide law enforcement service 477
as provided under section 1702.80 of the Revised Code. 478

The district shall reimburse the participating political 479

subdivision for any additional cost incurred in providing that law 480
 enforcement or fire protection service. This additional cost shall 481
 not include any overhead, fixed costs, or assignment of costs at 482
 rates higher than those at which the political subdivision assigns 483
 costs for these services for political subdivision purposes. 484

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(C) Any liability for providing fire or police services under 486
 this section by a participating political subdivision shall remain 487
 with the participating political subdivision and shall not be 488
 assumed by the district. 489

Sec. 1710.13. The This section does not apply to a special 490
improvement district created by an existing qualified nonprofit 491
corporation. 492

The process for dissolving a special improvement district or 493
 repealing an improvements or services plan may be initiated by a 494
 petition signed by members of the district who own at least twenty 495
 per cent of the appraised value of the real property located in 496
 the district, excluding church property or real property owned by 497
 the federal government, the state, or a county, township, or 498
 municipal corporation, unless the church, county, township, or 499
 municipal corporation has specifically requested in writing that 500
 the property be included in the district, and filed with the 501
 municipal executive, if any, and the legislative authorities of 502
 all the participating political subdivisions of the district. As 503
 used in this section, "appraised value" means the taxable value 504
 established by the county auditor for purposes of real estate 505
 taxation. 506

No later than forty-five days after such a petition is filed, 507
 the members of the district shall meet to consider it. Notice of 508
 the meeting shall be given as provided in section 1710.05 of the 509
 Revised Code. Upon the affirmative vote of members who 510

collectively own more than fifty per cent of the appraised value 511
of the real property in the district that may be subject to 512
assessment under division (C) of section 1710.06 of the Revised 513
Code, the district shall be dissolved, or the plan shall be 514
repealed, as applicable. 515

No rights or obligations of any person under any contract, or 516
in relation to any bonds, notes, or assessments made under this 517
chapter, shall be affected by the dissolution of the district or 518
the repeal of a plan, except with the consent of that person or by 519
order of a court with jurisdiction over the matter. Upon 520
dissolution of a district, any assets or rights of the district, 521
after payment of all bonds, notes, or other obligations of the 522
district, shall be deposited in a special account in the treasury 523
of each participating political subdivision, prorated among all 524
participating political subdivisions to reflect the percentage of 525
the district's territory within that political subdivision, to be 526
used for the benefit of the territory that made up the district. 527

Once the members have approved the repeal of a plan, all 528
bonds, notes, and other obligations of the district associated 529
with the plan shall be paid. Thereafter, the plan shall be 530
repealed. Upon receipt of proof that all bonds, notes, and other 531
obligations have been paid and that the plan has been repealed, 532
the participating political subdivisions shall terminate any 533
levies imposed to pay for costs of the plan." 534

In line 90834, after "1707.17," insert "1710.01,"; after 535
"1710.02," insert "1710.03, 1710.04, 1710.06, 1710.10, 1710.13," 536

In line 53 of the title, after "1707.17," insert "1710.01,"; 537
after "1710.02," insert "1710.03, 1710.04, 1710.06, 1710.10, 538
1710.13," 539

The motion was _____ agreed to.

SYNOPSIS

Special Improvement Districts: Creation by Existing Nonprofit Corporation	540
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R.C. 1710.01, 1710.02, 1710.03, 1710.04, 1710.06, 1710.10, and 1710.13	542
	543
Authorizes the creation of a special improvement district by certain existing nonprofit corporations, and provides for the governance of the district by the existing corporation's governing board instead of the creation of a new board. (Special improvement districts currently may be created by property owners to provide public improvements or services funded by local government bonds and special assessments levied on members of the district.) The existing nonprofit corporation must have certain specified purposes and must have created a police department under existing law authorizing the establishment of a police department by certain nonprofit corporations (R.C. 1702.80).	544
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Am. Sub. H. 1
As Passed by the Senate
CC-4697
TAX-19

6 _____ moved to amend as follows:

7 In line 80893, after "2010," insert "but before January 1,
8 2015,"

9 The motion was _____ agreed to.

10

SYNOPSIS

11

School District Conversion Levy for 20-mill Growth

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R.C. 5705.219

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Restores the House-passed bill's five-year window for adopting school district conversion levies from 2010 through 2014. The Senate-passed bill authorizes school district conversion levy proposals in any year after 2009.

✓

1 128HB1-CC4699.docx/ss

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Am. Sub. H.B. 1
As Passed by the Senate
CC-4699

5 _____ moved to amend as follows:

6 In line 401, delete "5111.083,"

7 Delete lines 75559 through 75592

8 In line 90903, delete "5111.083,"

9 In line 148 of the title, delete "5111.083,"

10 The motion was _____ agreed to.

11 SYNOPSIS

12 **Medicaid E-Prescribing System**

13 **R.C. 5111.083**

14 Removes the bill's provision that requires, rather than
15 permits as under current law, the ODJFS Director to establish an
16 e-prescribing system for the Medicaid program.

1 128HB1-CC4702.docx/ar

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Am. Sub. H.B. 1
As Passed by the Senate
CC-4702
PUB-3, PUB-8, PUB-11

6 _____ moved to amend as follows:

- 7 In line 297, delete "120.52, 120.53,"
- 8 In line 321, delete "1349.20, 1349.22,"
- 9 In line 374, delete "3953.231,"
- 10 In line 435, delete "2315.50,"
- 11 Delete lines 5210 through 5390
- 12 Delete lines 22543 through 22595
- 13 In line 28678, reinsert "twenty-six"; delete "thirty-one"
- 14 Delete lines 28709 through 28715
- 15 In line 29306, reinsert "twenty-six"; delete "thirty-one"
- 16 Delete lines 29337 through 29343
- 17 In line 29421, reinsert "twenty-six"; delete "thirty-one"
- 18 In line 29425, delete "a domestic"
- 19 Delete line 29426
- 20 In line 29427, delete "additional filing fee shall apply
- 21 to"
- 22 In line 29428, delete "and"
- 23 In line 29429, reinsert ", spousal support, marital
- 24 property or separate property"

25 In line 29430, reinsert "distribution, support, or other
26 domestic relations matters"
27 Delete lines 29455 through 29461
28 Delete lines 29538 through 29576
29 Delete lines 60631 through 60727
30 In line 90799, delete "120.52, 120.53,"
31 In line 90823, delete "1349.20, 1349.22,"
32 In line 90876, delete "3953.231,"
33 Delete lines 106484 through 106485
34 In line 6 of the title, delete "120.52, 120.53,"
35 In line 38 of the title, delete "1349.20, 1349.22,"
36 In line 112 of the title, delete "3953.231,"
37 In line 195 of the title, delete "2315.50,"

38 The motion was _____ agreed to.

39 SYNOPSIS

40 **Unpaid Moneys in Class Actions - Legal Aid Fund; Civil**
41 **Legal Aid Filing Fees; IOTA Accounts in Escrow Transactions**
42 **Affecting Residential and Commercial Real Property**

43 R.C. 120.52, 120.53, 1349.20, 1349.22, 1901.26, 1907.24,
44 2303.201, 2315.50, and 3953.231

45 Removes the following provisions:

46 (1) The provisions: (a) providing that it is the policy of
47 Ohio, insofar as it is not inconsistent with federal law, that
48 all unpaid moneys remaining after the distribution to the
49 members of the class of monetary awards in class actions must be
50 used for charitable public purposes; (b) requiring 15% of those
51 moneys to provide financial assistance to Ohio legal aid

52 societies and the remaining 85% to be distributed to charities,
53 nonprofit organizations, and charitable programs selected in the
54 action and approved by the court; (c) requiring each defendant
55 from whom unpaid moneys are due after distribution of the
56 monetary award to remit 15% of the unpaid moneys to the State
57 Treasurer for deposit in the Legal Aid Fund and to notify the
58 Ohio Legal Assistance Foundation (OLAF) of the amount so
59 remitted, the case name and number of the class action, and the
60 court that approved the settlement agreement or rendered the
61 judgment in the class action; (d) providing that OLAF or any
62 recipient of financial assistance from OLAF that receives or
63 benefits from any portion of the moneys that are so remitted may
64 not bring or maintain any class action and may not bring or
65 maintain any action against the state or any political
66 subdivision of the state; (e) pertaining to OLAF's rule-making
67 authority, 4 1/2% administrative costs, and apportionment of
68 funds that are applicable to such remittance of unpaid moneys;
69 and (f) making a corrective change in the provision regarding
70 rules established by OLAF in administering the Fund;

71 (2) The provisions that increase by \$5 the additional
72 filing fees collected in civil actions in municipal courts,
73 county courts, and courts of common pleas to fund legal aid
74 societies; expand the application of the filing fees to marriage
75 terminations and dissolutions; and provide that OLAF or any
76 recipient of financial assistance from OLAF that receives or
77 benefits from any portion of the additional civil filing fees
78 may not bring or maintain any class action and may not bring or
79 maintain any action against the state or any political
80 subdivision of the state;

81 (3) The provisions: (a) providing that an IOTA account for
82 the deposit of all nondirected escrow funds that meet the
83 requirements for disbursements from escrow accounts in escrow
84 transactions are those types of funds received by the agent to
85 effect an escrow transaction; (b) generally defining "escrow
86 transaction" for purposes of IOTA accounts as a transaction in
87 which a person, for the purpose of effecting and closing the
88 sale, purchase, exchange, transfer, encumbrance, or lease of an
89 interest in "commercial or residential real property" to another
90 person, provides a written instrument, money, or anything of
91 value to an escrow or closing agent to be held by the agent
92 until a specified event occurs or until the performance of a
93 prescribed condition; (c) expanding the requirements for
94 disbursements from escrow accounts that currently apply to
95 escrow transactions concerning residential real property to
96 escrow transactions concerning commercial real property; and (d)
97 specifying that these provisions take effect January 1, 2010.

Am. Sub. H.B. 1
As Passed by the Senate
CC-4703-1



_____ moved to amend as follows:

In line 445, after "3923.91," insert "4113.11," 1

Between lines 60897 and 60898, insert: 2

"Sec. 4113.11. (A) As specified in division (B) of this section and except as provided in divisions (C) and (F) of this section, all employers that employ ten or more employees shall adopt and maintain a cafeteria plan that allows the employer's employees to pay for health insurance coverage by a salary reduction arrangement as permitted under section 125 of the Internal Revenue Code. 3
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(B) Employers shall comply with the requirements of division (A) of this section as follows: 10
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(1) For employers that employ more than five hundred employees, by not later than January 1, 2011, or six months after the superintendent of insurance adopts rules as required by division (E) of this section, whichever is later; 12
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(2) For employers that employ one hundred fifty to five hundred employees, by not later than July 1, 2011, or twelve months after the superintendent adopts rules as required by division (E) of this section, whichever is later; 16
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(3) For employers that employ ten to one hundred forty-nine 20

employees, by not later than January 1, 2012, or eighteen months 21
after the superintendent adopts rules as required by division (E) 22
of this section, whichever is later. 23

(C) This section shall not apply to employers that, through 24
other means than provided under this section, offer health 25
insurance coverage, reimburse for health insurance coverage, or 26
provide employees with opportunities to pay for health insurance 27
with pre-tax dollars through other salary reduction arrangements. 28

(D) The health care coverage and quality council created 29
under section 3923.90 of the Revised Code shall make 30
recommendations to the superintendent for both of the following: 31

(1) Development of strategies to educate, assist, and conduct 32
outreach to employers to simplify administrative processes with 33
respect to creating and maintaining cafeteria plans, including, 34
but not limited to, providing employers with model cafeteria plan 35
documents and technical assistance on creating and maintaining 36
cafeteria plans that conform with state and federal law; 37

(2) Development of strategies to educate, assist, and conduct 38
outreach to employees with respect to finding, selecting, and 39
purchasing a health insurance plan to be paid for through their 40
employer's cafeteria plan under this section. 41

(E) (1) The superintendent shall adopt rules in accordance 42
with Chapter 119. of the Revised Code to implement and enforce 43
this section, including the strategies recommended by the council 44
pursuant to division (D) of this section. 45

(2) Prior to adopting rules under this division, the 46
superintendent shall consult any federal agency that has oversight 47
of cafeteria plans and employee welfare benefit plans, including 48
the internal revenue service and the United States department of 49
labor, and receive written confirmation that the rules adopted 50

will permit employers to establish cafeteria plans in accordance 51
with federal law. The written confirmation shall include a 52
determination that individual policies purchased pursuant to this 53
section do not need to comply with the group market rules 54
established by the "Health Insurance Portability and 55
Accountability Act of 1996." 56

(F) The requirement provided in division (A) of this section 57
does not apply if the superintendent does not receive written 58
confirmation pursuant to division (E)(2) of this section that 59
individual policies purchased pursuant to this section do not need 60
to comply with the group market rules established by the "Health 61
Insurance Portability and Accountability Act of 1996." 62

(G) Nothing in this section shall be construed as requiring 63
an employer to establish a cafeteria plan in a manner that would 64
violate federal law, including the "Employee Retirement Income 65
Security Act of 1974," the "Consolidated Omnibus Budget 66
Reconciliation Act of 1985," or the "Health Insurance Portability 67
and Accountability Act of 1996." 68

(H) As used in this section: 69

(1) "Cafeteria plan" has the same meaning as in section 125 70
of the Internal Revenue Code. 71

(2) "Employer" has the same meaning as in section 4113.51 of 72
the Revised Code. 73

(3) "Employee" means an individual employed for consideration 74
who works twenty-five or more hours per week or who renders any 75
other standard of service generally accepted by custom or 76
specified by contract as full-time employment, except for a public 77
employee employed by a township or municipal corporation. In that 78
case, "employee" means an individual hired with the expectation 79
that the employee will work more than one thousand five hundred 80

hours in any year unless full-time employment is defined 81
differently in an applicable collective bargaining agreement." 82

In line 206 of the title, after "3923.91," insert "4113.11," 83

The motion was _____ agreed to.

SYNOPSIS

Employer-Sponsored Health Insurance Coverage 84

R.C. 4113.11 85

Requires employers that employ ten or more employees to adopt 86
and maintain a "cafeteria" health insurance plan that allows the 87
employer's employees to pay for health insurance coverage by a 88
salary reduction arrangement under the Internal Revenue Code but 89
provides an exception for employers that already provide specified 90
health benefits. 91

Requires the Superintendent of Insurance to adopt rules to 92
implement and enforce the requirement and requires the Health Care 93
Coverage and Quality Council to make specified recommendations to 94
the Superintendent concerning employer and employee implementation 95
of the requirement. 96

Requires the Superintendent to receive written confirmation 97
from the federal government that the individual policies purchased 98
under cafeteria plans do not need to comply with federal Health 99
Insurance Portability and Accountability Act (HIPAA) requirements. 100
If the Superintendent does not receive that confirmation, the 101
requirement that employers provide cafeteria plans does not apply. 102

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Am. Sub. H.P.
As Passed by the Senate
CC-470
JFS 114

6 _____ moved to amend as follows:

7 Delete lines 74779 through 74812 and insert:

8 "Sec. 5111.0210. As used in this section, "advanced
9 diagnostic imaging services" means magnetic resonance imaging
10 services, computed tomography services, positron emission
11 tomography services, cardiac nuclear medicine services, and
12 similar imaging services.

13 Not later than January 1, 2010, the department of job and
14 family services shall implement evidence-based, best practice
15 guidelines or protocols and decision support tools for advanced
16 diagnostic imaging services available under the fee-for-service
17 component of the medicaid program."

18 The motion was _____ agreed to.

19 SYNOPSIS

20 **Prior Authorization for High-Technology Radiological**
21 **Services**

22 **R.C. 5111.0210**

23 Removes the bill's provision that prohibits ODJFS and
24 Medicaid managed care organizations from reimbursing a provider
25 for providing a high-technology radiological service to a

26 Medicaid recipient unless the service is prior authorized in
27 accordance with rules.

28 **Advanced Diagnostic Imaging Services**

29 **R.C. 5111.0210**

30 Requires ODJFS to implement evidence-based, best practice
31 guidelines or protocols and decision support tools for advanced
32 diagnostic imaging services available under the fee-for-service
33 component of the Medicaid program not later than January 1,
34 2010.

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Am. Sub. H.B. 1
As Passed by the Senate
CC-4706
EDU-24, EDU-25, and EDU-26

6 _____ moved to amend as follows:

7 In line 41863, delete "and shall be renewable" and insert
8 ", except that the state board, on a case-by-case basis, may
9 extend the license's duration as necessary to enable the license
10 holder to complete the Ohio teacher residency program
11 established under section 3319.223 of the Revised Code"

12 In line 41892, delete the underlined semicolon

13 Delete lines 41893 and 41894

14 In line 41895, delete all before the underlined period

15 In line 41907, delete the underlined semicolon

16 Delete lines 41908 and 41909

17 In line 41910, delete all before the underlined period

18 In line 41927, delete the underlined semicolon

19 Delete lines 41928 and 41929

20 In line 41930, delete all before the underlined period

21 In line 41934, delete all after the underlined period

22 Delete lines 41935 through 41943

23 In line 42180, delete all after "(3)"

24 Delete line 42181

25 In line 42182, delete "(4)"

26 In line 42381, strike through "and shall"; strike through
27 "be renewable" and insert ", except that the state board, on a
28 case-by-case basis, may extend the license's duration as
29 necessary to enable the license holder to complete the Ohio
30 teacher residency program established under section 3319.223 of
31 the Revised Code"

32 In line 42386, delete all before the underlined semicolon

33 In line 42399, delete "At least four" and insert "Four"

34 In line 43058, delete "and student"

35 Delete line 43059

36 In line 43060, delete all before the underlined period

37 Between lines 43060 and 43061, insert:

38 "(7) Develop a method of measuring the academic improvement
39 made by individual students during a one-year period and make
40 recommendations for incorporating the measurement as one of
41 multiple evaluation criteria into each of the following:

42 (a) Eligibility for a professional educator license, senior
43 professional educator license, lead professional educator
44 license, or principal license issued under section 3319.22 of
45 the Revised Code;

46 (b) The Ohio teacher residency program established under
47 section 3319.223 of the Revised Code;

48 (c) The model teacher and principal evaluation instruments
49 and processes developed under division (F) (6) of this section."

50 The motion was _____ agreed to.
Legislative Service Commission

51 SYNOPSIS

52 **Use of Student Performance Data to Evaluate Teachers and**
53 **Principals**

54 **R.C. 3319.22(B) and (C), 3319.223, and 3319.61(F)**

55 Removes the following provisions of the bill:

56 (1) The requirement that an applicant for a professional,
57 senior, or lead educator license or for a principal license
58 demonstrate that the applicant's students have achieved a value-
59 added measure designated by the Superintendent of Public
60 Instruction;

61 (2) The requirement that the Ohio Teacher Residency Program
62 established by the bill include the use of measures of student
63 academic gain to evaluate the effectiveness of program
64 participants; and

65 (3) The requirement that the model teacher and principal
66 evaluation instruments developed by the Educator Standards Board
67 under the bill be based on student performance, as determined by
68 value-added data and other demonstrations of students'
69 abilities.

70 Requires the Educator Standards Board to develop a method
71 of measuring the academic improvement of individual students
72 over a one-year period and to make recommendations for
73 incorporating the measurement, as one of multiple evaluation
74 criteria, into (1) eligibility for a teacher or principal
75 license, (2) the Ohio Teacher Residency Program, and (3) the
76 Board's model teacher and principal evaluation instruments.

77 **Resident Educator License**

78 **R.C. 3319.22(A)(1) and 3319.26**

79 Removes the bill's provision making the resident educator
80 license and alternative resident educator license renewable, and
81 instead permits the State Board of Education to extend the
82 duration of either license, on a case-by-case basis, to enable
83 the license holder to complete the Ohio Teacher Residency
84 Program.

6 _____ moved to amend as follows:

7 In line 33974, after "chancellor" insert "of the Ohio board
8 of regents"

9 In line 33976, after the underlined period insert "The
10 superintendent may consult with the chancellor in developing the
11 plan."

12 The motion was _____ agreed to.

13 SYNOPSIS

14 **Education Strategic Plan**

15 **R.C. 3301.122**

16 Allows the Superintendent of Public Instruction to consult
17 with the Chancellor of the Ohio Board of Regents in developing a
18 10-year strategic plan in alignment with the Chancellor's plan
19 for higher education.

✓

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Am. Sub. H.B. 1
As Passed by the Senate
CC-4709
EDU 35

6 moved to amend as follows:

7 In line 41420, delete "nine" and insert "seven"

8 The motion was _____ agreed to.

9 SYNOPSIS

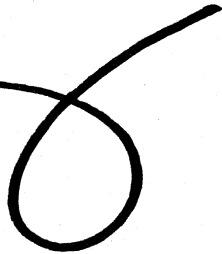
10 **Teacher Tenure**

11 **R.C. 3319.08**

12 Makes regular classroom teachers who become licensed for
13 the first time on or after January 1, 2011, eligible for a
14 continuing contract (tenure) after seven years of holding an
15 educator license (rather than nine years, as in the bill).



Am. Sub. H.B. 1
As Passed by the Senate
CC-4710
EDU-34 and EDU-35



_____ moved to amend as follows:

In line 442, after "3333.39," insert "3333.391, 3333.392," 1

In line 44392, after "3333.372," insert "3333.391," 2

In line 44438, after "(B)" insert "The Ohio teaching fellows
program established under sections 3333.391 and 3333.392 of the
Revised Code; 3
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(C)" 6

In line 44440, delete "(C)" and insert "(D)" 7

In line 44442, delete "(D)" and insert "(E)" 8

Between lines 44443 and 44444, insert: 9

"Sec. 3333.391. (A) As used in this section and in section
3333.392 of the Revised Code: 10
11

(1) "Academic year" shall be as defined by the chancellor of
the Ohio board of regents. 12
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(2) "Hard-to-staff school" and "hard-to-staff subject" shall
be as defined by the department of education. 14
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(3) "Parent" means the parent, guardian, or custodian of a
qualified student. 16
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(4) "Qualified service" means teaching at a qualifying school. 18
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(5) "Qualifying school" means a hard-to-staff school district building or a school district building that has a performance rating of academic watch or academic emergency under section 3302.03 of the Revised Code at the time the recipient becomes employed by the district. 20
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(B) If the chancellor of the Ohio board of regents determines that sufficient funds are available from general revenue fund appropriations made to the Ohio board of regents or to the chancellor, the chancellor and the superintendent of public instruction jointly may develop and agree on a plan for the Ohio teaching fellows program to promote and encourage high school seniors to enter and remain in the teaching profession. Upon agreement of such a plan, the chancellor shall establish and administer the program in conjunction with the superintendent and with the cooperation of teacher training institutions. Under the program, the chancellor annually shall provide scholarships to students who commit to teaching in a qualifying school for a minimum of four years upon graduation from a teacher training program at a state institution of higher education or an Ohio nonprofit institution of higher education that has a certificate of authorization under Chapter 1713. of the Revised Code. The scholarships shall be for up to four years at the undergraduate level at an amount determined by the chancellor based on state appropriations. 25
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(C) The chancellor shall adopt a competitive process for awarding scholarships under the teaching fellows program, which shall include minimum grade point average and scores on national standardized tests for college admission. The process shall also give additional consideration to all of the following: 44
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<u>(1) A person who has participated in the program described in</u>	49
<u>division (A) of section 3333.39 of the Revised Code;</u>	50
<u>(2) A person who plans to specialize in teaching students</u>	51
<u>with special needs;</u>	52
<u>(3) A person who plans to teach in the disciplines of</u>	53
<u>science, technology, engineering, or mathematics.</u>	54
<u>The chancellor shall require that all applicants to the</u>	55
<u>teaching fellows program shall file a statement of service status</u>	56
<u>in compliance with section 3345.32 of the Revised Code, if</u>	57
<u>applicable, and that all applicants have not been convicted of,</u>	58
<u>plead guilty to, or adjudicated a delinquent child for any</u>	59
<u>violation listed in section 3333.38 of the Revised Code.</u>	60
<u>(D) Teaching fellows shall complete the four-year teaching</u>	61
<u>commitment within not more than seven years after graduating from</u>	62
<u>the teacher training program. Failure to fulfill the commitment</u>	63
<u>shall convert the scholarship into a loan to be repaid under</u>	64
<u>section 3333.392 of the Revised Code.</u>	65
<u>(E) The chancellor shall adopt rules in accordance with</u>	66
<u>Chapter 119. of the Revised Code to administer this section and</u>	67
<u>section 3333.392 of the Revised Code.</u>	68
<u>Sec. 3333.392. (A) Each recipient who accepts a scholarship</u>	69
<u>under the Ohio teaching fellows program created under section</u>	70
<u>3333.391 of the Revised Code, or the recipient's parent if the</u>	71
<u>recipient is younger than eighteen years of age, shall sign a</u>	72
<u>promissory note payable to the state in the event the recipient</u>	73
<u>does not satisfy the service requirement of division (D) of</u>	74
<u>section 3333.391 of the Revised Code or the scholarship is</u>	75
<u>terminated. The amount payable under the note shall be the amount</u>	76
<u>of total scholarships accepted by the recipient under the program</u>	77
<u>plus ten per cent interest accrued annually beginning on the first</u>	78

day of September after graduating from the teacher training 79
program or immediately after termination of the scholarship. The 80
period of repayment under the note shall be determined by the 81
chancellor of the Ohio board of regents. The note shall stipulate 82
that the obligation to make payments under the note is canceled 83
following completion of four years of qualified service by the 84
recipient in accordance with division (D) of section 3333.391 of 85
the Revised Code, or if the recipient dies, becomes totally and 86
permanently disabled, or is unable to complete the required 87
qualified service as a result of a reduction in force at the 88
recipient's school of employment before the obligation under the 89
note has been satisfied. 90

(B) Repayment of the principal amount of the scholarship and 91
interest accrued shall be deferred while the recipient is enrolled 92
in an approved teaching program, while the recipient is seeking 93
employment to fulfill the service obligation, for a period not to 94
exceed six months, or while the recipient is engaged in qualified 95
service. 96

(C) During the seven-year period following the recipient's 97
graduation from an approved teaching program, the chancellor shall 98
deduct twenty-five per cent of the outstanding balance that may be 99
converted to a loan for each year the recipient teaches at a 100
qualifying school. 101

(D) The chancellor may terminate the scholarship, in which 102
case the scholarship shall be converted to a loan to be repaid 103
under division (A) of this section. 104

(E) The scholarship shall be deemed terminated upon the 105
recipient's withdrawal from school or the recipient's failure to 106
meet the standards of the scholarship as determined by the 107
chancellor and shall be converted to a loan to be repaid under 108

division (A) of this section.

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(F) The chancellor and the attorney general shall collect payments on the converted loan in accordance with section 131.02 of the Revised Code."

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In line 45945, after "3333.27," insert "3333.391,"

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In line 106541, after "3333.38," insert "3333.391, 3333.392,"

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In line 202 of the title, after "3333.39," insert "3333.391,

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3333.392,"

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The motion was _____ agreed to.

SYNOPSIS

Ohio Teaching Fellows Program

117

R.C. 3333.38, 3333.39, 3333.391, 3333.392, and 3345.32

118

Permits the creation of the Ohio Teaching Fellows Program to provide undergraduate scholarships for qualified students going into the teaching profession who commit to teaching at a hard-to-staff or academic watch or emergency public school for at least four years if there is sufficient funding for the program.

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As under the House version, stipulates that failure to fulfill the four-year teaching commitment will result in a conversion of the scholarship into a loan that accrues interest at 10% annually.

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Am. Sub. H.B. 1
As Passed by the Senate
CC-4711
EDU-166



_____ moved to amend as follows:

Between lines 95937 and 95938, insert:

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"Section 265.70.50. (A) Not later than December 31, 2010, the Department of Education, in consultation with the Educator Standards Board, shall develop a model peer assistance and review program and shall develop recommendations to expand the use of peer assistance and review programs in school districts throughout the state.

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(B) In developing the model program required under this section, the Department shall review existing peer assistance and review programs in Ohio school districts and shall consult with the districts about the operation of those programs. The model program shall include the following elements:

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(1) Releasing experienced classroom teachers from instructional duties for up to three years to focus full-time on mentoring and evaluating new teachers and underperforming veteran teachers through classroom observations and follow-up meetings;

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(2) Professional development for new and underperforming teachers that is targeted at their instructional weaknesses;

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(3) A committee comprised of representatives of teachers and the employer to review teacher evaluations and make

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recommendations regarding the teachers' continued employment. 21

(C) The recommendations required under this section shall 22
include the following: 23

(1) Identification of barriers to expansion of peer 24
assistance and review programs, including financial constraints, 25
labor-management relationships, and barriers unique to small 26
school districts; 27

(2) Legislative changes that would eliminate barriers to 28
expansion of the programs; 29

(3) Incentives to increase participation in the programs. 30

(D) The Department shall provide copies of its model program 31
and recommendations to the Governor, the President and Minority 32
Leader of the Senate, the Speaker and Minority Leader of the House 33
of Representatives, and the chairpersons and ranking minority 34
members of the standing committees on education. The Department 35
also shall make the model program and recommendations available to 36
school districts and shall post them on its web site." 37

38

The motion was _____ agreed to.

SYNOPSIS

Peer Assistance and Review Programs 39

Section 265.70.50 40

Reinstates the House provision that requires the Department 41
of Education, in consultation with the Educator Standards Board 42
and by December 31, 2010, to develop a model peer assistance and 43
review program and to make recommendations to expand the use of 44

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Page 3

peer assistance and review programs in school districts.

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Am. Sub. H.B. 1
As Passed by the Senate
CC-4712
ED 206

6 _____ moved to amend as follows:

7 In line 33226, delete all after "3301.041." and insert
8 "The"

9 In line 33227, delete "broadcast live" and insert "make
10 available"; delete "all" and insert "an audio recording of each"

11 In line 33228, delete "meetings" and insert "meeting";
12 after "board" insert "conducted on or after the effective date
13 of this section. The state board shall make the audio recording
14 available not later than five business days after the conclusion
15 of each such meeting"

16 In line 33229, delete "broadcast" and insert "make
17 available audio recordings of"

18 The motion was _____ agreed to.

19 SYNOPSIS

20 **State Board Meetings**

21 **R.C. 3301.041**

22 Requires the State Board of Education to post via the
23 Internet audio recordings of all regular and special business
24 meetings of the State Board within five business days of the
25 meeting, beginning with meetings held on or after the
26 provision's effective date.

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Am. Sub. H.B. 1
As Passed by the Senate
CC-4713
EDU-79 and EDU-204

6 _____ moved to amend as follows:

7 In line 436, after "3301.0719," insert "3301.0721,"

8 In line 440, after "3313.461," insert "3313.6015,"

9 In line 33901, delete "kindergarten" and insert "seven"

10 Between lines 33910 and 33911, insert:

11 "Sec. 3301.0721. The superintendent of public instruction
12 shall develop a model curriculum for instruction in college and
13 career readiness and financial literacy. The curriculum shall
14 focus on grades seven through twelve, but the superintendent may
15 include other grade levels. When the model curriculum has been
16 developed, the department of education shall notify all school
17 districts, community schools established under Chapter 3314. of
18 the Revised Code, and STEM schools established under Chapter
19 3326. of the Revised Code of the content of the curriculum. Any
20 district or school may utilize the model curriculum."

21 Between lines 37085 and 37086, insert:

22 "Sec. 3313.6015. The board of education of each city,
23 exempted village, and local school district shall adopt a
24 resolution describing how the district will address college and
25 career readiness and financial literacy in its curriculum for

26 grade seven or eight and for any other grades in which the board
27 determines that those subjects should be addressed. The board
28 shall submit a copy of the resolution to the department of
29 education."

30 In line 38419, after "3313.6014," insert "3313.6015,"

31 In line 43401, after "3313.6014," insert "3313.6015,"

32 In line 196 of the title, after "3301.0719," insert
33 "3301.0721,"

34 In line 200 of the title, after "3313.461," insert
35 "3313.6015,"

36 The motion was _____ agreed to.

37 SYNOPSIS

38 **College and Career Readiness and Financial Literacy**

39 **R.C. 3301.0721, 3313.6015, 3314.03(A)(11)(d), and 3326.11**

40 Requires the Superintendent of Public Instruction to
41 develop a model curriculum for instruction in college and career
42 readiness and financial literacy in grades 7 to 12 for optional
43 use by school districts, community schools, and STEM schools.

44 Requires each school district, community school, and STEM
45 school to adopt and submit to the Department of Education a
46 resolution describing how the district or school will address
47 college and career readiness and financial literacy in its
48 curriculum for at least the seventh or eighth grade.

49 **Business Education Standards**

50 **R.C. 3301.0719**

51 Requires the standards for business education that the
52 State Board of Education must adopt under the bill be for grades
53 7 to 12 (instead of grades K to 12).

Am. Sub. H.B. 1
As Passed by the Senate
CC-4715
EDU-10



_____ moved to amend as follows:

In line 437, after "3301.64," insert "3301.82," 1

Between lines 35138 and 35139, insert: 2

"Sec. 3301.82. (A) The superintendent of public instruction 3
may create the center for creativity and innovation in the 4
department of education. If created, the center shall assist 5
schools in city, exempted village, local, and joint vocational 6
school districts, educational service centers, community schools 7
established under Chapter 3314. of the Revised Code, and STEM 8
schools established under Chapter 3326. of the Revised Code with 9
any of the following: 10

(1) The design and implementation of strategies and systems 11
that enable schools to become professional learning communities, 12
including the following: 13

(a) Mentoring and coaching teachers and support staff; 14

(b) Enabling school principals to focus on supporting 15
instruction and engaging teachers and support staff as part of the 16
instructional leadership team so that teachers and staff may share 17
the responsibility for making and implementing school decisions; 18

(c) Adopting new models for restructuring the learning day or 19

year, such as including teacher planning and collaboration time as part of the school day; 20
21

(d) Creating smaller schools or smaller units within larger schools to facilitate teacher collaboration to improve and advance the professional practice of teaching and to enhance instruction that yields enhanced student achievement. 22
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(2) The use of strategies in collaboration with the teach Ohio program to promote, recruit, and enhance the teaching profession, including; 26
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28

(a) The design and implementation of "grow your own" recruitment and retention strategies that are designed to support individuals in becoming licensed teachers, to retain highly qualified teachers, to assist experienced teachers in obtaining licensure in subject areas for which there is need, to assist teachers in obtaining senior professional educator and lead professional educator licenses, and to assist teachers to grow and develop in the profession; 29
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(b) Enhanced conditions for new teachers; 37

(c) Incentives to attract qualified mathematics, science, or special education teachers; 38
39

(d) The development and implementation of a partnership with teacher preparation programs at colleges and universities to help attract teachers qualified to teach in shortage areas; 40
41
42

(e) The implementation of a program to increase the cultural competency of both new and veteran teachers. 43
44

(3) Identifying statutes, rules, and regulations that impede the adoption of innovative practices and make recommendations to the superintendent of public instruction for the repeal, rescission, revision, or waiver of those provisions; 45
46
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(4) Identifying promising programs and practices based on high quality education research and developing models for their early adoption, including research and practices in arts education and creativity; 49
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 52

(5) Other duties as assigned by the superintendent of public instruction. 53
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(B) If created, the center shall promote collaboration between school districts and community schools established under Chapter 3314. of the Revised Code to enhance the academic programs of both and to broaden the application of successful and innovative academic practices developed by community schools. In doing so, the center shall work with the office of community schools to do the following: 55
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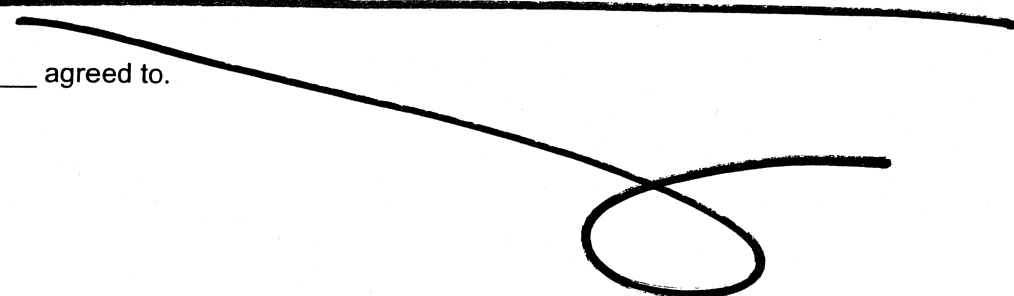
(1) Study, gather information concerning, and serve as a clearinghouse of best practices and innovative programming developed and utilized by community schools that could be adopted by school districts; 62
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(2) Identify circumstances in which students could benefit from collaboration between the complementary programs of school districts and community schools. 66
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(C) The department may accept, receive, and expend gifts, devises, or bequests of money, lands, or other properties for the center for creativity and innovation. The state board of education may adopt rules for the purpose of enabling the center to carry out the conditions and limitations upon which a bequest, gift, or endowment is made." 69
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In line 197 of the title, after "3301.64," insert "3301.82," 75

The motion was _____ agreed to.



SYNOPSIS

Center for Creativity and Innovation	76
R.C. 3301.82	77
Allows the Superintendent of Public Instruction to create the	78
Center for Creativity and Innovation within the Department of	79
Education.	80

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Am. Sub. H.B. 1
As Passed by the Senate
CC-4716
EDU-189

6 _____ moved to amend as follows:

- 7 In line 342, delete "3313.46,"
- 8 In line 440, delete "3313.461,"
- 9 Delete lines 36390 through 36492
- 10 In line 90844, delete "3313.46,"
- 11 In line 67 of the title, delete "3313.46,"
- 12 In line 200 of the title, delete "3313.461,"

13 The motion was _____ agreed to.

14 SYNOPSIS

15 **School District Competitive Bidding**

16 **R.C. 3313.46 and 3313.461**

17 Removes the bill's provisions that do both of the
18 following:

19 (1) Raises the threshold for school districts and
20 educational service centers (ESCs) to use competitive bidding
21 when awarding contracts for public improvements and school bus
22 purchases from \$25,000.

23 (2) Require school districts and ESCs to competitively bid
24 contracts for the purchase of maintenance services for buildings
25 or grounds or for school buses or other transportation equipment
26 if the cost will exceed \$50,000.

Am. Sub. H.B. 1
As Passed by the Senate
CC 4717
EDU-80

_____ moved to amend as follows:

In line 343, after "3313.65," insert "3313.713," 1

Between lines 37763 and 37764, insert: 2

"Sec. 3313.713. (A) As used in this section: 3

(1) "Drug" means a drug, as defined in section 4729.01 of the 4
Revised Code, that is to be administered pursuant to the 5
instructions of the prescriber, whether or not required by law to 6
be sold only upon a prescription. 7

(2) "Federal law" means the "Individuals with Disabilities 8
Education Act of 1997," 111 Stat. 37, 20 U.S.C. 1400, as amended. 9

(3) "Prescriber" has the same meaning as in section 4729.01 10
of the Revised Code. 11

(B) The board of education of each city, local, exempted 12
village, and joint vocational school district shall, not later 13
than one hundred twenty days after September 20, 1984, adopt a 14
policy on the authority of its employees, when acting in 15
situations other than those governed by sections 2305.23, 16
2305.231, and 3313.712 of the Revised Code, to administer drugs 17
prescribed to students enrolled in the schools of the district. 18
The policy shall provide either that: 19

(1) Except as otherwise required by federal law, no person employed by the board shall, in the course of such employment, administer any drug prescribed to any student enrolled in the schools of the district.

(2) Designated persons employed by the board are authorized to administer to a student a drug prescribed for the student. Effective July 1, 2011, only employees of the board who are licensed health professionals, or who have completed a drug administration training program conducted by a licensed health professional and considered appropriate by the board, may administer to a student a drug prescribed for the student. Except as otherwise provided by federal law, the board's policy may provide that certain drugs or types of drugs shall not be administered or that no employee, ~~or no employee without appropriate training,~~ shall use certain procedures, such as injection, to administer a drug to a student.

(C) No drug prescribed for a student shall be administered pursuant to federal law or a policy adopted under division (B) of this section until the following occur:

(1) The board, or a person designated by the board, receives a written request, signed by the parent, guardian, or other person having care or charge of the student, that the drug be administered to the student.

(2) The board, or a person designated by the board, receives a statement, signed by the prescriber, that includes all of the following information:

- (a) The name and address of the student;
- (b) The school and class in which the student is enrolled;
- (c) The name of the drug and the dosage to be administered;
- (d) The times or intervals at which each dosage of the drug

is to be administered;	50
(e) The date the administration of the drug is to begin;	51
(f) The date the administration of the drug is to cease;	52
(g) Any severe adverse reactions that should be reported to the prescriber and one or more phone numbers at which the prescriber can be reached in an emergency;	53 54 55
(h) Special instructions for administration of the drug, including sterile conditions and storage.	56 57
(3) The parent, guardian, or other person having care or charge of the student agrees to submit a revised statement signed by the prescriber to the board or a person designated by the board if any of the information provided by the prescriber pursuant to division (C) (2) of this section changes.	58 59 60 61 62
(4) The person authorized by the board to administer the drug receives a copy of the statement required by division (C) (2) or (3) of this section.	63 64 65
(5) The drug is received by the person authorized to administer the drug to the student for whom the drug is prescribed in the container in which it was dispensed by the prescriber or a licensed pharmacist.	66 67 68 69
(6) Any other procedures required by the board are followed.	70
(D) If a drug is administered to a student, the board of education shall acquire and retain copies of the written requests required by division (C) (1) and the statements required by divisions (C) (2) and (3) of this section and shall ensure that by the next school day following the receipt of any such statement a copy is given to the person authorized to administer drugs to the student for whom the statement has been received. The board, or a person designated by the board, shall establish a location in each	71 72 73 74 75 76 77 78

school building for the storage of drugs to be administered under 79
this section and federal law. All such drugs shall be stored in 80
that location in a locked storage place, except that drugs that 81
require refrigeration may be kept in a refrigerator in a place not 82
commonly used by students. 83

(E) No person who has been authorized by a board of education 84
to administer a drug and has a copy of the most recent statement 85
required by division (C) (2) or (3) of this section given to the 86
person in accordance with division (D) of this section prior to 87
administering the drug is liable in civil damages for 88
administering or failing to administer the drug, unless such 89
person acts in a manner that constitutes gross negligence or 90
wanton or reckless misconduct. 91

(F) A board of education may designate a person or persons to 92
perform any function or functions in connection with a drug policy 93
adopted under this section either by name or by position, 94
training, qualifications, or similar distinguishing factors. 95

Nothing in this section shall be construed to require a 96
person employed by a board of education to administer a drug to a 97
student unless the board's policy adopted in compliance with this 98
section establishes such a requirement. A board shall not require 99
an employee to administer a drug to a student if the employee 100
objects, on the basis of religious convictions, to administering 101
the drug. 102

A policy adopted by a board of education pursuant to this 103
section may be changed, modified, or revised by action of the 104
board. 105

Nothing in this section affects the application of section 106
2305.23, 2305.231, or 3313.712 of the Revised Code to the 107
administration of emergency care or treatment to a student." 108

In line 90845, after "3313.65," insert "3313.713," 109

In line 68 of the title, after "3313.65," insert "3313.713," 110

The motion was _____ agreed to.

SYNOPSIS

Administration of Prescription Drugs to Students 111

R.C. 3313.713 112

Beginning July 1, 2011, permits only school district 113
employees who are licensed health professionals, or who have 114
completed a drug administration training program conducted by a 115
licensed health professional and considered appropriate by the 116
district, to administer prescription drugs to students. 117

Am. Sub. H.B. 1
As Passed by the Senate
CC-4718
EDU-19

_____ moved to amend as follows:

In line 346, after "3319.08," insert "3319.081," 1

Between lines 41446 and 41447, insert: 2

"Sec. 3319.081. Except as otherwise provided in division (G) 3
of this section, in all school districts wherein the provisions of 4
Chapter 124. of the Revised Code do not apply, the following 5
employment contract system shall control for employees whose 6
contracts of employment are not otherwise provided by law: 7

(A) Newly hired regular nonteaching school employees, 8
including regular hourly rate and per diem employees, shall enter 9
into written contracts for their employment which shall be for a 10
period of not more than one year. If such employees are rehired, 11
their subsequent contract shall be for a period of two years. 12

(B) After the termination of the two-year contract provided 13
in division (A) of this section, if the contract of a nonteaching 14
employee is renewed, the employee shall be continued in 15
employment, and the salary provided in the contract may be 16
increased but not reduced unless such reduction is a part of a 17
uniform plan affecting the nonteaching employees of the entire 18
district. 19

(C) The contracts as provided for in this section may be 20
terminated by a majority vote of the board of education. Except as 21
provided in ~~sections 3319.0810~~ and section 3319.172 of the Revised 22
Code, the contracts may be terminated only for violation of 23
written rules and regulations as set forth by the board of 24
education or for incompetency, inefficiency, dishonesty, 25
drunkenness, immoral conduct, insubordination, discourteous 26
treatment of the public, neglect of duty, or any other acts of 27
misfeasance, malfeasance, or nonfeasance. In addition to the right 28
of the board of education to terminate the contract of an 29
employee, the board may suspend an employee for a definite period 30
of time or demote the employee for the reasons set forth in this 31
division. The action of the board of education terminating the 32
contract of an employee or suspending or demoting the employee 33
shall be served upon the employee by certified mail. Within ten 34
days following the receipt of such notice by the employee, the 35
employee may file an appeal, in writing, with the court of common 36
pleas of the county in which such school board is situated. After 37
hearing the appeal the common pleas court may affirm, disaffirm, 38
or modify the action of the school board. 39

A violation of division (A) (7) of section 2907.03 of the 40
Revised Code is grounds for termination of employment of a 41
nonteaching employee under this division. 42

(D) All employees who have been employed by a school district 43
where the provisions of Chapter 124. of the Revised Code do not 44
apply, for a period of at least three years on November 24, 1967, 45
shall hold continuing contracts of employment pursuant to this 46
section. 47

(E) Any nonteaching school employee may terminate the 48
nonteaching school employee's contract of employment thirty days 49
subsequent to the filing of a written notice of such termination 50

with the treasurer of the board. 51

(F) A person hired exclusively for the purpose of replacing a nonteaching school employee while such employee is on leave of absence granted under section 3319.13 of the Revised Code is not a regular nonteaching school employee under this section. 52
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(G) All nonteaching employees employed pursuant to this section and Chapter 124. of the Revised Code shall be paid for all time lost when the schools in which they are employed are closed owing to an epidemic or other public calamity. Nothing in this division shall be construed as requiring payment in excess of an employee's regular wage rate or salary for any time worked while the school in which the employee is employed is officially closed for the reasons set forth in this division." 56
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In line 90848, after "3319.08," insert "3319.081," 64

In line 90943, after "3314.15," insert "3319.0810," 65

In line 73 of the title, after "3319.08," insert "3319.081," 66

In line 234 of the title, after "3314.15," insert "3319.0810," 67
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The motion was _____ agreed to.

SYNOPSIS

Termination of School District Transportation Staff 69

Repealed R.C. 3319.0810 and conforming change in R.C. 3319.081 70
71

Reinstates the House provision that repeals a statutory procedure for a school district not covered by the state Civil Service Law (exempted village and local school districts and some 72
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city school districts) to terminate some or all of its pupil
transportation staff and to instead engage an independent
contractor to provide pupil transportation.

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6 _____ moved to amend as follows:

7 In line 390, delete "4753.02,"

8 In line 391, delete "4753.05, 4753.073, 4753.11,"

9 In line 421, delete "4753.073 (3319.227),"

10 Delete lines 42194 through 42248

11 Delete lines 69995 through 70083

12 In line 90892, delete "4753.02,"

13 In line 90893, delete "4753.05, 4753.073, 4753.11,"

14 In line 90950, delete "4753.101,"

15 Delete lines 95938 through 95962

16 In line 134 of the title, delete "4753.02, 4753.05,"

17 In line 135 of the title, delete "4753.073, 4753.11,"

18 In line 177 of the title, delete "4753.073 (3319.227),"

19 In line 243 of the title, delete "4753.101,"

20 The motion was _____ agreed to.

21 SYNOPSIS

22 Speech-Language Pathology Intern License

23 R.C. 3319.227, 4753.02, 4753.05, and 4753.11; repealed R.C.

24 4753.101; Section 265.80.10

25 Removes the provisions of the bill that do the following:

26 (1) Rename the speech-language pathology student permit as
27 the speech-language pathology intern license and require it to
28 be issued by the State Board of Education, instead of the Board
29 of Speech-Language Pathology and Audiology, which issues the
30 current permit.

31 (2) Require the State Board to adopt rules for the renamed
32 license in consultation with the Chancellor of the Board of
33 Regents.

34 (3) Specify that speech-language pathology student permits
35 issued prior to the effective date of the State Board of
36 Education's rules remain valid until their expiration.

✓

1 128HB1-CC4720.docx/ss

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3 Am. Sub. H.B. 1
4 As Passed by the Senate
5 CC-4720
EDU-187

6 _____ moved to amend as follows:

7 In line 349, delete "3321.07,"

8 Delete lines 43148 through 43164

9 In line 90851, delete "3321.07,"

10 In line 77 of the title, delete "3321.07,"

11 The motion was _____ agreed to.

12 SYNOPSIS

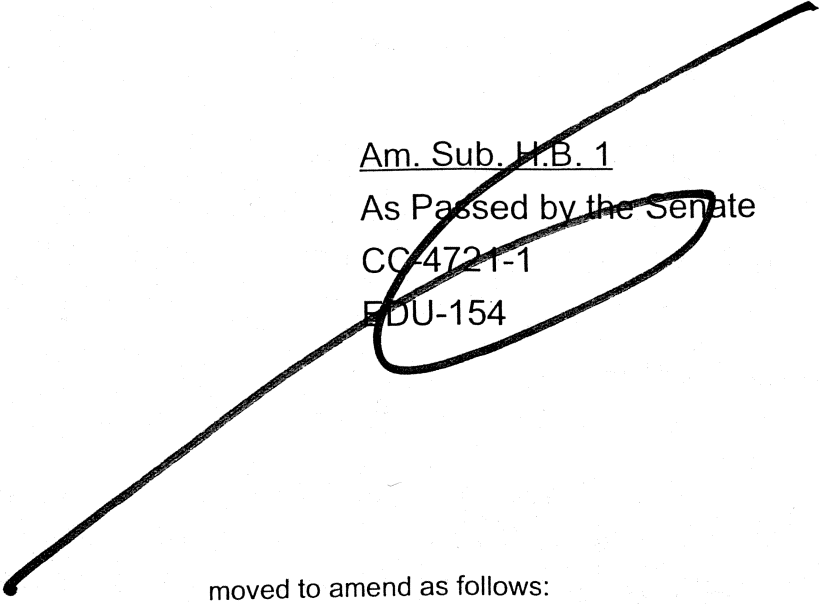
13 **Minimum School Year for Chartered Nonpublic Schools**

14 **R.C. 3321.07**

15 Removes the bill's provision specifying that chartered
16 nonpublic schools be allowed to satisfy the minimum school year
17 requirement based on the number of hours of learning
18 opportunities they offer in the same manner as community schools
19 (rather than on the number of days of instruction, as currently
20 required by State Board of Education rule).



Am. Sub. H.B. 1
As Passed by the Senate
CC-4721-1
EDU-154



_____ moved to amend as follows:

In line 438, after "3304.182," insert "3306.50, 3306.51, 3306.52, 3306.53, 3306.54, 3306.55, 3306.56, 3306.57, 3306.58,"

Between lines 35657 and 35658, insert:

"Sec. 3306.50. (A) The Harmon commission is hereby created.

The commission shall consist of the following twenty-one members:

(1) Six persons who are not also members of the general assembly, appointed by the president of the senate, upon consultation with the minority leader of the senate, two of whom are classroom teachers, two of whom are school administrators, and two of whom are instructors at an Ohio teacher preparation program;

(2) Six persons who are not also members of the general assembly, appointed by the speaker of the house of representatives, upon consultation with the minority leader of the house of representatives, two of whom are classroom teachers, two of whom are school administrators, and two of whom are instructors at an Ohio teacher preparation program;

(3) Nine persons appointed by the governor, three of whom are

classroom teachers, three of whom are school administrators, and 20
three of whom are instructors at an Ohio teacher preparation 21
program. 22

The members appointed under divisions (A) (1) and (2) of this 23
section shall serve for the duration of the general assembly in 24
which they were appointed. 25

The members appointed under division (A) (3) of this section 26
shall serve for the duration of the term of the governor in which 27
they were appointed. 28

Vacancies on the commission shall be filled in the manner of 29
the initial appointments. 30

(B) The chairperson of the commission shall be selected by 31
the governor from among the members of the commission. 32

(C) The members of the commission shall serve without 33
compensation but shall be paid by the department of education 34
their necessary and actual expenses incurred while engaged in the 35
business of the commission. 36

Sec. 3306.51. The Harmon commission shall review and approve 37
or disapprove applications from city, exempted village, and local 38
school districts and community schools established under Chapter 39
3314. of the Revised Code for individual classrooms to be 40
designated as creative learning environments. To be eligible for 41
designation of one or more of its classrooms as a creative 42
learning environment, a community school shall enter into a 43
memorandum of understanding, approved by the department of 44
education, with one or more school districts that specifies a 45
collaborative agreement to share programming and resources to 46
promote successful academic achievement for students and academic 47
and fiscal efficiencies. 48

The commission shall designate a classroom as a creative learning environment if the commission determines that the classroom supports and emphasizes innovation in instruction methods and lesson plans and operates in accordance with the guidelines adopted by the state board of education under section 3306.52 of the Revised Code. Beginning July 1, 2010, a district or community school that has a classroom that is designated a creative learning environment may qualify for a grant or subsidy awarded by the commission under section 3306.58 of the Revised Code.

Sec. 3306.52. The state board of education shall do both of the following:

(A) Adopt guidelines for the Harmon commission to use in reviewing applications for creative learning environments.

(B) Direct the department of education to provide staff to assist the commission in carrying out the commission's duties under sections 3306.50 to 3306.58 of the Revised Code.

Sec. 3306.53. From January 1, 2010, through April 14, 2010, a city, exempted village, or local school district and a community school may submit to the Harmon commission an unlimited number of applications for first-time designation of individual classrooms as creative learning environments. No applications may be submitted between April 15, 2010, and July 1, 2010. After July 1, 2010, each city, exempted village, or local school district and each eligible community school may submit only one application per fiscal year for first-time designation of one classroom as a creative learning environment.

Sec. 3306.54. Not later than the first day of May each year, the Harmon commission shall begin meeting to review pending

applications for first-time designations submitted under section 3306.53 of the Revised Code. The commission shall approve or disapprove all pending applications by the first day of July. The decision of the commission is final. 78
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Sec. 3306.55. (A) The Harmon commission's first-time designation of a classroom as a creative learning environment is valid for one fiscal year. A school district or community school may apply to have the designation renewed. The commission shall renew the designation for the next two fiscal years if the school district or community school applies for the renewal and the commission finds that the classroom continues to meet the guidelines adopted under section 3306.52 of the Revised Code. The commission shall not renew the designation if the school district or community school does not apply for renewal or if the commission determines that the classroom no longer meets those guidelines. 82
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(B) At the end of a two-year renewal granted under division (A) of this section, and every two fiscal years thereafter, the designation of a classroom as a creative learning environment is automatically renewed, without need for application, for the next two fiscal years, unless the designation is revoked under division (C) of this section. 94
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(C) If the department of education at any time finds that the classroom is no longer operating in accordance with the standards adopted under section 3306.52 of the Revised Code, the department shall appeal the designation to the commission not later than the fifteenth day of February. The commission shall review the operation of the classroom and either continue the designation or revoke the designation. A revocation shall take effect on the first day of July following the department's appeal. 100
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(D) The decision of the commission under divisions (A) to (C) of this section is final. 108
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(E) If the commission does not renew a designation of a classroom under division (A) of this section or revokes that designation under division (C) of this section, the district or community school may reapply for designation of the classroom under section 3306.53 of the Revised Code. That application shall be treated as a new application for first-time designation. 110
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Sec. 3306.56. The city, exempted village, or local school district or community school that operates a classroom designated by the Harmon commission as a creative learning environment shall submit periodic progress reports on the operation and performance of the classroom to the department of education in the manner and by the deadlines prescribed by the department. 116
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Sec. 3306.57. The department of education may accept, receive, and expend gifts, devises, or bequests of money, lands, or other properties for operation of the Harmon commission and the award of grants and subsidies under section 3306.58 of the Revised Code. The state board of education may adopt rules for the purpose of enabling the department to carry out the conditions and limitations upon which a bequest, gift, or endowment is made. 122
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Sec. 3306.58. Beginning July 1, 2010, to the extent the Harmon commission determines that sufficient funds are available, the commission may award grants or stipends to school districts and community schools that have one or more of their classrooms designated as creative learning environments under section 3306.51 of the Revised Code. The commission shall adopt procedures for application for and the award of grants or stipends under this section." 129
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In line 106538, after "3301.95," insert "3306.50, 3306.51, 137
 3306.52, 3306.53, 3306.54, 3306.55, 3306.56, 3306.57, 3306.58," 138

In line 198 of the title, after "3304.182," insert "3306.50, 139
 3306.51, 3306.52, 3306.53, 3306.54, 3306.55, 3306.56, 3306.57, 140
 3306.58," 141

The motion was _____ agreed to.

SYNOPSIS

Harmon Commission 142

R.C. 3306.50, 3306.51, 3306.52, 3306.53, 3306.54, 3306.55, 143
 3306.56, 3306.57, and 3306.58 144

Reinstates and revises the House provisions that establish 145
 the Harmon Commission to designate, upon application, classrooms 146
 as creative learning environments. Revises the House version by: 147

(1) Revising the membership to consist of nine members 148
 appointed by the Governor (instead of 11) and six members 149
 appointed by the Speaker of the House and six members appointed by 150
 the Senate President (instead of 10 members appointed jointly by 151
 the Speaker and President); 152

(2) Revising the distribution of members so that of those 153
 appointed by the Governor, three must be classroom teachers, three 154
 must be school administrators, and three must be instructors at a 155
 teacher preparation program, and of those appointed by each of the 156
 Speaker of the House and the Senate President, two must be 157
 classroom teachers, two must be school administrators, and two 158
 must be instructors at a teacher preparation program (instead of 159
 requiring the appointing authorities to consult with each other so 160
 that there are at least five classroom teachers, five school 161

administrators, and five teacher preparation program instructors); 162

(3) Requiring the Department of Education to provide staff to 163
assist the Harmon Commission, instead of the Center for Creativity 164
and Innovation; 165

(4) Permitting the Department to accept gifts, devises, or 166
bequests of money, lands, or other properties for the Harmon 167
Commission; 168

(5) Permitting the Harmon Commission, beginning in fiscal 169
year 2011, to award grants or stipends to school districts and 170
community schools that have classrooms designated as creative 171
learning environments, to the extent the Commission determines 172
that sufficient funds are available, instead of providing for a 173
fixed pilot subsidy. The amendment does not provide state funding 174
for the Commission's operation or for payments to districts and 175
schools for innovative classrooms. 176