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Sub. H.B. 153  
As Pending in S. Finance  
LSC 129 1066-6  
SC-4661 - Omnibus

5 \_\_\_\_\_ moved to amend as follows:

6 Engross the bill as directed by the commands in the  
7 amendments attached hereto, ignoring matter extraneous to those  
8 commands

9 INDEX

10 The following amendments are attached hereto:

Amendment No.	Subject
SC-4052	Private fire companies ineligible for state fire marshal grants
SC-4055-1	Jon Peterson Special Needs Scholarship
SC-4057	Prison privatization-state reversionary interest
SC-4061-2	Lake facilities authorities
SC-4064	Bath salts - have them treated as meth-amphetamines
SC-4068	Unemployment Compensation Review Commission
SC-4083-1	Continuity of care period - reduce from 120 days to 90 days

Amendment No.	Subject
SC-4085	Western Reserve Historical Society and Hale Farm
SC-4104	Repeal e-school moratorium and adopt national standards
SC-4105-3	Medicaid elevation
SC-4150-1	Obtaining Title as prereq to vehicle sale
SC-4152-1	License forms and fees
SC-4153	Spirituosous Liquor Sampling
SC-4155-2	E-check changes
SC-4159	JVS levy for SFC projects
SC-4160	Career center school supplies
SC-4161	Professional career - tech teaching licenses
SC-4166	Schoolhouse property tax exemption
SC-4171	Technical amendment
SC-4172	Corrective amendment
SC-4174	Pediatric quality assurance
SC-4179-1	Construction reform

Amendment No.	Subject
SC-4181-2	Prevailing wage changes
SC-4182	ICF modified formulary; ICF/MR bed hold days
SC-4192	Tax amnesty - self reporting
SC-4196	Poultry inspection
SC-4198	Convention center and golf course tax exemptions
SC-4224	Job retention tax credit - payroll for 500 employees plus or minus
SC-4261	DPS appropriation - liquor control
SC-4278	Turnpike project outsourcing
SC-4281	Conforming amendment
SC-4285	Qualified energy projects - extension of TPPT exemption
SC-4287-1	BCM/Medicaid related amendment
SC-4293	Court reporter language
SC-4294	Establish a police department
SC-4304	Residential Construction Advisory Committee membership
SC-4309	Tax credits for insurance companies

Amendment No.	Subject
SC-4363	Cleveland scholarships/Ed Choice
SC-4367	Tax levy for police/fire pensions
SC-4378	Home health care
SC-4384	Oil and Gas changes
SC-4385	Weighing and measuring devices
SC-4403	Privatize state university parking facilities and dorms and county buildings
SC-4406-1	Tuition surcharge and subsidy rate determination for aliens
SC-4407	Captive deer taxation
SC-4408-1	Judges - out of state practice
SC-4410	Modify application of small business prong of JCARR review
SC-4411	Small business prong - effect on 5 year no change rules
SC-4419	Jurisdiction in ordinance cases and traffic violations
SC-4420	Fatherhood commission
SC-4452	OAKS C/I: capital improvement project management services for public construction

Amendment No.	Subject
SC-4458	OCC advocacy
SC-4466	Retesting teachers
SC-4469	Constitutional challenges to prisons and parole
SC-4471-1	DAS recommendations for a state government reorganization plan
SC-4474	Gifted funding for ESCs - technical change
SC-4476	Gifted nonprofit community schools - need
SC-4478	Defense Conversion Assistance Program
SC-4486-1	Changes to Air Force Institute of Technology
SC-4489	Funding for drug coverages
SC-4495	Pilot Program - voicemail for the homeless
SC-4504	Veterans' Services membership
SC-4507	Increase special needs school district thresholds
SC-4511	County recorder fees
SC-4512	Ban insurance coverage of non-therapeutic abortions for political subdivision employees
SC-4513	Ban performance of nontherapeutic abortions in public hospitals

Amendment No.	Subject
SC-4518	PUCO recalculation of rates based on OCC assessments
SC-4519	Customer Loyalty Coupons not subject to sales tax
SC-4553-3	JobsOhio changes
SC-4558	Construction reform - remove reverse auction language
SC-4561	Removal of alternative high-stakes assessment provision
SC-4563	Hattie Larlham Community Living
SC-4564	County quarterly spending plans; quarterly budget
SC-4567	Public records lawsuits
SC-4570	Prescription Drug Benefit - remove section
SC-4577-1	Eligibility of community schools for high performing school subsidy
SC-4580-1	Supplemental employee deferral plan
SC-4582	Municipal corporation/township mergers
SC-4593	Joint vocational school districts to receive equivalent protection from TIFs
SC-4598	Court language deletion
SC-4599	County Automatic Data Processing Board

Amendment No.	Subject
SC-4610-1	Appropriation for Liquor Enterprise Transaction Support Services
SC-4615-1	Various Medicaid Rate Issues
SC-4618	ICFs/MR study group and transfer of DD programs to DODD
SC-4621	Remove oil and gas drilling language
SC-4627	Remove minimum wage provisions
SC-4632	Public Records
SC-4634	Psychiatric exemption - RX carve-in
SC-4637	Mental health deeming language
SC-4638	JFS DD board fees
SC-4640-2	Reauthorizes the National Accreditation Compliance Program
SC-4660-1	Data center sales and use tax exemption
SC-4666-2	JobsOhio - liquor changes
SC-4667	Agricultural labor camps/marinas
SC-4668	Higher education shared services - remove
SC-4670	Home schooled students - participate in school district activities

Amendment No.	Subject
SC-4671	Privatize the Lottery

11 The motion was \_\_\_\_\_ agreed to.



6 \_\_\_\_\_ moved to amend as follows:

7 In line 135034, delete "and"

8 In line 135036, after "townships" insert ", and private  
9 fire companies as defined in section 9.60 of the Revised Code"

10 The motion was \_\_\_\_\_ agreed to.

11 SYNOPSIS

12 **Fire Department Grants**

13 **Section 243.10**

14 Adds private fire companies to list of entities eligible  
15 for fire department grants awarded by the Department of  
16 Commerce's Division of State Fire Marshal (currently, the  
17 entities eligible for the grants are volunteer fire departments,  
18 fire departments that serve one or more small municipalities or  
19 small townships, joint fire districts comprised of fire  
20 departments that primarily serve small municipalities or small  
21 townships, local units of government responsible for such fire  
22 departments, and local units of government responsible for the  
23 provision of fire protection services for small municipalities  
24 or small townships).

6 \_\_\_\_\_ moved to amend as follows:

7 In line 4137, after "the" insert "Jon Peterson"; delete  
8 "education" and insert "needs"

9 In line 4705, after "the" insert "Jon Peterson"; delete  
10 "education" and insert "needs"

11 In line 51967, after "the" insert "Jon Peterson"; delete  
12 "education" and insert "needs"

13 In line 51975, after "the" insert "Jon Peterson"

14 In line 51976, delete "education" and insert "needs"

15 In line 51988, after "The" insert "Jon Peterson"; delete  
16 "education" and insert "needs"

17 In line 52050, after "the" insert "Jon Peterson"

18 In line 52051, delete "education" and insert "needs"

19 In line 52082, after "the" insert "Jon Peterson"; delete  
20 "education" and insert "needs"

21 In line 52098, after "the" insert "Jon Peterson"; delete  
22 the second "education" and insert "needs"

23 In line 52163, after "the" insert "Jon Peterson"; delete  
24 the second "education" and insert "needs"

25 In line 52217, after "the" insert "Jon Peterson"; delete  
26 "education" and insert "needs"

27 In line 52257, after the second "the" insert "Jon Peterson"  
28 In line 52258, delete the first "education" and insert  
29 "needs"  
30 In line 52289, after "the" insert "Jon Peterson"; delete  
31 "education" and insert "needs"  
32 In line 61542, after "the" insert "Jon Peterson"  
33 In line 61543, delete "education" and insert "needs"  
34 In line 65490, after "the" insert "Jon Peterson"; delete  
35 "education" and insert "needs"  
36 In line 137827, after the second "the" insert "Jon  
37 Peterson"  
38 In line 137828, delete "Education" and insert "Needs"  
39 In line 137833, after "the" insert "Jon Peterson"; delete  
40 "Education" and insert "Needs"  
41 The motion was \_\_\_\_\_ agreed to.

42 SYNOPSIS

43 **Special Education Scholarship Program**

44 R.C. 109.57, 109.572, 3310.51, 3310.52, 3310.53, 3310.54,  
45 3310.56, 3310.58, 3310.62, 3310.63, 3317.03, and 3323.052 and  
46 Sections 267.60.30 and 267.60.31

47 Renames the bill's program as the "Jon Peterson Special  
48 Needs Scholarship Program." (The bill creates the Special  
49 Education Scholarship Program to provide scholarships for  
50 children with disabilities in grades K through 12 to attend  
51 alternative public or private special education programs.)

6 \_\_\_\_\_ moved to amend as follows:

7 In line 1260, delete "before" and insert "all of the  
8 following apply:

9 (a) Before"

10 Between lines 1270 and 1271, insert:

11 "(b) Upon the default by the contractor of any financial  
12 agreement for the purchase of the facility and the real property  
13 on which it is situated, any surrounding land that also was  
14 transferred under the contract, or both the facility and real  
15 property on which it is situated plus the surrounding land that  
16 was transferred under the contract, upon the default by the  
17 contractor of any other term in the contract, or upon the  
18 financial insolvency of the contractor or inability of the  
19 contractor to meet its contractual obligations, the state may  
20 repurchase the facility, real property, and surrounding land, if  
21 the state so desires, pursuant to and in accordance with the  
22 repurchase clause included in the contract."

23 In line 146061, delete "does all of the following:"

24 In line 146062, delete "(i) Provides that, before" and  
25 insert "irrevocably grants to the state a right, upon the  
26 occurrence of any triggering event described in division  
27 (B)(2)(d)(i) or (ii) of this section and in accordance with the  
28 particular division, to repurchase the facility and the real  
29 property on which it is situated, any surrounding land that is  
30 to be transferred under the contract, or both the facility and  
31 real property on which it is situated plus the surrounding land  
32 that is to be transferred under the contract. The triggering  
33 events and the procedures for a repurchase under the irrevocable  
34 grant described in this division are as follows:

35 (i) Before"

36 In line 146077, delete the semicolon

37 In line 146078, delete "(ii) Specifies that the" and  
38 insert ". The repurchase"; after "in" insert "this"

39 In line 146079, delete "(B)(2)(d)(i) of this section"

40 In line 146082, delete the semicolon

41 In line 146083, delete "(iii) Irrevocably grants to the"  
42 and insert ". After being offered the repurchase opportunity,  
43 the"; after "state" insert "has"

44 In line 146085, after "in" insert "this"

45 In line 146086, delete "(B)(2)(d)(i) of this section"

46 Between lines 146086 and 146087, insert:

47           "(ii) Upon the contractor's default of any financial  
48 agreement for the purchase of the facility and the real property  
49 on which it is situated, any surrounding land that is to be  
50 transferred under the contract, or both the facility and real  
51 property on which it is situated plus the surrounding land that  
52 is to be transferred under the contract, upon the contractor's  
53 default of any other term in the contract, or upon the  
54 contractor's financial insolvency or inability to meet its  
55 contractual obligations, the state has the right to repurchase  
56 the facility and real property, the surrounding land, or both  
57 the facility and real property and the surrounding land, for a  
58 price not greater than the purchase price paid to the state for  
59 that facility, real property, or surrounding land, less  
60 depreciation from the time of the conveyance of that facility,  
61 real property, or surrounding land to the contractor, plus the  
62 depreciated value of any capital improvements to that facility,  
63 real property, or surrounding land that were made to it and  
64 funded by anyone other than the state subsequent to the  
65 conveyance to the contractor."

66           In line 147001, after "(B)" insert "(1)"

67           In line 147011, before "The" insert "(2)"; after "sale"  
68 insert "of the real estate described in division (A) of this  
69 section"

70           In line 147019, delete "does all of the following:"

71 In line 147020, delete "(1) Provides that, before" and  
72 insert "irrevocably grants to the state a right, upon the  
73 occurrence of any triggering event described in division  
74 (B)(2)(a) or (b) of this section and in accordance with the  
75 particular division, to repurchase the facility and the real  
76 property on which it is situated, any surrounding land that is  
77 to be transferred under the contract, or both the facility and  
78 real property on which it is situated plus the surrounding land  
79 that is to be transferred under the contract. The triggering  
80 events and the procedures for a repurchase under the irrevocable  
81 grant described in this division are as follows:

82 (a) Before"; delete "contractor" and insert "purchaser";  
83 delete "contractor's" and insert "purchaser's"

84 In line 147026, delete "contractor" and insert "purchaser"

85 In line 147032, delete "contractor" and insert "purchaser"

86 In line 147035, delete "contractor;"

87 In line 147036, delete "(2) Specifies that the" and insert  
88 "purchaser. The repurchase"; after "in" insert "this"

89 In line 147037, delete "(B)(2) of this section"

90 In line 147038, delete "contractor" and insert "purchaser"

91 In line 147040, delete the semicolon

92 In line 147041, delete "(3) Irrevocably grants to the" and  
93 insert ". After being offered the repurchase opportunity, the";  
94 after "state" insert "has"

95 In line 147043, after "in" insert "this"

96 In line 147044, delete "(B)(2) of this section"

97 Between lines 147044 and 147045, insert:

98 "(b) Upon the purchaser's default of any financial  
99 agreement for the purchase of the facility and the real property  
100 on which it is situated, any surrounding land that is to be  
101 transferred under the contract, or both the facility and real  
102 property on which it is situated plus the surrounding land that  
103 is to be transferred under the contract, upon the purchaser's  
104 default of any other term in the contract, or upon the  
105 purchaser's financial insolvency or inability to meet its  
106 contractual obligations, the state has the right to repurchase  
107 the facility and real property, the surrounding land, or both  
108 the facility and real property and the surrounding land, for a  
109 price not greater than the purchase price paid to the state for  
110 that facility, real property, or surrounding land, less  
111 depreciation from the time of the conveyance of that facility,  
112 real property, or surrounding land to the purchaser, plus the  
113 depreciated value of any capital improvements to that facility,  
114 real property, or surrounding land that were made to it and  
115 funded by anyone other than the state subsequent to the  
116 conveyance to the purchaser."

117 In line 147045, before "The" insert "(3)"

118 The motion was \_\_\_\_\_ agreed to.



120           **State Right to Repurchase DRC Facility Sold To Private**  
121 **Contractor or DYS Facility Sold to Purchaser Under the Bill**

122           **R.C. 9.06; Sections 753.10 and 753.30**

123           Expands the right of the state to repurchase a Department  
124 of Rehabilitation and Correction facility sold to a contractor  
125 under the bill, or a Department of Youth Services facility sold  
126 to a purchaser under the bill, so that the right also is granted  
127 if the contractor who purchases the Department of Rehabilitation  
128 and Correction facility or the purchaser of the Department of  
129 Youth Services facility defaults on any financial agreement for  
130 the purchase of the facility, defaults on any other term in the  
131 contract of sale, or is financially insolvent or unable to meet  
132 its contractual obligations. The provision also applies to  
133 related land included in the sale. Currently under the bill,  
134 the repurchase right is granted to the state only as a right of  
135 first refusal if the contractor or purchaser wishes to resell or  
136 otherwise transfer the facility and/or related land.

Sub. H.B. 153

As Pending in S. Finance

LSC 129 1066-6

SC-4061-2

\_\_\_\_\_ moved to amend as follows:

- In line 412, after "135.66," insert "135.80," 1
- In line 423, after "308.13," insert "309.09," 2
- In line 544, after "4911.02," insert "4928.01," 3
- In line 575, after "5705.16," insert "5705.19," 4
- In line 624, after "317.06," insert "353.01, 353.02, 353.03,  
353.04, 353.05, 353.06, 353.07, 353.08, 353.09, 353.10, 353.11,  
353.12, 353.13, 353.14, 353.15, 353.16, 353.17," 5  
6  
7
- In line 650, after "5703.059," insert "5705.55," 8
- In line 12024, delete "(18)" and insert "(19)" 9
- In line 12027, after the second "district" insert ":", 10  
(17) A lake facilities authority, the fiscal officer 11  
designated under section 353.02 of the Revised Code" 12
- In line 12249, after "(18)" insert "A lake facilities 13  
authority created under Chapter 353. of the Revised Code; 14
- (19)" 15
- In line 12279, delete "(18)" and insert "(19)" 16
- In line 12282, after "board" insert ":", 17  
(11) A lake facilities authority, the board of directors" 18
- Between lines 13058 and 13059, insert: 19

"Sec. 135.80. (A) The legislative authority of a municipal corporation, by ordinance; the board of directors of a port authority or a lake facilities authority, by resolution; or the board of county commissioners, by resolution, may establish a linked deposit program authorizing the treasurer or governing board of the municipal corporation, the board of directors of the port authority or lake facilities authority, or the investing authority of the county, as created or designated by the ordinance or resolution, to place certificates of deposit at up to three per cent below market rates with an eligible lending institution applying for interim moneys as provided in section 135.08 of the Revised Code, selected to invest port authority or lake facilities authority moneys in linked deposit programs pursuant to section 4582.54 or 353.16 of the Revised Code, or applying for inactive moneys as provided in section 135.32 of the Revised Code, provided the institution agrees to lend the value of such deposit to eligible borrowers at up to three per cent below the present borrowing rate applicable to each borrower. The ordinance or resolution shall include requirements and provisions that are necessary to establish the program, including, but not limited to:

- (1) Eligibility requirements for borrowers who may receive reduced rate loans under the program;
- (2) Application procedures for borrowers and institutions wishing to participate in the program;
- (3) Review procedures for applications and criteria for acceptance or rejection of applications for reduced rate loans;
- (4) Necessary agreements between the eligible lending institution and the treasurer or governing board of the municipal corporation, the board of directors of the port authority or lake facilities authority, or the investing authority of the county to

carry out the purposes of the linked deposit program; 50

(5) Annual reports regarding the operation of the program to 51  
be made by the treasurer or governing board to the legislative 52  
authority, the eligible lending institution to the board of 53  
directors of the port authority or lake facilities authority, or 54  
the investing authority to the board of county commissioners. 55

(B) The municipal corporation and the treasurer or governing 56  
board, the port authority or lake facilities authority and the 57  
board of directors, and the county and the investing authority or 58  
the board of county commissioners, are not liable to any eligible 59  
lending institution in any manner for the payment of the principal 60  
or interest on any reduced rate loan made under the program, and 61  
any delay in payment or default on the part of any borrower does 62  
not in any manner affect the deposit agreement between the 63  
eligible lending institution and the treasurer or governing board, 64  
the board of directors, or the investing authority or board of 65  
county commissioners. 66

(C) For purposes of this section, ~~both of the following~~ 67  
~~apply:~~ 68

(1) "Investing authority" has the same meaning as in section 69  
135.31 of the Revised Code. 70

(2) "Port authority" means a port authority created in 71  
accordance with section 4582.22 of the Revised Code. 72

(3) "Lake facilities authority" means a lake facilities 73  
authority created in accordance with section 353.02 of the Revised 74  
Code." 75

Between lines 20439 and 20440, insert: 76

"Sec. 309.09. (A) The prosecuting attorney shall be the legal 77  
adviser of the board of county commissioners, board of elections, 78

and all other county officers and boards, including all 79  
tax-supported public libraries, and any of them may require 80  
written opinions or instructions from the prosecuting attorney in 81  
matters connected with their official duties. The prosecuting 82  
attorney shall prosecute and defend all suits and actions which 83  
any such officer or board directs or to which it is a party, and 84  
no county officer may employ any other counsel or attorney at the 85  
expense of the county, except as provided in section 305.14 of the 86  
Revised Code. 87

(B) (1) The prosecuting attorney shall be the legal adviser 88  
for all township officers, boards, and commissions, unless, 89  
subject to division (B) (2) of this section, the township has 90  
adopted a limited home rule government pursuant to Chapter 504. of 91  
the Revised Code and has not entered into a contract to have the 92  
prosecuting attorney serve as the township law director, in which 93  
case, subject to division (B) (2) of this section, the township law 94  
director, whether serving full-time or part-time, shall be the 95  
legal adviser for all township officers, boards, and commissions. 96  
When the board of township trustees finds it advisable or 97  
necessary to have additional legal counsel, it may employ an 98  
attorney other than the township law director or the prosecuting 99  
attorney of the county, either for a particular matter or on an 100  
annual basis, to represent the township and its officers, boards, 101  
and commissions in their official capacities and to advise them on 102  
legal matters. No such legal counsel may be employed, except on 103  
the order of the board of township trustees, duly entered upon its 104  
journal, in which the compensation to be paid for the legal 105  
services shall be fixed. The compensation shall be paid from the 106  
township fund. 107

Nothing in this division confers any of the powers or duties 108  
of a prosecuting attorney under section 309.08 of the Revised Code 109  
upon a township law director. 110

(2) (a) If any township in the county served by the prosecuting attorney has adopted any resolution regarding the operation of adult entertainment establishments pursuant to the authority that is granted under section 503.52 of the Revised Code or if a resolution of that nature has been adopted under section 503.53 of the Revised Code in a township in the county served by the prosecuting attorney, all of the following apply:

(i) Upon the request of a township in the county that has adopted, or in which has been adopted, a resolution of that nature that is made pursuant to division (E) (1) (c) of section 503.52 of the Revised Code, the prosecuting attorney shall prosecute and defend on behalf of the township in the trial and argument in any court or tribunal of any challenge to the validity of the resolution. If the challenge to the validity of the resolution is before a federal court, the prosecuting attorney may request the attorney general to assist the prosecuting attorney in prosecuting and defending the challenge and, upon the prosecuting attorney's making of such a request, the attorney general shall assist the prosecuting attorney in performing that service if the resolution was drafted in accordance with legal guidance provided by the attorney general as described in division (B) (2) of section 503.52 of the Revised Code. The attorney general shall provide this assistance without charge to the township for which the service is performed. If a township adopts a resolution without the legal guidance of the attorney general, the attorney general is not required to provide assistance as described in this division to a prosecuting attorney.

(ii) Upon the request of a township in the county that has adopted, or in which has been adopted, a resolution of that nature that is made pursuant to division (E) (1) (a) of section 503.52 of the Revised Code, the prosecuting attorney shall prosecute and

defend on behalf of the township a civil action to enjoin the 142  
violation of the resolution in question. 143

(iii) Upon the request of a township in the county that has 144  
adopted, or in which has been adopted, a resolution of that nature 145  
that is made pursuant to division (E) (1) (b) of section 503.52 of 146  
the Revised Code, the prosecuting attorney shall prosecute and 147  
defend on behalf of the township a civil action under Chapter 148  
3767. of the Revised Code to abate as a nuisance the place in the 149  
unincorporated area of the township at which the resolution is 150  
being or has been violated. Proceeds from the sale of personal 151  
property or contents seized pursuant to the action shall be 152  
applied and deposited in accordance with division (E) (1) (b) of 153  
section 503.52 of the Revised Code. 154

(b) The provisions of division (B) (2) (a) of this section 155  
apply regarding all townships, including townships that have 156  
adopted a limited home rule government pursuant to Chapter 504. of 157  
the Revised Code, and regardless of whether a township that has so 158  
adopted a limited home rule government has entered into a contract 159  
with the prosecuting attorney as described in division (B) of 160  
section 504.15 of the Revised Code or has appointed a law director 161  
as described in division (A) of that section. 162

The prosecuting attorney shall prosecute and defend in the 163  
actions and proceedings described in division (B) (2) (a) of this 164  
section without charge to the township for which the services are 165  
performed. 166

(C) Whenever the board of county commissioners employs an 167  
attorney other than the prosecuting attorney of the county, 168  
without the authorization of the court of common pleas as provided 169  
in section 305.14 of the Revised Code, either for a particular 170  
matter or on an annual basis, to represent the board in its 171  
official capacity and to advise it on legal matters, the board 172

shall enter upon its journal an order of the board in which the  
 compensation to be paid for the legal services shall be fixed. The  
 compensation shall be paid from the county general fund. The total  
 compensation paid, in any year, by the board for legal services  
 under this division shall not exceed the total annual compensation  
 of the prosecuting attorney for that county.

(D) The prosecuting attorney and the board of county  
 commissioners jointly may contract with a board of park  
 commissioners under section 1545.07 of the Revised Code for the  
 prosecuting attorney to provide legal services to the park  
 district the board of park commissioners operates.

(E) The prosecuting attorney may be, in the prosecuting  
 attorney's discretion and with the approval of the board of county  
 commissioners, the legal adviser of a joint fire district created  
 under section 505.371 of the Revised Code at no cost to the  
 district or may be the legal adviser to the district under a  
 contract that the prosecuting attorney and the district enter  
 into, and that the board of county commissioner approves, to  
 authorize the prosecuting attorney to provide legal services to  
 the district.

(F) The prosecuting attorney may be, in the prosecuting  
 attorney's discretion and with the approval of the board of county  
 commissioners, the legal adviser of a joint ambulance district  
 created under section 505.71 of the Revised Code at no cost to the  
 district or may be the legal adviser to the district under a  
 contract that the prosecuting attorney and the district enter  
 into, and that the board of county commissioners approves, to  
 authorize the prosecuting attorney to provide legal services to  
 the district.

(G) The prosecuting attorney may be, in the prosecuting  
 attorney's discretion and with the approval of the board of county

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commissioners, the legal adviser of a joint emergency medical services district created under section 307.052 of the Revised Code at no cost to the district or may be the legal adviser to the district under a contract that the prosecuting attorney and the district enter into, and that the board of county commissioners approves, to authorize the prosecuting attorney to provide legal services to the district.

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(H) The prosecuting attorney may be, in the prosecuting attorney's discretion and with the approval of the board of county commissioners, the legal adviser of a fire and ambulance district created under section 505.375 of the Revised Code at no cost to the district or may be the legal adviser to the district under a contract that the prosecuting attorney and the district enter into, and that the board of county commissioners approves, to authorize the prosecuting attorney to provide legal services to the district.

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(I) All money received pursuant to a contract entered into under division (D), (E), (F), (G), or (H) of this section shall be deposited into the prosecuting attorney's legal services fund, which shall be established in the county treasury of each county in which such a contract exists. Moneys in that fund may be appropriated only to the prosecuting attorney for the purpose of providing legal services to a park district, joint fire district, joint ambulance district, joint emergency medical services district, or a fire and ambulance district, as applicable, under a contract entered into under the applicable division.

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(J) The prosecuting attorney shall be the legal advisor of a lake facilities authority as provided in section 353.02 of the Revised Code."

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Between lines 22840 and 22841, insert:

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<u>"Sec. 353.01. For purposes of this chapter:</u>	234
<u>(A) "Lake facilities authority" means a body corporate and</u>	235
<u>politic created pursuant to section 353.02 of the Revised Code.</u>	236
<u>(B) "Watershed" means a watershed as determined by the United</u>	237
<u>States geological survey.</u>	238
<u>(C) "Distressed watershed" means a watershed meeting all of</u>	239
<u>the following conditions:</u>	240
<u>(1) The last resolution necessary for the creation of a lake</u>	241
<u>facilities authority under section 353.02 of the Revised Code is</u>	242
<u>adopted before the end of the calendar year that includes the date</u>	243
<u>that is two years after the director of natural resources</u>	244
<u>designated the watershed as a "watershed in distress" pursuant to</u>	245
<u>section 1511.02 of the Revised Code;</u>	246
<u>(2) The watershed contains a natural or man-made lake of at</u>	247
<u>least one-half square mile that has experienced levels of</u>	248
<u>microcystin toxins in excess of eighty parts-per-billion, as</u>	249
<u>measured by the Ohio environmental protection agency, during the</u>	250
<u>twenty-four month period immediately preceding the date the last</u>	251
<u>resolution necessary for the creation of a lake facilities</u>	252
<u>authority under section 353.02 of the Revised Code was adopted;</u>	253
<u>(3) The watershed is partially or completely located within a</u>	254
<u>state park, as defined in section 154.01 of the Revised Code, that</u>	255
<u>has averaged at least four hundred thousand visitors per year for</u>	256
<u>the four calendar years preceding the calendar year in which the</u>	257
<u>last resolution necessary for the creation of a lake facilities</u>	258
<u>authority under section 353.02 of the Revised Code was adopted.</u>	259
<u>(D) "Impacted lake district" means the territory of all</u>	260
<u>townships and municipal corporations having territory in a</u>	261
<u>distressed watershed.</u>	262

(E) "Cost" as applied to a lake facilities authority facility 263  
means the cost of acquisition or construction of the facility; the 264  
cost of acquisition of all land, rights-of-way, property rights, 265  
easements, franchise rights, and interests required for such 266  
acquisition; the cost of demolishing or removing any buildings or 267  
structures on land so acquired, including the cost of acquiring 268  
any lands to which such buildings or structures may be moved; the 269  
cost of acquiring or constructing and equipping a principal office 270  
of the lake facilities authority; the cost of diverting highways, 271  
interchange of highways, and access roads to private property, 272  
including the cost of land or easements for the access roads, the 273  
cost of public utility and common carrier relocation or 274  
duplication, the cost of all machinery, furnishings, and 275  
equipment, financing charges, interest prior to and during any 276  
construction and for no more than eighteen months after completion 277  
of any construction; engineering; expenses of research and 278  
development with respect to an impacted lake district; legal 279  
expenses; expenses of developing or obtaining plans, 280  
specifications, engineering surveys, studies, and estimates of 281  
cost and revenues; expenses necessary or incident to determining 282  
the feasibility or practicability of acquiring or constructing the 283  
facility or remediating the impacted lake district; administrative 284  
expense; and such other expenses as may be necessary or incident 285  
to the acquisition or construction of the facility, the 286  
remediation of the impacted lake district and other activities 287  
authorized by this chapter, the financing of such acquisition, 288  
construction or remediation, including the amount authorized in 289  
the resolution of the lake facilities authority providing for the 290  
issuance of lake facilities authority revenue bonds to be paid 291  
into any special funds from the proceeds of such bonds and the 292  
financing of the placing of the facility in operation, the cost of 293  
issuing the bonds, and the financing of remediation and other 294

purposes authorized by this chapter. 295

(F) "Revenues" means all rentals and other charges received 296  
by the lake facilities authority with respect to a distressed 297  
watershed; any gift or grant received with respect to any 298  
distressed watershed; money received in repayment of, and for 299  
interest on, any loans made by the authority to a person or 300  
governmental agency, whether from the United States or any 301  
department, administration, or agency thereof, or otherwise; 302  
proceeds of lake facilities authority revenue bonds to the extent 303  
the use thereof for payment of principal or of premium, if any, or 304  
interest on the bonds is authorized by the authority; proceeds 305  
from any insurance, appropriation, or guaranty pertaining to a 306  
distressed watershed or property mortgaged to secure bonds or 307  
pertaining to the financing of any activities authorized under 308  
this chapter; income and profit from the investment of the 309  
proceeds of lake facilities authority revenue bonds or of any 310  
revenues; contributions of service payments in lieu of taxes 311  
generated pursuant to section 5709.40, 5709.41, 5709.73, or 312  
5709.78 of the Revised Code, and all other nontax revenues paid or 313  
payable to the lake facilities authority; and the proceeds of 314  
charges levied pursuant to section 353.06 of the Revised Code. 315

(G) "Lake facilities revenue bonds," unless the context 316  
indicates a different meaning or intent, includes revenue notes, 317  
revenue renewal notes, and revenue refunding bonds. 318

(H) "Authorized purpose" means activities that remediate, 319  
rehabilitate, enhance, foster, aid, improve, provide, or promote a 320  
distressed watershed within the jurisdiction of the lake 321  
facilities authority, including, without limitation, research and 322  
development efforts related thereto. 323

(I) "Lake facilities authority facility" or "facility" means 324  
real or personal property, or any combination thereof owned, 325

leased, or otherwise controlled or financed by a lake facilities authority and directly related to an authorized purpose. 326  
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Sec. 353.02. A lake facilities authority may be created by the board of county commissioners of a county that contains all of the territory of a distressed watershed. If the territory of a distressed watershed is contained within more than one county, a joint facilities lake authority may be created by resolution of the board of commissioners of each county in which the distressed watershed is located. A resolution creating a lake facilities authority must include a finding that the watershed sought to be improved or remediated pursuant to this chapter is a distressed watershed. 328  
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A lake facilities authority created pursuant to this section is a body corporate and politic which may sue and be sued, plead and be impleaded, and has the powers and jurisdiction enumerated in this chapter. The exercise by an authority of the powers conferred upon it shall be deemed to be essential governmental functions of this state. 338  
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Within sixty days after the creation of a lake facilities authority, the county engineer of each county with territory in the distressed watershed shall prepare a survey denoting the boundaries of the distressed watershed in the county. The survey shall include references to the county auditor's permanent parcel number designations as those parcel number designations correspond to the boundaries of the distressed watershed. If requested by the county engineer of each county with territory in the distressed watershed, the cost of such surveys shall be paid from the funds of the lake facilities authority pursuant to an agreement between the lake facilities authority and the county engineer of each county. Such funds may be advanced by the board of county commissioners of any county with territory in the distressed 344  
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The county auditor of the county with the greatest amount of territory in the distressed watershed shall be the fiscal officer for the lake facilities authority. The county prosecutor of the county with the greatest amount of territory in the distressed watershed shall be the legal advisor of the lake facilities authority and shall prosecute and defend all suits and actions that the lake facilities authority directs or to which it is a party. 358-365

Upon the creation of a lake facilities authority, no authority that is granted by law any powers or duties that are substantially the same as the powers and duties of a lake facilities authority may be created if its territorial jurisdiction includes any territory within the impacted lake district. 366-371

Sec. 353.03. A lake facilities authority may do all of the following: 372-373

(A) Acquire by purchase, lease, gift, or otherwise, on such terms and in such manner as it considers proper, real and personal property necessary for an authorized purpose or any estate, interest, or right therein, within or without the impacted lake district; 374-378

(B) Improve, remediate, maintain, sell, lease, or otherwise dispose of real and personal property on such terms and in such manner as it considers proper; 379-381

(C) Adopt, modify, and enforce reasonable rules and regulations governing distressed watersheds; 382-383

(D) Employ such managers, administrative officers, agents, engineers, architects, attorneys, contractors, subcontractors, and 384-385

employees as may be appropriate in the exercise of the rights, 386  
powers, and duties conferred on it, prescribe the duties and 387  
compensation for such persons, require bonds to be given by any 388  
such persons and by officers of the authority for the faithful 389  
performance of their duties, and fix the amount and surety 390  
therefor, and pay the surety; 391

(E) Sue and be sued in its corporate name; 392

(F) (1) Make and enter into all contracts and agreements and 393  
execute all instruments relating to the provisions of this 394  
chapter; 395

(2) Except as provided otherwise under division (F) (2) and 396  
(3) of this section, when the cost of a contract for the 397  
construction of any building, structure, or other improvement 398  
undertaken by a lake facilities authority involves an expenditure 399  
exceeding twenty-five thousand dollars, and the lake facilities 400  
authority is the contracting authority, the lake facilities 401  
authority shall make a written contract after notice calling for 402  
bids for the award of the contract has been given by publication 403  
twice, with at least seven days between publications, in a 404  
newspaper of general circulation in the impacted lake district. 405  
Each such contract shall be awarded to the lowest responsive and 406  
responsible bidder in accordance with section 9.312 of the Revised 407  
Code. The board of directors by rule may provide criteria for the 408  
negotiation and award without competitive bidding of any contract 409  
as to which the lake facilities authority is the contracting 410  
authority for the construction of any building or structure or 411  
other improvement under any of the following circumstances: 412

(a) There exists a real and present emergency that threatens 413  
damage to property or injury to persons of the lake facilities 414  
authority or other persons, provided that a statement specifying 415  
the nature of the emergency that is the basis for the negotiation 416

and award of a contract without competitive bidding shall be 417  
signed at the time of the contract's execution by the officer of 418  
the lake facilities authority that executes the contract and shall 419  
be attached to the contract; 420

(b) A commonly recognized industry or other standard or 421  
specification does not exist and cannot objectively be articulated 422  
for the improvement; 423

(c) The contract is for any energy conservation measure as 424  
defined in section 307.041 of the Revised Code; 425

(d) With respect to material to be incorporated into the 426  
improvement, only a single source or supplier exists for the 427  
material; 428

(e) A single bid is received by the lake facilities authority 429  
after complying with the above provisions; 430

(3) In addition to the exceptions to competitive bidding 431  
requirements under division (F)(2) of this section, a lake 432  
facilities authority may contract for the acquisition or 433  
construction of any property for an authorized purpose and for the 434  
leasing, subleasing, sale, or other disposition of the property in 435  
a manner determined by the lake facilities authority in its sole 436  
discretion, without necessity for competitive bidding or 437  
performance bonds. 438

(4) With respect to any public improvement undertaken by, or 439  
under contract for, the lake facilities authority, the authority 440  
may elect to apply sections 4115.03 to 4115.21 of the Revised 441  
Code. 442

(G) Accept aid or contributions from any source of money, 443  
property, labor, or other things of value, to be held, used, and 444  
applied only for the purposes for which the grants and 445  
contributions are made; 446



(H) Apply for and accept grants, loans, or commitments of guarantee or insurance, including any guarantees of lake facilities authority bonds and notes, from the United States, the state, or other public body or other sources, and provide any consideration which may be required in order to obtain such grants, loans, or contracts of guarantee or insurance; 447  
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(I) Procure insurance against loss to the lake facilities authority by reason of damage to its properties resulting from fire, theft, accident, or other casualties, or by reason of its liability for any damages to persons or property occurring in the construction or operation of facilities or areas under its jurisdiction or the conduct of its activities; 453  
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(J) Maintain such funds or reserves as it considers necessary for the efficient performance of its duties; 459  
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(K) (1) Enforce any covenants, of which the lake facilities authority is the beneficiary, running with the land, including the collection of any lake facilities development charge deemed to be a covenant running with the land and enforceable by the lake facilities authority pursuant to section 353.06 of the Revised Code; 461  
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(2) Waive, reduce, or terminate any lake facilities development charge of which the lake facilities authority is the beneficiary, to the extent not needed for any of the purposes provided in section 353.06 of the Revised Code and to the extent a resolution authorizing the issuance of lake facilities authority revenue bonds or a trust agreement or indenture of mortgage securing the bonds does not prohibit such waiver, reduction, or termination. The procedure for any waiver, reduction, or termination shall be provided in the covenants. 467  
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(L) Appropriate for its use, under sections 163.01 to 163.22 of the Revised Code, any land, easement, rights, rights-of-way, 476  
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franchises, or other property in the distressed watershed 478  
necessary for an authorized purpose; 479

(M) Issue securities for the remediation of a distressed 480  
watershed and directly related permanent improvements in 481  
compliance with Chapter 133. of the Revised Code, except that such 482  
bonds or notes may be issued only pursuant to a vote of the 483  
electors residing within the impacted lake district. The net 484  
indebtedness incurred by a lake facilities authority pursuant to 485  
this division may not exceed one-tenth of one per cent of the 486  
total value of all property within the territory comprising the 487  
impacted lake district as listed and assessed for taxation. 488

(N) Issue lake facilities authority revenue bonds beyond the 489  
limit of bonded indebtedness provided by law, payable solely from 490  
revenues as provided in section 353.10 of the Revised Code for the 491  
purpose of providing funds to pay costs of any facility or 492  
facilities or parts thereof; 493

(O) Advise and provide input to political subdivisions within 494  
the impacted lake district with respect to zoning and land use 495  
planning within the impacted lake district; 496

(P) Enter into agreements for the management, ownership, 497  
possession, or control of lands or property to be used for wetland 498  
mitigation banking; 499

(Q) With the approval of the director of natural resources 500  
with respect to a state park, charge user fees within the 501  
distressed watershed, including, but not limited to, dock fees and 502  
campsite fees in amounts to be determined by the lake facilities 503  
authority in its sole discretion. 504

Sec. 353.04. (A) Upon the creation of a lake facilities 505  
authority under section 353.02 of the Revised Code, a board of 506  
directors consisting of the county commissioners of each county 507

with territory in the impacted lake district shall be created. 508  
Membership on the board is not a direct or indirect interest in a 509  
contract or expenditure of money by the county. Notwithstanding 510  
any provision of law to the contrary, no member of the board shall 511  
be disqualified from holding any public office or employment by 512  
reason of membership on the board. The board is a public body for 513  
the purposes of section 121.22 of the Revised Code and a public 514  
office for the purposes of section 149.43 of the Revised Code. 515  
Notwithstanding those sections, the board may hold closed meetings 516  
and protect the confidentiality of information under the same 517  
circumstances as authorized for a community improvement 518  
corporation under section 1724.11 of the Revised Code. Chapter 519  
2744. of the Revised Code applies to the board. Each year, the 520  
board shall prepare an annual report of its activities and make it 521  
available to the public. 522

(B) A board of directors shall consult with the advisory 523  
council created under this division in performing the remediation 524  
and other activities authorized by this chapter. 525

Not later than sixty days after the creation of the board of 526  
directors, the board shall provide written notice of its creation 527  
to the legislative authority of each political subdivision with 528  
territory in the impacted lake district. The notice shall describe 529  
the process for the appointment of an advisory council. Upon 530  
receipt of such notice, the legislative authority of each 531  
political subdivision with territory in the impacted lake district 532  
shall appoint one representative each to serve on the advisory 533  
council. The representative need not be an elected or appointed 534  
official of the political subdivision. 535

Sec. 353.05. The board of directors of a lake facilities 536  
authority, by resolution, may propose the levy of a tax upon the 537

taxable property in the impacted lake district pursuant to section 538  
5705.55 of the Revised Code. 539

Sec. 353.06. (A) Upon the affirmative vote of at least a 540  
majority of the qualified electors in a primary or general 541  
election within the distressed watershed voting at an election 542  
held for the purpose of authorizing same, the board of directors 543  
of a lake facilities authority may, by resolution, levy a lake 544  
facilities development charge on property within the territory of 545  
the distressed watershed. The charge may be used for any costs 546  
authorized under this chapter. A charge levied under this section 547  
may not exceed one-half per cent of the true value of a parcel of 548  
real property as enhanced by the improvement for which the charge 549  
is levied. The true value shall be determined as of the date of 550  
the resolution adopted under this division. The term of the lake 551  
facilities development charge shall not exceed thirty years. The 552  
charge shall be apportioned to and levied on each tract of land or 553  
other property in the distressed watershed based on either of the 554  
following allocation methods: 555

(1) The benefit conferred on property owners within the 556  
distressed watershed as a result of remediation activities and 557  
other capital expenditures occurring within the distressed 558  
watershed pursuant to this chapter; 559

(2) The measurable pollution or other harm caused by the 560  
property owners within the distressed watershed. 561

The lake facilities development charges authorized under this 562  
section shall be used for any and all costs authorized by this 563  
chapter. 564

(B) The board of directors shall prepare a listing of the 565  
properties to be affected by the lake facilities development 566

charge and the estimated amount of such charges. Not later than 567  
thirty days before the date of the primary or general election at 568  
which the electors will vote on the imposition of the charge, the 569  
listing shall be placed on file in the office of the lake 570  
facilities authority, and notice by publication shall be given to 571  
property owners to be assessed. Not earlier than thirty days after 572  
the approval of the charge by the electors, the board of directors 573  
shall provide property owners with a final assessment notice for 574  
the first year of the charge by mail. Any owner of real property 575  
assessed shall pay the first year of the charge to the treasurer 576  
of the lake facilities authority within thirty days after receipt 577  
of the final assessment notice. 578

For the first year of the charge, after the expiration of the 579  
thirty-day period during which property owners shall pay the lake 580  
facilities development charges, a copy of that part of the charge 581  
record shall be filed with the county auditor of the county and 582  
placed on the tax list, and the charges shall be a lien upon the 583  
several parcels of land respectively from and after the date of 584  
the order of the board approving and levying the charge until it 585  
is paid. For all subsequent years, the charges shall be a lien 586  
upon the several parcels of land, and the county treasurer of the 587  
county shall collect the charges in the same manner and at the 588  
time as property taxes are collected, and shall pay the amounts 589  
collected, together with any interest and penalty, to the 590  
treasurer of the lake facilities authority. For the purpose of 591  
enforcing the charge, the county treasurer has the same power and 592  
authority as allowed by law for the collection of property taxes. 593  
The lien imposed under this division shall be treated in the same 594  
manner as taxes for the purposes of the lien described in section 595  
323.11 of the Revised Code, including the priority and enforcement 596  
of the lien and the collection of the charges secured by the lien. 597

In the event the charge specified in this section is not paid 598  
within the time limits prescribed by this section, a penalty equal 599  
to ten per cent of the charge amount then due, plus interest 600  
charged at the rate provided under section 5703.47 of the Revised 601  
Code, shall be added to the balance of the charges due. 602

The form of the ballot in an election held on the question of 603  
levying a charge proposed pursuant to this section shall be as 604  
follows or in any other form acceptable to the secretary of state: 605

"A charge for the benefit of (name of lake facilities 606  
authority) ..... for the purpose of ..... to be based on 607  
..... (the benefit conferred on property owners within the 608  
distressed watershed as a result of remediation activities and 609  
other capital expenditures occurring within the distressed 610  
watershed or the measurable pollution or other harm caused by the 611  
property owners within the distressed watershed), but not to 612  
exceed 10 mills for each one dollar of valuation, for ..... 613  
(number of years the charge is to run). 614

	<u>For the Charge</u>	
	<u>Against the Charge</u>	"

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Sec. 353.07. As used in this section, "hotel" and "transient 619  
guests" have the same meanings as in section 5739.01 of the 620  
Revised Code, except that "transient guests" includes persons 621  
renting a private or public campground. 622

A resolution creating a lake facilities authority under 623  
section 353.02 of the Revised Code, or any amendments or 624  
supplements thereto, may authorize the authority to levy an excise 625  
tax on transactions by which lodging in a hotel or rental of a 626  
private or public campground is or is to be furnished to transient 627

guests to pay any costs authorized under this chapter; to pay principal, interest, and premium on lake facilities authority tax anticipation bonds issued to pay those costs; to pay the operating costs of the authority; and to pay the costs of administering the tax.

Upon the affirmative vote of at least a majority of the qualified electors in a primary or general election within the impacted lake district voting at an election held for the purpose of authorizing the tax, the board of directors of a lake facilities authority authorized to levy a tax under this section may, by resolution, levy an additional excise tax within the territory of the impacted lake district on all transactions by which lodging in a hotel or rental of a private or public campground is or is to be furnished to transient guests. The rate of the tax, when added to the aggregate rate of excise taxes levied in the impacted lake district pursuant to section 351.021, 5739.08, or 5739.09 of the Revised Code, shall not cause the total aggregate rate to exceed five per cent on any such transaction.

The lake facilities authority shall provide for the administration and allocation of a tax levied pursuant to this section. All receipts arising from the tax shall be expended for the purposes provided in, and in accordance with, this section. An excise tax levied under this section shall remain in effect at the rate at which it is levied for at least the duration of the period for which the receipts from the tax have been anticipated and pledged pursuant to section 353.09 of the Revised Code.

The form of the ballot in an election held on the question of levying a tax proposed pursuant to this section shall be as follows or in any other form acceptable to the secretary of state:

"An excise tax on all transactions by which lodging in a hotel or rental of a private or public campground is or is to be

furnished to transient guests within the territory of the (name of 659  
impacted lake district) ..... for the purpose of ..... 660  
at a rate of ..... for ..... (number of years the tax 661  
is to be levied). 662

	<u>For the Excise Tax</u>	
	<u>Against the Excise Tax</u>	"

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Sec. 353.08. The director of natural resources may transfer 666  
real property owned by the state to a lake facilities authority 667  
for the purpose of promoting wetland banking, wildlife, or 668  
sporting activities. The division of wildlife within the 669  
department of natural resources may enter into an agreement with a 670  
lake facilities authority to establish wetland or natural areas to 671  
benefit wildlife or sporting activities. The agreement may be 672  
entered as part of, or in conjunction with, a mitigation banking 673  
program. 674

Sec. 353.09. A lake facilities authority that levies the tax 675  
or development charge authorized by sections 353.05 and 5705.55 or 676  
section 353.06 of the Revised Code may, by resolution, anticipate 677  
the proceeds of the tax or charge and issue lake facilities 678  
authority anticipation bonds, and notes anticipating the proceeds 679  
or the bonds, in the principal amount that, in the opinion of the 680  
authority, are necessary for the purpose of paying the cost of an 681  
authorized purpose, and that the authority is able to pay over the 682  
term of the issue with the interest on the bonds or notes, or in 683  
the case of notes anticipating bonds over the term of the bonds, 684  
by the estimated amount of the taxes or charges anticipated. The 685  
taxes or charges are determined by the general assembly to satisfy 686  
any applicable requirement of Section 11 of Article XII, Ohio 687  
Constitution. 688



Every issue of outstanding anticipation bonds shall be 689  
payable out of the proceeds of the taxes or charges anticipated 690  
and other revenues of the authority that are pledged for such 691  
payment. The pledge shall be valid and binding from the time the 692  
pledge is made, and the anticipated excise taxes, charges, and 693  
revenues so pledged and thereafter received by the authority 694  
immediately shall be subject to the lien of that pledge without 695  
any physical delivery of those taxes, charges, and revenues or 696  
further act. The lien of any pledge is valid and binding as 697  
against all parties having claims of any kind in tort, contract, 698  
or otherwise against the authority, whether or not such parties 699  
have notice of the lien. Neither the resolution nor any trust 700  
agreement by which a pledge is created need be filed or recorded 701  
except in the authority's records. 702

The anticipation bonds shall bear such date or dates, and 703  
shall mature at such time or times, in the case of any such notes 704  
or any renewals of such notes not exceeding twenty years from the 705  
date of issue of such original notes and in the case of any such 706  
bonds or any refunding bonds not exceeding forty years from the 707  
date of the original issue of notes or bonds for the purpose, and 708  
shall be executed in the manner that the resolution authorizing 709  
the bonds may provide. The anticipation bonds shall bear interest 710  
at such rates, or at variable rate or rates changing from time to 711  
time, in accordance with provisions provided in the authorizing 712  
resolution, be in such denominations and form, either coupon or 713  
registered, carry such registration privileges, be payable in such 714  
medium of payment and at such place or places, and be subject to 715  
such terms of redemption, as the authority may authorize or 716  
provide. 717

Sec. 353.10. A lake facilities authority at any time may 718  
issue lake facilities authority revenue bonds in such principal 719

amounts as, in the opinion of the lake facilities authority, are 720  
necessary for the purpose of paying the cost of one or more lake 721  
facilities authority facilities or parts thereof. A lake 722  
facilities authority at any time may issue renewal notes, issue 723  
bonds to retire its notes and, whenever it considers refunding 724  
expedient, refund any bonds by the issuance of lake facilities 725  
authority revenue refunding bonds, whether the bonds to be 726  
refunded have or have not matured, and issue lake facilities 727  
authority revenue bonds partly to refund outstanding bonds and 728  
partly for any other authorized purpose. The lake facilities 729  
authority revenue refunding bonds shall be sold and the proceeds 730  
applied to the purchase, redemption, or payment of the bonds to be 731  
refunded. Lake facilities authority revenue bonds shall be special 732  
obligations of the lake facilities authority payable out of the 733  
revenues of the lake facilities authority that are pledged for 734  
such payment. The pledge shall be valid and binding from the time 735  
the pledge is made and the revenues so pledged and thereafter 736  
received by the lake facilities authority immediately shall be 737  
subject to the lien of the pledge without any physical delivery 738  
thereof or further act, and the lien of the pledge is valid and 739  
binding as against all parties having claims of any kind in tort, 740  
contract, or otherwise against the lake facilities authority, 741  
irrespective of whether those parties have notice thereof. Neither 742  
the resolution nor any trust agreement by which a pledge is 743  
created need be filed or recorded except in the records of the 744  
lake facilities authority. 745

Whether or not the lake facilities authority revenue bonds 746  
are of such form and character as to be negotiable instruments, 747  
the lake facilities authority revenue bonds shall have all the 748  
qualities and incidents of negotiable instruments, subject only to 749  
the provisions of the bonds for registration. 750

The lake facilities authority revenue bonds shall be 751  
authorized by resolution of the lake facilities authority, and 752  
shall bear interest at such rate or rates, shall bear such date or 753  
dates, and shall mature at such time or times, and in such number 754  
of installments as may be provided in or pursuant to that 755  
resolution. The final maturity of any lake facilities authority 756  
revenue bond in the form of a note and any renewals thereof shall 757  
not exceed five years from the date of issue of the original note. 758  
The final maturity of any issue of lake facilities authority 759  
revenue bonds shall not be later than forty-five years from the 760  
date of issue of the original issue of bonds. Any such bonds or 761  
notes shall be executed in a manner as the resolution or 762  
resolutions may provide. The lake facilities authority revenue 763  
bonds shall be in such denominations, be in such form, either 764  
coupon or registered, carry such registration privileges, be 765  
payable in such medium of payment, at such place or places, and be 766  
subject to such terms of redemption as may be provided in or 767  
pursuant to the resolution authorizing their issuance. Lake 768  
facilities authority revenue bonds of the lake facilities 769  
authority may be sold by the lake facilities authority, at public 770  
or private sale, at or at not less than a price or prices as the 771  
lake facilities authority determines. In case any officer whose 772  
signature or a facsimile of whose signature appears on any bonds, 773  
notes, or coupons, ceases to be such officer before delivery of 774  
bonds or notes, the signature or facsimile shall nevertheless be 775  
sufficient for all purposes the same as if the officer had 776  
remained in office until such delivery, and in case the seal of 777  
the lake facilities authority has been changed after a facsimile 778  
has been imprinted on such bonds or notes, the facsimile seal will 779  
continue to be sufficient for all purposes. 780

Any resolution or resolutions authorizing any lake facilities 781  
authority revenue bonds or any issue of bonds may contain 782

provisions, subject to any agreements with bondholders as may then 783  
exist, which provisions shall be a part of the contract with the 784  
holders of bonds, as to the pledging of all or any part of the 785  
revenues of the lake facilities authority to secure the payment of 786  
the lake facilities authority bonds or of any issue of the bonds; 787  
the use and disposition of revenues of the lake facilities 788  
authority; a covenant to fix, alter, and collect rentals and other 789  
charges so that pledged revenues will be sufficient to pay costs 790  
of operation, maintenance, and repairs, pay principal of and 791  
interest on bonds secured by the pledge of such revenues, and 792  
provide any reserves that may be required by the applicable 793  
resolution or trust agreement; the setting aside of reserve funds, 794  
sinking funds, or replacement and improvement funds and the 795  
regulation and disposition thereof; the crediting of the proceeds 796  
of the sale of bonds to and among the funds referred to or 797  
provided for in or pursuant to the resolution authorizing the 798  
issuance of the bonds or notes; the use, lease, sale, or other 799  
disposition of any lake facilities authority facility or any other 800  
assets of the lake facilities authority; limitations on the 801  
purpose to which the proceeds of sale of bonds may be applied and 802  
the pledging of those proceeds to secure the payment of the bonds 803  
or of any issue of the bonds; as to notes issued in anticipation 804  
of the issuance of bonds, the agreement of the lake facilities 805  
authority to do all things necessary for the authorization, 806  
issuance, and sale of the bonds in amounts that may be necessary 807  
for the timely retirement of the notes; limitations on the 808  
issuance of additional bonds; the terms upon which additional 809  
bonds may be issued and secured; the refunding of outstanding 810  
bonds; the procedure, if any, by which the terms of any contract 811  
with bondholders may be amended or abrogated, the amount of bonds 812  
the holders of which must consent thereto, and the manner in which 813  
such consent may be given; limitations on the amount of moneys to 814

be expended by the lake facilities authority for operating, 815  
administrative, or other expenses of the lake facilities 816  
authority; securing any bonds or notes by a trust agreement; and 817  
any other matters, of like or different character, that in any way 818  
affect the security or protection of the bonds or notes. 819

Neither the board of directors of the lake facilities 820  
authority nor any person executing the bonds shall be liable 821  
personally on the bonds or be subject to any personal liability or 822  
accountability by reason of the issuance thereof. 823

The issuance of lake facilities authority revenue bonds under 824  
this section need not comply with any other law applicable to the 825  
issuance of bonds or notes. 826

Sec. 353.11. (A) With respect to facilities, and their 827  
financing, for an authorized purpose, under agreements whereby the 828  
person to whom the facility is to be leased, subleased, or sold, 829  
or to whom a loan is to be made for the facility, is to make 830  
payments sufficient to pay all of the principal of, premium, if 831  
any, and interest on the lake facilities authority revenue bonds 832  
issued for the facility, the lake facilities authority, in 833  
addition to other powers under this chapter, may do any of the 834  
following: 835

(1) Make loans for the acquisition or construction of the 836  
facility to such person upon such terms as the lake facilities 837  
authority may determine or authorize including secured or 838  
unsecured loans, and, in connection therewith, enter into loan 839  
agreements and other agreements, accept notes and other forms of 840  
obligation to evidence such indebtedness and mortgages, liens, 841  
pledges, assignments, or other security interests to secure such 842  
indebtedness, which may be prior or subordinate to or on a parity 843  
with other indebtedness, obligations, mortgages, pledges, 844

assignments, other security interests, or liens or encumbrances, 845  
and take actions it considers appropriate to protect such security 846  
and safeguard against losses, including, without limitation, 847  
foreclosure and the bidding upon and purchase of property upon 848  
foreclosure or other sale; 849

(2) Sell the facility under such terms as it may determine, 850  
including, without limitation, sale by conditional sale or 851  
installment sale, under which title may pass prior to or after 852  
completion of the facility or payment or provisions for payment of 853  
all principal of, premium, if any, and interest on the bonds, or 854  
at any other time provided in the agreement pertaining to the 855  
sale, and including sale under an option to purchase at a price 856  
which may be a nominal amount or less than true value at the time 857  
of purchase; 858

(3) Grant a mortgage, lien, or other encumbrance on, or 859  
pledge or assignment of, or other security interest with respect 860  
to, all or any part of the facility, revenues, reserve funds, or 861  
other funds established in connection with the bonds, or on, of, 862  
or with respect to any lease, sublease, sale, conditional sale or 863  
installment sale agreement, loan agreement, or other agreement 864  
pertaining to the lease, sublease, sale, or other disposition of a 865  
facility or pertaining to a loan made for a facility, or any 866  
guaranty or insurance agreement made with respect thereto, or any 867  
interest of the lake facilities authority therein, or any other 868  
interest granted, assigned, or released to secure payments of the 869  
principal of, premium, if any, or interest on the bonds or to 870  
secure any other payments to be made by the lake facilities 871  
authority, which mortgage, lien, encumbrance, pledge, assignment, 872  
or other security interest may be prior or subordinate to or on a 873  
parity with any other mortgage, assignment, or other security 874  
interest, or lien or encumbrance; 875

(4) Provide that the interest on the bonds may be at a 876  
variable rate or rates changing from time to time in accordance 877  
with a base or formula as authorized by the lake facilities 878  
authority; 879

(5) Contract for the acquisition or construction of the 880  
facility or any part thereof and for the leasing, subleasing, 881  
sale, or other disposition of the facility in a manner determined 882  
by the lake facilities authority in its sole discretion, without 883  
necessity for competitive bidding or performance bonds; 884

(6) Make appropriate provision for adequate maintenance of 885  
the facility. 886

(B) With respect to the facilities referred to in this 887  
section, the authority granted by this section is cumulative and 888  
supplementary to all other authority granted in this chapter. The 889  
authority granted by this section does not alter or impair any 890  
similar authority granted elsewhere in this chapter for or with 891  
respect to other facilities. 892

Sec. 353.12. In the discretion of the lake facilities 893  
authority, any lake facilities authority revenue bonds issued 894  
under this chapter may be secured by a trust agreement between the 895  
lake facilities authority and a corporate trustee that may be any 896  
trust company or bank having the powers of a trust company within 897  
or without the state. 898

The trust agreement may pledge or assign revenues of the lake 899  
facilities authority to be received and may convey or mortgage any 900  
facility or any part thereof. The trust agreement or any 901  
resolution providing for the issuance of such bonds may contain 902  
any provisions for protecting and enforcing the rights and 903  
remedies of the bondholders as are reasonable and proper and not 904  
in violation of law, including covenants setting forth the duties 905

of the lake facilities authority in relation to the acquisition of 906  
property, the construction, improvement, maintenance, repair, 907  
operation, and insurance of the facility in connection with which 908  
the bonds are authorized, the rentals or other charges to be 909  
imposed for the use or services of any facility, the custody, 910  
safeguarding, and application of all moneys, and provisions for 911  
the employment of consulting engineers in connection with the 912  
construction or operation of the facility. 913

Any bank or trust company incorporated under the laws of this 914  
state that may act as depository of the proceeds of bonds or of 915  
revenues may furnish any indemnifying bonds or may pledge any 916  
securities that are required by the lake facilities authority. The 917  
trust agreement may set forth the rights and remedies of the 918  
bondholders and of the trustee, and may restrict the individual 919  
right of action by bondholders as is customary in trust agreements 920  
or trust indentures securing similar bonds. The trust agreement 921  
may contain any other provisions that the lake facilities 922  
authority determines reasonable and proper for the security of the 923  
bondholders. All expenses incurred in carrying out the provisions 924  
of the trust agreement may be treated as a part of the cost of the 925  
operation of the facility. 926

Sec. 353.13. Any holder of lake facilities authority revenue 927  
bonds issued under sections 353.10 to 353.16 of the Revised Code, 928  
or any of the coupons pertaining to those bonds, and the trustee 929  
under any trust agreement, except to the extent the rights given 930  
by those sections may be restricted by the applicable resolution 931  
or that trust agreement, may by suit, action, mandamus, or other 932  
proceedings, protect and enforce any rights under the laws of the 933  
state or granted under those sections, the trust agreement, or the 934  
resolution authorizing the issuance of the bonds, and may enforce 935  
and compel the performance of all duties required by those 936



sections, or by the trust agreement or resolution, to be performed 937  
by the lake facilities authority or any officer of the lake 938  
facilities authority, including the fixing, charging, and 939  
collecting of rentals or other charges. 940

Sec. 353.14. Lake facilities authority revenue bonds issued 941  
under sections 353.10 to 353.16 of the Revised Code do not 942  
constitute a debt, or a pledge of the faith and credit, of the 943  
state or any political subdivision of the state. The holders or 944  
owners of the bonds have no right to have taxes levied by the 945  
general assembly or taxing authority of any political subdivision 946  
of the state for the payment of the principal of or interest on 947  
the bonds. The bonds are payable solely from the revenues and 948  
funds pledged for their payment as authorized by this chapter, 949  
unless the revenue bonds are notes issued in anticipation of the 950  
issuance of the bonds, or the revenue bonds are refunded by 951  
refunding bonds issued under section 353.10 of the Revised Code, 952  
provided that the refunding bonds shall be payable solely from 953  
revenues and funds pledged for their payment as authorized by that 954  
section. All bonds shall contain on the face thereof a statement 955  
to the effect that the bonds, as to both principal and interest, 956  
are not debts of the state or any political subdivision of the 957  
state, but are payable solely from revenues and funds pledged for 958  
their payment. 959

Sec. 353.15. All moneys, funds, properties, and assets 960  
acquired by the lake facilities authority under this chapter, 961  
whether as proceeds from the sale of lake facilities authority 962  
revenue bonds or as revenues, or otherwise, shall be held by it in 963  
trust for the purposes of carrying out its powers and duties, 964  
shall be used and reused as provided in this chapter, and shall at 965  
no time be part of other public funds. Such funds, except as 966

otherwise provided in any resolution authorizing its lake 967  
facilities authority revenue bonds or in any trust agreement 968  
securing those bonds, or except when invested pursuant to section 969  
353.16 of the Revised Code, shall be kept in depositories selected 970  
by the lake facilities authority in the manner provided in Chapter 971  
135. of the Revised Code for the selection of eligible public 972  
depositories, and the deposits shall be secured as provided in 973  
that chapter. The resolution authorizing the issuance of such 974  
bonds or the trust agreement securing the bonds shall provide that 975  
any officer to whom, or any bank or trust company to which, such 976  
money is paid shall act as trustee of the money and hold and apply 977  
the money for the purposes for which the bonds are issued, subject 978  
to such conditions as Chapter 135. of the Revised Code and such 979  
resolutions or trust agreement provide. 980

Sec. 353.16. Except as otherwise provided in any resolution 981  
authorizing the issuance of its lake facilities authority revenue 982  
bonds or in any trust agreement securing the bonds, moneys in the 983  
funds of the lake facilities authority in excess of current needs 984  
may be invested as permitted by sections 135.01 to 135.21 of the 985  
Revised Code or invested in linked deposit programs established by 986  
resolution of the board of directors in accordance with section 987  
135.80 of the Revised Code. Income from all investments of moneys 988  
in any fund shall be credited to funds as the lake facilities 989  
authority determines, subject to the provisions of any such 990  
resolution or trust agreement, and the investments may be sold at 991  
any time the lake facilities authority determines. 992

Sec. 353.17. Bonds of a lake facilities authority and lake 993  
facilities authority revenue bonds are lawful investments of 994  
banks, societies for savings, trust companies, savings and loan 995  
associations, deposit guaranty associations, trustees, 996

fiduciaries, trustees or other officers having charge of the bond 997  
retirement funds or sinking funds of port authorities and 998  
political subdivisions, and taxing districts of this state, the 999  
commissioners of the sinking fund of this state, the administrator 1000  
of workers' compensation, the state teachers retirement system, 1001  
the school employees retirement system, the public employees 1002  
retirement system, the Ohio police and fire pension fund, and 1003  
insurance companies, including domestic life insurance companies 1004  
and domestic insurance companies other than life, and are 1005  
acceptable as security for the deposit of public moneys." 1006

Between lines 94806 and 94807, insert: 1007

"Sec. 4928.01. (A) As used in this chapter: 1008

(1) "Ancillary service" means any function necessary to the 1009  
provision of electric transmission or distribution service to a 1010  
retail customer and includes, but is not limited to, scheduling, 1011  
system control, and dispatch services; reactive supply from 1012  
generation resources and voltage control service; reactive supply 1013  
from transmission resources service; regulation service; frequency 1014  
response service; energy imbalance service; operating 1015  
reserve-spinning reserve service; operating reserve-supplemental 1016  
reserve service; load following; back-up supply service; 1017  
real-power loss replacement service; dynamic scheduling; system 1018  
black start capability; and network stability service. 1019

(2) "Billing and collection agent" means a fully independent 1020  
agent, not affiliated with or otherwise controlled by an electric 1021  
utility, electric services company, electric cooperative, or 1022  
governmental aggregator subject to certification under section 1023  
4928.08 of the Revised Code, to the extent that the agent is under 1024  
contract with such utility, company, cooperative, or aggregator 1025  
solely to provide billing and collection for retail electric 1026

service on behalf of the utility company, cooperative, or	1027
aggregator.	1028
(3) "Certified territory" means the certified territory	1029
established for an electric supplier under sections 4933.81 to	1030
4933.90 of the Revised Code.	1031
(4) "Competitive retail electric service" means a component	1032
of retail electric service that is competitive as provided under	1033
division (B) of this section.	1034
(5) "Electric cooperative" means a not-for-profit electric	1035
light company that both is or has been financed in whole or in	1036
part under the "Rural Electrification Act of 1936," 49 Stat. 1363,	1037
7 U.S.C. 901, and owns or operates facilities in this state to	1038
generate, transmit, or distribute electricity, or a not-for-profit	1039
successor of such company.	1040
(6) "Electric distribution utility" means an electric utility	1041
that supplies at least retail electric distribution service.	1042
(7) "Electric light company" has the same meaning as in	1043
section 4905.03 of the Revised Code and includes an electric	1044
services company, but excludes any self-generator to the extent	1045
that it consumes electricity it so produces, sells that	1046
electricity for resale, or obtains electricity from a generating	1047
facility it hosts on its premises.	1048
(8) "Electric load center" has the same meaning as in section	1049
4933.81 of the Revised Code.	1050
(9) "Electric services company" means an electric light	1051
company that is engaged on a for-profit or not-for-profit basis in	1052
the business of supplying or arranging for the supply of only a	1053
competitive retail electric service in this state. "Electric	1054
services company" includes a power marketer, power broker,	1055
aggregator, or independent power producer but excludes an electric	1056

cooperative, municipal electric utility, governmental aggregator,  
or billing and collection agent. 1057  
1058

(10) "Electric supplier" has the same meaning as in section 1059  
4933.81 of the Revised Code. 1060

(11) "Electric utility" means an electric light company that 1061  
has a certified territory and is engaged on a for-profit basis 1062  
either in the business of supplying a noncompetitive retail 1063  
electric service in this state or in the businesses of supplying 1064  
both a noncompetitive and a competitive retail electric service in 1065  
this state. "Electric utility" excludes a municipal electric 1066  
utility or a billing and collection agent. 1067

(12) "Firm electric service" means electric service other 1068  
than nonfirm electric service. 1069

(13) "Governmental aggregator" means a legislative authority 1070  
of a municipal corporation, a board of township trustees, or a 1071  
board of county commissioners acting as an aggregator for the 1072  
provision of a competitive retail electric service under authority 1073  
conferred under section 4928.20 of the Revised Code. 1074

(14) A person acts "knowingly," regardless of the person's 1075  
purpose, when the person is aware that the person's conduct will 1076  
probably cause a certain result or will probably be of a certain 1077  
nature. A person has knowledge of circumstances when the person is 1078  
aware that such circumstances probably exist. 1079

(15) "Level of funding for low-income customer energy 1080  
efficiency programs provided through electric utility rates" means 1081  
the level of funds specifically included in an electric utility's 1082  
rates on October 5, 1999, pursuant to an order of the public 1083  
utilities commission issued under Chapter 4905. or 4909. of the 1084  
Revised Code and in effect on October 4, 1999, for the purpose of 1085  
improving the energy efficiency of housing for the utility's 1086

low-income customers. The term excludes the level of any such 1087  
 funds committed to a specific nonprofit organization or 1088  
 organizations pursuant to a stipulation or contract. 1089

(16) "Low-income customer assistance programs" means the 1090  
 percentage of income payment plan program, the home energy 1091  
 assistance program, the home weatherization assistance program, 1092  
 and the targeted energy efficiency and weatherization program. 1093

(17) "Market development period" for an electric utility 1094  
 means the period of time beginning on the starting date of 1095  
 competitive retail electric service and ending on the applicable 1096  
 date for that utility as specified in section 4928.40 of the 1097  
 Revised Code, irrespective of whether the utility applies to 1098  
 receive transition revenues under this chapter. 1099

(18) "Market power" means the ability to impose on customers 1100  
 a sustained price for a product or service above the price that 1101  
 would prevail in a competitive market. 1102

(19) "Mercantile customer" means a commercial or industrial 1103  
 customer if the electricity consumed is for nonresidential use and 1104  
 the customer consumes more than seven hundred thousand kilowatt 1105  
 hours per year or is part of a national account involving multiple 1106  
 facilities in one or more states. 1107

(20) "Municipal electric utility" means a municipal 1108  
 corporation that owns or operates facilities to generate, 1109  
 transmit, or distribute electricity. 1110

(21) "Noncompetitive retail electric service" means a 1111  
 component of retail electric service that is noncompetitive as 1112  
 provided under division (B) of this section. 1113

(22) "Nonfirm electric service" means electric service 1114  
 provided pursuant to a schedule filed under section 4905.30 of the 1115  
 Revised Code or pursuant to an arrangement under section 4905.31 1116

of the Revised Code, which schedule or arrangement includes 1117  
 conditions that may require the customer to curtail or interrupt 1118  
 electric usage during nonemergency circumstances upon notification 1119  
 by an electric utility. 1120

(23) "Percentage of income payment plan arrears" means funds 1121  
 eligible for collection through the percentage of income payment 1122  
 plan rider, but uncollected as of July 1, 2000. 1123

(24) "Person" has the same meaning as in section 1.59 of the 1124  
 Revised Code. 1125

(25) "Advanced energy project" means any technologies, 1126  
 products, activities, or management practices or strategies that 1127  
 facilitate the generation or use of electricity or energy and that 1128  
 reduce or support the reduction of energy consumption or support 1129  
 the production of clean, renewable energy for industrial, 1130  
 distribution, commercial, institutional, governmental, research, 1131  
 not-for-profit, or residential energy users, including, but not 1132  
 limited to, advanced energy resources and renewable energy 1133  
 resources. "Advanced energy project" also includes any project 1134  
 described in division (A), (B), or (C) of section 4928.621 of the 1135  
 Revised Code. 1136

(26) "Regulatory assets" means the unamortized net regulatory 1137  
 assets that are capitalized or deferred on the regulatory books of 1138  
 the electric utility, pursuant to an order or practice of the 1139  
 public utilities commission or pursuant to generally accepted 1140  
 accounting principles as a result of a prior commission 1141  
 rate-making decision, and that would otherwise have been charged 1142  
 to expense as incurred or would not have been capitalized or 1143  
 otherwise deferred for future regulatory consideration absent 1144  
 commission action. "Regulatory assets" includes, but is not 1145  
 limited to, all deferred demand-side management costs; all 1146  
 deferred percentage of income payment plan arrears; 1147

post-in-service capitalized charges and assets recognized in 1148  
 connection with statement of financial accounting standards no. 1149  
 109 (receivables from customers for income taxes); future nuclear 1150  
 decommissioning costs and fuel disposal costs as those costs have 1151  
 been determined by the commission in the electric utility's most 1152  
 recent rate or accounting application proceeding addressing such 1153  
 costs; the undepreciated costs of safety and radiation control 1154  
 equipment on nuclear generating plants owned or leased by an 1155  
 electric utility; and fuel costs currently deferred pursuant to 1156  
 the terms of one or more settlement agreements approved by the 1157  
 commission. 1158

(27) "Retail electric service" means any service involved in 1159  
 supplying or arranging for the supply of electricity to ultimate 1160  
 consumers in this state, from the point of generation to the point 1161  
 of consumption. For the purposes of this chapter, retail electric 1162  
 service includes one or more of the following "service 1163  
 components": generation service, aggregation service, power 1164  
 marketing service, power brokerage service, transmission service, 1165  
 distribution service, ancillary service, metering service, and 1166  
 billing and collection service. 1167

(28) "Starting date of competitive retail electric service" 1168  
 means January 1, 2001. 1169

(29) "Customer-generator" means a user of a net metering 1170  
 system. 1171

(30) "Net metering" means measuring the difference in an 1172  
 applicable billing period between the electricity supplied by an 1173  
 electric service provider and the electricity generated by a 1174  
 customer-generator that is fed back to the electric service 1175  
 provider. 1176

(31) "Net metering system" means a facility for the 1177  
 production of electrical energy that does all of the following: 1178



- (a) Uses as its fuel either solar, wind, biomass, landfill gas, or hydropower, or uses a microturbine or a fuel cell; 1179  
1180
- (b) Is located on a customer-generator's premises; 1181
- (c) Operates in parallel with the electric utility's transmission and distribution facilities; 1182  
1183
- (d) Is intended primarily to offset part or all of the customer-generator's requirements for electricity. 1184  
1185
- (32) "Self-generator" means an entity in this state that owns or hosts on its premises an electric generation facility that produces electricity primarily for the owner's consumption and that may provide any such excess electricity to another entity, whether the facility is installed or operated by the owner or by an agent under a contract. 1186  
1187  
1188  
1189  
1190  
1191
- (33) "Rate plan" means the standard service offer in effect on the effective date of the amendment of this section by S.B. 221 of the 127th general assembly, July 31, 2008. 1192  
1193  
1194
- (34) "Advanced energy resource" means any of the following: 1195
  - (a) Any method or any modification or replacement of any property, process, device, structure, or equipment that increases the generation output of an electric generating facility to the extent such efficiency is achieved without additional carbon dioxide emissions by that facility; 1196  
1197  
1198  
1199  
1200
  - (b) Any distributed generation system consisting of customer cogeneration of electricity and thermal output simultaneously; 1201  
1202
  - (c) Clean coal technology that includes a carbon-based product that is chemically altered before combustion to demonstrate a reduction, as expressed as ash, in emissions of nitrous oxide, mercury, arsenic, chlorine, sulfur dioxide, or sulfur trioxide in accordance with the American society of testing 1203  
1204  
1205  
1206  
1207

and materials standard D1757A or a reduction of metal oxide  
emissions in accordance with standard D5142 of that society, or  
clean coal technology that includes the design capability to  
control or prevent the emission of carbon dioxide, which design  
capability the commission shall adopt by rule and shall be based  
on economically feasible best available technology or, in the  
absence of a determined best available technology, shall be of the  
highest level of economically feasible design capability for which  
there exists generally accepted scientific opinion;

(d) Advanced nuclear energy technology consisting of  
generation III technology as defined by the nuclear regulatory  
commission; other, later technology; or significant improvements  
to existing facilities;

(e) Any fuel cell used in the generation of electricity,  
including, but not limited to, a proton exchange membrane fuel  
cell, phosphoric acid fuel cell, molten carbonate fuel cell, or  
solid oxide fuel cell;

(f) Advanced solid waste or construction and demolition  
debris conversion technology, including, but not limited to,  
advanced stoker technology, and advanced fluidized bed  
gasification technology, that results in measurable greenhouse gas  
emissions reductions as calculated pursuant to the United States  
environmental protection agency's waste reduction model (WARM).

(g) Demand-side management and any energy efficiency  
improvement.

(35) "Renewable energy resource" means solar photovoltaic or  
solar thermal energy, wind energy, power produced by a  
hydroelectric facility, geothermal energy, fuel derived from solid  
wastes, as defined in section 3734.01 of the Revised Code, through  
fractionation, biological decomposition, or other process that  
does not principally involve combustion, biomass energy,

biologically derived methane gas, ~~or~~ energy derived from 1239  
 nontreated by-products of the pulping process or wood 1240  
 manufacturing process, including bark, wood chips, sawdust, and 1241  
 lignin in spent pulping liquors, or energy or fuel derived from 1242  
algae or manure from an impacted lake district created under 1243  
section 353.02 of the Revised Code. "Renewable energy resource" 1244  
 includes, but is not limited to, any fuel cell used in the 1245  
 generation of electricity, including, but not limited to, a proton 1246  
 exchange membrane fuel cell, phosphoric acid fuel cell, molten 1247  
 carbonate fuel cell, or solid oxide fuel cell; wind turbine 1248  
 located in the state's territorial waters of Lake Erie; methane 1249  
 gas emitted from an abandoned coal mine; storage facility that 1250  
 will promote the better utilization of a renewable energy resource 1251  
 that primarily generates off peak; or distributed generation 1252  
 system used by a customer to generate electricity from any such 1253  
 energy. As used in division (A) (35) of this section, 1254  
 "hydroelectric facility" means a hydroelectric generating facility 1255  
 that is located at a dam on a river, or on any water discharged to 1256  
 a river, that is within or bordering this state or within or 1257  
 bordering an adjoining state and meets all of the following 1258  
 standards: 1259

(a) The facility provides for river flows that are not 1260  
 detrimental for fish, wildlife, and water quality, including 1261  
 seasonal flow fluctuations as defined by the applicable licensing 1262  
 agency for the facility. 1263

(b) The facility demonstrates that it complies with the water 1264  
 quality standards of this state, which compliance may consist of 1265  
 certification under Section 401 of the "Clean Water Act of 1977," 1266  
 91 Stat. 1598, 1599, 33 U.S.C. 1341, and demonstrates that it has 1267  
 not contributed to a finding by this state that the river has 1268  
 impaired water quality under Section 303(d) of the "Clean Water 1269

Act of 1977," 114 Stat. 870, 33 U.S.C. 1313.	1270
(c) The facility complies with mandatory prescriptions regarding fish passage as required by the federal energy regulatory commission license issued for the project, regarding fish protection for riverine, anadromous, and catadromous fish.	1271 1272 1273 1274
(d) The facility complies with the recommendations of the Ohio environmental protection agency and with the terms of its federal energy regulatory commission license regarding watershed protection, mitigation, or enhancement, to the extent of each agency's respective jurisdiction over the facility.	1275 1276 1277 1278 1279
(e) The facility complies with provisions of the "Endangered Species Act of 1973," 87 Stat. 884, 16 U.S.C. 1531 to 1544, as amended.	1280 1281 1282
(f) The facility does not harm cultural resources of the area. This can be shown through compliance with the terms of its federal energy regulatory commission license or, if the facility is not regulated by that commission, through development of a plan approved by the Ohio historic preservation office, to the extent it has jurisdiction over the facility.	1283 1284 1285 1286 1287 1288
(g) The facility complies with the terms of its federal energy regulatory commission license or exemption that are related to recreational access, accommodation, and facilities or, if the facility is not regulated by that commission, the facility complies with similar requirements as are recommended by resource agencies, to the extent they have jurisdiction over the facility; and the facility provides access to water to the public without fee or charge.	1289 1290 1291 1292 1293 1294 1295 1296
(h) The facility is not recommended for removal by any federal agency or agency of any state, to the extent the particular agency has jurisdiction over the facility.	1297 1298 1299

(B) For the purposes of this chapter, a retail electric service component shall be deemed a competitive retail electric service if the service component is competitive pursuant to a declaration by a provision of the Revised Code or pursuant to an order of the public utilities commission authorized under division (A) of section 4928.04 of the Revised Code. Otherwise, the service component shall be deemed a noncompetitive retail electric service."

In line 116156, after the semicolon insert "a lake facilities authority created under Chapter 353. of the Revised Code;"

In line 116191, after the semicolon insert "in the case of a lake facilities authority, the board of directors;"

In line 116244, after the semicolon insert "in the case of a lake facilities authority, the fiscal officer designated under section 353.02 of the Revised Code;"

Between lines 116444 and 116445, insert:

"Sec. 5705.19. This section does not apply to school districts ~~or~~ county school financing districts, or lake facilities authorities.

The taxing authority of any subdivision at any time and in any year, by vote of two-thirds of all the members of the taxing authority, may declare by resolution and certify the resolution to the board of elections not less than ninety days before the election upon which it will be voted that the amount of taxes that may be raised within the ten-mill limitation will be insufficient to provide for the necessary requirements of the subdivision and that it is necessary to levy a tax in excess of that limitation for any of the following purposes:

(A) For current expenses of the subdivision, except that the

total levy for current expenses of a detention facility district	1329
or district organized under section 2151.65 of the Revised Code	1330
shall not exceed two mills and that the total levy for current	1331
expenses of a combined district organized under sections 2151.65	1332
and 2152.41 of the Revised Code shall not exceed four mills;	1333
(B) For the payment of debt charges on certain described	1334
bonds, notes, or certificates of indebtedness of the subdivision	1335
issued subsequent to January 1, 1925;	1336
(C) For the debt charges on all bonds, notes, and	1337
certificates of indebtedness issued and authorized to be issued	1338
prior to January 1, 1925;	1339
(D) For a public library of, or supported by, the subdivision	1340
under whatever law organized or authorized to be supported;	1341
(E) For a municipal university, not to exceed two mills over	1342
the limitation of one mill prescribed in section 3349.13 of the	1343
Revised Code;	1344
(F) For the construction or acquisition of any specific	1345
permanent improvement or class of improvements that the taxing	1346
authority of the subdivision may include in a single bond issue;	1347
(G) For the general construction, reconstruction,	1348
resurfacing, and repair of streets, roads, and bridges in	1349
municipal corporations, counties, or townships;	1350
(H) For parks and recreational purposes;	1351
(I) For the purpose of providing and maintaining fire	1352
apparatus, appliances, buildings, or sites therefor, or sources of	1353
water supply and materials therefor, or the establishment and	1354
maintenance of lines of fire alarm telegraph, or the payment of	1355
permanent, part-time, or volunteer firefighters or firefighting	1356
companies to operate the same, including the payment of the	1357
firefighter employers' contribution required under section 742.34	1358

of the Revised Code, or the purchase of ambulance equipment, or	1359
the provision of ambulance, paramedic, or other emergency medical	1360
services operated by a fire department or firefighting company;	1361
(J) For the purpose of providing and maintaining motor	1362
vehicles, communications, other equipment, buildings, and sites	1363
for such buildings used directly in the operation of a police	1364
department, or the payment of salaries of permanent police	1365
personnel, including the payment of the police officer employers'	1366
contribution required under section 742.33 of the Revised Code, or	1367
the payment of the costs incurred by townships as a result of	1368
contracts made with other political subdivisions in order to	1369
obtain police protection, or the provision of ambulance or	1370
emergency medical services operated by a police department;	1371
(K) For the maintenance and operation of a county home or	1372
detention facility;	1373
(L) For community mental retardation and developmental	1374
disabilities programs and services pursuant to Chapter 5126. of	1375
the Revised Code, except that the procedure for such levies shall	1376
be as provided in section 5705.222 of the Revised Code;	1377
(M) For regional planning;	1378
(N) For a county's share of the cost of maintaining and	1379
operating schools, district detention facilities, forestry camps,	1380
or other facilities, or any combination thereof, established under	1381
section 2151.65 or 2152.41 of the Revised Code or both of those	1382
sections;	1383
(O) For providing for flood defense, providing and	1384
maintaining a flood wall or pumps, and other purposes to prevent	1385
floods;	1386
(P) For maintaining and operating sewage disposal plants and	1387
facilities;	1388

(Q) For the purpose of purchasing, acquiring, constructing,	1389
enlarging, improving, equipping, repairing, maintaining, or	1390
operating, or any combination of the foregoing, a county transit	1391
system pursuant to sections 306.01 to 306.13 of the Revised Code,	1392
or of making any payment to a board of county commissioners	1393
operating a transit system or a county transit board pursuant to	1394
section 306.06 of the Revised Code;	1395
(R) For the subdivision's share of the cost of acquiring or	1396
constructing any schools, forestry camps, detention facilities, or	1397
other facilities, or any combination thereof, under section	1398
2151.65 or 2152.41 of the Revised Code or both of those sections;	1399
(S) For the prevention, control, and abatement of air	1400
pollution;	1401
(T) For maintaining and operating cemeteries;	1402
(U) For providing ambulance service, emergency medical	1403
service, or both;	1404
(V) For providing for the collection and disposal of garbage	1405
or refuse, including yard waste;	1406
(W) For the payment of the police officer employers'	1407
contribution or the firefighter employers' contribution required	1408
under sections 742.33 and 742.34 of the Revised Code;	1409
(X) For the construction and maintenance of a drainage	1410
improvement pursuant to section 6131.52 of the Revised Code;	1411
(Y) For providing or maintaining senior citizens services or	1412
facilities as authorized by section 307.694, 307.85, 505.70, or	1413
505.706 or division (EE) of section 717.01 of the Revised Code;	1414
(Z) For the provision and maintenance of zoological park	1415
services and facilities as authorized under section 307.76 of the	1416
Revised Code;	1417



(AA) For the maintenance and operation of a free public museum of art, science, or history;	1418 1419
(BB) For the establishment and operation of a 9-1-1 system, as defined in section 4931.40 of the Revised Code;	1420 1421
(CC) For the purpose of acquiring, rehabilitating, or developing rail property or rail service. As used in this division, "rail property" and "rail service" have the same meanings as in section 4981.01 of the Revised Code. This division applies only to a county, township, or municipal corporation.	1422 1423 1424 1425 1426
(DD) For the purpose of acquiring property for, constructing, operating, and maintaining community centers as provided for in section 755.16 of the Revised Code;	1427 1428 1429
(EE) For the creation and operation of an office or joint office of economic development, for any economic development purpose of the office, and to otherwise provide for the establishment and operation of a program of economic development pursuant to sections 307.07 and 307.64 of the Revised Code, or to the extent that the expenses of a county land reutilization corporation organized under Chapter 1724. of the Revised Code are found by the board of county commissioners to constitute the promotion of economic development, for the payment of such operations and expenses;	1430 1431 1432 1433 1434 1435 1436 1437 1438 1439
(FF) For the purpose of acquiring, establishing, constructing, improving, equipping, maintaining, or operating, or any combination of the foregoing, a township airport, landing field, or other air navigation facility pursuant to section 505.15 of the Revised Code;	1440 1441 1442 1443 1444
(GG) For the payment of costs incurred by a township as a result of a contract made with a county pursuant to section 505.263 of the Revised Code in order to pay all or any part of the	1445 1446 1447

cost of constructing, maintaining, repairing, or operating a water supply improvement; 1448  
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(HH) For a board of township trustees to acquire, other than 1450  
by appropriation, an ownership interest in land, water, or 1451  
wetlands, or to restore or maintain land, water, or wetlands in 1452  
which the board has an ownership interest, not for purposes of 1453  
recreation, but for the purposes of protecting and preserving the 1454  
natural, scenic, open, or wooded condition of the land, water, or 1455  
wetlands against modification or encroachment resulting from 1456  
occupation, development, or other use, which may be styled as 1457  
protecting or preserving "greenspace" in the resolution, notice of 1458  
election, or ballot form. Except as otherwise provided in this 1459  
division, land is not acquired for purposes of recreation, even if 1460  
the land is used for recreational purposes, so long as no 1461  
building, structure, or fixture used for recreational purposes is 1462  
permanently attached or affixed to the land. Except as otherwise 1463  
provided in this division, land that previously has been acquired 1464  
in a township for these greenspace purposes may subsequently be 1465  
used for recreational purposes if the board of township trustees 1466  
adopts a resolution approving that use and no building, structure, 1467  
or fixture used for recreational purposes is permanently attached 1468  
or affixed to the land. The authorization to use greenspace land 1469  
for recreational use does not apply to land located in a township 1470  
that had a population, at the time it passed its first greenspace 1471  
levy, of more than thirty-eight thousand within a county that had 1472  
a population, at that time, of at least eight hundred sixty 1473  
thousand. 1474

(II) For the support by a county of a crime victim assistance 1475  
program that is provided and maintained by a county agency or a 1476  
private, nonprofit corporation or association under section 307.62 1477  
of the Revised Code; 1478

(JJ) For any or all of the purposes set forth in divisions	1479
(I) and (J) of this section. This division applies only to a	1480
township.	1481
(KK) For a countywide public safety communications system	1482
under section 307.63 of the Revised Code. This division applies	1483
only to counties.	1484
(LL) For the support by a county of criminal justice services	1485
under section 307.45 of the Revised Code;	1486
(MM) For the purpose of maintaining and operating a jail or	1487
other detention facility as defined in section 2921.01 of the	1488
Revised Code;	1489
(NN) For purchasing, maintaining, or improving, or any	1490
combination of the foregoing, real estate on which to hold	1491
agricultural fairs. This division applies only to a county.	1492
(OO) For constructing, rehabilitating, repairing, or	1493
maintaining sidewalks, walkways, trails, bicycle pathways, or	1494
similar improvements, or acquiring ownership interests in land	1495
necessary for the foregoing improvements;	1496
(PP) For both of the purposes set forth in divisions (G) and	1497
(OO) of this section.	1498
(QQ) For both of the purposes set forth in divisions (H) and	1499
(HH) of this section. This division applies only to a township.	1500
(RR) For the legislative authority of a municipal	1501
corporation, board of county commissioners of a county, or board	1502
of township trustees of a township to acquire agricultural	1503
easements, as defined in section 5301.67 of the Revised Code, and	1504
to supervise and enforce the easements.	1505
(SS) For both of the purposes set forth in divisions (BB) and	1506
(KK) of this section. This division applies only to a county.	1507

(TT) For the maintenance and operation of a facility that is organized in whole or in part to promote the sciences and natural history under section 307.761 of the Revised Code.

(UU) For the creation and operation of a county land reutilization corporation and for any programs or activities of the corporation found by the board of directors of the corporation to be consistent with the purposes for which the corporation is organized;

(VV) For construction and maintenance of improvements and expenses of soil and water conservation district programs under Chapter 1515. of the Revised Code;

(WW) For the Ohio cooperative extension service fund created under section 3335.35 of the Revised Code for the purposes prescribed under section 3335.36 of the Revised Code for the benefit of the citizens of a county. This division applies only to a county.

The resolution shall be confined to the purpose or purposes described in one division of this section, to which the revenue derived therefrom shall be applied. The existence in any other division of this section of authority to levy a tax for any part or all of the same purpose or purposes does not preclude the use of such revenues for any part of the purpose or purposes of the division under which the resolution is adopted.

The resolution shall specify the amount of the increase in rate that it is necessary to levy, the purpose of that increase in rate, and the number of years during which the increase in rate shall be in effect, which may or may not include a levy upon the duplicate of the current year. The number of years may be any number not exceeding five, except as follows:

(1) When the additional rate is for the payment of debt

charges, the increased rate shall be for the life of the 1538  
indebtedness. 1539

(2) When the additional rate is for any of the following, the 1540  
increased rate shall be for a continuing period of time: 1541

(a) For the current expenses for a detention facility 1542  
district, a district organized under section 2151.65 of the 1543  
Revised Code, or a combined district organized under sections 1544  
2151.65 and 2152.41 of the Revised Code; 1545

(b) For providing a county's share of the cost of maintaining 1546  
and operating schools, district detention facilities, forestry 1547  
camps, or other facilities, or any combination thereof, 1548  
established under section 2151.65 or 2152.41 of the Revised Code 1549  
or under both of those sections. 1550

(3) When the additional rate is for either of the following, 1551  
the increased rate may be for a continuing period of time: 1552

(a) For the purposes set forth in division (I), (J), (U), or 1553  
(KK) of this section; 1554

(b) For the maintenance and operation of a joint recreation 1555  
district. 1556

(4) When the increase is for the purpose or purposes set 1557  
forth in division (D), (G), (H), (CC), or (PP) of this section, 1558  
the tax levy may be for any specified number of years or for a 1559  
continuing period of time, as set forth in the resolution. 1560

(5) When the additional rate is for the purpose described in 1561  
division (Z) of this section, the increased rate shall be for any 1562  
number of years not exceeding ten. 1563

A levy for one of the purposes set forth in division (G), 1564  
(I), (J), or (U) of this section may be reduced pursuant to 1565  
section 5705.261 or 5705.31 of the Revised Code. A levy for one of 1566

the purposes set forth in division (G), (I), (J), or (U) of this 1567  
 section may also be terminated or permanently reduced by the 1568  
 taxing authority if it adopts a resolution stating that the 1569  
 continuance of the levy is unnecessary and the levy shall be 1570  
 terminated or that the millage is excessive and the levy shall be 1571  
 decreased by a designated amount. 1572

A resolution of a detention facility district, a district 1573  
 organized under section 2151.65 of the Revised Code, or a combined 1574  
 district organized under both sections 2151.65 and 2152.41 of the 1575  
 Revised Code may include both current expenses and other purposes, 1576  
 provided that the resolution shall apportion the annual rate of 1577  
 levy between the current expenses and the other purpose or 1578  
 purposes. The apportionment need not be the same for each year of 1579  
 the levy, but the respective portions of the rate actually levied 1580  
 each year for the current expenses and the other purpose or 1581  
 purposes shall be limited by the apportionment. 1582

Whenever a board of county commissioners, acting either as 1583  
 the taxing authority of its county or as the taxing authority of a 1584  
 sewer district or subdistrict created under Chapter 6117. of the 1585  
 Revised Code, by resolution declares it necessary to levy a tax in 1586  
 excess of the ten-mill limitation for the purpose of constructing, 1587  
 improving, or extending sewage disposal plants or sewage systems, 1588  
 the tax may be in effect for any number of years not exceeding 1589  
 twenty, and the proceeds of the tax, notwithstanding the general 1590  
 provisions of this section, may be used to pay debt charges on any 1591  
 obligations issued and outstanding on behalf of the subdivision 1592  
 for the purposes enumerated in this paragraph, provided that any 1593  
 such obligations have been specifically described in the 1594  
 resolution. 1595

The resolution shall go into immediate effect upon its 1596  
 passage, and no publication of the resolution is necessary other 1597

than that provided for in the notice of election.

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When the electors of a subdivision have approved a tax levy under this section, the taxing authority of the subdivision may anticipate a fraction of the proceeds of the levy and issue anticipation notes in accordance with section 5705.191 or 5705.193 of the Revised Code."

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Between lines 117765 and 117766, insert:

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"Sec. 5705.55. (A) The board of directors of a lake facilities authority, by a vote of two-thirds of all its members, may at any time declare by resolution that the amount of taxes which may be raised within the ten-mill limitation by levies on the current tax duplicate will be insufficient to provide an adequate amount for the necessary requirements of the authority, that it is necessary to levy a tax in excess of such limitation for any of the purposes specified in divisions (A), (B), (F), and (H) of section 5705.19 of the Revised Code, and that the question of such additional tax levy shall be submitted by the board to the electors residing within the boundaries of the impacted lake district on the day of a primary or general election. The resolution shall conform to section 5705.19 of the Revised Code, except that the tax levy may be in effect for no more than five years, as set forth in the resolution, unless the levy is for the payment of debt charges, and the total number of mills levied for each dollar of taxable valuation that may be levied under this section for any tax year shall not exceed one mill. If the levy is for the payment of debt charges, the levy shall be for the life of the bond indebtedness.

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The resolution shall specify the date of holding the election, which shall not be earlier than ninety days after the adoption and certification of the resolution to the board of

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elections. The resolution shall not include a levy on the current 1628  
tax list and duplicate unless the election is to be held at or 1629  
prior to the first Tuesday after the first Monday in November of 1630  
the current tax year. 1631

The resolution shall be certified to the board of elections 1632  
of the proper county or counties not less than ninety days before 1633  
the date of the election. The resolution shall go into immediate 1634  
effect upon its passage, and no publication of the resolution 1635  
shall be necessary other than that provided in the notice of 1636  
election. Section 5705.25 of the Revised Code shall govern the 1637  
arrangements for the submission of such question and other matters 1638  
concerning the election, to which that section refers, except that 1639  
the election shall be held on the date specified in the 1640  
resolution. If a majority of the electors voting on the question 1641  
so submitted in an election vote in favor of the levy, the board 1642  
of directors may forthwith make the necessary levy within the 1643  
boundaries of the impacted lake district at the additional rate in 1644  
excess of the ten-mill limitation on the tax list, for the purpose 1645  
stated in the resolution. The tax levy shall be included in the 1646  
next annual tax budget that is certified to the county budget 1647  
commission. 1648

(B) The form of the ballot in an election held on the 1649  
question of levying a tax proposed pursuant to this section shall 1650  
be as follows or in any other form acceptable to the secretary of 1651  
state: 1652

"A tax for the benefit of (name of lake facilities authority) 1653  
..... for the purpose of ..... at a rate not exceeding 1654  
..... mills for each one dollar of valuation, which amounts to 1655  
(rate expressed in dollars and cents) ..... for each one 1656  
hundred dollars of valuation, for ..... (life of 1657  
indebtedness or number of years the levy is to run). 1658



1659

	For the Tax Levy
	Against the Tax Levy

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"

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(C) On approval of the levy, notes may be issued in anticipation of the collection of the proceeds of the tax levy, other than the proceeds to be received for the payment of bond debt charges, in the amount and manner and at the times as are provided in section 5705.193 of the Revised Code, for the issuance of notes by a county in anticipation of the proceeds of a tax levy. The lake facilities authority may borrow money in anticipation of the collection of current revenues as provided in section 133.10 of the Revised Code.

(D) If a tax is levied under this section in a tax year, no other taxing authority of a subdivision or taxing unit, including a port authority, may levy a tax on property in the impacted lake district in the same tax year if the purpose of the levy is substantially the same as the purpose for which the lake facilities authority of the impacted lake district was created."

In line 124238, after "services" insert ";

(11) To provide revenue for the operation of a lake facilities authority and the remediation of a distressed watershed by a lake facilities authority, as provided in Chapter 353. of the Revised Code"

In line 130999, after "135.66," insert "135.80,"

In line 131010, after "308.13," insert "309.09,"

In line 131132, after "4911.02," insert "4928.01,"

In line 131164, after "5705.16," insert "5705.19,"

Between lines 147752 and 147753, insert:

"Section 4928.01 of the Revised Code as amended by both Am. Sub. S.B. 181 and Am. Sub. S.B. 232 of the 128th General Assembly."	1688
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Between lines 147774 and 147775, insert:	1691
"Section 5705.19 of the Revised Code as amended by both Am. Sub. H.B. 48 and Sub. H.B. 313 of the 128th General Assembly."	1692
	1693
In line 17 of the title, after "135.66," insert "135.80,"	1694
In line 31 of the title, after "308.13," insert "309.09,"	1695
In line 197 of the title, after "4911.02," insert "4928.01,"	1696
In line 240 of the title, after "5705.16," insert "5705.19,"	1697
In line 303 of the title, after "317.06," insert "353.01,	1698
353.02, 353.03, 353.04, 353.05, 353.06, 353.07, 353.08, 353.09,	1699
353.10, 353.11, 353.12, 353.13, 353.14, 353.15, 353.16, 353.17,"	1700
In line 334 of the title, after "5703.059," insert "5705.55,"	1701

The motion was \_\_\_\_\_ agreed to.

#### SYNOPSIS

"Distressed" Watersheds; Lake Facilities Authority	1702
R.C. 353.01 to 353.17 and 5705.55 with conforming changes in	1703
R.C. 133.01, 135.80, 309.09, 4928.01, 5705.01, 5705.19, and	1704
5739.026	1705
Authorizes one or more board of county commissioners to	1706
create a Lake Facilities Authority (LFA), a body politic and	1707
corporate, for the purpose of remediating watersheds declared by	1708
the Director of Natural Resources to be a "watershed in distress."	1709
Creates a board of directors for an LFA consisting of the	1710

county commissioners of each county with territory in the	1711
"impacted lake district"-i.e., the territory of all townships and	1712
municipal corporations with territory in the distressed watershed.	1713
Requires the creation of an advisory council for each LFA,	1714
consisting of the appointee of each political subdivision with	1715
territory in the impacted lake district, to consult with the board	1716
of directors.	1717
Authorizes an LFA to levy a property tax with voter approval	1718
for current expenses, debt charges, permanent improvements, and	1719
streets, roads, and bridges, not to exceed one mill.	1720
Authorizes an LFA to impose a charge, with voter approval,	1721
against property within the distressed watershed to be based on	1722
the benefit conferred or the relative pollution or other harm	1723
caused by the property owner, not to exceed one-half per cent of a	1724
parcel's true value.	1725
Authorizes an LFA to levy a lodging tax with voter approval.	1726
The tax rate may not cause the aggregate rate of lodging taxes	1727
applicable in the impacted lake district to exceed five per cent.	1728
Authorizes an LFA to charge user fees, including dock and	1729
campsite fees, in a distressed watershed in a state park with	1730
approval by the Director of Natural Resources.	1731
Authorizes an LFA to issue general obligation securities for	1732
the remediation of a distressed watershed and related permanent	1733
improvements, not to exceed one-tenth per cent of the total value	1734
of property in the impacted lake district.	1735
Authorizes an LFA to issue revenue bonds and anticipation	1736
bonds and notes.	1737
Prohibits the creation of any new special district that would	1738
overlap with an LFA district (e.g., sanitary district or	1739
conservancy district) if the new district would have powers or	1740

duties that are the same as the LFA's.	1741
Prohibits any taxing authority from levying a property tax in the territory of an LFA if the purpose of the tax is similar to the purpose of a tax that the LFA is authorized to levy.	1742 1743 1744
Authorizes the Director of Natural Resources to transfer real property to an LFA to promote wetland mitigation banking, wildlife, or sporting activities, and authorizes the Division of Wildlife to enter agreements with an LFA to establish wetland or natural areas to benefit wildlife or sporting activities.	1745 1746 1747 1748 1749
Requires competitive bidding for construction projects in excess of \$25,000 except under certain circumstances.	1750 1751
Permits, but does not require, a Lake Facility Authority to apply prevailing wage requirements to public improvements it undertakes or contracts for.	1752 1753 1754
Specifies that energy or fuel derived from algae or manure from an impacted lake district is a "renewable energy source" for the purposes of electricity generation alternative energy resource portfolio requirements of current law.	1755 1756 1757 1758

Sub. H.B. 153  
As Pending in S. Finance  
LSC 129 1066-6  
SC-4064

\_\_\_\_\_ moved to amend as follows:

In line 506, after "3719.141," insert "3719.41," 1

Between lines 70720 and 70721, insert: 2

"Sec. 3719.41. Controlled substance schedules I, II, III, IV, 3  
and V are hereby established, which schedules include the 4  
following, subject to amendment pursuant to section 3719.43 or 5  
3719.44 of the Revised Code. 6

SCHEDULE I 7

(A) Narcotics-opiates 8

Any of the following opiates, including their isomers, 9  
esters, ethers, salts, and salts of isomers, esters, and ethers, 10  
unless specifically excepted under federal drug abuse control 11  
laws, whenever the existence of these isomers, esters, ethers, and 12  
salts is possible within the specific chemical designation: 13

(1) Acetyl-alpha-methylfentanyl 14

(N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); 15

(2) Acetylmethadol; 16

(3) Allylprodine; 17

(4) Alphacetylmethadol (except levo-alphacetylmethadol, also 18

known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM);	19 20
(5) Alphameprodine;	21
(6) Alphamethadol;	22
(7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);	23 24 25
(8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N- phenylpropanamide);	26 27 28
(9) Benzethidine;	29
(10) Betacetylmethadol;	30
(11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl)]-N- phenylpropanamide);	31 32
(12) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N- phenylpropanamide);	33 34 35
(13) Betameprodine;	36
(14) Betamethadol;	37
(15) Betaprodine;	38
(16) Clonitazene;	39
(17) Dextromoramide;	40
(18) Diampromide;	41
(19) Diethylthiambutene;	42
(20) Difenoxin;	43
(21) Dimenoxadol;	44
(22) Dimepheptanol;	45

(23) Dimethylthiambutene;	46
(24) Dioxaphetyl butyrate;	47
(25) Dipipanone;	48
(26) Ethylmethylthiambutene;	49
(27) Etonitazene;	50
(28) Etoxeridine;	51
(29) Furethidine;	52
(30) Hydroxypethidine;	53
(31) Ketobemidone;	54
(32) Levomoramide;	55
(33) Levophenacymorphan;	56
(34) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);	57 58
(35) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide);	59 60 61
(36) Morpheridine;	62
(37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);	63
(38) Noracymethadol;	64
(39) Norlevorphanol;	65
(40) Normethadone;	66
(41) Norpipanone;	67
(42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide);	68 69
(43) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);	70
(44) Phenadoxone;	71

(45) Phenampromide;	72
(46) Phenomorphan;	73
(47) Phenoperidine;	74
(48) Piritramide;	75
(49) Proheptazine;	76
(50) Properidine;	77
(51) Propiram;	78
(52) Racemoramide;	79
(53) Thiofentanyl	80
(N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide;	81
(54) Tilidine;	82
(55) Trimeperidine.	83
(B) Narcotics-opium derivatives	84
Any of the following opium derivatives, including their	85
salts, isomers, and salts of isomers, unless specifically excepted	86
under federal drug abuse control laws, whenever the existence of	87
these salts, isomers, and salts of isomers is possible within the	88
specific chemical designation:	89
(1) Acetorphine;	90
(2) Acetyldihydrocodeine;	91
(3) Benzylmorphine;	92
(4) Codeine methylbromide;	93
(5) Codeine-n-oxide;	94
(6) Cyprenorphine;	95
(7) Desomorphine;	96
(8) Dihydromorphine;	97



(9) Drotebanol;	98
(10) Etorphine (except hydrochloride salt);	99
(11) Heroin;	100
(12) Hydromorphenol;	101
(13) Methyldesorphine;	102
(14) Methyldihydromorphine;	103
(15) Morphine methylbromide;	104
(16) Morphine methylsulfonate;	105
(17) Morphine-n-oxide;	106
(18) Myrophine;	107
(19) Nicocodeine;	108
(20) Nicomorphine;	109
(21) Normorphine;	110
(22) Pholcodine;	111
(23) Thebacon.	112
(C) Hallucinogens	113
Any material, compound, mixture, or preparation that contains	114
any quantity of the following hallucinogenic substances, including	115
their salts, isomers, and salts of isomers, unless specifically	116
excepted under federal drug abuse control laws, whenever the	117
existence of these salts, isomers, and salts of isomers is	118
possible within the specific chemical designation. For the	119
purposes of this division only, "isomer" includes the optical	120
isomers, position isomers, and geometric isomers.	121
(1) Alpha-ethyltryptamine (some trade or other names:	122
etryptamine; Monase; alpha-ethyl-1H-indole-3-ethanamine;	123
3-(2-aminobutyl) indole; alpha-ET; and AET);	124

(2) 4-bromo-2,5-dimethoxyamphetamine (some trade or other names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo-2,5-DMA);	125 126 127
(3) 4-bromo-2,5-dimethoxyphenethylamine (some trade or other names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl DOB; 2C-B, Nexus);	128 129 130
(4) 2,5-dimethoxyamphetamine (some trade or other names: 2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA);	131 132
(5) 2,5-dimethoxy-4-ethylamphetamine (some trade or other names: DOET);	133 134
(6) 4-methoxyamphetamine (some trade or other names: 4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine; PMA);	135 136 137
(7) 5-methoxy-3,4-methylenedioxy-amphetamine;	138
(8) 4-methyl-2,5-dimethoxy-amphetamine (some trade or other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; "DOM" and "STP");	139 140 141
(9) 3,4-methylenedioxy amphetamine;	142
(10) 3,4-methylenedioxymethamphetamine (MDMA);	143
(11) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA);	144 145 146
(12) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine and N-hydroxy MDA);	147 148 149
(13) 3,4,5-trimethoxy amphetamine;	150
(14) Bufotenine (some trade or other names: 3-(beta-dimethylaminoethyl)-5-hydroxyindole;	151 152

3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin;	153
5-hydroxy-N, N-dimethyltryptamine; mappine);	154
(15) Diethyltryptamine (some trade or other names: N,	155
N-diethyltryptamine; DET);	156
(16) Dimethyltryptamine (some trade or other names: DMT);	157
(17) Ibogaine (some trade or other names:	158
7-ethyl-6,6beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-	159
5H-pyrido[1',2':1,2] azepino [5, 4-b] indole; tabernanthe iboga);	160
(18) Lysergic acid diethylamide;	161
(19) Marihuana;	162
(20) Mescaline;	163
(21) Parahexyl (some trade or other names: 3-hexyl-1-	164
hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran;	165
synhexyl);	166
(22) Peyote (meaning all parts of the plant presently	167
classified botanically as "Lophophora williamsii Lemaire," whether	168
growing or not, the seeds of that plant, any extract from any part	169
of that plant, and every compound, manufacture, salts, derivative,	170
mixture, or preparation of that plant, its seeds, or its	171
extracts);	172
(23) N-ethyl-3-piperidyl benzilate;	173
(24) N-methyl-3-piperidyl benzilate;	174
(25) Psilocybin;	175
(26) Psilocyn;	176
(27) Tetrahydrocannabinols (synthetic equivalents of the	177
substances contained in the plant, or in the resinous extractives	178
of Cannabis, sp. and/or synthetic substances, derivatives, and	179
their isomers with similar chemical structure and pharmacological	180

activity such as the following: delta-1-cis or trans	181
tetrahydrocannabinol, and their optical isomers; delta-6-cis or	182
trans tetrahydrocannabinol, and their optical isomers;	183
delta-3,4-cis or trans tetrahydrocannabinol, and its optical	184
isomers. (Since nomenclature of these substances is not	185
internationally standardized, compounds of these structures,	186
regardless of numerical designation of atomic positions, are	187
covered.));	188
(28) Ethylamine analog of phencyclidine (some trade or other	189
names: N-ethyl-1-phenylcyclohexylamine;	190
(1-phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine;	191
cyclohexamine; PCE);	192
(29) Pyrrolidine analog of phencyclidine (some trade or other	193
names: 1-(1-phenylcyclohexyl)pyrrolidine; PCPy; PHP);	194
(30) Thiophene analog of phencyclidine (some trade or other	195
names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine; 2-thienyl analog	196
of phencyclidine; TPCP; TCP);	197
(31) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;	198
(32) Hashish;	199
(33) Salvia divinorum;	200
(34) Salvinorin A;	201
<u>(35) Methylone (3,4-methylenedioxymethcathinone);</u>	202
<u>(36) MDPV (3,4-methylenedioxypropylone);</u>	203
<u>(37) Mephedrone (4-methylmethcathinone);</u>	204
<u>(38) 4-methoxymethcathinone;</u>	205
<u>(39) 4-fluoromethcathinone;</u>	206
<u>(40) 3-fluoromethcathinone.</u>	207
(D) Depressants	208

Any material, compound, mixture, or preparation that contains	209
any quantity of the following substances having a depressant	210
effect on the central nervous system, including their salts,	211
isomers, and salts of isomers, unless specifically excepted under	212
federal drug abuse control laws, whenever the existence of these	213
salts, isomers, and salts of isomers is possible within the	214
specific chemical designation:	215
(1) Mecloqualone;	216
(2) Methaqualone.	217
(E) Stimulants	218
Unless specifically excepted or unless listed in another	219
schedule, any material, compound, mixture, or preparation that	220
contains any quantity of the following substances having a	221
stimulant effect on the central nervous system, including their	222
salts, isomers, and salts of isomers:	223
(1) Aminorex (some other names: aminoxaphen;	224
2-amino-5-phenyl-2-oxazoline; or	225
4,5-dihydro-5-phenyl-2-oxazolamine);	226
(2) Cathinone (some trade or other names:	227
2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone,	228
2-aminopropiophenone, and norephedrone);	229
(3) Fenethylline;	230
(4) Methcathinone (some other names:	231
2-(methylamino)-propiophenone; alpha-(methylamino)propiophenone;	232
2-methylamino)-1-phenylpropan-1-one;	233
alpha-N-methylaminopropiophenone; monomethylpropion; ephedrone;	234
N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463; and	235
UR1432, its salts, optical isomers, and salts of optical isomers;	236
(5) (+/-)cis-4-methylaminorex	237

((+/-)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);	238
(6) N-ethylamphetamine;	239
(7) N,N-dimethylamphetamine (also known as N,N-alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine).	240 241 242
SCHEDULE II	243
(A) Narcotics-opium and opium derivatives	244
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:	245 246 247 248 249 250
(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, thebaine-derived butorphanol, dextrophan, nalbuphine, nalmefene, naloxone, and naltrexone, and their respective salts, but including the following:	251 252 253 254 255
(a) Raw opium;	256
(b) Opium extracts;	257
(c) Opium fluid extracts;	258
(d) Powdered opium;	259
(e) Granulated opium;	260
(f) Tincture of opium;	261
(g) Codeine;	262
(h) Ethylmorphine;	263
(i) Etorphine hydrochloride;	264

(j) Hydrocodone;	265
(k) Hydromorphone;	266
(l) Metopon;	267
(m) Morphine;	268
(n) Oxycodone;	269
(o) Oxymorphone;	270
(p) Thebaine.	271
(2) Any salt, compound, derivative, or preparation thereof	272
that is chemically equivalent to or identical with any of the	273
substances referred to in division (A) (1) of this schedule, except	274
that these substances shall not include the isoquinoline alkaloids	275
of opium;	276
(3) Opium poppy and poppy straw;	277
(4) Coca leaves and any salt, compound, derivative, or	278
preparation of coca leaves (including cocaine and ecgonine, their	279
salts, isomers, and derivatives, and salts of those isomers and	280
derivatives), and any salt, compound, derivative, or preparation	281
thereof that is chemically equivalent to or identical with any of	282
these substances, except that the substances shall not include	283
decocainized coca leaves or extraction of coca leaves, which	284
extractions do not contain cocaine or ecgonine;	285
(5) Concentrate of poppy straw (the crude extract of poppy	286
straw in either liquid, solid, or powder form that contains the	287
phenanthrene alkaloids of the opium poppy).	288
(B) Narcotics-opiates	289
Unless specifically excepted under federal drug abuse control	290
laws or unless listed in another schedule, any of the following	291
opiates, including their isomers, esters, ethers, salts, and salts	292

of isomers, esters, and ethers, whenever the existence of these	293
isomers, esters, ethers, and salts is possible within the specific	294
chemical designation, but excluding dextrorphan and	295
levopropoxyphene:	296
(1) Alfentanil;	297
(2) Alphaprodine;	298
(3) Anileridine;	299
(4) Bezitramide;	300
(5) Bulk dextropropoxyphene (non-dosage forms);	301
(6) Carfentanil;	302
(7) Dihydrocodeine;	303
(8) Diphenoxylate;	304
(9) Fentanyl;	305
(10) Isomethadone;	306
(11) Levo-alpha-acetylmethadol (some other names:	307
levo-alpha-acetylmethadol; levomethadyl acetate; LAAM);	308
(12) Levomethorphan;	309
(13) Levorphanol;	310
(14) Metazocine;	311
(15) Methadone;	312
(16) Methadone-intermediate,	313
4-cyano-2-dimethylamino-4,4-diphenyl butane;	314
(17) Moramide-intermediate,	315
2-methyl-3-morpholino-1,1-diphenylpropane-carboxylic acid;	316
(18) Pethidine (meperidine);	317
(19) Pethidine-intermediate-A,	318



4-cyano-1-methyl-4-phenylpiperidine;	319
(20) Pethidine-intermediate-B,	320
ethyl-4-phenylpiperidine-4-carboxylate;	321
(21) Pethidine-intermediate-C,	322
1-methyl-4-phenylpiperidine-4-carboxylic acid;	323
(22) Phenazocine;	324
(23) Piminodine;	325
(24) Racemethorphan;	326
(25) Racemorphan;	327
(26) Remifentanil;	328
(27) Sufentanil.	329
(C) Stimulants	330
Unless specifically excepted under federal drug abuse control	331
laws or unless listed in another schedule, any material, compound,	332
mixture, or preparation that contains any quantity of the	333
following substances having a stimulant effect on the central	334
nervous system:	335
(1) Amphetamine, its salts, its optical isomers, and salts of	336
its optical isomers;	337
(2) Methamphetamine, its salts, its isomers, and salts of its	338
isomers;	339
(3) Methylphenidate;	340
(4) Phenmetrazine and its salts.	341
(D) Depressants	342
Unless specifically excepted under federal drug abuse control	343
laws or unless listed in another schedule, any material, compound,	344
mixture, or preparation that contains any quantity of the	345

following substances having a depressant effect on the central nervous system, including their salts, isomers, and salts of isomers, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:	346
	347
	348
	349
(1) Amobarbital;	350
(2) Gamma-hydroxy-butyrate;	351
(3) Glutethimide;	352
(4) Pentobarbital;	353
(5) Phencyclidine (some trade or other names:	354
1-(1-phenylcyclohexyl)piperidine; PCP);	355
(6) Secobarbital;	356
(7) 1-aminophenylcyclohexane and all N-mono-substituted and/or all N-N-disubstituted analogs including, but not limited to, the following:	357
	358
	359
(a) 1-phenylcyclohexylamine;	360
(b) (1-phenylcyclohexyl) methylamine;	361
(c) (1-phenylcyclohexyl) dimethylamine;	362
(d) (1-phenylcyclohexyl) methylethylamine;	363
(e) (1-phenylcyclohexyl) isopropylamine;	364
(f) 1-(1-phenylcyclohexyl) morpholine.	365
(E) Hallucinogenic substances	366
(1) Nabilone (another name for nabilone:	367
(+)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one).	368
	369
(F) Immediate precursors	370
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound,	371
	372

mixture, or preparation that contains any quantity of the	373
following substances:	374
(1) Immediate precursor to amphetamine and methamphetamine:	375
(a) Phenylacetone (some trade or other names:	376
phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl	377
ketone);	378
(2) Immediate precursors to phencyclidine (PCP):	379
(a) 1-phenylcyclohexylamine;	380
(b) 1-piperidinocyclohexanecarbonitrile (PCC).	381
SCHEDULE III	382
(A) Stimulants	383
Unless specifically excepted under federal drug abuse control	384
laws or unless listed in another schedule, any material, compound,	385
mixture, or preparation that contains any quantity of the	386
following substances having a stimulant effect on the central	387
nervous system, including their salts, their optical isomers,	388
position isomers, or geometric isomers, and salts of these	389
isomers, whenever the existence of these salts, isomers, and salts	390
of isomers is possible within the specific chemical designation:	391
(1) All stimulant compounds, mixtures, and preparations	392
included in schedule III pursuant to the federal drug abuse	393
control laws and regulations adopted under those laws;	394
(2) Benzphetamine;	395
(3) Chlorphentermine;	396
(4) Clortermine;	397
(5) Phendimetrazine.	398
(B) Depressants	399
Unless specifically excepted under federal drug abuse control	400

laws or unless listed in another schedule, any material, compound,	401
mixture, or preparation that contains any quantity of the	402
following substances having a depressant effect on the central	403
nervous system:	404
(1) Any compound, mixture, or preparation containing	405
amobarbital, secobarbital, pentobarbital, or any salt of any of	406
these drugs, and one or more other active medicinal ingredients	407
that are not listed in any schedule;	408
(2) Any suppository dosage form containing amobarbital,	409
secobarbital, pentobarbital, or any salt of any of these drugs and	410
approved by the food and drug administration for marketing only as	411
a suppository;	412
(3) Any substance that contains any quantity of a derivative	413
of barbituric acid or any salt of a derivative of barbituric acid;	414
(4) Chlorhexadol;	415
(5) Ketamine, its salts, isomers, and salts of isomers (some	416
other names for ketamine:	417
(+/-)-2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone);	418
(6) Lysergic acid;	419
(7) Lysergic acid amide;	420
(8) Methyprylon;	421
(9) Sulfondiethylmethane;	422
(10) Sulfonethylmethane;	423
(11) Sulfonmethane;	424
(12) Tiletamine, zolazepam, or any salt of tiletamine or	425
zolazepam (some trade or other names for a tiletamine-zolazepam	426
combination product: Telazol); (some trade or other names for	427
tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone); (some	428

trade or other names for zolazepam: 4-(2-fluorophenyl)-6,8-	429
dihydro-1,3,8-trimethylpyrazolo-[3, 4-e] [1,4]-diazepin-7(1H)-one;	430
flupyrzapon).	431
(C) Narcotic antidotes	432
(1) Nalorphine.	433
(D) Narcotics-narcotic preparations	434
Unless specifically excepted under federal drug abuse control	435
laws or unless listed in another schedule, any material, compound,	436
mixture, or preparation that contains any of the following	437
narcotic drugs, or their salts calculated as the free anhydrous	438
base or alkaloid, in limited quantities as set forth below:	439
(1) Not more than 1.8 grams of codeine per 100 milliliters or	440
not more than 90 milligrams per dosage unit, with an equal or	441
greater quantity of an isoquinoline alkaloid of opium;	442
(2) Not more than 1.8 grams of codeine per 100 milliliters or	443
not more than 90 milligrams per dosage unit, with one or more	444
active, nonnarcotic ingredients in recognized therapeutic amounts;	445
(3) Not more than 300 milligrams of dihydrocodeinone per 100	446
milliliters or not more than 15 milligrams per dosage unit, with a	447
fourfold or greater quantity of an isoquinoline alkaloid of opium;	448
(4) Not more than 300 milligrams of dihydrocodeinone per 100	449
milliliters or not more than 15 milligrams per dosage unit, with	450
one or more active, nonnarcotic ingredients in recognized	451
therapeutic amounts;	452
(5) Not more than 1.8 grams of dihydrocodeine per 100	453
milliliters or not more than 90 milligrams per dosage unit, with	454
one or more active, nonnarcotic ingredients in recognized	455
therapeutic amounts;	456
(6) Not more than 300 milligrams of ethylmorphine per 100	457

milliliters or not more than 15 milligrams per dosage unit, with  
one or more active, nonnarcotic ingredients in recognized  
therapeutic amounts;

(7) Not more than 500 milligrams of opium per 100 milliliters  
or per 100 grams or not more than 25 milligrams per dosage unit,  
with one or more active, nonnarcotic ingredients in recognized  
therapeutic amounts;

(8) Not more than 50 milligrams of morphine per 100  
milliliters or per 100 grams, with one or more active, nonnarcotic  
ingredients in recognized therapeutic amounts.

(E) Anabolic steroids

Unless specifically excepted under federal drug abuse control  
laws or unless listed in another schedule, any material, compound,  
mixture, or preparation that contains any quantity of the  
following substances, including their salts, esters, isomers, and  
salts of esters and isomers, whenever the existence of these  
salts, esters, and isomers is possible within the specific  
chemical designation:

(1) Anabolic steroids. Except as otherwise provided in  
division (E) (1) of schedule III, "anabolic steroids" means any  
drug or hormonal substance that is chemically and  
pharmacologically related to testosterone (other than estrogens,  
progestins, and corticosteroids) and that promotes muscle growth.  
"Anabolic steroids" does not include an anabolic steroid that is  
expressly intended for administration through implants to cattle  
or other nonhuman species and that has been approved by the United  
States secretary of health and human services for that  
administration, unless a person prescribes, dispenses, or  
distributes this type of anabolic steroid for human use. "Anabolic  
steroid" includes, but is not limited to, the following:

(a) Boldenone;	488
(b) Chlorotestosterone (4-chlortestosterone);	489
(c) Clostebol;	490
(d) Dehydrochlormethyltestosterone;	491
(e) Dihydrotestosterone (4-dihydrotestosterone);	492
(f) Drostanolone;	493
(g) Ethylestrenol;	494
(h) Fluoxymesterone;	495
(i) Formebolone (formebolone);	496
(j) Mesterolone;	497
(k) Methandienone;	498
(l) Methandranone;	499
(m) Methandriol;	500
(n) Methandrostenolone;	501
(o) Methenolone;	502
(p) Methyltestosterone;	503
(q) Mibolerone;	504
(r) Nandrolone;	505
(s) Norethandrolone;	506
(t) Oxandrolone;	507
(u) Oxymesterone;	508
(v) Oxymetholone;	509
(w) Stanolone;	510
(x) Stanozolol;	511
(y) Testolactone;	512

(z) Testosterone;	513
(aa) Trenbolone;	514
(bb) Any salt, ester, isomer, or salt of an ester or isomer of a drug or hormonal substance described or listed in division (E) (1) of schedule III if the salt, ester, or isomer promotes muscle growth.	515 516 517 518
(F) Hallucinogenic substances	519
(1) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States food and drug administration approved drug product (some other names for dronabinol: (6aR-trans)-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-1-ol, or (-)-delta-9-(trans)-tetrahydrocannabinol).	520 521 522 523 524 525
SCHEDULE IV	526
(A) Narcotic drugs	527
Unless specifically excepted by federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:	528 529 530 531 532
(1) Not more than one milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit;	533 534
(2) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane) [final dosage forms].	535 536 537
(B) Depressants	538
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the	539 540 541



following substances, including their salts, isomers, and salts of	542
isomers, whenever the existence of these salts, isomers, and salts	543
of isomers is possible within the specific chemical designation:	544
(1) Alprazolam;	545
(2) Barbital;	546
(3) Bromazepam;	547
(4) Camazepam;	548
(5) Chloral betaine;	549
(6) Chloral hydrate;	550
(7) Chlordiazepoxide;	551
(8) Clobazam;	552
(9) Clonazepam;	553
(10) Clorazepate;	554
(11) Clotiazepam;	555
(12) Cloxazolam;	556
(13) Delorazepam;	557
(14) Diazepam;	558
(15) Estazolam;	559
(16) Ethchlorvynol;	560
(17) Ethinamate;	561
(18) Ethyl loflazepate;	562
(19) Fludiazepam;	563
(20) Flunitrazepam;	564
(21) Flurazepam;	565
(22) Halazepam;	566

(23) Haloxazolam;	567
(24) Ketazolam;	568
(25) Loprazolam;	569
(26) Lorazepam;	570
(27) Lormetazepam;	571
(28) Mebutamate;	572
(29) Medazepam;	573
(30) Meprobamate;	574
(31) Methohexital;	575
(32) Methylphenobarbital (mephobarbital);	576
(33) Midazolam;	577
(34) Nimetazepam;	578
(35) Nitrazepam;	579
(36) Nordiazepam;	580
(37) Oxazepam;	581
(38) Oxazolam;	582
(39) Paraldehyde;	583
(40) Petrichloral;	584
(41) Phenobarbital;	585
(42) Pinazepam;	586
(43) Prazepam;	587
(44) Quazepam;	588
(45) Temazepam;	589
(46) Tetrazepam;	590
(47) Triazolam;	591

(48) Zaleplon;	592
(49) Zolpidem.	593
(C) Fenfluramine	594
Any material, compound, mixture, or preparation that contains	595
any quantity of the following substances, including their salts,	596
their optical isomers, position isomers, or geometric isomers, and	597
salts of these isomers, whenever the existence of these salts,	598
isomers, and salts of isomers is possible within the specific	599
chemical designation:	600
(1) Fenfluramine.	601
(D) Stimulants	602
Unless specifically excepted under federal drug abuse control	603
laws or unless listed in another schedule, any material, compound,	604
mixture, or preparation that contains any quantity of the	605
following substances having a stimulant effect on the central	606
nervous system, including their salts, their optical isomers,	607
position isomers, or geometric isomers, and salts of these	608
isomers, whenever the existence of these salts, isomers, and salts	609
of isomers is possible within the specific chemical designation:	610
(1) Cathine ((+)-norpseudoephedrine);	611
(2) Diethylpropion;	612
(3) Fencamfamin;	613
(4) Fenproporex;	614
(5) Mazindol;	615
(6) Mefenorex;	616
(7) Modafinil;	617
(8) Pemoline (including organometallic complexes and chelates	618
thereof);	619

(9) Phentermine;	620
(10) Pipradrol;	621
(11) Sibutramine;	622
(12) SPA [(-)-1-dimethylamino-1,2-diphenylethane].	623
(E) Other substances	624

Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances, including their salts:

(1) Pentazocine;	629
(2) Butorphanol (including its optical isomers).	630

#### SCHEDULE V

(A) Narcotic drugs	632
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Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any of the following narcotic drugs, and their salts, as set forth below:

(1) Buprenorphine.	637
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(B) Narcotics-narcotic preparations	638
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Narcotic drugs containing non-narcotic active medicinal ingredients. Any compound, mixture, or preparation that contains any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below, and that includes one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by narcotic drugs alone:

(1) Not more than 200 milligrams of codeine per 100	647
---	-----

milliliters or per 100 grams;	648
(2) Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams;	649
(3) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams;	651
(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;	653
(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams;	655
(6) Not more than 0.5 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.	657
(C) Stimulants	659
Unless specifically exempted or excluded under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers, and salts of isomers:	660
(1) Ephedrine, except as provided in division (K) of section 3719.44 of the Revised Code;	666
(2) Pyrovalerone."	668
In line 131094, after "3719.141," insert "3719.41,"	669
In line 145 of the title, after "3719.141," insert "3719.41,"	670

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

Chemicals in Bath Salts as Schedule I Controlled Substances	671
R.C. 3719.41	672
Adds six synthetic derivatives of cathinone that have been found in bath salts to the list of Schedule I controlled substances.	673 674 675

6 \_\_\_\_\_ moved to amend as follows:

7 In line 138900, delete "\$2,873,167 \$2,817,031" and insert  
8 "\$2,173,167 \$2,117,031"

9 In lines 138918 and 138928, subtract \$700,000 from each  
10 fiscal year

11 The motion was \_\_\_\_\_ agreed to.

12 SYNOPSIS

13 **Department of Job and Family Services**

14 **Section 309.10**

15 Decreases line item 600694, Unemployment Compensation  
16 Review Commission, by \$700,000 in each fiscal year.

6 \_\_\_\_\_ moved to amend as follows:

7 In line 139963, after "(B)" insert "For a period of ninety  
8 days immediately following the effective date of the inclusion  
9 of prescription drug coverage under a new or amended contract  
10 with a health insuring corporation pursuant to division (A) of  
11 this section, if, immediately prior to the effective date of the  
12 coverage, a Medicaid recipient enrolled in the health insuring  
13 corporation was being treated with a drug prescribed by a  
14 licensed health professional authorized to prescribe drugs, as  
15 defined in section 4729.01 of the Revised Code, and the drug is  
16 not an antidepressant or antipsychotic described in division  
17 (B)(2) of section 5111.172 of the Revised Code, as amended by  
18 this act, the health insuring corporation shall provide coverage  
19 of the drug without using drug utilization or management  
20 techniques, including any prior authorization requirements, that  
21 are more stringent than the utilization or management  
22 techniques, if any, that the Medicaid recipient was subject to  
23 immediately prior to the effective date of the coverage.

24 (C) "



25

SYNOPSIS

26           **90-Day Medicaid Managed Care Drug Coverage**

27           **Section 309.37.50**

28           Requires, under the bill's Medicaid managed care drug  
29 coverage requirements, that Medicaid managed care organizations  
30 maintain coverage for all drugs for a 90-day period without  
31 using drug utilization or management techniques that are more  
32 stringent for a Medicaid recipient than before the recipient's  
33 coverage is transferred to the managed care system.

34           Maintains a provision prohibiting prior authorization  
35 requirements during a 120-day period for drugs that are  
36 antidepressants or antipsychotics.

6 \_\_\_\_\_ moved to amend as follows:

7 Reinsert line 145333

8 In line 145334, reinsert "30,623,136"

9 Delete lines 145334a through 145338

10 In line 145340, strike through "any"

11 In line 145342, after the comma insert "totaling

12 \$2,800,000"; reinsert "the foregoing"

13 The motion was \_\_\_\_\_ agreed to.

14 SYNOPSIS

15 **Board of Regents and Cultural Facilities Commission**

16 **Section 620.40**

17 Limits the amount of encumbrances against capital  
18 appropriation item C371A9, Western Reserve Historical Society,  
19 in the Cultural Facilities Commission, canceled and  
20 reestablished against capital appropriation item C37835, Western  
21 Reserve Historical Society, in Cuyahoga Community College, to  
22 \$2,800,000. Appropriates that amount to C37835.

6 \_\_\_\_\_ moved to amend as follows:

7 In line 615, after "3314.016," insert "3314.20,"

8 In line 634, after "3314.0210," insert "3314.23,"

9 In line 56914, reinsert "Subject to sections"; reinsert  
10 "3314.016"; reinsert "and"

11 In line 56915, after "~~3314.017~~" insert "3314.20"; reinsert  
12 "of the Revised Code, an"; delete "An"

13 Between lines 58689 and 58690 insert:

14 "Sec. 3314.20. On and after the effective date of this  
15 section, no new internet- or computer-based community school  
16 shall open for operation in this state unless the school, for at  
17 least the three years preceding its opening in this state,  
18 operated in another state and performed at a level higher than  
19 academic watch, as determined by the department of education."

20 Between lines 58766 and 58767, insert:

21 "Sec. 3314.23. (A) The state board of education shall  
22 adopt rules under Chapter 119. of the Revised Code establishing  
23 operating standards for internet- and computer-based community  
24 schools based on standards developed by the international  
25 association for K-12 online learning. The rules shall include a

26 method by which the department of education shall monitor  
27 schools' compliance with the standards adopted under this  
28 section.

29 (B) Internet- and computer-based community schools  
30 operating on the effective date of this section shall have three  
31 years after the initial adoption of rules under division (A) of  
32 this section to be in compliance with those rules."

33 In line 291 of the title, after "3314.016," insert  
34 "3314.20,"

35 In line 315 of the title, after "3314.0210," insert  
36 "3314.23,"

37 The motion was \_\_\_\_\_ agreed to.

38 SYNOPSIS

39 **Moratorium on E-schools**

40 **R.C. 3314.20 and 3314.23**

41 Requires the State Board of Education to adopt rules  
42 establishing operating standards for e-schools based on  
43 standards developed by the International Association for K-12  
44 Online Learning. The rules must also include methods by which  
45 the Department of Education must monitor schools' compliance  
46 with those standards.

47 Grants existing e-schools three years after adoption of  
48 operating standards rules to comply.

49 Prohibits a new e-school from opening unless, for the three  
50 prior years, it operated in another state and performed at a  
51 level higher than academic watch, as determined by the  
52 Department.

1 129HB153-SC4105X3.docx/ss

2 Sub. H.B. 153  
3 As Pending in S. Finance  
4 LSC 129 1066-6  
5 SC-4105-3

6 \_\_\_\_\_ moved to amend as follows:

7 In line 105398, after "a" insert "medicaid"; delete  
8 "medicaid"

9 In line 105403, reinsert "the"

10 In line 105404, reinsert "department of"; strike through  
11 "boards of"

12 In line 105405, strike through "alcohol, drug addiction,  
13 and mental health" and insert "job and family"

14 In line 105408, delete "A"

15 Delete line 105409

16 In line 105410, delete "of the Revised Code to pay the  
17 nonfederal share" and insert "If necessary, the director of job  
18 and family services shall submit a medicaid state plan amendment  
19 to the United States secretary of health and human services  
20 regarding the department of job and family services' duty under  
21 this section"

22 Delete lines 131208 through 131229

23 In line 134591, delete "\$35,184,703" and insert  
24 "\$11,225,590"

25           Between lines 134591 and 134592, insert:

26   "GRF 038501   Medicaid Match   \$23,959,113    \$0"

27           Between lines 134610 and 134612, insert:

28           **"Section 215.10.\_\_\_\_.**   ALCOHOL AND DRUG ADDICTION MEDICAID  
29   MATCH

30           (A) As used in this section, "community alcohol and drug  
31   addiction Medicaid services" means services provided under the  
32   component, or aspect of the component, of the Medicaid program  
33   that the Department of Alcohol and Drug Addiction Services  
34   administers pursuant to a contract entered into with the  
35   Department of Job and Family Services under section 5111.91 of  
36   the Revised Code.

37           (B) Subject to division (C) of this section, the foregoing  
38   appropriation item 038501, Medicaid Match, shall be used by the  
39   Department of Alcohol and Drug Addiction Services to make  
40   payments for community alcohol and drug addiction Medicaid  
41   services.

42           (C) For state fiscal year 2012, the Department shall  
43   allocate foregoing appropriation item 038501, Medicaid Match, to  
44   boards of alcohol, drug addiction, and mental health services in  
45   accordance with a distribution methodology the Department shall  
46   establish. Notwithstanding sections 5111.911 and 5111.913 of  
47   the Revised Code, the boards shall use the funds allocated to  
48   them under this section to pay claims for community alcohol and

49 drug addiction Medicaid services provided during fiscal year  
50 2012. The boards shall use all federal financial participation  
51 that the Department receives for claims paid for community  
52 alcohol and drug addiction Medicaid services provided during  
53 fiscal year 2012 as the first payment source to pay claims for  
54 community alcohol and drug addiction Medicaid services provided  
55 during fiscal year 2012. The boards are not required to use any  
56 funds other than the funds allocated to them under this section  
57 and the federal financial participation received for claims for  
58 community alcohol and drug addiction Medicaid services provided  
59 during fiscal year 2012 to pay for such claims.

60 (D) The Department shall enter into an agreement with each  
61 board regarding the issue of paying claims that are for  
62 community alcohol and drug addiction Medicaid services provided  
63 before July 1, 2011, and submitted for payment on or after that  
64 date. Such claims shall be paid in accordance with the  
65 agreements. A board shall receive the federal financial  
66 participation received for claims for community alcohol and drug  
67 addiction Medicaid services that were provided before July 1,  
68 2011, and paid by the board."

69 In line 140801, delete "No board is" and insert "The boards  
70 are not"

71 In line 377 of the title, delete "and to amend the version  
72 of"

73 Delete lines 378 and 379 of the title

74 The motion was \_\_\_\_\_ agreed to.

75 SYNOPSIS

76 **Payment for Alcohol and Drug Addiction Services Provided**  
77 **under Medicaid**

78 **R.C. 5111.913 (primary) and 5111.912; Sections 120.10 to**  
79 **120.12, 215.10.\_\_\_\_, and 337.30.30**

80 Revises the bill's provisions regarding the responsibility  
81 of boards of alcohol, drug addiction, and mental health services  
82 to pay for community alcohol and drug addiction Medicaid  
83 services provided during fiscal year 2012 as follows:

84 (1) Requires the boards to pay for the services with funds  
85 allocated to them from the Department of Alcohol and Drug  
86 Addiction Services' appropriation item 038501, Medicaid Match;

87 (2) Provides that no board is required to pay for the  
88 services with any funds other than the appropriation item 038501  
89 funds allocated to the board and federal financial participation  
90 received for the services.

91 Requires the Department to enter into an agreement with  
92 each board regarding the issue of paying for community alcohol  
93 and drug addiction Medicaid services provided before July 1,  
94 2011, for which the claims are submitted on or after that date.

95 Provides for a board to receive the federal financial  
96 participation received for community alcohol and drug addiction  
97 Medicaid services provided before July 1, 2011, if the board  
98 paid for the services.

99 **Department of Alcohol and Drug Addiction Services**

100 **Section 215.10**

101 Appropriates \$23,959,113 in FY 2012 to GRF line item  
102 038501, Medicaid Match. Decreases the appropriation to GRF line  
103 item 038401, Treatment Services, by the same amount in FY 2012.



Sub. H.B. 153  
As Pending in S. Finance  
LSC 129 1066-6  
SC-4150-1

\_\_\_\_\_ moved to amend as follows:

In line 530, after "4504.18," insert "4505.181," 1

Between lines 86516 and 86517, insert: 2

"Sec. 4505.181. (A) Notwithstanding ~~divisions (A) (2), (5),~~ 3  
~~and (6) of~~ section 4505.18 of the Revised Code, a motor vehicle 4  
dealer or person acting on behalf of a motor vehicle dealer may 5  
display, offer for sale, or sell a used motor vehicle and a 6  
manufactured housing dealer or person acting on behalf of a 7  
manufactured housing dealer may display, offer for sale, or sell a 8  
used manufactured home or used mobile home without having first 9  
obtained a certificate of title for the vehicle in the name of the 10  
dealer ~~as required by this chapter if the dealer or person acting~~ 11  
~~on behalf of the dealer complies with divisions (A) (1) (a) and (2)~~ 12  
~~of this section, or divisions (A) (1) (b) and (2) of~~ by complying 13  
with this section, as follows: 14

(1) (a) The dealer or person acting on behalf of the dealer 15  
shall possess a bill of sale for each used motor vehicle, used 16  
manufactured home, and used mobile home proposed to be displayed, 17  
offered for sale, or sold under this section or a properly 18  
executed power of attorney or other related documents from the 19  
prior owner of the motor vehicle, manufactured home, or mobile 20

home giving the dealer or person acting on behalf of the dealer 21  
authority to have a certificate of title to the motor vehicle, 22  
manufactured home, or mobile home issued in the name of the 23  
dealer, and shall retain copies of all such documents in the 24  
dealer's or person's files until such time as a certificate of 25  
title in the dealer's name is issued for each such motor vehicle, 26  
manufactured home, or mobile home by the clerk of the court of 27  
common pleas. Such documents shall be available for inspection by 28  
the bureau of motor vehicles and the manufactured homes commission 29  
during normal business hours. 30

~~(2) If the dealer has been licensed as a motor vehicle dealer~~ 31  
~~or manufactured housing dealer for less than the three-year period~~ 32  
~~prior to the date on which the dealer or person acting on behalf~~ 33  
~~of the dealer displays, offers for sale, or sells the used motor~~ 34  
~~vehicle for which the dealer has not obtained a certificate of~~ 35  
~~title in the name of the dealer, or if the attorney general has~~ 36  
~~paid a retail purchaser of the dealer or a secured party under~~ 37  
~~division (C)(D), (E), or (G) of this section within three years~~ 38  
~~prior to such date, the dealer ~~posts~~ shall post with the attorney~~ 39  
~~general's office in favor of this state a bond of a surety company~~ 40  
~~authorized to do business in this state, in an amount of not less~~ 41  
~~than twenty-five thousand dollars, to be used solely for the~~ 42  
~~purpose of compensating retail purchasers of motor vehicles,~~ 43  
~~manufactured homes, or mobile homes who suffer damages due to~~ 44  
~~failure of the dealer or person acting on behalf of the dealer to~~ 45  
~~comply with this section. Failure to post a bond constitutes a~~ 46  
~~deceptive act or practice in connection with a consumer~~ 47  
~~transaction and is a violation of section 1345.02 of the Revised~~ 48  
~~Code. The dealer's surety shall notify the registrar and attorney~~ 49  
~~general when a bond of a motor vehicle dealer is canceled and~~ 50  
~~shall notify the manufactured homes commission and the attorney~~ 51  
~~general when a bond of a manufactured housing dealer is canceled.~~ 52

Such notification of cancellation shall include the effective date of and reason for cancellation.

~~(b) If the dealer has been licensed as a motor vehicle dealer or manufactured housing dealer for longer than the three year period prior to the date on which the dealer or person acting on behalf of the dealer displays, offers for sale, or sells the used motor vehicle, used manufactured home, or used mobile home for which the dealer has not obtained a certificate of title in the name of the dealer and the attorney general has not paid a retail purchaser of the dealer under division (C) of this section within three years prior to such date, the dealer pays one hundred fifty dollars to the attorney general for deposit into the title defect recission fund created by section 1345.52 of the Revised Code.~~

~~(2) The dealer or person acting on behalf of the dealer possesses a bill of sale for each motor vehicle, used manufactured home, and used mobile home proposed to be displayed, offered for sale, or sold under this section and a properly executed power of attorney or other related documents from the prior owner of the motor vehicle, manufactured home, or mobile home giving the dealer or person acting on behalf of the dealer authority to have a certificate of title to the motor vehicle, manufactured home, or mobile home issued in the name of the dealer, and retains copies of all such documents in the dealer's or person's files until such time as a certificate of title in the dealer's name is issued for each such motor vehicle, manufactured home, or mobile home by the clerk of the court of common pleas. Such documents shall be available for inspection by the bureau of motor vehicles and the manufactured homes commission during normal business hours.~~

(B) If a retail purchaser purchases a used motor vehicle, used manufactured home, or used mobile home for which the dealer, pursuant to and in accordance with division (A) of this section,

does not have a certificate of title issued in the name of the 84  
 dealer at the time of the sale, the retail purchaser has an 85  
 unconditional right to demand the dealer rescind the transaction 86  
~~and the dealer has an obligation to refund to the retail purchaser~~ 87  
~~the full purchase price of the vehicle,~~ if one of the following 88  
 applies: 89

(1) The dealer fails, on or before the fortieth day following 90  
 the date of the sale, to obtain a title in the name of the retail 91  
 purchaser. 92

(2) The title for the vehicle indicates that it is a rebuilt 93  
 salvage vehicle, and the fact that it is a rebuilt salvage vehicle 94  
 was not disclosed to the retail purchaser in writing prior to the 95  
 execution of the purchase agreement. 96

(3) The title for the vehicle indicates that the dealer has 97  
 made an inaccurate odometer disclosure to the retail purchaser. 98

(4) The title for the vehicle indicates that it is a 99  
 "buyback" vehicle as defined in section 1345.71 of the Revised 100  
 Code, and the fact that it is a "buyback" vehicle was not 101  
 disclosed to the retail purchaser in the written purchase 102  
 agreement. 103

(5) The motor vehicle is a used manufactured home or used 104  
 mobile home, as defined by section ~~5739.021~~ 4781.01 of the Revised 105  
 Code, that has been repossessed under Chapter 1309. or 1317. of 106  
 the Revised Code, but a certificate of title for the repossessed 107  
 home has not yet been transferred by the repossessing party to the 108  
 dealer on the date the retail purchaser purchases the used 109  
 manufactured home or used mobile home from the dealer, and the 110  
 dealer fails to obtain a certificate of title on or before the 111  
 fortieth day after the dealer obtains the certificate of title for 112  
 the home from the repossessing party or the date on which an 113  
 occupancy permit for the home is delivered to the purchaser by the 114

appropriate legal authority, whichever occurs later. 115

(C) (1) If any of the circumstances circumstance described in 116  
~~divisions~~ division (B) (1) to (4) of this section applies, a retail 117  
purchaser or the retail purchaser's representative shall notify 118  
provide the dealer and afford the dealer the opportunity to comply 119  
~~with the dealer's obligation to refund the full purchase price 120~~  
notice of the motor vehicle request for rescision. Such 121  
notification shall occur not later than sixty days from the date 122  
the motor vehicle is titled in the name of the retail purchaser. 123  
The dealer shall have the opportunity to comply with the dealer's 124  
obligation to refund the full purchase price of the motor vehicle. 125  
Reimbursement shall be only in such a manner as to reimburse the 126  
retail purchaser any money the retail purchaser actually paid and, 127  
in the case of a lender of the retail purchaser, the amount paid 128  
by the lender to purchase the contract or finance the sale of the 129  
vehicle. If a vehicle was taken in trade as a down payment, the 130  
dealer shall return the vehicle to the consumer, unless the dealer 131  
remitted payment to a third party to satisfy any security 132  
interest. If the dealer remitted payment, the dealer shall 133  
reimburse the purchaser the value of the vehicle, as evidenced by 134  
the bill of sale. 135

(2) If any of the circumstances described in divisions 136  
(B) (2), (3), or (4) of this section apply, a retail purchaser or 137  
the retail purchaser's representative shall provide notice to the 138  
dealer of a request for rescision. Such notification shall occur 139  
not later than one hundred eighty days from the date the vehicle 140  
is titled in the name of the retail purchaser. Upon timely 141  
notification, the dealer shall have the opportunity to comply with 142  
the dealer's obligation to refund the full purchase price of the 143  
motor vehicle. Reimbursement shall be only in such a manner as to 144  
reimburse the retail purchaser any money the retail purchaser 145  
actually paid and, in the case of a lender of the retail 146

purchaser, the amount paid by the lender to purchase the contract 147  
or finance the sale of the vehicle. If a vehicle was taken in 148  
trade as a down payment, the dealer shall return the vehicle to 149  
the consumer, unless the dealer remitted payment to a third party 150  
to satisfy any security interest. If the dealer remitted payment, 151  
the dealer shall reimburse the purchaser the value of the vehicle, 152  
as evidenced by the bill of sale. 153

(3) If any of the circumstances described in division (B)(5) 154  
of this section apply, a retail purchaser or the retail 155  
purchaser's representative shall notify the dealer and afford the 156  
dealer the opportunity to comply with the dealer's obligation to 157  
rescind the manufactured home or mobile home transaction. 158

(4) If the retail purchaser does not deliver notice to the 159  
dealer within the applicable time period specified in division 160  
(C)(1), (2), or (3) of this section, the retail purchaser shall 161  
not be entitled to any recovery or have any cause of action under 162  
this section. 163

(5) Nothing in this division (C) of this section shall be 164  
construed as prohibiting the dealer and the retail purchaser or 165  
their representatives from negotiating a compromise resolution 166  
that is satisfactory to both parties. 167

~~(C)(D)~~ If a retail purchaser notifies a dealer of one or more 168  
of the circumstances listed in division (B) of this section within 169  
the applicable time period specified in division (C)(1), (2), or 170  
(3) of this section and the dealer fails to refund to comply with 171  
the retail purchaser the full purchase price requirements for 172  
recision as prescribed in division (C) of the vehicle this section 173  
or reach a satisfactory compromise with the retail purchaser 174  
within three seven business days of presentation of the retail 175  
purchaser's recision claim, the retail purchaser may apply to the 176  
attorney general for payment from the fund of the full purchase 177

price to the retail purchaser. 178

~~(D)~~(E) (1) Upon application by a retail purchaser for payment 179  
 from the fund, if the attorney general is satisfied that one or 180  
 more of the circumstances contained in divisions (B) (1) to ~~(4)~~(5) 181  
 of this section exist, and notification has been given within the 182  
applicable time period specified in division (C) (1), (2), or (3) 183  
of this section, the attorney general shall cause at maximum the 184  
 full purchase price of the vehicle, manufactured home, or mobile 185  
 home plus the cost of any additional temporary license placards to 186  
 be paid to the retail purchaser from the fund after. The attorney 187  
general may require delivery of the vehicle, manufactured home, or 188  
 mobile home to the attorney general prior to reimbursement from 189  
the fund. Reimbursement shall be only in such a manner as to do 190  
either of the following: 191

(a) Reimburse the retail purchaser any money the retail 192  
purchaser actually paid and, in the case of a lender of the retail 193  
purchaser, the amount paid by the lender to purchase the contract 194  
or finance the sale of the vehicle; 195

(b) If the retail purchaser wishes to retain the vehicle, the 196  
attorney general, in the attorney general's sole discretion, may 197  
pay a lienholder of record or other holder of a secured interest 198  
in such manner that title can be transferred to the retail 199  
purchaser free of encumbrances, other than a security interest 200  
granted by the retail purchaser at the time of vehicle purchase. 201

(2) The attorney general, in the attorney general's sole 202  
discretion, also may cause the cost of additional temporary 203  
license placards to be paid from the fund. The 204

(F) The attorney general may sell or otherwise dispose of any 205  
used motor vehicle, manufactured home, or mobile home that is 206  
delivered to the attorney general under this section, and may 207  
collect the proceeds of any bond posted under division (A) of this 208

section by a dealer who has failed to comply with division ~~(C)~~(D) 209  
of this section. The proceeds from all such sales and collections 210  
shall be deposited into the title defect recision fund for use as 211  
specified in section 1345.52 of the Revised Code. 212

~~(E) Failure by a dealer to comply with division (A) or (B) of 213  
this section constitutes a deceptive act or practice in connection 214  
with a consumer transaction, and is a violation of section 1345.02 215  
of the Revised Code. 216~~

~~(F)~~(G) If a dealer fails to submit payment of a secured 217  
interest on a trade-in vehicle as agreed to by the dealer and 218  
retail purchaser and none of the circumstances in divisions (B) (1) 219  
to (5) apply, the retail purchaser may apply to the attorney 220  
general for payment to the secured creditor from the fund. The 221  
attorney general shall demand immediate payment from the dealer 222  
and if payment has not been made or is not immediately 223  
forthcoming, the attorney general may cause an amount equal to 224  
that which the dealer agreed to pay to the secured creditor to be 225  
paid from the fund, along with any additional interest and late 226  
fees resulting from the dealer's failure to pay the secured 227  
creditor in a timely manner. 228

(H) The remedy provided in this section to retail purchasers 229  
is in addition to any remedies otherwise available to the retail 230  
purchaser for the same conduct of the dealer or person acting on 231  
behalf of the dealer under federal law or the laws of this state 232  
or a political subdivision of this state. 233

~~(G) All motor vehicle dealers licensed under Chapter 4517. of 234  
the Revised Code and manufactured housing dealers licensed under 235  
Chapter 4781. of the Revised Code shall pay to the attorney 236  
general for deposit into (I) If, at any time during any calendar 237  
year, the balance in the title defect recision fund the amount 238  
described in division (A) (1) (b) of this section beginning with the 239~~



~~calendar year during which this section becomes effective and each~~ 240  
~~year subsequent to that year until the balance in the fund is not~~ 241  
~~less than three hundred thousand dollars. All such dealers also~~ 242  
~~shall pay to, the attorney general for deposit into the fund that~~ 243  
~~amount during any year and subsequent years during which the~~ 244  
~~balance in the fund is less than three hundred thousand dollars~~ 245  
may assess all motor vehicle dealers licensed under Chapter 4517. 246  
of the Revised Code and all manufactured housing dealers licensed 247  
under Chapter 4781. of the Revised Code one hundred fifty dollars 248  
for deposit into the title defect rescision fund until the balance 249  
in the fund reaches three hundred thousand dollars. A notice of 250  
assessment shall be sent to each dealer at its licensed location. 251

If a motor vehicle dealer or manufactured housing dealer 252  
 fails to comply with this division, the attorney general may bring 253  
 a civil action in a court of competent jurisdiction to collect the 254  
 amount the dealer failed to pay to the attorney general for 255  
 deposit into the fund. 256

(J) Nothing in this section shall be construed as providing 257  
for payment of attorney fees to the retail purchaser. 258

(K) As used in this section: 259

(1) "Full purchase price" means the contract price, including 260  
charges for dealer installed options and accessories, all finance, 261  
credit insurance, and service contract charges incurred by the 262  
retail purchaser, all sales tax, license and registration fees, 263  
and the amount of any negative equity that was not already paid by 264  
the dealer to a third party to satisfy a lien, as reflected in the 265  
contract. 266

(2) "Retail purchaser" means a person, other than a motor 267  
vehicle dealer or a manufactured housing dealer, who in good faith 268  
purchases a used motor vehicle for purposes other than resale." 269

In line 131119, after "4504.18," insert "4505.181," 270

In line 179 of the title, after "4504.18," insert "4505.181," 271

The motion was \_\_\_\_\_ agreed to.

### SYNOPSIS

Sale of a Used Motor Vehicle by a Dealer without a	272
Certificate of Title	273
R.C. 4505.181	274
Revises the provisions that govern the sale of motor	275
vehicles, manufactured homes, and mobile homes by motor vehicle	276
and manufactured housing dealers prior to the dealers having title	277
to the vehicles or homes.	278
Modifies the payments motor vehicle and manufactured housing	279
dealers must make to the Title Defect Recision Fund.	280

6 \_\_\_\_\_ moved to amend as follows:

7 In line 89270, after the first "a" insert "motor vehicle"

8 In line 89272, strike through ", and the" and insert ". In  
9 addition to the license fee, the registrar shall collect from  
10 each applicant for an initial motor vehicle dealer's license and  
11 motor vehicle leasing dealer's license a separate fee in an  
12 amount equal to the last assessment required by section 4505.181  
13 of the Revised Code for all motor vehicle dealers and motor  
14 vehicle leasing dealers. The registrar shall deposit the  
15 separate fee into the state treasury to the credit of the title  
16 defect rescission fund created in section 1345.52 of the Revised  
17 Code. The"

18 In line 89284, after the first "a" insert "motor vehicle"

19 In line 89294, after "a" insert "motor vehicle"

20 In line 89300, after "all" insert "motor vehicle"

21 In line 89307, after "licensed" insert "motor vehicle"

22 In line 89311, strike through "provided in this section"

23 In line 89312, strike through "the original" and insert  
24 "renewing a motor vehicle dealer's license and a motor vehicle

25 leasing dealer's license shall be fifty dollars. The fee for  
26 renewing a salesperson's license shall be ten dollars. The fee  
27 for renewing a motor vehicle auction owner's license shall be  
28 one hundred dollars for each location. The fee for renewing a  
29 distributor's license shall be one hundred dollars for each  
30 distributorship. In all cases the"; after "license" insert  
31 "renewal fee"; after "the" insert "renewal"

32 In line 89332, after "a" insert "motor vehicle"

33 In line 89336, after "Each" insert "motor vehicle"

34 The motion was \_\_\_\_\_ agreed to.

35 SYNOPSIS

36 **Initial Motor Vehicle Dealer and Motor Vehicle Leasing**  
37 **Dealer License Fee**

38 **R.C. 4517.10**

39 Requires each applicant for an initial motor vehicle  
40 dealer's license or motor vehicle leasing dealer's license to  
41 pay a separate fee "equal to the last assessment" required of  
42 motor vehicle dealers (\$150) for purposes of the Title Defect  
43 Recision Fund and requires the Registrar of Motor Vehicles to  
44 deposit the fee into that fund (which is used solely to provide  
45 restitution to retail purchasers of motor vehicles who are  
46 unable to obtain a certificate of title from a dealer and so  
47 suffer damages).

6 \_\_\_\_\_ moved to amend as follows:

7 In line 84187, after "liquor" insert "in accordance with  
8 rules adopted by the division"

9 The motion was \_\_\_\_\_ agreed to.

10 SYNOPSIS

11 **Spirituos Liquor Tasting Samples**

12 **R.C. 4301.17**

13 Adds to the bill's provisions that authorize spirituous  
14 liquor agency stores to sell tasting samples of spirituous  
15 liquor a requirement that the stores do so in accordance with  
16 rules adopted by the Division of Liquor Control.

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2 Sub. H.B. 153  
3 As Pending in S. Finance  
4 LSC 129 1066-6  
5 SC-4155-2

6 \_\_\_\_\_ moved to amend as follows:

7 In line 69862, reinsert "those counties in this state in  
8 which such a program is"

9 In line 69863, reinsert "federally mandated" and delete the  
10 balance of the line

11 In line 69864, delete everything before the period

12 In line 69877, strike through "may" and insert "shall"

13 In line 69884, reinsert "at least the same"

14 In line 69885, delete "substantially similar"

15 In line 69897, reinsert "A" and delete the balance of the  
16 line

17 Delete line 69898

18 In line 69899, delete "participation, a"; reinsert "vendor  
19 selected to operate"

20 In line 69900, reinsert the first "the"; after "program"  
21 reinsert the balance of the line

22 Reinsert lines 69901 through 69909 and insert ";"

23        (b)     For purposes of expanding the number of testing  
24 locations for consumer convenience and increased local business  
25 participation, a requirement that the program"

26           In line 69913, delete "(b)" and insert "(c)"; after "that"  
27 insert "the contractor supply"

28           In line 69914, after "testing" insert "to all inspection  
29 facilities and that tailpipe emissions analyzers"

30           In line 69915, delete "(c)" and insert "(d)"

31           In line 69932, after "(C)" strike through the balance of  
32 the line

33           Strike through lines 69933 through 69939

34           In line 69940, strike through "(D)"

35           In line 69949, strike through "(E)" and insert "(D)"

36           In line 69974, strike through "(F)" and insert "(E)"

37 The motion was \_\_\_\_\_ agreed to.

38   SYNOPSIS

39           **E-Check Changes**

40           **R.C. 3704.14**

41           Removes provisions that specify that the Director of  
42 Environmental Protection may only provide for the implementation  
43 of the E-Check program in the seven counties in which the  
44 program is operating on the effective date of the bill's  
45 provisions regarding E-Check, and instead requires program  
46 implementation in counties where the program is federally  
47 mandated.

48 Eliminates the bill's requirement that the decentralized  
49 program achieve substantially similar ozone precursor reductions  
50 as achieved under the existing centralized program, and instead  
51 restores current law that requires at least the same ozone  
52 precursor reductions.

53 Reinserts existing law that requires the E-Check contractor  
54 to provide notification of the program's requirements to each  
55 owner of a motor vehicle that is required to be inspected under  
56 the program.

57 Alters a provision that requires tailpipe emissions  
58 analyzers to be BAR-97 certified by requiring the E-Check  
59 contractor to supply such tailpipe emissions analyzers to all  
60 inspection facilities.

61 Repeals a provision of current law that prohibits the  
62 implementation of a motor vehicle inspection and maintenance  
63 program in any county in which it is not otherwise authorized or  
64 in any county beyond June 30, 2012 (2017 in the bill), without  
65 the approval of the General Assembly.



Sub. H.B. 153  
As Pending in S. Finance  
LSC 129 1066-6  
SC-4159

\_\_\_\_\_ moved to amend as follows:

In line 496, after "3318.41," insert "3318.44," 1

Between lines 64245 and 64246, insert: 2

"Sec. 3318.44. (A) A joint vocational school district board 3  
of education may generate the school district's portion of the 4  
basic project cost of its project under sections 3318.40 to 5  
3318.45 of the Revised Code using any combination of the following 6  
means if lawfully employed for the acquisition of classroom 7  
facilities: 8

(1) The issuance of securities in accordance with Chapter 9  
133. and section 3311.20 of the Revised Code; 10

(2) Local donated contributions as authorized under section 11  
3318.084 of the Revised Code; 12

(3) A levy for permanent improvements under section 3311.21 13  
or 5705.21 of the Revised Code; 14

(4) Bonds issued pursuant to division (B) of this section. 15

(B) By resolution adopted by a majority of all its members, a 16  
school district board, in order to pay all or part of the school 17  
district's portion of its basic project cost, or portions or 18  
components of classroom facilities that are not included in the 19

school district's basic project cost but that are related to the 20  
school district's project, may apply the proceeds of a tax levied 21  
under either section 3311.21 of the Revised Code for ten years or 22  
section 5705.21 of the Revised Code for ~~general permanent~~ 23  
~~improvements~~ a continuing period of time, if the proceeds of that 24  
levy lawfully may be used for general construction, renovation, 25  
repair, or maintenance of classroom facilities to pay debt charges 26  
on and financing costs related to bonds issued to pay all or part 27  
of the school district portion of the basic project cost of the 28  
school district's project under sections 3318.40 to 3318.45 of the 29  
Revised Code, or portions or components of classroom facilities 30  
that are not included in the school district's basic project cost 31  
but that are related to the school district's project, or to 32  
generate an amount equivalent to all or part of the amount 33  
required under section 3318.43 of the Revised Code to be used for 34  
maintenance of classroom facilities acquired under the project. 35  
Bonds issued under this division shall be Chapter 133. securities, 36  
and may be issued as general obligation securities, but the 37  
issuance of the bonds shall not be subject to a vote of the 38  
electors of the school district as long as the tax proceeds 39  
earmarked for payment of the debt charges on the bonds may 40  
lawfully be used for that purpose. Such bonds shall not be 41  
included in the calculation of net indebtedness under section 42  
133.06 of the Revised Code if the resolution authorizing their 43  
issuance includes covenants to appropriate annually, from lawfully 44  
available proceeds of a property tax levied under either section 45  
3311.21 or 5705.21 of the Revised Code, and to continue to levy 46  
that tax in amounts necessary to pay the debt charges on and 47  
financing costs related to the bonds as they become due. No 48  
property tax levied under section 5705.21 of the Revised Code that 49  
is pledged, or that the school district has covenanted to levy, 50  
collect, and appropriate annually to pay the debt charges on and 51

financing costs related to the bonds under this section may be 52  
 repealed while those bonds are outstanding. If such a tax is 53  
 reduced by electors of the district or by the board of education 54  
 while the bonds are outstanding, the board of education shall 55  
 continue to levy and collect the tax under the authority of the 56  
 original election authorizing the tax at a rate in each year that 57  
 the board reasonably estimates will produce an amount in that year 58  
 equal to the debt charges on the bonds in that year. 59

No state moneys shall be released for a project to which this 60  
 division applies until the proceeds of any bonds issued under this 61  
 division that are dedicated for payment of the school district's 62  
 portion of the basic project cost are first deposited into the 63  
 school district's project construction fund. 64

(C) A school district board of education may adopt a 65  
 resolution proposing that any of the following questions be 66  
 combined with a question specified in section 3318.45 of the 67  
 Revised Code: 68

(1) A bond issue question under section 133.18 of the Revised 69  
 Code; 70

(2) A tax levy question under section 3311.21 of the Revised 71  
 Code; 72

(3) A tax levy question under either section 3311.21 or 73  
 5705.21 of the Revised Code. 74

Any question described in divisions (C)(1) to (3) of this 75  
 section that is combined with a question proposed under section 76  
 3318.45 of the Revised Code shall be for the purpose of either 77  
 paying for any permanent improvement, as defined in section 133.01 78  
 of the Revised Code, or generating operating revenue specifically 79  
 for the facilities acquired under the school district's project 80  
 under Chapter 3318. of the Revised Code or for both to the extent 81  
 such purposes are permitted by the sections of law under which 82

each is proposed.	83
(D) The board of education of a joint vocational school district that receives assistance under this section may enter into an agreement for joint issuance of bonds as provided for in section 3318.085 of the Revised Code."	84 85 86 87
In line 131084, after "3318.41," insert "3318.44,"	88
In line 131 of the title, after "3318.41," insert "3318.44,"	89

The motion was \_\_\_\_\_ agreed to.

#### SYNOPSIS

Local Financing Under the Vocational School Facilities Assistance Program	90 91
R.C. 3318.44	92
Permits a joint vocational school district, in the same resolution, to commit the use of existing or new tax levies to finance the annual debt service on securities issued for both its state assisted classroom facilities project and locally-funded initiatives related to that project.	93 94 95 96 97

Sub. H.B. 153  
As Pending in S. Finance  
LSC 129 1066-6  
SC-4160

\_\_\_\_\_ moved to amend as follows:

In line 484, after "3313.64," insert "3313.642," 1

Between lines 55527 and 55528, insert: 2

"Sec. 3313.642. (A) Except as provided in division (B) of 3  
this section and notwithstanding the provisions of sections 4  
3313.48 and 3313.64 of the Revised Code, the board of education of 5  
a city, exempted village, or local school district shall not be 6  
required to furnish, free of charge, to the pupils attending the 7  
public schools any materials used in a course of instruction with 8  
the exception of the necessary textbooks or electronic textbooks 9  
required to be furnished without charge pursuant to section 10  
3329.06 of the Revised Code. The board may, however, make 11  
provision by appropriations transferred from the general fund of 12  
the district or otherwise for furnishing free of charge any 13  
materials used in a course of instruction to such pupils as it 14  
determines are in serious financial need of such materials. 15

(B) No board of education of a school district shall charge a 16  
fee to a pupil who is eligible for a free lunch under the 17  
"National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, 18  
as amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 19  
42 U.S.C. 1771, as amended, for any materials needed to enable the 20  
pupil to participate fully in a course of instruction. The 21

prohibition in this division against charging a fee does not apply 22  
to any fee charged for any of the following: 23

(1) Any materials needed to enable a pupil to participate 24  
fully in extracurricular activities or in any pupil enrichment 25  
program that is not a course of instruction. 26

(2) Any tools, equipment, and materials that are necessary 27  
for workforce-readiness training within a career-technical 28  
education program that, to the extent the tools, equipment, and 29  
materials are not consumed, may be retained by the student upon 30  
course completion. 31

(C) Boards of education may adopt rules and regulations 32  
prescribing a schedule of fees for materials used in a course of 33  
instruction and prescribing a schedule of charges which may be 34  
imposed upon pupils for the loss, damage, or destruction of school 35  
apparatus, equipment, musical instruments, library material, 36  
textbooks, or electronic textbooks required to be furnished 37  
without charge, and for damage to school buildings, and may 38  
enforce the payment of such fees and charges by withholding the 39  
grades and credits of the pupils concerned." 40

In line 131072, after "3313.64," insert "3313.642," 41

In line 115 of the title, after "3313.64," insert "3313.642," 42

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

Fees for Career-Technical Education Materials 43

R.C. 3313.642 44

Revises the current law that prohibits school districts from 45

charging certain low-income students fees for course materials by	46
permitting fees for tools, equipment, and materials that are	47
necessary for workforce-readiness training and that may be	48
retained by the student after course completion.	49

2  
3  
4  
5

Sub. H.B. 153  
As Pending in S. Finance  
LSC 129 1066-6  
SC-4161

6 \_\_\_\_\_ moved to amend as follows:

7 In line 635, after "3319.228," insert "3319.229,"

8 Between lines 64884 and 64885, insert:

9 "Sec. 3319.229. The rules adopted under section 3319.22 of  
10 the Revised Code shall include requirements for the issuance and  
11 renewal of professional career-technical teaching licenses,  
12 including, but not limited to, requirements relating to life  
13 experience, professional certification, and practical ability.  
14 Nothing in sections 3319.22 to 3319.31 of the Revised Code  
15 requires, and the state board of education shall not adopt a  
16 rule requiring, completion of a degree applicable to the career  
17 field, classroom teaching, or an area of licensure for the  
18 issuance or renewal of a professional career-technical teaching  
19 license."

20 In line 317 of the title, after "3319.228," insert  
21 "3319.229,"

22 The motion was \_\_\_\_\_ agreed to.



23

SYNOPSIS

24       **Professional Career-Technical Teaching Licenses**

25       **R.C. 3319.229**

26       Requires the State Board of Education's rules pertaining to  
27 professional career-technical teaching licenses to include  
28 requirements relating to life experience, professional  
29 certification, and practical ability. Prohibits the State Board  
30 from requiring completion of a degree as a condition for the  
31 license. This has the effect of nullifying a current State  
32 Board rule requiring completion of a degree before the second  
33 renewal of the license.

6 \_\_\_\_\_ moved to amend as follows:

7 In line 117840, delete ", and not leased or" and insert "by  
8 the school for primary or secondary educational purposes. The  
9 exemption under division (A)(1) of this section does not apply  
10 to any portion of the real property not used for primary or  
11 secondary educational purposes."

12 Delete line 117841

13 The motion was \_\_\_\_\_ agreed to.

14 SYNOPSIS

15 **Public Schoolhouse Exemption**

16 **R.C. 5709.07**

17 Replaces the pending bill's proposed amendment of the  
18 public schoolhouse property tax exemption and specifically  
19 exempts from taxation real property used by a school district,  
20 STEM school, community school, educational service center, or  
21 nonpublic school for primary or secondary educational purposes.

22 Removes the pending bill's condition that the property not  
23 be leased or otherwise used with a view to profit.

24 Specifically excludes from the exemption real property not  
25 used by the school for primary or secondary educational  
26 purposes.

6 \_\_\_\_\_ moved to amend as follows:

7 In line 489, after "3314.19," insert "3314.22,"

8 In line 588, after "5753.01," insert "5901.02,"

9 In line 3038, strike through "council" and insert "counsel"

10 In line 4553, delete "5119.85"

11 In line 4559, after "5119.693," insert "5119.85,"

12 In line 4569, delete "5119.85"

13 In line 4570, after "5119.693," insert "5119.85,"

14 In line 4598, delete "5119.85"

15 In line 4604, after "5119.693," insert "5119.85,"

16 In line 4615, delete "5119.85"

17 In line 4621, after "5119.693," insert "5119.85,"

18 In line 4639, delete "5119.85"

19 In line 4645, after "5119.693," insert "5119.85,"

20 Move lines 14232 through 14286 to between lines 13554 and

21 13555

22 In line 50112, delete "(B)" and insert "(C)"

23 In line 56746, after "department" insert "of education"

24 In line 63742, delete ". . . . ." and insert "387.70"

25 In line 63889, delete ". . . . ." and insert "387.70"

26 In line 131003, after "154.11," insert "166.02,"

27 In line 131077, after "3314.20," insert "3314.22,"

28 In line 135959, delete "Nonfederal Share of New" and insert

29 "NONFEDERAL SHARE OF NEW"; delete "Beds" and insert "BEDS"

30 In line 135987, after "section" insert "of this act";

31 before "FAMILY" insert a quotation mark

32 In line 135988, after the period insert a quotation mark

33 In line 137043, move the semicolon to after the quotation

34 mark

35 In line 137090, after the period insert a quotation mark

36 In line 139189, delete "Reduction of Medicaid Expenditures"

37 and insert "REDUCTION OF MEDICAID PAYMENT RATES"

38 In line 139376, after the second comma insert "the Council

39 shall"

40 In line 139404, delete "well being" and insert "well-being"

41 In line 140078, after "section" insert "of this act";

42 before "FAMILY" insert a quotation mark

43 In line 140079, after the period insert a quotation mark

44 In line 140801, delete "No board is" and insert "The boards

45 are not"

46 In line 143838, after "section" insert "of this act";

47 before "FAMILY" insert a quotation mark

48 In line 143839, delete ", of this act"; after the period

49 insert a quotation mark

50 In line 143849, delete "**503.20**" and insert "**501.20**"

51 In line 145465, delete "153.57,"  
52 Indent line 146005  
53 In line 147424, delete everything after the semicolon  
54 Delete lines 147425 through 147428  
55 In line 147686, delete the comma and insert " :  
56 In"  
57 In line 147687, delete "in" and close up the paragraph  
58 In line 121 of the title, after "3314.19," insert  
59 "3314.22,"  
60 In line 257 of the title, after "5753.01," insert  
61 "5901.02,"  
62 In line 299 of the title, after "126.604," insert  
63 "126.605,"  
64 In line 380 of the title, after "to" insert "amend the  
65 versions of sections 5122.01, 5122.31, 5123.19, 5123.191, and  
66 5123.60 of the Revised Code that result from Section 101.01 of  
67 this act and to"  
68 In line 381 of the title, delete "5122.01,"  
69 In line 382 of the title, delete "5122.31, "; delete  
70 "5123.19, 5123.191,"  
71 In line 383 of the title, delete "5123.60,"  
72 The motion was \_\_\_\_\_ agreed to.

73

SYNOPSIS

74 **LSC Technical**

75 **RC 102.82, 109.572, 149.351, 3314.016, and 3318.36**

76 **Sections 263.10.40, 263.10.50, 267.30.40, 309.30.35,**  
77 **309.30.73, 309.30.80, 309.50.20, 337.30.30, 415.10, 747.30,**  
78 **757.40, and 812.40**

79 **Corrects technical and engrossing errors**

6 \_\_\_\_\_ moved to amend as follows:

7 In line 521, after "3770.02," insert "3770.03,"

8 In line 18385, delete "seventy-five" and insert "ninety"

9 In line 18971, delete "seventy-five" and insert "ninety"

10 In line 78488, strike through "Subjects covered in"

11 In line 74489, strike through "these rules shall include"

12 In line 78495, after "~~tickets~~" delete the remainder of the  
13 line

14 Delete lines 78496 through 78499

15 In line 78500, delete "funding in the state"; strike  
16 through the period

17 In line 80573, delete "and" and insert "or"

18 In line 98623, after "revoked" delete the balance of the  
19 line

20 Delete line 98624

21 In line 98625, delete "because the owner changed locations"

22 In line 131109, after "3770.02," insert "3770.03,"

23 In line 136192, delete "(1)"

24 In line 136200, delete "(a)" and insert "(1)"

25 In line 136202, delete "(b)" and insert "(2)"  
26 In line 136205, delete "(c)" and insert "(3)"  
27 In line 136207, delete "(i)" and insert "(a)"  
28 In line 136208, delete "(ii)" and insert "(b)"  
29 In line 136209, delete "(iii)" and insert "(c)"  
30 In line 136210, delete "(iv)" and insert "(d)"  
31 In line 136212, delete "(v)" and insert "(e)"  
32 In line 136213, delete "(vi)" and insert "(f)"  
33 In line 136214, delete "(vii)" and insert "(g)"  
34 Delete lines 136216 and 136217  
35 In line 147175, delete "2012" and insert "2013"  
36 In line 165 of the title, after "3770.02," insert  
37 "3770.03,"

38 The motion was \_\_\_\_\_ agreed to.

39 SYNOPSIS

40 **LSC Corrective**

41 **RC 306.322, 306.55, 3770.03, 4111.14, and 5104.03**

42 **Sections 263.20.90, 337.30.75, 337.30.80, and 757.10**

43 Corrects errors in the bill.



6 \_\_\_\_\_ moved to amend as follows:

7 In line 646, after "5111.053," insert "5111.054,"

8 In line 11416, after "Code" insert "i

9 (36) Applying to contracts entered into by the department  
10 of job and family services under section 5111.054 of the Revised  
11 Code"

12 Between lines 100343 and 100344, insert:

13 "Sec. 5111.054. (A) As used in this section:

14 (1) "Federal financial participation" means the federal  
15 government's share of expenditures made by an entity in  
16 implementing the medicaid program.

17 (2) "OCHSPS" means the private, not-for-profit corporation  
18 known as the Ohio children's hospital solutions for patient  
19 safety, which was formed for the purpose of improving pediatric  
20 patient care in this state, which performs functions that are  
21 included within the functions of a peer review committee as  
22 defined in section 2305.25 of the Revised Code, and which  
23 consists of all of the following members: Akron children's  
24 hospital, Cincinnati children's hospital medical center,

25 Cleveland clinic children's hospital, Dayton children's medical  
26 center, mercy children's hospital, nationwide children's  
27 hospital, rainbow babies & children's hospital, and Toledo  
28 children's hospital.

29 (B) If, as authorized by section 5101.10 of the Revised  
30 Code, the department of job and family services chooses to  
31 contract with a person to perform either or both of the  
32 following services, it may contract with any qualified person,  
33 including OCHSPS, to perform the service or services on the  
34 department's behalf:

35 (1) Review and analyze claims for medical assistance made  
36 under this chapter to children in accordance with all state and  
37 federal laws governing the confidentiality of patient-  
38 identifying information;

39 (2) Perform quality assurance and quality review functions,  
40 other than those described in division (B)(1) of this section,  
41 related to medical assistance made under this chapter to  
42 children.

43 The functions specified in division (B)(2) of this section  
44 may include those recommended by the best evidence for advancing  
45 child health in Ohio now (BEACON) council.

46 (C) If the department enters into a contract with OCHSPS  
47 for OCHSPS to perform either or both of the services described  
48 in division (B) of this section, OCHSPS shall, only for purposes

49 of section 5101.11 of the Revised Code, be considered a public  
50 entity and the department shall seek federal financial  
51 participation for costs incurred by OCHSPS in performing the  
52 service or services."

53 In line 329 of the title, after "5111.053," insert  
54 "5111.054,"

55 The motion was \_\_\_\_\_ agreed to.

56 SYNOPSIS

57 **Outsourcing of Pediatric Claims Review and Quality**  
58 **Assurance Functions**

59 **R.C. 5111.053 (primary) and 127.16**

60 Permits the Department of Job and Family Services (ODJFS),  
61 if it chooses to outsource the performance of pediatric Medicaid  
62 claims review and analysis, quality assurance functions  
63 associated with pediatric Medicaid claims, or both, to enter  
64 into a contract with any qualified person, including the "Ohio  
65 Children's Hospital Solutions for Patient Safety" (OCHSPS) to  
66 perform the service or services.

67 Defines "OCHSPS" as a private, not-for-profit corporation  
68 which (1) was formed for the purpose of improving pediatric  
69 patient care in Ohio, (2) performs the functions of a peer  
70 review committee, and (3) consists of specified children's  
71 hospitals in Ohio.

72 If ODJFS enters into a contract with OCHSPS, specifies that  
73 OCHSPS is a "public entity" only for purposes of a provision of  
74 law that authorizes a public entity that performs a function on  
75 behalf of the Department of Job and Family Services to request  
76 the Department to seek federal financial participation for the  
77 costs incurred by the entity in performing the service or  
78 services covered by the contract.

79           If ODJFS is successful in collecting federal funds as a  
80 share of the costs incurred by OCHSPS, requires the funds to be  
81 distributed in accordance with law governing distribution of  
82 funds to entities that perform functions of programs  
83 administered by ODJFS.

Sub. H.B. 153  
As Pending in S. Finance  
LSC 129 1066-6  
SC-4179-1

\_\_\_\_\_ moved to amend as follows:

In line 401, delete "9.312," 1

In line 618, delete "9.336," 2

In line 622, after "153.504," insert "153.505," 3

In line 623, delete "153.695," 4

In line 634, after "3318.054," insert "3318.111," 5

Delete lines 1590 through 1717 6

Delete lines 1778 through 2054 and insert: 7

"Sec. 9.33. As used in sections 9.33 to ~~9.333~~ 9.335 of the Revised Code: 8  
9

(A) "Construction manager" means a person with substantial 10  
discretion and authority to plan, coordinate, manage, and direct 11  
all phases of a project for the construction, demolition, 12  
alteration, repair, or reconstruction of any public building, 13  
structure, or other improvement, but does not mean the person who 14  
provides the professional design services or who actually performs 15  
the construction, demolition, alteration, repair, or 16  
reconstruction work on the project. 17

(B) (1) "Construction manager at risk" means a person with 18

substantial discretion and authority to plan, coordinate, manage, direct, and construct all phases of a project for the construction, demolition, alteration, repair, or reconstruction of any public building, structure, or other improvement and who provides the public owner a guaranteed maximum price as determined in section 9.334 of the Revised Code.

(2) As used in division (B)(1) of this section:

(a) "Construct" includes performing, or subcontracting for performing, construction, demolition, alteration, repair, or reconstruction;

(b) "Manage" includes approving bidders and awarding subcontracts for furnishing materials regarding, or for performing, construction, demolition, alteration, repair, or reconstruction.

(C) "Construction management contract" means a contract between a public owner and another person obligating the person to provide construction management services.

(D) "Construction management services" or "management services" means the range of services that either a construction manager or a construction manager at risk may provide.

(E) "Qualified" means having the following qualifications:

(1) Competence to perform the required management services as indicated by the technical training, education, and experience of the construction manager's or construction manager at risk's personnel, especially the technical training, education, and experience of the construction manager's or construction manager at risk's employees who would be assigned to perform the services;

(2) Ability in terms of workload and the availability of qualified personnel, equipment, and facilities to perform the required management services competently and expeditiously;

(3) Past performance as reflected by the evaluations of previous clients with respect to factors such as control of costs, quality of work, and meeting of deadlines;

(4) Financial responsibility as evidenced by the capability to provide a letter of credit pursuant to Chapter 1305. of the Revised Code, a surety bond, certified check, or cashier's check in an amount equal to the value of the construction management contract, or by other means acceptable to the public owner;

(5) Other similar factors.

~~(C) "Public~~ (F) (1) Except as otherwise provided in division (F) (2) of this section, "public owner" means the state, or any county, township, municipal corporation, school district, or other political subdivision, or any instrumentality or special purpose district of the state or a political subdivision.

(2) In the context of a contract with a construction manager at risk, "public owner" means a state agency, state institution of higher education, or county.

(G) "Open book pricing method" means a method in which a construction manager at risk provides the public owner, at the public owner's request, all books, records, documents, and other data in its possession pertaining to the bidding, pricing, or performance of a construction management contract awarded to the construction manager at risk.

(H) "State agency" means every organized body, office, or agency established by the laws of the state for the exercise of any function of state government, except the Ohio turnpike commission and any special purpose district of the state.

(I) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

Sec. 9.331. (A) Before entering into a contract to employ a construction manager or construction manager at risk, a public owner shall advertise, in a newspaper of general circulation in the county where the contract is to be performed, notice of its intent to employ a construction manager or construction manager at risk. The notice of intent may also be advertised by electronic means pursuant to rules adopted by the director of administrative services. The notice shall invite interested parties to submit proposals for consideration and shall be published at least thirty days prior to the date for accepting the proposals. The public owner also may advertise the information contained in the notice in appropriate trade journals and otherwise notify persons believed to be interested in employment as a construction manager or construction manager at risk.

(B) The advertisement shall include a general description of the project, a statement of the specific management services required, and a description of the qualifications required for the project.

~~Sec. 9.332. For every construction management contract, the~~  
Every public owner planning to contract for construction management services with a construction manager shall evaluate the proposals submitted and may hold discussions with individual construction managers to explore further their proposals, the scope and nature of the services they would provide, and the various technical approaches they may take regarding the project. Following this evaluation, the public owner shall:

(A) Select and rank no fewer than three construction managers that it considers to be the most qualified to provide the required construction management services, except when the public owner determines in writing that fewer than three qualified construction



managers are available in which case it shall select and rank 108  
them; 109

(B) Negotiate a contract with the construction manager ranked 110  
most qualified to perform the required services at a compensation 111  
determined in writing to be fair and reasonable. Contract 112  
negotiations shall be directed toward: 113

(1) Ensuring that the construction manager and the public 114  
owner have a mutual understanding of the essential requirements 115  
involved in providing the required services; 116

(2) Determining that the construction manager will make 117  
available the necessary personnel, equipment, and facilities to 118  
perform the services within the required time. 119

(C) Upon failure to negotiate a contract with the 120  
construction manager ranked most qualified, the public owner shall 121  
inform the construction manager in writing of the termination of 122  
negotiations and enter into negotiations with the construction 123  
manager ranked next most qualified. If negotiations again fail, 124  
the same procedure shall be followed with each next most qualified 125  
construction manager selected and ranked pursuant to division (A) 126  
of this section, in order of ranking, until a contract is 127  
negotiated. 128

(D) If the public owner fails to negotiate a contract with 129  
any of the construction managers selected pursuant to division (A) 130  
of this section, the public owner shall select and rank additional 131  
construction managers, based on their qualifications, and 132  
negotiations shall continue as with the construction managers 133  
selected and ranked initially until a contract is negotiated. 134

**Sec. 9.333. (A)** No public owner shall enter into a 135  
construction management contract with a construction manager 136  
unless the construction manager provides a letter of credit 137

pursuant to Chapter 1305. of the Revised Code, a surety bond 138  
 pursuant to sections 153.54 and 153.57 of the Revised Code, a 139  
 certified check or cashier's check in an amount equal to the value 140  
 of the construction management contract for the project, or 141  
 provides other reasonable financial assurance of a nature and in 142  
 an amount satisfactory to the owner. The public owner may waive 143  
 this requirement for good cause. 144

(B) Before construction begins pursuant to a construction 145  
 management contract with a construction manager at risk, the 146  
 construction manager at risk shall provide a surety bond to the 147  
 public owner in accordance with rules adopted by the director of 148  
 administrative services under Chapter 119. of the Revised Code. 149

Sec. 9.334. (A) Every public owner planning to contract for 150  
 construction management services with a construction manager at 151  
 risk shall evaluate the proposals submitted and select not fewer 152  
 than three construction managers at risk the public owner 153  
 considers to be the most qualified to provide the required 154  
 construction management services, except that the public owner 155  
 shall select and rank fewer than three when the public owner 156  
 determines in writing that fewer than three qualified construction 157  
 managers at risk are available. 158

(B) The public owner shall provide each construction manager 159  
 at risk selected under division (A) of this section with a 160  
 description of the project, including a statement of available 161  
 design detail, a description of how the guaranteed maximum price 162  
 for the project shall be determined, including the estimated level 163  
 of design detail upon which the guaranteed maximum price shall be 164  
 based, the form of the construction management contract, and a 165  
 request for a pricing proposal. 166

(C) The pricing proposal of each construction manager at risk 167  
 shall include at least the following regarding the construction 168

<u>manager at risk:</u>	169
<u>(1) A list of key personnel for the project and a staffing chart:</u>	170 171
<u>(2) A statement of the general conditions and contingency requirements:</u>	172 173
<u>(3) A fee proposal divided into a preconstruction fee, a construction fee, and the portion of the construction fee to be at risk in a guaranteed maximum price.</u>	174 175 176
<u>(D) The public owner shall evaluate the submitted pricing proposals and may hold discussions with individual construction managers at risk to explore their proposals further, including the scope and nature of the proposed services and potential technical approaches.</u>	177 178 179 180 181
<u>(E) After evaluating the pricing proposals, the public owner shall rank the selected construction managers at risk based on its evaluation of the value of each pricing proposal, with such evaluation considering the proposed cost and qualifications.</u>	182 183 184 185
<u>(F) The public owner shall enter into negotiations for a construction management contract with the construction manager at risk whose pricing proposal the public owner determines to be the best value under division (E) of this section. Contract negotiations shall be directed toward:</u>	186 187 188 189 190
<u>(1) Ensuring that the construction manager at risk and the public owner mutually understand the essential requirements involved in providing the required construction management services, including the awarding of subcontracts and their terms, the provisions for the use of contingency funds, and the possible distribution of savings in the final costs of the project;</u>	191 192 193 194 195 196
<u>(2) Ensuring that the construction manager at risk will be able to provide the necessary personnel, equipment, and facilities</u>	197 198

to perform the construction management services within the time 199  
required by the construction management contract; 200

(3) Agreeing upon a procedure and schedule for determining a 201  
guaranteed maximum price using an open book pricing method that 202  
shall represent the total maximum amount to be paid by the public 203  
owner to the construction manager at risk for the project and that 204  
shall include the costs of all the work, the cost of its general 205  
conditions, the contingency, and the fee payable to the 206  
construction manager at risk. 207

(G) (1) If the public owner fails to negotiate a construction 208  
management contract with the construction manager at risk whose 209  
pricing proposal the public owner determines to be the best value 210  
under division (E) of this section, the public owner shall inform 211  
the construction manager at risk, in writing, of the termination 212  
of negotiations. 213

(2) Upon terminating negotiations, the public owner shall 214  
enter into negotiations as provided in this section with the 215  
construction manager at risk that the public owner ranked next 216  
highest under division (E) of this section. If negotiations fail, 217  
the public owner shall enter into negotiations as provided in this 218  
section with the construction manager at risk the public owner 219  
ranked next highest under division (E) of this section. 220

(3) If a public owner fails to negotiate a construction 221  
management contract with a construction manager at risk whose 222  
pricing proposal the public owner determines to be the best value 223  
under division (E) of this section, the public owner may select 224  
additional construction managers at risk to provide pricing 225  
proposals to the public owner pursuant to this section or may 226  
select an alternative delivery method for the project. 227

(H) If the public owner and construction manager at risk fail 228  
to agree on a guaranteed maximum price, nothing in this section 229

shall prohibit the public owner from allowing the construction manager at risk to provide the management services that a construction manager is authorized to provide.

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Sec. 9.335. The requirements set forth in sections 9.33 to 9.334 of the Revised Code for the bidding, selection, and award of a construction management contract by a public owner prevail in the event of any conflict with a provision of Chapter 153. of the Revised Code."

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Delete lines 10694 through 10712 and insert:

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"Sec. 126.141. Any request for release of capital appropriations by the director of budget and management or the controlling board for projects, the contracts of which are awarded by the department of administrative services, shall contain a contingency reserve, the amount of which shall be determined by the department of administrative services, for payment of unanticipated project expenses. Any amount deducted from the encumbrance for a contractor's contract as an assessment for liquidated damages shall be added to the encumbrance for the contingency reserve. Contingency reserve funds shall be used to pay costs resulting from unanticipated job conditions, to comply with rulings regarding building and other codes, to pay costs related to errors, omissions, or other deficiencies in contract documents, to pay costs associated with changes in the scope of work, to pay interest due on late payments, and to pay the costs of settlements and judgments related to the project.

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Any funds remaining upon completion of a project may, upon approval of the Controlling Board, be released for the use of the agency or instrumentality to which the appropriation was made for other capital facilities projects."

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Delete lines 14287 through 14354 and insert: 259

"Sec. 153.01. ~~Whenever~~ (A) Subject to division (B) of this 260  
section, whenever any building or structure for the use of the 261  
state or any institution supported in whole or in part by the 262  
state or in or upon the public works of the state that is 263  
administered by the director of administrative services or by any 264  
other state officer or state agency authorized by law to 265  
administer a project, including an educational institution listed 266  
in section 3345.50 of the Revised Code, is to be erected or 267  
constructed, whenever additions, alterations, or structural or 268  
other improvements are to be made, or whenever heating, cooling, 269  
or ventilating plants or other equipment is to be installed or 270  
material supplied therefor, the ~~aggregate~~ estimated cost of which 271  
amounts to fifty thousand dollars or more, each officer, board, or 272  
other authority upon which devolves the duty of constructing, 273  
erecting, altering, or installing the same, referred to in 274  
sections 153.01 to 153.60 of the Revised Code as the owner, shall 275  
cause to be made, by an architect or engineer whose contract of 276  
employment shall be prepared and approved by the attorney general, 277  
the following: 278

~~(A)~~ (1) Full and accurate plans, suitable for the use of 279  
mechanics and other builders in the construction, improvement, 280  
addition, alteration, or installation; 281

~~(B)~~ (2) Details to scale and full-sized, so drawn and 282  
represented as to be easily understood; 283

~~(C)~~ (3) Accurate bills showing the exact quantity of different 284  
kinds of material necessary to the construction; 285

~~(D)~~ (4) Definite and complete specifications of the work to be 286  
performed, together with directions that will enable a competent 287  
mechanic or other builder to carry them out and afford bidders all 288

needful information;	289
<del>(E)</del> (5) A full and accurate estimate of each item of expense and the aggregate cost of those items of expense;	290 291
<del>(F)</del> (6) A life-cycle cost analysis;	292
<del>(G)</del> (7) Further data as may be required by the department of administrative services.	293 294
<u>(B) For a state agency, as defined in section 9.33 of the Revised Code, or a state institution of higher education, as defined in section 3345.011 of the Revised Code, the estimated project cost described in division (A) of this section shall be two hundred thousand dollars or more or the amount determined pursuant to section 153.53 of the Revised Code or more.</u>	295 296 297 298 299 300
<u>(C) The data described in divisions (A) (1) to (7) of this section shall not be required with respect to any work to be performed pursuant to a construction management contract entered into with a construction manager at risk as described in section 9.334 of the Revised Code or pursuant to a contract for design-build services entered into with a design-build firm as described in section 153.693 of the Revised Code.</u>	301 302 303 304 305 306 307
<b>Sec. 153.012.</b> With respect to the award of any contract for the construction, reconstruction, improvement, enlargement, alteration, repair, painting, or decoration of a public improvement, including any highway improvement, made by the state or in whole or in part supported by the state <u>and including any subcontract awarded by a construction manager at risk as defined in section 9.33 of the Revised Code or by a design-build firm as defined in section 153.65 of the Revised Code, except for but excluding</u> a contract for products produced or mined in Ohio or for a contract financed in whole or in part by contributions or loans from any agency of the United States government, preference shall	308 309 310 311 312 313 314 315 316 317 318

be given to contractors or subcontractors having their ~~principle~~ principal place of business in Ohio over ~~contractors~~ contractors or subcontractors having their ~~principle~~ principal place of business in a state which provides a preference in that state in favor of contractors or subcontractors of that state for the same type of work. Where a preference is provided by another state for contractors or subcontractors of that state, contractors or subcontractors having their ~~principle~~ principal place of business in Ohio are to be granted in Ohio the same preference over them in the same manner and on the same basis and to the same extent as the preference is granted in letting contracts or subcontracts for the same type of work by the other state. If one party to a joint venture is a contractor or subcontractors having its ~~principle~~ principal place of business in Ohio, the joint venture shall be considered as having its ~~principle~~ principal place of business in Ohio."

Delete lines 14420 through 15566 and insert:

"Sec. 153.03. (A) As used in this section:

(1) "Contracting authority" means any state agency or other state instrumentality that is authorized to award a public improvement contract.

(2) "Bidder" means a person who submits a bid to a contracting authority to perform work under a public improvement contract.

(3) "Contractor" means any person with whom a contracting authority has entered into a public improvement contract to provide labor for a public improvement and includes a construction manager at risk and a design-build firm.

(4) "Subcontractor" means any person who undertakes to provide any part of the labor on the site of a public improvement



under a contract with any person other than the contracting authority, including all such persons in any tier. 349  
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(5) ~~"Construction manager" means a person with substantial discretion and authority to plan, coordinate, manage, and direct all phases of a project for the construction, demolition, alteration, repair, or reconstruction of any public building, structure, or other improvement~~ has the same meaning as in section 9.33 of the Revised Code. 351  
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(6) "Construction manager at risk" has the same meaning as in section 9.33 of the Revised Code. 357  
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(7) "Design-build firm" has the same meaning as in section 153.65 of the Revised Code. 359  
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(8) "Labor" means any activity performed by a person that contributes to the direct installation of a product, component, or system, or that contributes to the direct removal of a product, component, or system. 361  
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~~(7)~~(9) "Public improvement contract" means any contract that is financed in whole or in part with money appropriated by the general assembly, or that is financed in any manner by a contracting authority, and that is awarded by a contracting authority for the construction, alteration, or repair of any public building, public highway, or other public improvement. 365  
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~~(8)~~(10) "State agency" means every organized body, office, or agency established by the laws of this state for the exercise of any function of state government. 371  
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(B) A contracting authority shall not award a public improvement contract to a bidder, and a construction manager at risk or design-build firm shall not award a subcontract, unless the contract or subcontract contains both of the following: 374  
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(1) The statements described in division (E) of this section; 378

(2) Terms that require the contractor or subcontractor to be 379  
enrolled in and be in good standing in the drug-free workplace 380  
program of the bureau of workers' compensation or a comparable 381  
program approved by the bureau that requires an employer to do all 382  
of the following: 383

(a) Develop, implement, and provide to all employees a 384  
written substance use policy that conveys full and fair disclosure 385  
of the employer's expectations that no employee be at work with 386  
alcohol or drugs in the employee's system, and specifies the 387  
consequences for violating the policy. 388

(b) Conduct drug and alcohol tests on employees in accordance 389  
with division (B) (2) (c) of this section and under the following 390  
conditions: 391

(i) Prior to an individual's employment or during an 392  
employee's probationary period for employment, which shall not 393  
exceed one hundred twenty days after the probationary period 394  
begins; 395

(ii) At random intervals while an employee provides labor or 396  
~~en site~~ on-site supervision of labor for a public improvement 397  
contract. The employer shall use the neutral selection procedures 398  
required by the United States department of transportation to 399  
determine which employees to test and when to test those 400  
employees. 401

(iii) After an accident at the site where labor is being 402  
performed pursuant to a public improvement contract. For purposes 403  
of this division, "accident" has the meaning established in rules 404  
the administrator of workers' compensation adopts pursuant to 405  
Chapters 4121. and 4123. of the Revised Code for the bureau's 406  
drug-free workplace program, as those rules exist on ~~the effective~~ 407  
~~date of this section~~ March 30, 2007. 408

(iv) When the employer ~~or a~~ construction manager, 409  
construction manager at risk, or design-build firm has reasonable 410  
suspicion that prior to an accident an employee may be in 411  
violation of the employer's written substance use policy. For 412  
purposes of this division, "reasonable suspicion" has the meaning 413  
established in rules the administrator adopts pursuant to Chapters 414  
4121. and 4123. of the Revised Code for the bureau's drug-free 415  
workplace program, as those rules exist on ~~the effective date of~~ 416  
~~this section~~ March 30, 2007. 417

(v) Prior to an employee returning to a work site to provide 418  
labor for a public improvement contract after the employee tested 419  
positive for drugs or alcohol, and again after the employee 420  
returns to that site to provide labor under that contract, as 421  
required by either the employer, ~~the~~ construction manager, 422  
construction manager at risk, design-build firm, or conditions in 423  
the contract. 424

(c) Use the following types of tests when conducting a test 425  
on an employee under the conditions described in division 426  
(B) (2) (b) of this section: 427

(i) Drug and alcohol testing that uses the federal testing 428  
model that the administrator has incorporated into the bureau's 429  
drug-free workplace program; 430

(ii) Testing to determine whether the concentration of 431  
alcohol on an employee's breath is equal to or in excess of the 432  
level specified in division (A) (1) (d) or (h) of section 4511.19 of 433  
the Revised Code, which is obtained through an evidentiary breath 434  
test conducted by a breath alcohol technician using breath testing 435  
equipment that meets standards established by the United States 436  
department of transportation, or, if such technician and equipment 437  
are unavailable, a blood test may be used to determine whether the 438  
concentration of alcohol in an employee's blood is equal to or in 439

excess of the level specified in division (A) (1) (b) or (f) of 440  
section 4511.19 of the Revised Code. 441

(d) Require all employees to receive at least one hour of 442  
training that increases awareness of and attempts to deter 443  
substance abuse and supplies information about employee assistance 444  
to deal with substance abuse problems, and require all supervisors 445  
to receive one additional hour of training in skill building to 446  
teach a supervisor how to observe and document employee behavior 447  
and intervene when reasonable suspicion exists of substance use; 448

(e) Require all supervisors and employees to receive the 449  
training described in division (B) (2) (d) of this section before 450  
work for a public improvement contract commences or during the 451  
term of a public improvement contract; 452

(f) Require that the training described in division (B) (2) (d) 453  
of this section be provided using material prepared by an 454  
individual who has credentials or experience in substance abuse 455  
training; 456

(g) Assist employees by providing, at a minimum, a list of 457  
community resources from which an employee may obtain help with 458  
substance abuse problems, except that this requirement does not 459  
preclude an employer from having a policy that allows an employer 460  
to terminate an employee's employment the first time the employee 461  
tests positive for drugs or alcohol or if an employee refuses to 462  
be tested for drugs, alcohol, or both. 463

(C) Any time the United States department of health and human 464  
services changes the federal testing model that the administrator 465  
has incorporated into the bureau's drug-free workplace program in 466  
a manner that allows additional or new products, protocols, 467  
procedures, and standards in the model, the administrator may 468  
adopt rules establishing standards to allow employers to use those 469  
additional or new products, protocols, procedures, or standards to 470

satisfy the requirements of division (B)(2)(c) of this section, 471  
and the bureau may approve an employer's drug-free workplace 472  
program that meets the administrator's standards and the other 473  
requirements specified in division (B)(2) of this section. 474

(D) A contracting authority shall ensure that money 475  
appropriated by the general assembly for the contracting 476  
authority's public improvement contract or, in the case of a state 477  
institution of higher education, the institution's financing for 478  
the public improvement contract, is not expended unless the 479  
contractor for that contract is enrolled in and in good standing 480  
in a drug-free workplace program described in division (B) of this 481  
section. Prior to awarding a contract to a bidder, a contracting 482  
authority shall verify that the bidder is enrolled in and in good 483  
standing in such a program. 484

(E) A contracting authority shall include all of the 485  
following statements in the public improvement contract entered 486  
into between the contracting authority and a contractor for the 487  
public improvement: 488

(1) "Each contractor shall require all subcontractors with 489  
whom the contractor is in contract for the public improvement to 490  
be enrolled in and be in good standing in the Bureau of Workers' 491  
Compensation's Drug-Free Workplace Program or a comparable program 492  
approved by the Bureau that meets the requirements specified in 493  
section 153.03 of the Revised Code prior to a subcontractor 494  
providing labor at the project site of the public improvement." 495

(2) "Each subcontractor shall require all lower-tier 496  
subcontractors with whom the subcontractor is in contract for the 497  
public improvement to be enrolled in and be in good standing in 498  
the Bureau of Workers' Compensation's Drug-Free Workplace Program 499  
or a comparable program approved by the Bureau that meets the 500  
requirements specified in section 153.03 of the Revised Code prior 501

to a lower-tier subcontractor providing labor at the project site 502  
of the public improvement." 503

(3) "Failure of a contractor to require a subcontractor to be 504  
enrolled in and be in good standing in the Bureau of Workers' 505  
Compensation's Drug-Free Workplace Program or a comparable program 506  
approved by the Bureau that meets the requirements specified in 507  
section 153.03 of the Revised Code prior to the time that the 508  
subcontractor provides labor at the project site will result in 509  
the contractor being found in breach of the contract and that 510  
breach shall be used in the responsibility analysis of that 511  
contractor or the subcontractor who was not enrolled in a program 512  
for future contracts with the state for five years after the date 513  
of the breach." 514

(4) "Failure of a subcontractor to require a lower-tier 515  
subcontractor to be enrolled in and be in good standing in the 516  
Bureau of Workers' Compensation's Drug-Free Workplace Program or a 517  
comparable program approved by the Bureau that meets the 518  
requirements specified in section 153.03 of the Revised Code prior 519  
to the time that the lower-tier subcontractor provides labor at 520  
the project site will result in the subcontractor being found in 521  
breach of the contract and that breach shall be used in the 522  
responsibility analysis of that subcontractor or the lower-tier 523  
subcontractor who was not enrolled in a program for future 524  
contracts with the state for five years after the date of the 525  
breach." 526

(F) In the event a construction manager, construction manager 527  
at risk, or design-build firm intends and is authorized to provide 528  
labor for a public improvement contract, a contracting authority 529  
shall verify, prior to awarding a contract for construction 530  
management services or design-build services, that the 531  
construction manager, construction manager at risk, or 532

design-build firm was enrolled in and in good standing in a 533  
 drug-free workplace program described in division (B) of this 534  
 section prior to entering into the public improvement contract. 535  
 The contracting authority shall not award a contract for 536  
 construction manager services ~~to a construction manager or~~ 537  
design-build services if the construction manager, construction 538  
manager at risk, or design-build firm is not enrolled in or in 539  
 good standing in such a program. 540

**Sec. 153.07.** The notice provided for in section 153.06 of the 541  
 Revised Code shall be published once each week for three 542  
 consecutive weeks in a newspaper of general circulation, or as 543  
provided in section 7.16 of the Revised Code, in the county where 544  
 the activity for which bids are submitted is to occur and in such 545  
 other newspapers as ordered by the department of administrative 546  
 services, the last publication to be at least eight days preceding 547  
 the day for opening the bids, and in such form and with such 548  
 phraseology as the department orders. Copies of the plans, 549  
 details, bills of material, estimates of cost, and specifications 550  
 shall be open to public inspection at all business hours between 551  
 the day of the first publication and the day for opening the bids, 552  
 at the office of the department where the bids are received, and 553  
 such other place as may be designated in such notice. 554

**Sec. 153.08.** On the day and at the place named in the notice 555  
 provided for in section 153.06 of the Revised Code, the owner 556  
 referred to in section 153.01 of the Revised Code shall open the 557  
 bids and shall publicly, with the assistance of the architect or 558  
 engineer, immediately proceed to tabulate the bids upon duplicate 559  
 sheets. The public bid opening may be broadcast by electronic 560  
means pursuant to rules established by the director of 561  
administrative services. A bid shall be invalid and not considered 562  
 unless a bid guaranty meeting the requirements of section 153.54 563

of the Revised Code and in the form approved by the department of 564  
 administrative services is filed with such bid ~~and unless such,~~ 565  
For a bid that is not filed electronically, the bid and bid 566  
guaranty are shall be filed in one sealed envelope. If the bid and 567  
bid guaranty are filed electronically, they must be received 568  
electronically before the deadline published pursuant to section 569  
153.06 of the Revised Code. For all bids filed electronically, the 570  
original, unaltered bid guaranty shall be made available to the 571  
public owner after the public bid opening. After investigation, 572  
 which shall be completed within thirty days, the contract shall be 573  
 awarded by such owner to the lowest responsive and responsible 574  
 bidder in accordance with section 9.312 of the Revised Code. 575

No contract shall be entered into until the industrial 576  
 commission has certified that the person so awarded the contract 577  
 has complied with sections 4123.01 to 4123.94 of the Revised Code, 578  
 until, if the bidder so awarded the contract is a foreign 579  
 corporation, the secretary of state has certified that such 580  
 corporation is authorized to do business in this state, until, if 581  
 the bidder so awarded the contract is a person nonresident of this 582  
 state, such person has filed with the secretary of state a power 583  
 of attorney designating the secretary of state as its agent for 584  
 the purpose of accepting service of summons in any action brought 585  
 under section 153.05 of the Revised Code or under sections 4123.01 586  
 to 4123.94 of the Revised Code, and until the contract and bond, 587  
 if any, are submitted to the attorney general and the attorney 588  
 general's approval certified thereon. 589

No contract shall be entered into unless the bidder possesses 590  
 a valid certificate of compliance with affirmative action programs 591  
 issued pursuant to section 9.47 of the Revised Code and dated no 592  
 earlier than one hundred eighty days prior to the date fixed for 593  
 the opening of bids for a particular project. 594



Sec. 153.50. (A) ~~As~~ As used in sections 153.50 to 153.52 of 595  
the Revised Code: 596

(1) "Construction manager at risk" and "state agency" have 597  
the same meanings as in section 9.33 of the Revised Code. 598

(2) "Design-build firm" has the same meaning as in section 599  
153.65 of the Revised Code. 600

(3) "State institution of higher education" has the same 601  
meaning as in section 3345.011 of the Revised Code. 602

(B) Except for contracts made with a construction manager at 603  
risk or with a design-build firm, an officer, board, or other 604  
 authority of the state, a county, township, municipal corporation, 605  
 or school district, or of any public institution belonging 606  
 thereto, authorized to contract for the erection, repair, 607  
 alteration, or rebuilding of a public building, institution, 608  
 bridge, culvert, or improvement and required by law to advertise 609  
 and receive bids for furnishing of materials and doing the work 610  
 necessary for the erection thereof, shall require separate and 611  
 distinct bids to be made for furnishing such materials or doing 612  
 such work, or both, in their discretion, for each of the following 613  
 branches or classes of work to be performed, and all work kindred 614  
 thereto, entering into the improvement: 615

(1) Plumbing and gas fitting; 616

(2) Steam and hot-water heating, ventilating apparatus, and 617  
 steam-power plant; 618

(3) Electrical equipment. 619

~~(B) A~~ (C) (1) Subject to division (C) (2) of this section, a 620  
 public authority is not required to solicit separate bids for a 621  
 branch or class of work specified in division ~~(A)~~ (B) of this 622  
 section for an improvement if the estimated cost for that branch 623

or class of work is less than five thousand dollars. 624

(2) A public authority that is a state agency, state institution of higher education, or county, or that is a school district using assistance provided under Chapter 3318. of the Revised Code, is not required to solicit separate bids for a branch or class of work specified in division (B) of this section for an improvement if the estimated cost for that branch or class of work is less than twenty thousand dollars or the amount determined pursuant to section 153.53 of the Revised Code. 625 626 627 628 629 630 631 632

Sec. 153.501. (A) When awarding subcontracts for the following services, a construction manager at risk and a design-build firm shall receive separate and distinct bids from approved bidders and award separate subcontracts, consistent with section 153.502 of the Revised Code, for each of the following branches or classes of work to be performed: 633 634 635 636 637 638

(1) Plumbing and gas fitting; 639

(2) Steam and hot-water heating, ventilating apparatus, and steam-power plant; 640 641

(3) Electrical equipment. 642

(B) A subcontract pursuant to this section shall be bid based on complete plans and specifications of the work to be performed, together with directions to enable a competent mechanic or other builder to carry out those directions and any other necessary information. 643 644 645 646 647

(C) All subcontracts awarded pursuant to this section shall be awarded to the lowest responsive approved bidder after a public bid opening, unless no bid is lower than the estimate in the guaranteed maximum price for a branch or class of work to be performed provided by the construction manager at risk or design-build firm. If no bid is lower than the estimate in the 648 649 650 651 652 653

guaranteed maximum price for a branch or class of work, then the construction manager at risk or design-build firm may either revise the scope of work for such branch or class of work and rebid, or, subject to the terms of the contract for the services of a construction manager at risk or design-build firm, utilize a contingency to pay the excess costs without any increase in the guaranteed maximum price.

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(D) (1) A person entering into a subcontract under this section shall have no contractual remedies against a public authority that enters into the underlying design-build contract with the design-build firm pursuant to section 153.693 of the Revised Code or a public owner that enters into the underlying construction management contract with the construction manager at risk pursuant to section 9.334 of the Revised Code.

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(2) Nothing in division (D) (1) of this section shall be construed as limiting any remedies otherwise available under section 153.56 or 1311.28 of the Revised Code or under the escrow requirements set forth in the subcontract.

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(E) If the construction manager at risk or design-build firm intends and is permitted by the public authority to self-perform a portion of the work described in division (A) of this section, or any other branch or class of work to be performed, then the construction manager at risk or design-build firm shall submit a sealed bid for the portion of the work prior to accepting and opening any bids for the same branch of work.

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(F) If, after a guaranteed maximum price was agreed upon, the construction manager at risk or design-build firm submits a sealed bid pursuant to this section that is no greater than the estimate for that scope of work, and a public bid opening was held pursuant to this section, then, upon verification by the public authority that no bid is lower than the estimate for that scope of work in

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the guaranteed maximum price, the contract shall be awarded to the construction manager at risk or design-build firm for that portion of the work. The construction manager at risk or design-build firm shall not use contingency funds negotiated in their contracts with the public authority to pay for any work that is actually performed by the construction manager at risk or design-build firm.

Sec. 153.502. (A) As used in this section and sections 153.503 and 153.505 of the Revised Code, "subcontract" means a contract for the branches or classes of work described in division (A) of section 153.501 of the Revised Code that is awarded by any of the following:

(1) A construction manager at risk pursuant to a contract under section 9.334 of the Revised Code;

(2) A design-build firm pursuant to a contract under section 153.693 of the Revised Code;

(3) A contractor pursuant to a contract under division (B) (2) of section 153.52 of the Revised Code.

(B) A subcontract may be awarded only to a bidder on the subcontract who meets the following requirements:

(1) The bidder has been certified to bid on subcontracts by the department of administrative services under rules adopted pursuant to section 153.503 of the Revised Code.

(2) With respect to a subcontract to be awarded by a construction manager at risk or design-build firm, the bidder has been approved by a public owner or a public authority under rules adopted pursuant to section 153.503 of the Revised Code to bid on the specific subcontract.

(C) A contract for the work described in division (B) (2) of

section 153.52 of the Revised Code may be awarded only to a bidder on the contract who meets the following requirements: 714  
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(1) The bidder has been certified to bid on contracts by the department of administrative services under rules adopted pursuant to section 153.503 of the Revised Code. 716  
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(2) The bidder has been approved by a public owner or a public authority under rules adopted pursuant to section 153.503 of the Revised Code to bid on the specific contract. 719  
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Sec. 153.503. The department of administrative services, pursuant to Chapter 119. of the Revised Code and not later than June 30, 2011, shall adopt rules that do the following: 722  
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(A) (1) Establish the following: 725

(a) A program to certify bidders on contracts for the work described in division (B) (2) of section 153.52 of the Revised Code and on subcontracts. The rules shall include criteria and procedures governing the process of application and certification under the program. 726  
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(b) Criteria and procedures for public owners and public authorities to follow in approving bidders on contracts for the work described in division (B) (2) of section 153.52 of the Revised Code and on subcontracts. The rules shall be consistent with the factors provided in division (A) of section 9.312 of the Revised Code and any other applicable laws for determining whether a bidder is the lowest responsible and responsive bidder. 731  
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(2) The rules adopted under division (A) (1) of this section shall prohibit the certification or approval, and provide for the decertification and withdrawal of approval, of any bidder against whom there exists a tax lien or workers' compensation delinquency and the lien or delinquency is unresolved. 738  
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(3) The rules adopted under division (A)(1)(a) of this section shall require, as a condition to certification of a bidder on a subcontract the price of which is two million dollars or more, that the bidder certify both of the following in writing to the department: 743  
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(a) The bidder has made and will continue to make irrevocable contributions toward health care insurance and pension or retirement funds, plans, or programs for all skilled trade personnel to be used on the project pertaining to the subcontract in the branches or classes of work described in division (A) of section 153.501 of the Revised Code. 748  
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(b) All skilled trade personnel to be used on the project pertaining to the subcontract in the branches or classes of work described in division (A) of section 153.501 of the Revised Code meet at least one of the following requirements: 754  
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(i) They have been trained in a state or federally approved training program. 758  
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(ii) They have successfully completed a comparable training program. 760  
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(iii) They have a minimum of three years experience. 762

(4) Division (A)(3) of this section shall not apply in those instances where the public owner or public authority determines that at least two bidders meeting that requirement are not readily available. 763  
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(B) Establish procedures for the review, in an expedited manner, of any denial of certification or approval to bid on a contract for the work described in division (B)(2) of section 153.52 of the Revised Code or a subcontract. In adopting rules governing review of the denial of approval to bid, the department shall consult with public owners and public authorities. Any 767  
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review procedures established pursuant to this section shall 773  
supersede sections 119.06 to 119.13 of the Revised Code. The 774  
review procedures are not required to be consistent with, but 775  
shall be considered equivalent to, adjudicatory proceedings under 776  
those sections. The conclusions of a review shall not be 777  
overturned or altered in any manner by a court order, except on a 778  
finding of fraud or collusion. 779

(C) Prescribe the form for contracts for the work described 780  
in division (B)(2) of section 153.52 of the Revised Code and 781  
subcontracts. Each form contract and subcontract prescribed by 782  
rule shall provide for the creation and other requirements of an 783  
escrow account for the payment of amounts required to be paid to 784  
subcontractors and sub-subcontractors. 785

Sec. 153.504. On July 1, 2013, or as soon as possible 786  
thereafter, the director of administrative services shall choose a 787  
person that in the director's judgment would best be able to 788  
perform an independent study of the department's certification 789  
program established pursuant to rules adopted under section 790  
153.503 of the Revised Code and commission that person to perform 791  
the study. On completion of the study, the person shall provide it 792  
to the director, and the director shall promptly submit it to the 793  
governor, the speaker of the house of representatives, and the 794  
president of the senate. 795

Sec. 153.505. A county may approve a bidder on a contract for 796  
the work described in division (B)(2) of section 153.52 of the 797  
Revised Code or a subcontract who has not been certified to bid on 798  
such a contract or subcontract by the department of administrative 799  
services under rules adopted pursuant to section 153.503 of the 800  
Revised Code, unless the reason the bidder was not certified is 801  
that there exists a tax lien or workers' compensation delinquency 802

and the lien or delinquency is unresolved or the bidder is not in 803  
compliance with any other law applicable to the award of a public 804  
improvement contract. 805

Sec. 153.51. (A) When more than one branch or class of work 806  
 specified in division ~~(A)~~(B) of section 153.50 of the Revised Code 807  
 is required, no contract for the entire job, or for a greater 808  
 portion thereof than is embraced in one such branch or class of 809  
 work shall be awarded, unless the separate bids do not cover all 810  
 the work and materials required or the bids for the whole or for 811  
 two or more kinds of work or materials are lower than the separate 812  
 bids in the aggregate. 813

(B) (1) The public authority referred to in section 153.50 of 814  
 the Revised Code also may award a single, aggregate contract for 815  
 the entire project pursuant to division (A) of this section. This 816  
 award shall be made to the bidder who is the lowest responsive and 817  
 responsible bidder or the lowest and best bidder, as applicable, 818  
 as specified in section 153.52 of the Revised Code. 819

(2) The public authority referred to in section 153.50 of the 820  
 Revised Code may assign all or any portion of its interest in the 821  
 contract of the lowest responsive and responsible bidder or the 822  
 lowest and best bidder, as applicable, to another successful 823  
 bidder as an agreed condition for an award of the contract for the 824  
 amount of its respective bid. Such assignment may include, but is 825  
 not limited to, the duty to schedule, coordinate, and administer 826  
 the contracts. 827

(C) ~~A~~ (1) Subject to division (C) (2) of this section, a 828  
 public authority referred to in ~~division (A)~~ of section 153.50 of 829  
 the Revised Code is not required to award separate contracts for a 830  
 branch or class of work specified in division ~~(A)~~(B) of section 831  
 153.50 of the Revised Code entering into an improvement if the 832



estimated cost for that branch or class of work is less than five thousand dollars. 833  
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(2) A public authority referred to in section 153.50 of the Revised Code that is a state agency, state institution of higher education, or county, or that is a school district using assistance provided under Chapter 3318. of the Revised Code, is not required to award separate contracts for a branch or class of work specified in division (B) of section 153.50 of the Revised Code entering into an improvement if the estimated cost for that branch or class of work is less than twenty thousand dollars or the amount determined pursuant to section 153.53 of the Revised Code. 835  
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Sec. 153.52. (A) The contract for doing the work belonging to each separate branch or class of work specified in division ~~(A)~~(B) of section 153.50 of the Revised Code, or for the furnishing of materials therefor, or both, shall be awarded by the public authority referred to in section 153.50 of the Revised Code, in its discretion, to the lowest responsive and responsible separate bidder therefor, in accordance with section 9.312 of the Revised Code in the case of any public authority of the state or any public institution belonging thereto, and to the lowest and best separate bidder in the case of a county, township, or municipal corporation, ~~or school district,~~ or any public institution belonging thereto, and to the lowest responsible bidder in the case of a school district, and shall be made directly with the bidder in the manner and upon the terms, conditions, and limitations as to giving bond or bid guaranties as prescribed by law, unless it is let as a whole, or to bidders for more than one kind of work or materials. ~~Sections~~ 845  
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(B) (1) Except as otherwise provided in division (B) (2) of this section, sections 153.50 to 153.51 and division (A) of 862  
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section 153.52 of the Revised Code ~~de~~ shall not apply to the 864  
erection of buildings and other structures the estimated cost of 865  
which ~~cost~~ amounts to less than fifty thousand dollars. 866

(2) If the public authority is a state agency, state 867  
institution of higher education, or county, or if it is a school 868  
district using assistance provided under Chapter 3318. of the 869  
Revised Code, sections 153.50 and 153.51 and division (A) of 870  
section 153.52 of the Revised Code shall not apply to the 871  
erection, repair, alteration, or rebuilding of buildings or other 872  
structures the estimated cost of which amounts to six hundred 873  
thousand dollars or less or the amount determined pursuant to 874  
section 153.53 of the Revised Code or less. 875

Sec. 153.53. (A) As used in this section "rate of inflation" 876  
has the same meaning as in section 107.032 of the Revised Code. 877

(B) Five years after the effective date of this section and 878  
every five years thereafter, the director of administrative 879  
services shall evaluate the monetary thresholds specified in 880  
division (B) of section 153.01, division (C)(2) of section 153.50, 881  
division (C)(2) of section 153.51, and division (B)(2) of section 882  
153.52 of the Revised Code and adopt rules adjusting the amounts 883  
specified in those sections based on the average rate of inflation 884  
for each amount during each of the previous five years immediately 885  
preceding such adjustment. 886

Sec. 153.54. (A) Each Except with respect to a contract 887  
described in section 9.334 or 153.693 of the Revised Code, each 888  
person bidding for a contract with the state or any political 889  
subdivision, district, institution, or other agency thereof, 890  
excluding therefrom the department of transportation, for any 891  
public improvement shall file with the bid, a bid guaranty in the 892  
form of either: 893

(1) A bond in accordance with division (B) of this section 894  
for the full amount of the bid; 895

(2) A certified check, cashier's check, or letter of credit 896  
pursuant to Chapter 1305. of the Revised Code, in accordance with 897  
division (C) of this section. Any such letter of credit is 898  
revocable only at the option of the beneficiary state, political 899  
subdivision, district, institution, or agency. The amount of the 900  
certified check, cashier's check, or letter of credit shall be 901  
equal to ten per cent of the bid. 902

(B) A bid guaranty filed pursuant to division (A)(1) of this 903  
section shall be conditioned to: 904

(1) Provide that, if the bid is accepted, the bidder, after 905  
the awarding or the recommendation for the award of the contract, 906  
whichever the contracting authority designates, will enter into a 907  
proper contract in accordance with the bid, plans, details, 908  
specifications, and bills of material. If for any reason, other 909  
than as authorized by section 9.31 of the Revised Code or division 910  
(G) of this section, the bidder fails to enter into the contract, 911  
and the contracting authority awards the contract to the next 912  
lowest bidder, the bidder and the surety on the bidder's bond are 913  
liable to the state, political subdivision, district, institution, 914  
or agency for the difference between the bid and that of the next 915  
lowest bidder, or for a penal sum not to exceed ten per cent of 916  
the amount of the bond, whichever is less. If the state, political 917  
subdivision, district, institution, or agency does not award the 918  
contract to the next lowest bidder but resubmits the project for 919  
bidding, the bidder failing to enter into the contract and the 920  
surety on the bidder's bond, except as provided in division (G) of 921  
this section, are liable to the state, political subdivision, 922  
district, institution, or agency for a penal sum not to exceed ten 923  
per cent of the amount of the bid or the costs in connection with 924

the resubmission of printing new contract documents, required 925  
 advertising, and printing and mailing notices to prospective 926  
 bidders, whichever is less. 927

(2) Indemnify the state, political subdivision, district, 928  
 institution, or agency against all damage suffered by failure to 929  
 perform the contract according to its provisions and in accordance 930  
 with the plans, details, specifications, and bills of material 931  
 therefor and to pay all lawful claims of subcontractors, material 932  
 suppliers, and laborers for labor performed or material furnished 933  
 in carrying forward, performing, or completing the contract; and 934  
 agree and assent that this undertaking is for the benefit of any 935  
 subcontractor, material supplier, or laborer having a just claim, 936  
 as well as for the state, political subdivision, district, 937  
 institution, or agency. 938

(C) (1) A bid guaranty filed pursuant to division (A) (2) of 939  
 this section shall be conditioned to provide that if the bid is 940  
 accepted, the bidder, after the awarding or the recommendation for 941  
 the award of the contract, whichever the contracting authority 942  
 designates, will enter into a proper contract in accordance with 943  
 the bid, plans, details, specifications, and bills of material. If 944  
 for any reason, other than as authorized by section 9.31 of the 945  
 Revised Code or division (G) of this section, the bidder fails to 946  
 enter into the contract, and the contracting authority awards the 947  
 contract to the next lowest bidder, the bidder is liable to the 948  
 state, political subdivision, district, institution, or agency for 949  
 the difference between the bidder's bid and that of the next 950  
 lowest bidder, or for a penal sum not to exceed ten per cent of 951  
 the amount of the bid, whichever is less. If the state, political 952  
 subdivision, district, institution, or agency does not award the 953  
 contract to the next lowest bidder but resubmits the project for 954  
 bidding, the bidder failing to enter into the contract, except as 955

provided in division (G) of this section, is liable to the state, 956  
 political subdivision, district, institution, or agency for a 957  
 penal sum not to exceed ten per cent of the amount of the bid or 958  
 the costs in connection with the resubmission, of printing new 959  
 contract documents, required advertising, and printing and mailing 960  
 notices to prospective bidders, whichever is less. 961

If the bidder enters into the contract, the bidder, at the 962  
 time the contract is entered to, shall file a bond for the amount 963  
 of the contract to indemnify the state, political subdivision, 964  
 district, institution, or agency against all damage suffered by 965  
 failure to perform the contract according to its provisions and in 966  
 accordance with the plans, details, specifications, and bills of 967  
 material therefor and to pay all lawful claims of subcontractors, 968  
 material suppliers, and laborers for labor performed or material 969  
 furnished in carrying forward, performing, or completing the 970  
 contract; and agree and assent that this undertaking is for the 971  
 benefit of any subcontractor, material supplier, or laborer having 972  
 a just claim, as well as for the state, political subdivision, 973  
 district, institution, or agency. 974

(2) A construction manager who enters into a contract 975  
 pursuant to sections 9.33 to 9.333 of the Revised Code, if 976  
 required by the public owner at the time the construction manager 977  
 enters into the contract, shall file a letter of credit pursuant 978  
 to Chapter 1305. of the Revised Code, bond, certified check, or 979  
 cashier's check, for the value of the construction management 980  
 contract to indemnify the state, political subdivision, district, 981  
 institution, or agency against all damage suffered by the 982  
 construction manager's failure to perform the contract according 983  
 to its provisions, and shall agree and assent that this 984  
 undertaking is for the benefit of the state, political 985  
 subdivision, district, institution, or agency. A letter of credit 986

provided by the construction manager is revocable only at the 987  
option of the beneficiary state, political subdivision, district, 988  
institution, or agency. 989

(D) Where the state, political subdivision, district, 990  
institution, or agency accepts a bid but the bidder fails or 991  
refuses to enter into a proper contract in accordance with the 992  
bid, plans, details, specifications, and bills of material within 993  
ten days after the awarding of the contract, the bidder and the 994  
surety on any bond, except as provided in division (G) of this 995  
section, are liable for the amount of the difference between the 996  
bidder's bid and that of the next lowest bidder, but not in excess 997  
of the liability specified in division (B)(1) or (C) of this 998  
section. Where the state, political subdivision, district, 999  
institution, or agency then awards the bid to such next lowest 1000  
bidder and such next lowest bidder also fails or refuses to enter 1001  
into a proper contract in accordance with the bid, plans, details, 1002  
specifications, and bills of material within ten days after the 1003  
awarding of the contract, the liability of such next lowest 1004  
bidder, except as provided in division (G) of this section, is the 1005  
amount of the difference between the bids of such next lowest 1006  
bidder and the third lowest bidder, but not in excess of the 1007  
liability specified in division (B)(1) or (C) of this section. 1008  
Liability on account of an award to any lowest bidder beyond the 1009  
third lowest bidder shall be determined in like manner. 1010

(E) Notwithstanding division (C) of this section, where the 1011  
state, political subdivision, district, institution, or agency 1012  
resubmits the project for bidding, each bidder whose bid was 1013  
accepted but who failed or refused to enter into a proper 1014  
contract, except as provided in division (G) of this section, is 1015  
liable for an equal share of a penal sum in connection with the 1016  
resubmission, of printing new contract documents, required 1017

advertising, and printing and mailing notices to prospective 1018  
bidders, but no bidder's liability shall exceed the amount of the 1019  
bidder's bid guaranty. 1020

(F) All bid guaranties filed pursuant to this section shall 1021  
be payable to the state, political subdivision, district, 1022  
institution, or agency, be for the benefit of the state, political 1023  
subdivision, district, institution, or agency or any person having 1024  
a right of action thereon, and be deposited with, and held by, the 1025  
board, officer, or agent contracting on behalf of the state, 1026  
political subdivision, district, institution, or agency. All bonds 1027  
filed pursuant to this section shall be issued by a surety company 1028  
authorized to do business in this state as surety approved by the 1029  
board, officer, or agent awarding the contract on behalf of the 1030  
state, political subdivision, district, institution, or agency. 1031

(G) A bidder for a contract with the state or any political 1032  
subdivision, district, institution, or other agency thereof, 1033  
excluding therefrom the Ohio department of transportation, for a 1034  
public improvement costing less than one-half million dollars may 1035  
withdraw the bid from consideration if the bidder's bid for some 1036  
other contract with the state or any political subdivision, 1037  
district, institution, or other agency thereof, excluding 1038  
therefrom the department of transportation, for the public 1039  
improvement costing less than one-half million dollars has already 1040  
been accepted, if the bidder certifies in good faith that the 1041  
total amount of all the bidder's current contracts is less than 1042  
one-half million dollars, and if the surety certifies in good 1043  
faith that the bidder is unable to perform the subsequent contract 1044  
because to do so would exceed the bidder's bonding capacity. If a 1045  
bid is withdrawn under authority of this division, the contracting 1046  
authority may award the contract to the next lowest bidder or 1047  
reject all bids and resubmit the project for bidding, and neither 1048

the bidder nor the surety on the bidder's bond are liable for the 1049  
 difference between the bidder's bid and that of the next lowest 1050  
 bidder, for a penal sum, or for the costs of printing new contract 1051  
 documents, required advertising, and printing and mailing notices 1052  
 to prospective bidders. 1053

(H) Bid guaranties filed pursuant to division (A) of this 1054  
 section shall be returned to all unsuccessful bidders immediately 1055  
 after the contract is executed. The bid guaranty filed pursuant to 1056  
 division (A) (2) of this section shall be returned to the 1057  
 successful bidder upon filing of the bond required in division (C) 1058  
 of this section. 1059

(I) For the purposes of this section, "next lowest bidder" 1060  
 means, in the case of a political subdivision that has adopted the 1061  
 model Ohio and United States preference requirements promulgated 1062  
 pursuant to division (E) of section 125.11 of the Revised Code, 1063  
 the next lowest bidder that qualifies under those preference 1064  
 requirements. 1065

(J) For the purposes of this section and sections 153.56, 1066  
 153.57, and 153.571 of the Revised Code, "public improvement," 1067  
 "subcontractor," "material supplier," "laborer," and "materials" 1068  
 have the same meanings as in section 1311.25 of the Revised Code. 1069

Sec. 153.55. (A) As used in this section, "public improvement 1070  
project" means any construction, reconstruction, improvement, 1071  
enlargement, alteration, demolition, engineering, or repair of a 1072  
building, highway, drainage system, water system, road, street, 1073  
alley, sewer, ditch, sewage disposal plant, water works, bridge, 1074  
culvert, or any other structure or work of any nature by a public 1075  
authority or public owner. 1076

(B) For purposes of calculating the amount of a project to 1077  
determine whether it is subject to sections 153.01, 153.50, 1078



153.51, and 153.52 of the Revised Code, no officer, board, or 1079  
other authority of the state, a county, township, municipal 1080  
corporation, school district, or other political subdivision, or 1081  
any public institution belonging thereto, shall subdivide a public 1082  
improvement project into component parts or separate projects in 1083  
order to avoid the thresholds of those sections, unless the 1084  
component parts or separate projects thus created are conceptually 1085  
separate and unrelated to each other, or encompass independent or 1086  
unrelated needs. 1087

(C) In calculating the project amounts for purposes of the 1088  
thresholds in sections 153.01, 153.50, 153.51, and 153.52 of the 1089  
Revised Code, the following expenses shall be included as costs of 1090  
the project: 1091

(1) Professional fees and expenses for services associated 1092  
with the preparation of plans; 1093

(2) Permit costs, testing costs, and other fees associated 1094  
with the work; 1095

(3) Project construction costs; 1096

(4) A contingency reserve fund. 1097

**Sec. 153.56.** (A) Any person to whom any money is due for 1098  
labor or work performed or materials furnished in a public 1099  
improvement as provided in section 153.54 of the Revised Code, at 1100  
any time after performing the labor or work or furnishing the 1101  
materials, but not later than ninety days after the completion of 1102  
the contract by the principal contractor or design-build firm and 1103  
the acceptance of the public improvement for which the bond was 1104  
provided by the duly authorized board or officer, shall furnish 1105  
the sureties on the bond, a statement of the amount due to the 1106  
person. 1107

(B) A suit shall not be brought against sureties on the bond 1108  
 until after sixty days after the furnishing of the statement 1109  
 described in division (A) of this section. If the indebtedness is 1110  
 not paid in full at the expiration of that sixty days, and if the 1111  
 person complies with division (C) of this section, the person may 1112  
 bring an action in the person's own name upon the bond, as 1113  
 provided in sections 2307.06 and 2307.07 of the Revised Code, that 1114  
 action to be commenced, notwithstanding section 2305.12 of the 1115  
 Revised Code, not later than one year from the date of acceptance 1116  
 of the public improvement for which the bond was provided. 1117

(C) To exercise rights under this section, a subcontractor or 1118  
 materials supplier supplying labor or materials that cost more 1119  
 than thirty thousand dollars, who is not in direct privity of 1120  
 contract with the principal contractor or design-build firm for 1121  
 the public improvement, shall serve a notice of furnishing upon 1122  
 the principal contractor or design-build firm in the form provided 1123  
 in section 1311.261 of the Revised Code. 1124

(D) A subcontractor or materials supplier who serves a notice 1125  
 of furnishing under division (C) of this section as required to 1126  
 exercise rights under this section has the right of recovery only 1127  
 as to amounts owed for labor and work performed and materials 1128  
 furnished during and after the twenty-one days immediately 1129  
 preceding service of the notice of furnishing. 1130

(E) For purposes of this section, ~~"principal:~~ 1131

(1) "Design-build firm" has the same meaning as in section 1132  
153.65 of the Revised Code. 1133

(2) "Principal contractor" has the same meaning as in section 1134  
1311.25 of the Revised Code, and may include a "construction 1135  
manager" and a "construction manager at risk" as defined in 1136  
section 9.33 of the Revised Code. 1137

Sec. 153.581. As used in sections 153.581 and 153.591 of the Revised Code: 1138  
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(A) "Public works contract" means any contract awarded by a contracting authority for the construction, engineering, alteration, or repair of any public building, public highway, or other public work. 1140  
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(B) "Contracting authority" means the state, any township, county, municipal corporation, school board, or other governmental entity empowered to award a public works contract, and any construction manager at risk as defined in section 9.33 of the Revised Code or design-build firm as defined in section 153.65 of the Revised Code awarding a subcontract. 1144  
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(C) "Contractor" means any person, partnership, corporation, or association that has been awarded a public works contract. 1150  
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Sec. 153.65. As used in sections 153.65 to ~~153.71~~ 153.73 of the Revised Code: 1152  
1153

(A) ~~"Public~~ (1) Except as otherwise provided in division (A)(2) of this section, "public authority" means the state, a county, township, municipal corporation, school district, or other political subdivision, or any public agency, authority, board, commission, instrumentality, or special district of the state or a county, township, municipal corporation, school district, or other political subdivision. 1154  
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(2) In the context of a contract for design-build services, "public authority" means a state agency, state institution of higher education, or county. 1161  
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(B) "Professional design firm" means any person legally engaged in rendering professional design services. 1164  
1165

(C) "Professional design services" means services within the 1166  
scope of practice of an architect or landscape architect 1167  
registered under Chapter 4703. of the Revised Code or a 1168  
professional engineer or surveyor registered under Chapter 4733. 1169  
of the Revised Code. 1170

(D) "Qualifications" means all of the following: 1171

(1) ~~Competence of the~~ (a) For a professional design firm, 1172  
competence to perform the required professional design services as 1173  
indicated by the technical training, education, and experience of 1174  
the firm's personnel, especially the technical training, 1175  
education, and experience of the employees within the firm who 1176  
would be assigned to perform the services; 1177

(b) For a design-build firm, competence to perform the 1178  
required design-build services as indicated by the technical 1179  
training, education, and experience of the design-build firm's 1180  
personnel and key consultants, especially the technical training, 1181  
education, and experience of the employees and consultants of the 1182  
design-build firm who would be assigned to perform the services, 1183  
including the proposed architect of record. 1184

(2) Ability of the firm in terms of its workload and the 1185  
availability of qualified personnel, equipment, and facilities to 1186  
perform the required professional design services or design-build 1187  
services competently and expeditiously; 1188

(3) Past performance of the firm as reflected by the 1189  
evaluations of previous clients with respect to such factors as 1190  
control of costs, quality of work, and meeting of deadlines; 1191

(4) Any other relevant factors as determined by the public 1192  
authority; 1193

(5) With respect to a design-build firm, compliance with 1194  
sections 4703.182, 4703.332, and 4733.16 of the Revised Code, 1195

including the use of a licensed professional for all design services. 1196  
1197

(E) "Design-build firm" means a person capable of providing design-build services. 1198  
1199

(F) "Design-build services" means services that form an integrated delivery system for which a person is responsible to a public authority for both the design and construction, demolition, alteration, repair, or reconstruction of a public improvement. 1200  
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(G) "Architect of record" means the architect that serves as the final signatory on the plans and specifications for the design-build project. 1204  
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(H) "Criteria architect or engineer" means the architect or engineer retained by a public authority to prepare conceptual plans and specifications, to assist the public authority in connection with the establishment of the design criteria for a design-build project, and, if requested by the public authority, to serve as the representative of the public authority and provide, during the design-build project, other design and construction administration services on behalf of the public authority, including but not limited to, confirming that the design prepared by the design-build firm reflects the original design intent established in the design criteria package. 1207  
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(I) "Open book pricing method" means a method in which a design-build firm provides the public authority, at the public authority's request, all books, records, documents, and other data in its possession pertaining to the bidding, pricing, or performance of a contract for design-build services awarded to the design-build firm. 1218  
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(J) "State agency" means every organized body, office, or agency established by the laws of the state for the exercise of 1224  
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<u>any function of state government, except the Ohio turnpike</u>	1226
<u>commission and any special purpose district of the state.</u>	1227
<u>(K) "State institution of higher education" has the same</u>	1228
<u>meaning as in section 3345.011 of the Revised Code.</u>	1229
<b>Sec. 153.66. (A)</b> Each public authority planning to contract	1230
for professional design services <u>or design-build services</u> shall	1231
encourage professional design firms <u>and design-build firms</u> to	1232
submit a statement of qualifications and update the statements at	1233
regular intervals.	1234
<u>(B) Notwithstanding any contrary requirements in sections</u>	1235
<u>153.65 to 153.70 of the Revised Code, for every design-build</u>	1236
<u>contract, each public authority planning to contract for</u>	1237
<u>design-build services shall evaluate the statements of</u>	1238
<u>qualifications submitted by design-build firms for the project,</u>	1239
<u>including the qualifications of the design-build firm's proposed</u>	1240
<u>architect of record, in consultation with the criteria architect</u>	1241
<u>or engineer before selecting a design-build firm pursuant to</u>	1242
<u>section 153.693 of the Revised Code.</u>	1243
<b>Sec. 153.67.</b> Each public authority planning to contract for	1244
professional design services <u>or design-build services</u> shall	1245
publicly announce all contracts available from it for such	1246
services. The announcements shall:	1247
(A) Be made in a uniform and consistent manner and shall be	1248
made sufficiently in advance of the time that responses must be	1249
received from qualified professional design firms <u>or design-build</u>	1250
<u>firms</u> for the firms to have an adequate opportunity to submit a	1251
statement of interest in the project;	1252
(B) Include a general description of the project, a statement	1253
of the specific professional design services <u>or design-build</u>	1254

services required, and a description of the qualifications 1255  
required for the project; 1256

(C) Indicate how qualified professional design firms or 1257  
design-build firms may submit statements of qualifications in 1258  
order to be considered for a contract to design or design-build 1259  
the project; 1260

(D) Be sent to ~~either of~~ the following: 1261

(1) ~~Each professional design firm that has a current~~ 1262  
~~statement of qualifications on file with the public authority and~~ 1263  
~~is qualified to perform the required professional design services~~ 1264  
Design-build firms, including contractors or other entities that 1265  
seek to perform the work as a design-build firm; 1266

(2) Architect, landscape architect, engineer, and surveyor 1267  
~~trade~~ associations, the news media, and any publications or other 1268  
public media that the public authority considers appropriate. 1269

**Sec. 153.69.** For every professional design services contract, 1270  
each public authority planning to contract for professional design 1271  
services shall evaluate the statements of qualifications ~~of~~ 1272  
~~professional design firms currently on file, together with those~~ 1273  
~~that are~~ submitted by ~~other~~ professional design firms specifically 1274  
regarding the project, and may hold discussions with individual 1275  
firms to explore further the firms' statements of qualifications, 1276  
the scope and nature of the services the firms would provide, and 1277  
the various technical approaches the firms may take toward the 1278  
project. Following this evaluation, the public authority shall: 1279

(A) Select and rank no fewer than three firms which it 1281  
considers to be the most qualified to provide the required 1282  
professional design services, except when the public authority 1283  
determines in writing that fewer than three qualified firms are 1284

available in which case the public authority shall select and rank those firms;

(B) Negotiate a contract with the firm ranked most qualified to perform the required services at a compensation determined in writing to be fair and reasonable to the public authority. Contract negotiations shall be directed toward:

(1) Ensuring that the professional design firm and the agency have a mutual understanding of the essential requirements involved in providing the required services;

(2) Determining that the firm will make available the necessary personnel, equipment, and facilities to perform the services within the required time;

(3) Agreeing upon compensation which is fair and reasonable, taking into account the estimated value, scope, complexity, and nature of the services.

(C) If a contract is negotiated with the firm ranked to perform the required services most qualified, the public authority shall, if applicable under section 127.16 of the Revised Code, request approval of the board to make expenditures under the contract.

(D) Upon failure to negotiate a contract with the firm ranked most qualified, the public authority shall inform the firm in writing of the termination of negotiations and enter into negotiations with the firm ranked next most qualified. If negotiations again fail, the same procedure shall be followed with each next most qualified firm selected and ranked pursuant to division (A) of this section, in order of ranking, until a contract is negotiated.

(E) Should the public authority fail to negotiate a contract with any of the firms selected pursuant to division (A) of this



section, the public authority shall select and rank additional firms, based on their qualifications, and negotiations shall continue as with the firms selected and ranked initially until a contract is negotiated.

Sec. 153.692. For every design-build contract, the public authority planning to contract for design-build services shall first obtain the services of a criteria architect or engineer by doing either of the following:

(A) Contracting for the services consistent with sections 153.65 to 153.70 of the Revised Code;

(B) Obtaining the services through an architect or engineer who is an employee of the public authority and notifying the department of administrative services before the services are performed.

Sec. 153.693. (A) For every design-build contract, the public authority planning to contract for design-build services, in consultation with the criteria architect or engineer, shall evaluate the statements of qualifications submitted by design-build firms specifically regarding the project, including the design-build firm's proposed architect of record. Following this evaluation, the public authority shall:

(1) Select and rank not fewer than three firms which it considers to be the most qualified to provide the required design-build services, except that the public authority shall select and rank fewer than three firms when the public authority determines in writing that fewer than three qualified firms are available;

(2) Provide each selected design-build firm with all of the following:

<u>(a) A description of the project and project delivery;</u>	1344
<u>(b) The design criteria produced by the criteria architect or engineer under section 153.692 of the Revised Code;</u>	1345 1346
<u>(c) A preliminary project schedule;</u>	1347
<u>(d) A description of any preconstruction services;</u>	1348
<u>(e) A description of the proposed design services;</u>	1349
<u>(f) A description of a guaranteed maximum price, including the estimated level of design on which such guaranteed maximum price is based;</u>	1350 1351 1352
<u>(g) The form of the design-build services contract;</u>	1353
<u>(h) A request for a fee proposal that shall be divided into a design services fee and a preconstruction and design-build services fee;</u>	1354 1355 1356
<u>(i) A request for a pricing proposal that shall include at least all of the following:</u>	1357 1358
<u>(i) A list of key personnel and consultants for the project and the design-build firm's staffing chart;</u>	1359 1360
<u>(ii) Design concepts adhering to the design criteria produced by the criteria architect or engineer under section 153.692 of the Revised Code;</u>	1361 1362 1363
<u>(iii) The design-build firm's statement of general conditions and estimated contingency requirements;</u>	1364 1365
<u>(iv) A preliminary project schedule;</u>	1366
<u>(v) The design-build firm's fee proposal requested under division (A)(2)(h) of this section.</u>	1367 1368
<u>(3) Evaluate the pricing proposal submitted by each selected firm and may hold discussions with each firm to further investigate its pricing proposal, including the scope and nature</u>	1369 1370 1371

<u>of the firm's proposed services and potential technical</u>	1372
<u>approaches;</u>	1373
<u>(4) Rank the selected firms based on the public authority's</u>	1374
<u>evaluation of the value of each firm's pricing proposal, with such</u>	1375
<u>evaluation considering each firm's proposed costs and</u>	1376
<u>qualifications;</u>	1377
<u>(5) Enter into contract negotiations for design-build</u>	1378
<u>services with the design-build firm whose pricing proposal the</u>	1379
<u>public authority determines to be the best value under this</u>	1380
<u>section. Contract negotiations shall be directed toward:</u>	1381
<u>(a) Ensuring that the design-build firm and the public</u>	1382
<u>authority mutually understand the essential requirements involved</u>	1383
<u>in providing the required design-build services, including the</u>	1384
<u>awarding of subcontracts under section 153.501 of the Revised</u>	1385
<u>Code, the provisions for the use of contingency funds, and the</u>	1386
<u>terms of the contract, including terms related to the possible</u>	1387
<u>distribution of savings in the final costs of the project;</u>	1388
<u>(b) Ensuring that the design-build firm shall be able to</u>	1389
<u>provide the necessary personnel, equipment, and facilities to</u>	1390
<u>perform the design-build services within the time required by the</u>	1391
<u>design-build construction contract;</u>	1392
<u>(c) Agreeing upon a procedure and schedule for determining a</u>	1393
<u>guaranteed maximum price using an open book pricing method that</u>	1394
<u>shall represent the total maximum amount to be paid by the public</u>	1395
<u>authority to the design-build firm for the project and that shall</u>	1396
<u>include the costs of all work, the cost of its general conditions,</u>	1397
<u>the contingency, and the fee payable to the design-build firm.</u>	1398
<u>(B) If the public authority fails to negotiate a contract</u>	1399
<u>with the design-build firm whose pricing proposal the public</u>	1400
<u>authority determines to be the best value as determined under this</u>	1401

<u>section, the public authority shall do the following:</u>	1402
<u>(1) Inform the design-build firm in writing of the</u>	1403
<u>termination of negotiations;</u>	1404
<u>(2) Negotiate a contract with a design-build firm ranked next</u>	1405
<u>highest under this section following the negotiation procedure</u>	1406
<u>described in this section;</u>	1407
<u>(3) If negotiations fail with the design-build firm under</u>	1408
<u>division (B)(2) of this section, negotiate a contract with the</u>	1409
<u>design-build firm ranked next highest under this section following</u>	1410
<u>the negotiation procedure described in this section and continue</u>	1411
<u>negotiating with the design-build firms selected under this</u>	1412
<u>section in the order of their ranking until a contract is</u>	1413
<u>negotiated.</u>	1414
<u>(C) If the public authority fails to negotiate a contract</u>	1415
<u>with a design-build firm whose pricing proposal the public</u>	1416
<u>authority determines to be the best value as determined under this</u>	1417
<u>section, it may select additional design-build firms to provide</u>	1418
<u>pricing proposals to the public authority pursuant to this section</u>	1419
<u>or may select an alternative delivery method for the project.</u>	1420
<u>(D) The public authority may provide a stipend for pricing</u>	1421
<u>proposals received from design-build firms.</u>	1422
<u>Sec. 153.694. If a professional design firm selected as the</u>	1423
<u>criteria architect or engineer creates the preliminary criteria</u>	1424
<u>and design criteria for a project and provides professional design</u>	1425
<u>services to a public authority to assist that public authority in</u>	1426
<u>evaluating the design-build requirements provided to the public</u>	1427
<u>authority by a design-build firm pursuant to section 153.692 of</u>	1428
<u>the Revised Code, that professional design firm shall not provide</u>	1429
<u>any design-build services pursuant to a design-build construction</u>	1430
<u>contract under section 153.693 of the Revised Code.</u>	1431

Sec. 153.70. (A) Except for any person providing professional design services of a research or training nature, any person rendering professional design services to a public authority or to a design-build firm, including a criteria architect or engineer and person performing architect of record services, shall have and maintain, or be covered by, during the period the services are rendered, a professional liability insurance policy or policies with a company or companies that are authorized to do business in this state and that afford professional liability coverage for the professional design services rendered. The insurance shall be in amount considered sufficient by the public authority. At the public authority's discretion, the design-build firm shall carry contractor's professional liability insurance and any other insurance the public authority deems appropriate.

(B) The requirement for professional liability insurance set forth in division (A) of this section may be waived by the public authority for good cause, or the public authority may allow the person providing the professional design services to provide other assurances of financial responsibility.

(C) Before construction begins pursuant to a contract for design-build services with a design-build firm, the design-build firm shall provide a surety bond to the public authority in accordance with rules adopted by the director of administrative services under Chapter 119. of the Revised Code.

Sec. 153.71. Any public authority planning to contract for professional design services or design-build services may adopt, amend, or rescind rules, in accordance with Chapter 119. of the Revised Code, to implement sections 153.66 to 153.70 of the Revised Code. Sections 153.66 to 153.70 do not apply to any of the

following:	1462
(A) Any project with an estimated professional design fee of less than twenty-five thousand dollars;	1463 1464
(B) Any project determined in writing by the public authority head to be an emergency requiring immediate action including, but not limited to, any projects requiring multiple contracts let as part of a program requiring a large number of professional design firms of the same type;	1465 1466 1467 1468 1469
(C) Any public authority that is not empowered by law to contract for professional design services.	1470 1471
<u>Sec. 153.72. A design-build firm contracted for design-build services by a public authority may do any of the following:</u>	1472 1473
<u>(A) Perform design, construction, demolition, alteration, repair, or reconstruction work pursuant to such contract;</u>	1474 1475
<u>(B) Approve bidders and award subcontracts pursuant to section 153.501 of the Revised Code;</u>	1476 1477
<u>(C) Perform professional design services when contracted by a public authority for design-build services even if the design-build firm is not a professional design firm."</u>	1478 1479 1480
In line 53869, delete "(3)" and insert "(4)"	1481
Between lines 63539 and 63540, insert:	1482
<u>"Sec. 3318.111. For a contract for the construction of a project using assistance provided under this chapter, a school district board, with the approval of the Ohio school facilities commission, may enter into a contract with a construction manager at risk pursuant to section 9.334 of the Revised Code or a design-build firm pursuant to section 153.693 of the Revised Code, or a contract for the work described in division (B)(2) of section</u>	1483 1484 1485 1486 1487 1488 1489

153.52 of the Revised Code, provided that any such contract 1490  
entered into by the school district adheres to all applicable 1491  
requirements imposed on such a contract pursuant to sections 9.33 1492  
to 9.335 and Chapter 153. of the Revised Code." 1493

In line 68296, delete "9.336" and insert "9.335" 1494

In line 68440, delete everything after the comma 1495

Delete line 68441 1496

In line 68442, delete everything before "the" 1497

In line 68549, delete everything after the comma 1498

Delete line 68550 1499

In line 68551, delete everything before "the" 1500

In line 114711, delete "9.336" and insert "9.335" 1501

In line 130241, reinsert "(D)"; delete "(E)" 1502

In line 130988, delete "9.312," 1503

In line 145448, delete everything after "701.10." and insert 1504  
"(A) Prior to the implementation of the rules under section 1505  
153.503 of the Revised Code, a public owner or public authority 1506  
contracting for services with a construction manager at risk or a 1507  
design-build firm shall require the construction manager at risk 1508  
or design-build firm to advertise the work scopes listed in 1509  
division (A) of section 153.501 of the Revised Code and announce 1510  
procedures for bidders seeking approval on subcontracts awarded 1511  
under section 153.501 of the Revised Code. 1512

(B) Prior to the implementation of those rules, a subcontract 1513  
awarded under section 153.501 of the Revised Code shall be to the 1514  
lowest responsive bidder. 1515

(C) With respect to a general contract awarded for 1516  
six-hundred thousand dollars or less, prior to the implementation 1517

of those rules, a bidder for any contract awarded under division 1518  
 (B) (2) of section 153.52 of the Revised Code shall do both of the 1519  
 following: 1520

(1) Solicit at least two bids for applicable subcontracts 1521  
 listed in division (B) of section 153.50 of the Revised Code; 1522

(2) List the selected bidder for each of the applicable 1523  
 subcontracts listed in division (B) of section 153.50 of the 1524  
 Revised Code. 1525

(D) Prior to the implementation of the rules under section 1526  
 153.503 of the Revised Code, a contract for the work described in 1527  
 division (B) (2) of section 153.52 of the Revised Code shall be 1528  
 awarded as follows: 1529

(1) To the lowest responsive and responsible bidder in the 1530  
 public authority's discretion in accordance with section 9.312 of 1531  
 the Revised Code when the public authority is a state agency or 1532  
 state institution of higher education; 1533

(2) To the lowest and best separate bidder in the public 1534  
 authority's discretion when the public authority is a county; 1535

(3) To the lowest responsible bidder in the case of a school 1536  
 district. 1537

(E) Prior to the implementation of the rules under section 1538  
 153.503 of the Revised Code, a contract for the work described in 1539  
 division (B) (2) of section 153.52 of the Revised Code shall be 1540  
 made directly with the bidder in the manner and upon the terms, 1541  
 conditions, and applicable limitations related to providing bonds 1542  
 or bid guaranties otherwise prescribed by law." 1543

Delete lines 145449 through 145454 1544

In line 145461, delete "The" and insert "Except as provided 1545  
 in division (C) of this section, the"; delete "9.312," 1546



In line 145462, delete "9.336," 1547

In line 145464, after "153.504," insert "153.505," 1548

In line 145465, delete "153.57," 1549

In line 145466, delete "153.695,"; after "3313.46," insert 1550  
 "3318.111," 1551

Between lines 145472 and 145473, insert: 1552

"(C) The provisions of the sections listed in division (B) of 1553  
 this section that are amended or enacted by this act that apply 1554  
 the provisions of section 7.16 of the Revised Code, as enacted by 1555  
 this act, are not subject to the delayed application provisions of 1556  
 that division." 1557

In line 2 of the title, delete "9.312," 1558

In line 294 of the title, delete "9.336," 1559

In line 300 of the title, after "153.504," insert "153.505," 1560

In line 301 of the title, delete "153.695," 1561

In line 316 of the title, after "3318.054," insert 1562  
 "3318.111," 1563

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

Construction Reform 1564

R.C. 9.33, 9.331, 9.332, 9.333, 9.334, 9.335, 123.011, 1565  
 126.141, 153.01, 153.012, 153.03, 153.07, 153.08, 153.50, 153.501, 1566  
 153.502, 153.503, 153.504, 153.505, 153.51, 153.52, 153.53, 1567  
 153.54, 153.55, 153.56, 153.581, 153.65, 153.66, 153.67, 153.69, 1568  
 153.692, 153.693, 153.694, 153.70, 153.71, 153.72, 153.73, 153.80, 1569

3313.46, 3318.111, 3353.04, 3354.16, 3357.16, 4113.61, 5540.03, 1570  
 and 6115.20; R.C. 9.312, 9.336, and 153.695 (removed from the 1571  
 bill); Sections 701.10 and 701.13 1572

Makes revisions to the bill's construction reforms, including 1573  
 with respect to the following: 1574

(1) Restricts the use of the bill's alternative construction 1575  
 delivery methods (that is, CMARs and D/B firms) to state agencies 1576  
 (other than the Ohio Turnpike Commission and any special purpose 1577  
 district of the state), state institutions of higher education, 1578  
 counties, and school districts utilizing assistance provided by 1579  
 the School Facilities Commission (hereinafter referred to as 1580  
 "public entities"); 1581

(2) Does not require that these public entities be certified 1582  
 by the State Architect in order to use the alternative 1583  
 construction delivery methods; 1584

(3) For these public entities, increases the minimum project 1585  
 cost threshold for the required use of multiple-prime contracting 1586  
 from \$50,000 to \$600,000 and the minimum cost threshold for a 1587  
 single MEP branch or class for work from \$5,000 to \$20,000; 1588

(4) For these public entities, permits the use of a general 1589  
 contractor as the sole prime contractor if the cost of the project 1590  
 is \$600,000 or less; 1591

(5) For these public entities (other than counties or school 1592  
 districts), increases the project cost threshold that requires the 1593  
 use of competitive bidding from \$50,000 to \$200,000; 1594

(6) Requires CMARs and D/B firms to receive separate bids and 1595  
 award separate subcontracts for MEPs; 1596

(7) Does not authorize the use of design-assist; 1597

(8) Removes the changes made by the bill with respect to 1598

factors that may be considered when determining the lowest  
responsible and responsive bidder.

1599

1600

Sub. H.B. 153  
As Pending in S. Finance  
LSC 129 1066-6  
SC-4181-2

\_\_\_\_\_ moved to amend as follows:

- In line 525, after "4115.04," insert "4115.05,"; after  
"4115.101," insert "4115.13," 1  
2
- In line 11109, after "(F)" delete the balance of the line 3
- In line 11110, delete "project." 4
- In line 81193, delete "three million five hundred"; strike  
through "thousand dollars adjusted" 5  
6
- Strike through line 81194 7
- In line 81195, strike through "4115.034 of the Revised Code"  
and insert "the following amounts" 8  
9
- In line 81197, strike through the semicolon and insert ":", 10
- (a) One hundred twenty-five thousand dollars, beginning on  
the effective date of this amendment and continuing for one year  
thereafter; 11  
12  
13
- (b) Two hundred thousand dollars, beginning when the time  
period described in division (B) (1) (a) of this section expires and  
continuing for one year thereafter; 14  
15  
16
- (c) Two hundred fifty thousand dollars, beginning when the  
time period described in division (B) (1) (b) of this section 17  
18

<u>expires.</u> "	19
In line 81202, delete " <u>three million five hundred</u> "; strike	20
through "thousand dollars"	21
In line 81203, strike through "adjusted biennially by the";	22
delete " <u>director</u> "; strike through "pursuant to"	23
In line 81204, strike through "section 4115.034 of the	24
Revised Code" and insert " <u>the following amounts</u> "	25
In line 81206, delete ":" and insert ":	26
<u>(a) Thirty-eight thousand dollars, beginning on the effective</u>	27
<u>date of this amendment and continuing for one year thereafter;</u>	28
<u>(b) Sixty thousand dollars, beginning when the time period</u>	29
<u>described in division (B)(2)(a) of this section expires and</u>	30
<u>continuing for one year thereafter;</u>	31
<u>(c) Seventy-five thousand dollars, beginning when the time</u>	32
<u>period described in division (B)(2)(b) of this section expires."</u>	33
In line 81246, delete everything after the period	34
Delete lines 81247 through 81250	35
In line 81284, after "particular" insert " <u>contract for</u>	36
<u>construction of a</u> "	37
In line 81287, strike through "a" and insert " <u>the</u> "; strike	38
through "for construction of the public"	39
In line 81288, strike through "improvement"	40
In line 81290, strike through "mentioned" and insert	41
" <u>described</u> "	42
In line 81292, strike through "mentioned" and insert	43
" <u>described</u> "	44
In line 81298, strike through "mentioned" and insert	45

"described" 46

In line 81314, reinsert "divisions"; delete "division"; after 47  
"~~(1)~~" insert "(3)"; reinsert "and"; after "~~(2)~~" insert "(4)" 48

In line 81384, delete everything after "(6)" 49

Delete lines 81385 and 81386 50

In line 81387, delete "(7)" 51

In line 81389, after "Code" insert ";" 52

(7) Any portion of a public improvement undertaken and 53  
completed solely with labor donated by the individuals performing 54  
the labor, by a labor organization and its members, or by a 55  
contractor or subcontractor that donates all labor and materials 56  
for that portion of the public improvement project" 57

Between lines 81392 and 81393, insert: 58

"Sec. 4115.05. The prevailing rate of wages to be paid for a 59  
legal day's work, as prescribed in section 4115.04 of the Revised 60  
Code, to laborers, workers, or mechanics upon public works shall 61  
not be less at any time during the life of a contract for the 62  
public work than the prevailing rate of wages then payable in the 63  
same trade or occupation in the locality where such public work is 64  
being performed, under collective bargaining agreements or 65  
understandings, between employers and bona fide organizations of 66  
labor in force at the date the contract for the public work, 67  
relating to the trade or occupation, was made, and collective 68  
bargaining agreements or understandings successor thereto. 69

Serving laborers, helpers, assistants and apprentices shall 70  
not be classified as common labor and shall be paid not less at 71  
any time during the life of a contract for the public work than 72  
the prevailing rate of wages then payable for such labor in the 73  
locality where the public work is being performed, under or as a 74

result of collective bargaining agreements or understandings 75  
between employers and bona fide organizations of labor in force at 76  
the date the contract for the public work, requiring the 77  
employment of serving laborers, helpers, assistants, or 78  
apprentices, was made, and collective bargaining agreements or 79  
understandings successor thereto. 80

Apprentices will be permitted to work only under a bona fide 81  
apprenticeship program if such program exists and is registered 82  
with the Ohio apprenticeship council. 83

The allowable ratio of apprentices to skilled workers 84  
permitted to work shall not be greater than the ratio allowed the 85  
contractor or subcontractor in the collective bargaining agreement 86  
or understanding referred to in this section under which the work 87  
is being performed. A contractor, subcontractor, or public 88  
authority that exceeds the permissible ratio of apprentices to 89  
skilled workers by two or fewer apprentices for not more than two 90  
days in any thirty-day period shall not be found in violation of 91  
this provision with regard to that excess number of apprentices. 92

For purposes of establishing the prevailing rate of wages, a 93  
labor organization that is a party to a collective bargaining 94  
agreement, contract, or understanding, including any successor 95  
agreement, contract, or understanding, that establishes wages for 96  
a trade or occupation typically employed on public improvements 97  
shall file with the director of commerce all relevant portions of 98  
any such agreement, contract, or understanding to which the labor 99  
organization is a party. The filing shall occur within ninety days 100  
after the agreement, contract, or understanding is executed, 101  
except that the relevant portion of any agreement, contract, or 102  
understanding to which a labor organization is a party on the 103  
effective date of this amendment shall be filed within ninety days 104  
after the effective date of this amendment. The labor organization 105

shall certify under penalty of law that the portion of the 106  
agreement, contract, or understanding filed under this section 107  
contains, in full, all provisions of the agreement, contract, or 108  
understanding concerning wages paid to persons and the apprentice 109  
to skilled worker ratio under the agreement, contract, or 110  
understanding. 111

In the event there is no such collective bargaining agreement 112  
or understanding in the immediate locality, then the prevailing 113  
rates of wages in the nearest locality in which such collective 114  
bargaining agreements or understandings are in effect shall be the 115  
prevailing rate of wages, in such locality, for the various 116  
occupations covered by sections 4115.03 to 4115.16 of the Revised 117  
Code. 118

The prevailing rate of wages to be paid for a legal day's 119  
work, to laborers, workers, or mechanics, upon any material to be 120  
used in or in connection with a public work, shall be not less 121  
than the prevailing rate of wages payable for a day's work in the 122  
same trade or occupation in the locality within the state where 123  
such public work is being performed and where the material in its 124  
final or completed form is to be situated, erected, or used. 125

Every contract for a public work shall contain a provision 126  
that each laborer, worker, or mechanic, employed by such 127  
contractor, subcontractor, or other person about or upon such 128  
public work, shall be paid the prevailing rate of wages provided 129  
in this section. 130

No contractor or subcontractor under a contract for a public 131  
work shall sublet any of the work covered by such contract unless 132  
specifically authorized to do so by the contract. 133

Where contracts are not awarded or construction undertaken 134  
within ninety days from the date of the establishment of the 135  
prevailing rate of wages, there shall be a redetermination of the 136



prevailing rate of wages before the contract is awarded. ~~Upon receipt from the director of commerce of a notice of a change in prevailing wage rates,~~ a public authority shall, within seven working days after ~~receipt thereof~~ receiving from the director a notice of a change in the prevailing wage rate, notify all affected contractors and subcontractors with whom the public authority has contracts for a public improvement of the changes and require the contractors to make the necessary adjustments in the prevailing wage rates.

If, upon receipt of the relevant portions of a collective bargaining agreement, contract, or understanding, the director determines that the prevailing wage rate has changed in the locality in which an ongoing project is being constructed, any change in that rate shall take effect two weeks after the director receives the relevant portions of the agreement, contract, or understanding showing that the prevailing wage rate has changed.

If the director determines that a contractor or subcontractor has violated sections 4115.03 to 4115.16 of the Revised Code because the public authority has not notified the contractor or subcontractor as required by this section, the public authority is liable for any back wages, fines, damages, court costs, and attorney's fees associated with the enforcement of said sections by the director for the period of time running until the public authority gives the required notice to the contractor or subcontractor.

On the occasion of the first pay date under a contract, the contractor or subcontractor shall furnish each employee not covered by a collective bargaining agreement or understanding between employers and bona fide organizations of labor with individual written notification of the job classification to which the employee is assigned, the prevailing wage determined to be

applicable to that classification, separated into the hourly rate  
of pay and the fringe payments, and the identity of the prevailing  
wage coordinator appointed by the public authority. The contractor  
or subcontractor shall furnish the same notification to each  
affected employee every time the job classification of the  
employee is changed."

In line 81399, after "Code" insert ", as appropriate"

Between lines 81475 and 81476, insert:

"(G) No contractor or subcontractor shall be responsible for  
the payment of the penalties provided in division (A) of this  
section resulting from a violation of sections 4115.03 to 4115.16  
of the Revised Code by its subcontractor, provided that the  
contractor or subcontractor has made a good faith effort to ensure  
that its subcontractor complied with the requirements of sections  
4115.03 to 4115.16 of the Revised Code."

Between lines 81491 and 81492, insert:

"Sec. 4115.13. (A) Upon the director's own motion or within  
five days of the filing of a properly completed complaint under  
section 4115.10 or 4115.16 of the Revised Code, the director of  
commerce, or a representative designated by the director, shall  
investigate any alleged violation of sections 4115.03 to 4115.16  
of the Revised Code.

(B) At the conclusion of the investigation, the director or a  
designated representative shall make a ~~recommendation~~  
determination as to whether the alleged violation was committed.  
If the director or designated representative ~~recommends~~ determines  
that the alleged violation was an intentional violation, the  
director or designated representative shall give written notice by  
certified mail of that ~~recommendation~~ determination to the  
contractor, subcontractor, or officer of the contractor or

subcontractor which also shall state that the contractor, 198  
subcontractor, or officer of the contractor or subcontractor may 199  
file with the director an appeal of the ~~recommendation~~ 200  
determination within thirty days after the date the notice was 201  
received. If the contractor, subcontractor, or officer of the 202  
contractor or subcontractor timely appeals the ~~recommendation~~ 203  
determination, within sixty days of the filing of the appeal, the 204  
director or designated representative shall schedule the appeal 205  
for a hearing. If the contractor, subcontractor, or officer of the 206  
contractor or subcontractor fails to timely appeal the 207  
~~recommendation~~ determination, the director or designated 208  
representative shall adopt the ~~recommendation~~ determination as a 209  
finding of fact for purposes of division (D) of this section. The 210  
director or designated representative, in the performance of any 211  
duty or execution of any power prescribed by sections 4115.03 to 212  
4115.16 of the Revised Code, may hold hearings, and such hearings 213  
shall be held within the county in which the violation of sections 214  
4115.03 to 4115.16 of the Revised Code is alleged to have been 215  
committed, or in Franklin county, whichever county the person 216  
alleged to have committed the violation chooses. For the purpose 217  
of the hearing, the director may designate a hearing examiner who 218  
shall, after notice to all interested parties, conduct a hearing 219  
and make findings of fact and recommendations to the director. The 220  
director shall make a decision, which shall be sent to the 221  
affected parties. The director or designated representative may 222  
make decisions, based upon findings of fact, as are found 223  
necessary to enforce sections 4115.03 to 4115.16 of the Revised 224  
Code. 225

(C) If any underpayment by a contractor or subcontractor was 226  
the result of a misinterpretation of the statute, or an erroneous 227  
preparation of the payroll documents, the director or designated 228  
representative may make a decision ordering the employer to make 229

restitution to the employees, or on their behalf, the plans, 230  
 funds, or programs for any type of fringe benefits described in 231  
 the applicable wage determination. In accordance with the finding 232  
 of the director that any underpayment was the result of a 233  
 misinterpretation of the statute, or an erroneous preparation of 234  
 the payroll documents, employers who make restitution are not 235  
 subject to any further proceedings pursuant to sections 4115.03 to 236  
 4115.16 of the Revised Code. 237

If a contractor's or subcontractor's underpayment to an 238  
 employee is less than one thousand dollars, the contractor or 239  
 subcontractor is not subject to any further proceedings under 240  
 sections 4115.03 to 4115.16 of the Revised Code for that 241  
 underpayment if the contractor or subcontractor makes full 242  
 restitution to the affected employee. 243

(D) If the director or designated representative makes a 244  
 decision, based upon findings of fact, that a contractor, 245  
 subcontractor, or officer of a contractor or subcontractor has 246  
 intentionally violated sections 4115.03 to 4115.16 of the Revised 247  
 Code, the contractor, subcontractor, or officer of a contractor or 248  
 subcontractor is prohibited from contracting directly or 249  
 indirectly with any public authority for the construction of a 250  
 public improvement or from performing any work on the same as 251  
 provided in section 4115.133 of the Revised Code. A contractor, 252  
 subcontractor, or officer of a contractor or subcontractor may 253  
 appeal the decision, within sixty days after the decision, to the 254  
 court of common pleas of the county in which the first hearing 255  
 involving the violation was heard. If the contractor, 256  
 subcontractor, or officer of a contractor or subcontractor does 257  
 not timely appeal the ~~recommendation~~ determination of the director 258  
 or designated representative under division (B) of this section, 259  
 the contractor, subcontractor, or officer of a contractor or 260

subcontractor may appeal the findings of fact, within sixty days 261  
 after the ~~recommendations~~ determinations are adopted as findings 262  
 of fact, to the court of common pleas within the county in which 263  
 the violation of sections 4115.03 to 4115.16 of the Revised Code 264  
 is alleged to have been committed or in Franklin county, whichever 265  
 county the person alleged to have committed the violation chooses. 266

(E) No appeal to the court from the decision of the director 267  
 may be had by the contractor or subcontractor unless the 268  
 contractor or subcontractor files a bond with the court in the 269  
 amount of the restitution, conditioned upon payment should the 270  
 decision of the director be upheld. 271

(F) No statement of a contractor, subcontractor, or officer 272  
 of a contractor or subcontractor and no determination, 273  
recommendation, or finding of fact issued under this section is 274  
 admissible as evidence in a criminal action brought under this 275  
 chapter against the contractor, subcontractor, or officer of a 276  
 contractor or subcontractor. 277

(G) In determining whether a contractor, subcontractor, or 278  
 officer of a contractor or subcontractor intentionally violated 279  
 sections 4115.03 to 4115.16 of the Revised Code, the director may 280  
 consider as evidence either of the following: 281

(1) The fact that the director, prior to the commission of 282  
 the violation under consideration, issued notification to the 283  
 contractor, subcontractor, or officer of a contractor or 284  
 subcontractor of the same or a similar violation, provided that 285  
 the commission of the same or a similar violation of sections 286  
 4115.03 to 4115.16 of the Revised Code at a subsequent time does 287  
 not create a presumption that the subsequent violation was 288  
 intentional; 289

(2) The fact that, prior to the commission of the violation, 290  
 the contractor, subcontractor, or officer of a contractor or 291

subcontractor used reasonable efforts to ascertain the correct 292  
 interpretation of sections 4115.03 to 4115.16 of the Revised Code 293  
 from the director or 4115.04 or 4115.131 of the Revised Code, 294  
 provided that a violation is presumed not to be intentional where 295  
 a contractor, subcontractor, or officer of a contractor or 296  
 subcontractor complies with a decision the director or designated 297  
 representative issues pursuant to a request made under section 298  
 4115.131 of the Revised Code. 299

(H) As used in this section, "intentional violation" means a 300  
 willful, knowing, or deliberate failure to comply with any 301  
 provision of sections 4115.03 to 4115.16 of the Revised Code, and 302  
 includes, but is not limited to, the following actions when 303  
 conducted in the manner described in this division: 304

(1) An intentional failure to submit reports as required 305  
 under division (C) of section 4115.071 of the Revised Code or 306  
 knowingly submitting false or erroneous reports; 307

(2) An intentional misclassification of employees for the 308  
 purpose of reducing wages; 309

(3) An intentional misclassification of employees as 310  
 independent contractors or as apprentices; 311

(4) An intentional failure to pay the prevailing wage; 312

(5) An intentional failure to comply with the allowable ratio 313  
 of apprentices to skilled workers as required under section 314  
 4115.05 of the Revised Code and by rules adopted by the director 315  
 pursuant to section 4115.12 of the Revised Code; 316

(6) Intentionally allowing an officer of a contractor or 317  
 subcontractor who is known to be prohibited from contracting 318  
 directly or indirectly with a public authority for the 319  
 construction of a public improvement or from performing any work 320  
 on the same pursuant to section 4115.133 of the Revised Code to 321

perform work on a public improvement." 322

In line 81493, after "a" insert "specific" 323

In line 81494, after "Code" insert "by a specific contractor  
or subcontractor" 324  
325

In line 81494, after the period insert "The complaint shall  
be in writing on a form furnished by the director and shall  
include sufficient evidence to justify the complaint." 326  
327  
328

In line 81495, after "a" insert "properly completed" 329

In line 81496, after the period insert "The director shall  
not investigate any complaint filed under this section that fails  
to allege a specific violation or that lacks sufficient evidence  
to justify the complaint." 330  
331  
332  
333

In line 81500, after "If" insert "Except as otherwise  
provided in this section, the director or the designated  
representative shall conclude the investigation conducted under  
section 4115.13 of the Revised Code and make a determination not  
later than one hundred twenty days after the complaint is filed.  
The director or the designated representative may take additional  
time, of up to ninety days, to conclude the investigation and make  
a determination if the parties to the complaint are given notice  
of the extension before the initial one-hundred-twenty-day period  
expires. The director or the designated representative may take  
more time than that which is provided in this section to conclude  
the investigation and make a determination if the director, or the  
designated representative, and all parties to the complaint agree  
to a different time frame." 334  
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If"; reinsert the balance of the line 348

In line 81501, reinsert "complaint within"; after "filing" 349  
insert "the time provided under this section"; reinsert the 350  
balance of the line 351

Reinsert lines 81502 through 81521	352	
In line 81522, reinsert "(C)"	353	
In line 81523, reinsert "or action pursuant to"; delete " <u>under</u> "	354 355	
In line 81525, reinsert "The rules generally"	356	
Reinsert lines 81526 through 81538	357	
In line 131113, after "4115.04," insert "4115.05,"; after "4115.101," insert "4115.13,"	358 359	
In line 147677, after "4115.10" delete the balance of the line	360 361	
Delete lines 147677a and 147677b and insert:	362	
All amendments except as described in the right-hand column	The amendment in division (A) striking "penalty enforcement" and inserting " <u>labor operating</u> " and striking ", which is hereby created in the state treasury"	363
In line 171 of the title, after "4115.04," insert "4115.05,"; after "4115.101," insert "4115.13,"	364 365	

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

Prevailing Wage Threshold	366
R.C. 4115.03; conforming changes in R.C. 4115.034 and 4115.10	367
Lowers the substitute bill's statutory monetary threshold for determining when the Prevailing Wage Law applies to new construction on public improvements other than roads, sewers,	368 369 370



ditches, and other related works, from \$3.5 million to \$125,000 371  
 for the first year after the effective date of the amendment; 372  
 \$200,000 for the second year; and \$250,000 thereafter, with no 373  
 biennial adjustments (as is required for the threshold under 374  
 current law). 375

Lowers the substitute bill's statutory monetary threshold for 376  
 determining when the Prevailing Wage Law applies to reconstruction 377  
 on public improvements other than roads, sewers, ditches, and 378  
 other related works, from \$3.5 million to \$38,000 for the first 379  
 year after the effective date of the amendment; \$60,000 for the 380  
 second year; and \$75,000 thereafter, with no biennial adjustments 381  
 (as is required for the threshold under current law). 382

**Projects Subject to the Prevailing Wage Law 383**

**R.C. 126.602, 4115.03, and 4115.04 384**

Removes from the substitute bill language expressly excluding 385  
 from the Prevailing Wage Law an improvement that is neither 386  
 constructed by a public authority nor constructed for the benefit 387  
 of a public authority, even when the improvement uses or receives 388  
 financing, grants, or in-kind support from a public authority. 389

Removes an exception in the bill to the Prevailing Wage Law 390  
 for a public improvement undertaken by, or under contract for, a 391  
 state institution of higher education. 392

Removes an exception in the bill to the Prevailing Wage Law 393  
 for certain highway services projects. 394

Exempts from the Prevailing Wage Law any portion of a public 395  
 improvement that is undertaken and completed solely with donated 396  
 labor. 397

**Interested Party Complaints Alleging a Violation of the 398  
 Prevailing Wage Law 399**

<b>R.C. 4115.03 and 4115.16; conforming change in R.C. 4115.13</b>	400
Makes the following changes to the prevailing wage complaint procedure for interested parties:	401
	402
(1) Changes the definition of "interested party" so that contractors, subcontractors, labor organizations, and trade associations are interested parties only with respect to the particular public improvement contract with which they, or their members, are involved.	403
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(2) Requires all interested party complaints to allege a specific complaint, in writing, on a form furnished by the Director and to include sufficient evidence to justify the complaint;	408
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(3) Prohibits the Director of Commerce from investigating an interested party complaint that does not satisfy those requirements;	412
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(4) Restores the interested party's right to file a complaint in court regarding an alleged violation of the Prevailing Wage Law if the Director does not make a timely ruling on the merits of the complaint;	415
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(5) Increases the time in which the Director or the designated representative must conclude the investigation and make the necessary recommendation, from 60 days to 120 days, with up to a 90-day extension if the parties are given proper notice and a longer extension if agreed to by the parties; specifies that the Director make a determination, rather than a recommendation, concerning alleged violations of the Law.	419
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<b>Apprentice to Skilled Worker Ratios under the Prevailing Wage Law</b>	426
	427
<b>R.C. 4115.05</b>	428

Allows contractors, subcontractors, and public authorities to exceed the permissible ratio of apprentices to skilled workers by two or fewer apprentices for no more than two days in any 30-day period.

**Prevailing Wage Rate**

**R.C. 4115.05**

Requires labor organizations to file with the Director, for purposes of determining the prevailing wage rate, the relevant portions of any applicable collective bargaining agreement, contract, or understanding within 90 days after executing the agreement or within 90 days after the amendment's effective date if the agreement is in effect on the effective date of the amendment.

Requires those labor organizations also to certify under penalty of law that the portion of the agreement, contract, or understanding filed contains, in full, all provisions of the agreement, contract, or understanding concerning wages paid to persons and apprentice to skilled worker ratios under the agreement, contract, or understanding.

Specifies that any change in the prevailing wage rate on an ongoing project takes effect two weeks after the Director receives the relevant portion of any agreement, contract, or understanding showing that the prevailing wage rate has changed.

**Liability for Failure to Comply with the Prevailing Wage Law**

**R.C. 4115.10 and 4115.13**

Provides that no contractor or subcontractor shall be responsible for paying the penalties under the Prevailing Wage Law for its subcontractor's violation of the Law, if the contractor or subcontractor made a good faith effort to ensure that its subcontractor's compliance with the Law.

Exempts from further liability any contractor or	459
subcontractor whose underpayment to an employee is less than	460
\$1,000 if the contractor or subcontractor makes full restitution	461
to the affected employee.	462

Sub. H.B. 153  
As Pending in S. Finance  
LSC 129 1066-6  
SC-4182

\_\_\_\_\_ moved to amend as follows:

In line 553, after "5111.211," insert "5111.22, 5111.221," 1

In line 554, after "5111.231," insert "5111.232," 2

In line 555, after "5111.254," insert "5111.255,"; after 3  
"5111.258," insert "5111.262,"; after "5111.28," insert "5111.29, 4  
5111.291," 5

In line 647, after "5111.259," insert "5111.331," 6

In line 101405, delete "5111.33" and insert "5111.331" 7

In line 101590, after "5111.33" insert "or 5111.331" 8

In line 101610, after "5111.33" insert "or 5111.331" 9

Between lines 101836 and 101837, insert: 10

"Sec. 5111.22. A provider agreement between the department of 11  
job and family services and the provider of a nursing facility or 12  
intermediate care facility for the mentally retarded shall contain 13  
the following provisions: 14

(A) The department agrees to make payments to the provider, 15  
as provided in sections 5111.20 to ~~5111.33~~ 5111.331 of the Revised 16  
Code, for medicaid-covered services the facility provides to a 17  
resident of the facility who is a medicaid recipient. No payment 18  
shall be made for the day a medicaid recipient is discharged from 19

the facility. 20

(B) The provider agrees to: 21

(1) Maintain eligibility as provided in section 5111.21 of 22  
the Revised Code; 23

(2) Keep records relating to a cost reporting period for the 24  
greater of seven years after the cost report is filed or, if the 25  
department issues an audit report in accordance with division (B) 26  
of section 5111.27 of the Revised Code, six years after all appeal 27  
rights relating to the audit report are exhausted; 28

(3) File reports as required by the department; 29

(4) Open all records relating to the costs of its services 30  
for inspection and audit by the department; 31

(5) Open its premises for inspection by the department, the 32  
department of health, and any other state or local authority 33  
having authority to inspect; 34

(6) Supply to the department such information as it requires 35  
concerning the facility's services to residents who are or are 36  
eligible to be medicaid recipients; 37

(7) Comply with section 5111.31 of the Revised Code. 38

The provider agreement may contain other provisions that are 39  
consistent with law and considered necessary by the department. 40

A provider agreement shall be effective for no longer than 41  
twelve months, except that if federal statute or regulations 42  
authorize a longer term, it may be effective for a longer term so 43  
authorized. A provider agreement may be renewed only if the 44  
facility is certified by the department of health for 45  
participation in the medicaid program. 46

The department of job and family services, in accordance with 47  
rules adopted under section 5111.02 of the Revised Code, may elect 48

not to enter into, not to renew, or to terminate a provider 49  
 agreement when the department determines that such an agreement 50  
 would not be in the best interests of medicaid recipients or of 51  
 the state. 52

Sec. 5111.221. The department of job and family services 53  
 shall make its best efforts each year to calculate rates under 54  
 sections 5111.20 to ~~5111.33~~ 5111.331 of the Revised Code in time 55  
 to use them to make the payments due to providers by the fifteenth 56  
 day of August. If the department is unable to calculate the rates 57  
 so that they can be paid by that date, the department shall pay 58  
 each provider the rate calculated for the provider's nursing 59  
 facilities and intermediate care facilities for the mentally 60  
 retarded under those sections at the end of the previous fiscal 61  
 year. If the department also is unable to calculate the rates to 62  
 make the payments due by the fifteenth day of September and the 63  
 fifteenth day of October, the department shall pay the previous 64  
 fiscal year's rate to make those payments. The department may 65  
 increase by five per cent the previous fiscal year's rate paid for 66  
 any facility pursuant to this section at the request of the 67  
 provider. The department shall use rates calculated for the 68  
 current fiscal year to make the payments due by the fifteenth day 69  
 of November. 70

If the rate paid to a provider for a facility pursuant to 71  
 this section is lower than the rate calculated for the facility 72  
 for the current fiscal year, the department shall pay the provider 73  
 the difference between the two rates for the number of days for 74  
 which the provider was paid for the facility pursuant to this 75  
 section. If the rate paid for a facility pursuant to this section 76  
 is higher than the rate calculated for it for the current fiscal 77  
 year, the provider shall refund to the department the difference 78  
 between the two rates for the number of days for which the 79

provider was paid for the facility pursuant to this section." 80

In line 101838, strike through "5111.33" and insert "5111.331" 81  
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In line 101870, delete "5111.33" and insert "5111.331" 83

Between lines 102154 and 102155, insert: 84

"Sec. 5111.232. (A) (1) The department of job and family services shall determine semiannual and annual average case-mix scores for nursing facilities by using all of the following: 85  
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(a) Data from a resident assessment instrument specified in rules adopted under section 5111.02 of the Revised Code pursuant to section 1919(e) (5) of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 1396r(e) (5), as amended, for the following residents: 88  
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(i) When determining semiannual case-mix scores, each resident who is a medicaid recipient; 93  
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(ii) When determining annual average case-mix scores, each resident regardless of payment source. 95  
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(b) Except as provided in rules authorized by divisions (A) (2) (a) and (b) of this section, the case-mix values established by the United States department of health and human services; 97  
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(c) Except as modified in rules authorized by division (A) (2) (c) of this section, the grouper methodology used on June 30, 1999, by the United States department of health and human services for prospective payment of skilled nursing facilities under the medicare program established by Title XVIII. 100  
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(2) The director of job and family services may adopt rules under section 5111.02 of the Revised Code that do any of the following: 105  
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(a) Adjust the case-mix values specified in division	108
(A) (1) (b) of this section to reflect changes in relative wage differentials that are specific to this state;	109 110
(b) Express all of those case-mix values in numeric terms that are different from the terms specified by the United States department of health and human services but that do not alter the relationship of the case-mix values to one another;	111 112 113 114
(c) Modify the grouper methodology specified in division	115
(A) (1) (c) of this section as follows:	116
(i) Establish a different hierarchy for assigning residents to case-mix categories under the methodology;	117 118
(ii) Prohibit the use of the index maximizer element of the methodology;	119 120
(iii) Incorporate changes to the methodology the United States department of health and human services makes after June 30, 1999;	121 122 123
(iv) Make other changes the department determines are necessary.	124 125
(B) The department shall determine case-mix scores for intermediate care facilities for the mentally retarded using data for each resident, regardless of payment source, from a resident assessment instrument and grouper methodology prescribed in rules adopted under section 5111.02 of the Revised Code and expressed in case-mix values established by the department in those rules.	126 127 128 129 130 131
(C) Each calendar quarter, each provider shall compile complete assessment data, from the resident assessment instrument specified in rules authorized by division (A) or (B) of this section, for each resident of each of the provider's facilities, regardless of payment source, who was in the facility or on hospital or therapeutic leave from the facility on the last day of	132 133 134 135 136 137

the quarter. Providers of a nursing facility shall submit the data 138  
to the department of health and, if required by rules, the 139  
department of job and family services. Providers of an 140  
intermediate care facility for the mentally retarded shall submit 141  
the data to the department of job and family services. The data 142  
shall be submitted not later than fifteen days after the end of 143  
the calendar quarter for which the data is compiled. 144

Except as provided in division (D) of this section, the 145  
department, every six months and after the end of each calendar 146  
year, shall calculate a semiannual and annual average case-mix 147  
score for each nursing facility using the facility's quarterly 148  
case-mix scores for that six-month period or calendar year. Also 149  
except as provided in division (D) of this section, the 150  
department, after the end of each calendar year, shall calculate 151  
an annual average case-mix score for each intermediate care 152  
facility for the mentally retarded using the facility's quarterly 153  
case-mix scores for that calendar year. The department shall make 154  
the calculations pursuant to procedures specified in rules adopted 155  
under section 5111.02 of the Revised Code. 156

(D) (1) If a provider does not timely submit information for a 157  
calendar quarter necessary to calculate a facility's case-mix 158  
score, or submits incomplete or inaccurate information for a 159  
calendar quarter, the department may assign the facility a 160  
quarterly average case-mix score that is five per cent less than 161  
the facility's quarterly average case-mix score for the preceding 162  
calendar quarter. If the facility was subject to an exception 163  
review under division (C) of section 5111.27 of the Revised Code 164  
for the preceding calendar quarter, the department may assign a 165  
quarterly average case-mix score that is five per cent less than 166  
the score determined by the exception review. If the facility was 167  
assigned a quarterly average case-mix score for the preceding 168

quarter, the department may assign a quarterly average case-mix score that is five per cent less than that score assigned for the preceding quarter.

The department may use a quarterly average case-mix score assigned under division (D) (1) of this section, instead of a quarterly average case-mix score calculated based on the provider's submitted information, to calculate the facility's rate for direct care costs being established under section 5111.23 or 5111.231 of the Revised Code for one or more months, as specified in rules authorized by division (E) of this section, of the quarter for which the rate established under section 5111.23 or 5111.231 of the Revised Code will be paid.

Before taking action under division (D) (1) of this section, the department shall permit the provider a reasonable period of time, specified in rules authorized by division (E) of this section, to correct the information. In the case of an intermediate care facility for the mentally retarded, the department shall not assign a quarterly average case-mix score due to late submission of corrections to assessment information unless the provider fails to submit corrected information prior to the eighty-first day after the end of the calendar quarter to which the information pertains. In the case of a nursing facility, the department shall not assign a quarterly average case-mix score due to late submission of corrections to assessment information unless the provider fails to submit corrected information prior to the earlier of the forty-sixth day after the end of the calendar quarter to which the information pertains or the deadline for submission of such corrections established by regulations adopted by the United States department of health and human services under Titles XVIII and XIX.

(2) If a provider is paid a rate for a facility calculated

using a quarterly average case-mix score assigned under division 200  
 (D) (1) of this section for more than six months in a calendar 201  
 year, the department may assign the facility a cost per case-mix 202  
 unit that is five per cent less than the facility's actual or 203  
 assigned cost per case-mix unit for the preceding calendar year. 204  
 The department may use the assigned cost per case-mix unit, 205  
 instead of calculating the facility's actual cost per case-mix 206  
 unit in accordance with section 5111.23 or 5111.231 of the Revised 207  
 Code, to establish the facility's rate for direct care costs for 208  
 the following fiscal year. 209

(3) The department shall take action under division (D) (1) or 210  
 (2) of this section only in accordance with rules authorized by 211  
 division (E) of this section. The department shall not take an 212  
 action that affects rates for prior payment periods except in 213  
 accordance with sections 5111.27 and 5111.28 of the Revised Code. 214

(E) The director shall adopt rules under section 5111.02 of 215  
 the Revised Code that do all of the following: 216

(1) Specify whether providers of a nursing facility must 217  
 submit the assessment data to the department of job and family 218  
 services; 219

(2) Specify the medium or media through which the completed 220  
 assessment data shall be submitted; 221

(3) Establish procedures under which the assessment data 222  
 shall be reviewed for accuracy and providers shall be notified of 223  
 any data that requires correction; 224

(4) Establish procedures for providers to correct assessment 225  
 data and specify a reasonable period of time by which providers 226  
 shall submit the corrections. The procedures may limit the content 227  
 of corrections by providers of nursing facilities in the manner 228  
 required by regulations adopted by the United States department of 229

health and human services under Titles XVIII and XIX.	230
(5) Specify when and how the department will assign case-mix scores or costs per case-mix unit under division (D) of this section if information necessary to calculate the facility's case-mix score is not provided or corrected in accordance with the procedures established by the rules. Notwithstanding any other provision of sections 5111.20 to <del>5111.33</del> <u>5111.331</u> of the Revised Code, the rules also may provide for the following:	231 232 233 234 235 236 237
(a) Exclusion of case-mix scores assigned under division (D) of this section from calculation of an intermediate care facility for the mentally retarded's annual average case-mix score and the maximum cost per case-mix unit for the facility's peer group;	238 239 240 241
(b) Exclusion of case-mix scores assigned under division (D) of this section from calculation of a nursing facility's semiannual or annual average case-mix score and the cost per case-mix unit for the facility's peer group."	242 243 244 245
In line 102621, strike through "5111.33" and insert " <u>5111.331</u> "	246 247
In line 102636, strike through "5111.33" and insert " <u>5111.331</u> "	248 249
In line 102860, strike through "5111.33" and insert " <u>5111.331</u> "	250 251
In line 102886, strike through "5111.33" and insert " <u>5111.331</u> "	252 253
In line 103276, strike through "5111.33" and insert " <u>5111.331</u> "	254 255
Between lines 103292 and 103293, insert:	256
"Sec. 5111.255. (A) The department of job and family services	257

shall establish initial rates for an intermediate care facility 258  
 for the mentally retarded with a first date of licensure that is 259  
 on or after January 1, 1993, including a facility that replaces 260  
 one or more existing facilities, or for an intermediate care 261  
 facility for the mentally retarded with a first date of licensure 262  
 before that date that was initially certified for the medicaid 263  
 program on or after that date, in the following manner: 264

(1) The rate for direct care costs shall be determined as 265  
 follows: 266

(a) If there are no cost or resident assessment data as 267  
 necessary to calculate a rate under section 5111.23 of the Revised 268  
 Code, the rate shall be the median cost per case-mix unit 269  
 calculated under division (B) (1) of that section for the relevant 270  
 peer group for the calendar year preceding the fiscal year in 271  
 which the rate will be paid, multiplied by the median annual 272  
 average case-mix score for the peer group for that period and by 273  
 the rate of inflation estimated under division (B) (3) of that 274  
 section. This rate shall be recalculated to reflect the facility's 275  
 actual quarterly average case-mix score, in accordance with that 276  
 section, after it submits its first quarterly assessment data that 277  
 qualifies for use in calculating a case-mix score in accordance 278  
 with rules authorized by division (E) of section 5111.232 of the 279  
 Revised Code. If the facility's first two quarterly submissions do 280  
 not contain assessment data that qualifies for use in calculating 281  
 a case-mix score, the department shall continue to calculate the 282  
 rate using the median annual case-mix score for the peer group in 283  
 lieu of an assigned quarterly case-mix score. The department shall 284  
 assign a case-mix score or, if necessary, a cost per case-mix unit 285  
 under division (D) of section 5111.232 of the Revised Code for any 286  
 subsequent submissions that do not contain assessment data that 287  
 qualifies for use in calculating a case-mix score. 288

(b) If the facility is a replacement facility and the facility or facilities that are being replaced are in operation immediately before the replacement facility opens, the rate shall be the same as the rate for the replaced facility or facilities, proportionate to the number of beds in each replaced facility. If one or more of the replaced facilities is not in operation immediately before the replacement facility opens, its proportion shall be determined under division (A) (1) (a) of this section.

(2) The rate for other protected costs shall be one hundred fifteen per cent of the median rate for intermediate care facilities for the mentally retarded calculated for the fiscal year under section 5111.235 of the Revised Code.

(3) The rate for indirect care costs shall be the applicable maximum rate for the facility's peer group as specified in division (B) of section 5111.241 of the Revised Code.

(4) The rate for capital costs shall be determined under section 5111.251 of the Revised Code using the greater of actual inpatient days or an imputed occupancy rate of eighty per cent.

(B) The department shall adjust the rates established under division (A) of this section at both of the following times:

(1) Effective the first day of July, to reflect new rate calculations for all facilities under sections 5111.20 to ~~5111.33~~ 5111.331 of the Revised Code;

(2) Following the provider's submission of the facility's cost report under division (A) (1) (b) of section 5111.26 of the Revised Code.

The department shall pay the rate adjusted based on the cost report beginning the first day of the calendar quarter that begins more than ninety days after the department receives the cost report."

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In line 103294, strike through "5111.33" and insert	319
" <u>5111.331</u> "	320
In line 103328, strike through "5111.33" and insert	321
" <u>5111.331</u> "	322
In line 103343, strike through "5111.33" and insert	323
" <u>5111.331</u> "	324
In line 103349, strike through "5111.33" and insert	325
" <u>5111.331</u> "	326
In line 103351, strike through "5111.33" and insert	327
" <u>5111.331</u> "	328
In line 103382, delete " <u>5111.33</u> " and insert " <u>5111.331</u> "	329
Between lines 103398 and 103399, insert:	330
"Sec. 5111.262. No person, other than the provider of a	331
nursing facility, shall submit a claim for medicaid reimbursement	332
for a service provided to a nursing facility resident if the	333
service is included in a medicaid payment made to the provider of	334
a nursing facility under sections 5111.20 to 5111.33 of the	335
Revised Code or in the reimbursable expenses reported on a	336
provider's cost report for a nursing facility. No provider of a	337
nursing facility shall submit a separate claim for medicaid	338
reimbursement for a service provided to a resident of the nursing	339
facility if the service is included in a medicaid payment made to	340
the provider under sections 5111.20 to <del>5111.33</del> <u>5111.331</u> of the	341
Revised Code or in the reimbursable expenses on the provider's	342
cost report for the nursing facility."	343
In line 103438, strike through "5111.33" and insert	344
" <u>5111.331</u> "	345
In line 103564, strike through "5111.33" and insert	346
" <u>5111.331</u> "	347



In line 103568, strike through "5111.33" and insert 348  
"5111.331" 349

Delete lines 103661 through 103719 and insert: 350

"Sec. 5111.29. (A) The director of job and family services 351  
shall adopt rules under section 5111.02 of the Revised Code that 352  
establish a process under which a provider, or a group or 353  
association of providers, may seek reconsideration of rates 354  
established under sections 5111.20 to ~~5111.33~~ 5111.331 of the 355  
Revised Code, including a rate for direct care costs recalculated 356  
before the effective date of the rate as a result of an exception 357  
review of resident assessment information conducted under section 358  
5111.27 of the Revised Code. 359

(1) Except as provided in divisions (A)(2) to (4) of this 360  
section, the only issue that a provider, group, or association may 361  
raise in the rate reconsideration shall be whether the rate was 362  
calculated in accordance with sections 5111.20 to ~~5111.33~~ 5111.331 363  
of the Revised Code and the rules adopted under section 5111.02 of 364  
the Revised Code. The rules shall permit a provider, group, or 365  
association to submit written arguments or other materials that 366  
support its position. The rules shall specify time frames within 367  
which the provider, group, or association and the department must 368  
act. If the department determines, as a result of the rate 369  
reconsideration, that the rate established for one or more 370  
facilities of a provider is less than the rate to which the 371  
facility is entitled, the department shall increase the rate. If 372  
the department has paid the incorrect rate for a period of time, 373  
the department shall pay the provider the difference between the 374  
amount the provider was paid for that period for the facility and 375  
the amount the provider should have been paid for the facility. 376

(2) The rules shall provide that during a fiscal year, the 377

department, by means of the rate reconsideration process, may 378  
 increase the rate determined for an intermediate care facility for 379  
 the mentally retarded as calculated under sections 5111.20 to 380  
~~5111.33~~ 5111.331 of the Revised Code if the provider of the 381  
 facility demonstrates that the facility's actual, allowable costs 382  
 have increased because of extreme circumstances. A facility may 383  
 qualify for a rate increase only if the facility's per diem, 384  
 actual, allowable costs have increased to a level that exceeds its 385  
 total rate. The rules shall specify the circumstances that would 386  
 justify a rate increase under division (A)(2) of this section. The 387  
 rules shall provide that the extreme circumstances include natural 388  
 disasters, renovations approved under division (D) of section 389  
 5111.251 of the Revised Code, an increase in workers' compensation 390  
 experience rating of greater than five per cent for a facility 391  
 that has an appropriate claims management program, increased 392  
 security costs for an inner-city facility, and a change of 393  
 ownership that results from bankruptcy, foreclosure, or findings 394  
 of violations of certification requirements by the department of 395  
 health. An increase under division (A)(2) of this section is 396  
 subject to any rate limitations or maximum rates established by 397  
 sections 5111.20 to ~~5111.33~~ 5111.331 of the Revised Code for 398  
 specific cost centers. Any rate increase granted under division 399  
 (A)(2) of this section shall take effect on the first day of the 400  
 first month after the department receives the request. 401

(3) The rules shall provide that the department, through the 402  
 rate reconsideration process, may increase an intermediate care 403  
 facility for the mentally retarded's rate as calculated under 404  
 sections 5111.20 to ~~5111.33~~ 5111.331 of the Revised Code if the 405  
 department, in the department's sole discretion, determines that 406  
 the rate as calculated under those sections works an extreme 407  
 hardship on the facility. 408

(4) The rules shall provide that when beds certified for the  
medicaid program are added to an existing intermediate care  
facility for the mentally retarded or replaced at the same site,  
the department, through the rate reconsideration process, shall  
increase the intermediate care facility for the mentally  
retarded's rate for capital costs proportionately, as limited by  
any applicable limitation under section 5111.251 of the Revised  
Code, to account for the costs of the beds that are added or  
replaced. The department shall make this increase one month after  
the first day of the month after the department receives  
sufficient documentation of the costs. Any rate increase granted  
under division (A)(4) of this section after June 30, 1993, shall  
remain in effect until the effective date of a rate calculated  
under section 5111.251 of the Revised Code that includes costs  
incurred for a full calendar year for the bed addition or bed  
replacement. The facility shall report double accumulated  
depreciation in an amount equal to the depreciation included in  
the rate adjustment on its cost report for the first year of  
operation. During the term of any loan used to finance a project  
for which a rate adjustment is granted under division (A)(4) of  
this section, if the facility is operated by the same provider,  
the provider shall subtract from the interest costs it reports on  
its cost report an amount equal to the difference between the  
following:

(a) The actual, allowable interest costs for the loan during  
the calendar year for which the costs are being reported;

(b) The actual, allowable interest costs attributable to the  
loan that were used to calculate the rates paid to the provider  
for the facility during the same calendar year.

(5) The department's decision at the conclusion of the  
reconsideration process shall not be subject to any administrative

proceedings under Chapter 119. or any other provision of the Revised Code. 440  
441

(B) All of the following are subject to an adjudication conducted in accordance with Chapter 119. of the Revised Code: 442  
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(1) Any audit disallowance that the department makes as the result of an audit under section 5111.27 of the Revised Code; 444  
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(2) Any adverse finding that results from an exception review of resident assessment information conducted under section 5111.27 of the Revised Code after the effective date of the facility's rate that is based on the assessment information; 446  
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(3) Any medicaid payment deemed an overpayment under section 5111.683 of the Revised Code; 450  
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(4) Any penalty the department imposes under division (C) of section 5111.28 of the Revised Code or section 5111.683 of the Revised Code. 452  
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**Sec. 5111.291.** Notwithstanding sections 5111.20 to ~~5111.33~~ 5111.331 of the Revised Code, the department of job and family services may compute the rate for intermediate care facilities for the mentally retarded operated by the department of developmental disabilities or the department of mental health according to the reasonable cost principles of Title XVIII. 455  
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**Sec. 5111.33.** Reimbursement to a provider of an intermediate care facility for the mentally retarded under sections 5111.20 to ~~5111.32~~ 5111.331 of the Revised Code shall include payments to the provider, at a rate equal to the percentage of the per resident per day rates that the department of job and family services has established for the provider's ~~nursing facility or intermediate care facility for the mentally retarded~~ under sections 5111.20 to ~~5111.33~~ 5111.331 of the Revised Code for the fiscal year for which 461  
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the cost of services is reimbursed, to reserve a bed for a 469  
recipient during a temporary absence under conditions prescribed 470  
by the department, to include hospitalization for an acute 471  
condition, visits with relatives and friends, and participation in 472  
therapeutic programs outside the facility, when the resident's 473  
plan of care provides for such absence and federal participation 474  
in the payments is available. The maximum period during which 475  
payments may be made to reserve a bed shall not exceed the maximum 476  
period specified under federal regulations, and shall not be more 477  
than thirty days during any calendar year for hospital stays, 478  
visits with relatives and friends, and participation in 479  
therapeutic programs. 480

~~Recipients who have been identified by the department as 481  
requiring the level of care of an intermediate care facility for 482  
the mentally retarded shall not be subject to a maximum period 483  
during which payments may be made to reserve a bed in an 484  
intermediate care facility for the mentally retarded if prior 485  
authorization of the department is obtained for hospital stays, 486  
visits with relatives and friends, and participation in 487  
therapeutic programs. The director of job and family services 488  
shall adopt rules under section 5111.02 of the Revised Code 489  
establishing conditions under which prior authorization may be 490  
obtained. 491~~

Sec. 5111.331. (A) The department of job and family services 492  
may make payments to a provider of a nursing facility under 493  
sections 5111.20 to 5111.331 of the Revised Code to reserve a bed 494  
for a recipient during a temporary absence under conditions 495  
prescribed by the department, to include hospitalization for an 496  
acute condition, visits with relatives and friends, and 497  
participation in therapeutic programs outside the facility, when 498  
the resident's plan of care provides for such absence and federal 499

participation in the payments is available. 500

(B) The maximum period for which payments may be made to 501  
reserve a bed in a nursing facility shall not exceed the 502  
following: 503

(1) For calendar year 2011, thirty days; 504

(2) For calendar year 2012 and each calendar year thereafter, 505  
fifteen days. 506

(C) The department shall establish the per diem rates to be 507  
paid to providers of nursing facilities for reserving beds under 508  
this section. In establishing the per diem rates, the department 509  
shall do the following: 510

(1) In the case of a payment to reserve a bed for a day 511  
during calendar year 2011, set the per diem rate at an amount not 512  
exceeding fifty per cent of the per diem rate the provider would 513  
be paid if the recipient were not absent from the nursing facility 514  
that day; 515

(2) In the case of a payment to reserve a bed for a day 516  
during calendar year 2012 and each calendar year thereafter, set 517  
the per diem rate at an amount not exceeding twenty-five per cent 518  
of the per diem rate the provider would be paid if the recipient 519  
were not absent from the nursing facility that day." 520

In line 131142, after "5111.211," insert "5111.22,  
5111.221,"; after "5111.231," insert "5111.232," 521 522

In line 131144, after "5111.254," insert "5111.255,"; after 523  
"5111.261," insert "5111.262,"; after "5111.28," insert "5111.29,  
5111.291," 524 525

In line 139266, delete "5111.33" and insert "5111.331" 526

In line 139290, delete "5111.33" and insert "5111.331" 527

In line 139307, delete "5111.33" and insert "5111.331"	528
In line 139333, delete "5111.33" and insert "5111.331"	529
Delete lines 139445 through 139572 and insert:	530
<b>"Section 309.30.90. FISCAL YEAR 2012 MEDICAID REIMBURSEMENT</b>	531
SYSTEM FOR ICFs/MR	532
(A) As used in this section:	533
(1) "Capped per diem rate" means the per diem rate calculated for an ICF/MR under division (D) of this section.	534 535
(2) "Change of operator," "entering operator," and "exiting operator" have the same meanings as in section 5111.65 of the Revised Code.	536 537 538
(3) "Franchise permit fee" and "provider" have the same meanings as in section 5111.20 of the Revised Code.	539 540
(4) "ICF/MR" means an intermediate care facility for the mentally retarded as defined in section 5111.20 of the Revised Code.	541 542 543
(5) "ICF/MR services" means services covered by the Medicaid program that an ICF/MR provides to a Medicaid recipient eligible for the services.	544 545 546
(6) "Imputed indirect care ceiling percentage" means the percentage above the median desk-reviewed, actual, allowable, per diem indirect care cost that is imputed for ICFs/MR with eight or fewer beds in a manner that causes the following percentages to be the same:	547 548 549 550 551
(a) The percentage of ICFs/MR with eight or fewer beds that have desk-reviewed, actual, allowable, per diem indirect care costs from calendar year 2010, adjusted for inflation in accordance with division (C) (5) of this section, that are at or	552 553 554 555

below the applicable per diem indirect care costs ceiling; 556

(b) The percentage of ICFs/MR with more than eight beds that 557  
have desk-reviewed, actual, allowable, per diem indirect care 558  
costs from calendar year 2010, adjusted for inflation in 559  
accordance with division (C) (5) of this section, that are at or 560  
below the applicable per diem indirect care costs ceiling. 561

(7) "Medicaid days" means all days during which a resident 562  
who is a Medicaid recipient occupies a bed in an ICF/MR that is 563  
included in the ICF/MR's Medicaid-certified capacity. Therapeutic 564  
or hospital leave days for which payment is made under section 565  
5111.33 of the Revised Code are considered Medicaid days 566  
proportionate to the percentage of the ICF/MR's per resident per 567  
day rate paid for those days. 568

(8) "Modified per diem rate" means the per diem rate 569  
calculated for an ICF/MR under division (C) of this section. 570

(9) "Unmodified per diem rate" means the per diem rate 571  
calculated for an ICF/MR under sections 5111.20 to 5111.331 of the 572  
Revised Code. 573

(B) This section applies to each provider of an ICF/MR to 574  
which either of the following applies: 575

(1) The provider has a valid Medicaid provider agreement for 576  
the ICF/MR on June 30, 2011, and a valid Medicaid provider 577  
agreement for the ICF/MR during fiscal year 2012. 578

(2) The ICF/MR undergoes a change of operator effective July 579  
1, 2011, the exiting operator has a valid Medicaid provider 580  
agreement for the ICF/MR on June 30, 2011, and the entering 581  
operator has a valid Medicaid provider agreement for the ICF/MR 582  
during fiscal year 2012. 583

(C) An ICF/MR's total modified per diem rate for fiscal year 584  
2012 shall be the ICF/MR's total unmodified per diem rate for that 585



fiscal year with the following modifications:

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(1) In place of the inflation adjustment otherwise made under section 5111.235 of the Revised Code, the ICF/MR's desk-reviewed, actual, allowable, per diem other protected costs, excluding the franchise permit fee, from calendar year 2010 shall be multiplied by 1.0164.

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(2) The ICF/MR's maximum costs per case-mix unit shall be the following:

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(a) In the case of an ICF/MR with more than eight beds, the maximum established under division (B) (2) (a) of section 5111.23 of the Revised Code for the ICF/MR's peer group divided by 1.1123;

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(b) In the case of an ICF/MR with eight or fewer beds, the maximum established under division (B) (2) (b) of section 5111.23 of the Revised Code for the ICF/MR's peer group divided by 1.094.

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(3) In place of the inflation adjustment otherwise calculated under division (B) (3) of section 5111.23 of the Revised Code for the purpose of division (C) (2) of that section, an inflation adjustment of 1.0164 shall be used.

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(4) The maximum rate for indirect care costs for the ICF/MR's peer group shall be the following:

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(a) In the case of an ICF/MR with more than eight beds and subject to division (C) (5) of this section, the maximum established for the peer group under division (B) (1) (a) of section 5111.241 of the Revised Code divided by 1.0843;

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(b) In the case of an ICF/MR with eight or fewer beds and subject to division (C) (5) of this section, the maximum established for the peer group under division (B) (2) (a) of section 5111.241 of the Revised Code with the following adjustments:

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(i) In place of the 10.3 per cent that is otherwise used in

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making the calculation under division (B) (2) (a) of section 615  
5111.241 of the Revised Code for the ICF/MR's peer group, the 616  
imputed indirect care ceiling percentage shall be used. 617

(ii) The amount calculated under division (B) (2) (a) of 618  
section 5111.241 of the Revised Code for the peer group, as 619  
adjusted under division (C) (4) (b) (i) of this section, shall be 620  
divided by 1.07. 621

(5) In place of the inflation adjustment otherwise calculated 622  
under division (C) (1) of section 5111.241 of the Revised Code for 623  
the purposes of divisions (A) (1), (B) (1) (a), and (B) (2) (a) of that 624  
section, an inflation adjustment of 1.0164 shall be used. 625

(6) In place of the efficiency incentive otherwise calculated 626  
under division (A) (2) of section 5111.241 of the Revised Code, the 627  
ICF/MR's efficiency incentive for indirect care costs shall be the 628  
following as reduced by 25 per cent: 629

(a) In the case of an ICF/MR with more than eight beds, 7.1 630  
per cent of the maximum rate established for the ICF/MR's peer 631  
group under division (B) (1) (a) of section 5111.241 of the Revised 632  
Code, as adjusted under divisions (C) (4) (a) and (5) of this 633  
section; 634

(b) In the case of an ICF/MR with eight or fewer beds, 7 per 635  
cent of the maximum rate established for the ICF/MR's peer group 636  
under division (B) (2) (a) of section 5111.241 of the Revised Code, 637  
as adjusted under divisions (C) (4) (b) and (5) of this section. 638

(7) The ICF/MR's efficiency incentive for capital costs, as 639  
determined under division (B) of section 5111.251 of the Revised 640  
Code, shall be reduced by 50 per cent. 641

(D) An ICF/MR's total capped per diem rate for fiscal year 642  
2012 shall be the ICF/MR's total unmodified per diem rate for that 643  
fiscal year reduced by the percentage by which the mean total 644

unmodified per diem rates for all ICFs/MR in this state for fiscal year 2012, weighted by May 2011 Medicaid days and calculated as of July 1, 2011, exceeds \$279.81.

(E) Except as otherwise provided by this section, the provider of an ICF/MR to which this section applies shall be paid, for ICF/MR services the ICF/MR provides during fiscal year 2012, a total per diem rate determined as follows:

(1) Add the ICF/MR's total modified per diem rate to the ICF/MR's total capped per diem rate;

(2) Divide the amount determined under division (E)(1) of this section by two.

(F) If the mean total per diem rate for all ICFs/MR to which this section applies, weighted by May 2011 Medicaid days and determined under division (E) of this section as of July 1, 2011, is other than \$279.81, the Department of Job and Family Services shall adjust, for fiscal year 2012, the total per diem rate for each ICF/MR to which this section applies by a percentage that is equal to the percentage by which the mean total per diem rate is greater or less than \$279.81.

(G) If the United States Centers for Medicare and Medicaid Services requires that the franchise permit fee be reduced or eliminated, the Department of Job and Family Services shall reduce the amount it pays providers of ICF/MR services under this section as necessary to reflect the loss to the state of the revenue and federal financial participation generated from the franchise permit fee.

(H) The Department of Job and Family Services shall follow this section in determining the rate to be paid providers of ICF/MR services subject to this section notwithstanding anything to the contrary in sections 5111.20 to 5111.331 of the Revised

Code.	675
Section 309.33.10. FISCAL YEAR 2013 MEDICAID REIMBURSEMENT	676
SYSTEM FOR ICFs/MR	677
(A) As used in this section:	678
(1) "Change of operator," "entering operator," and "exiting operator" have the same meanings as in section 5111.65 of the Revised Code.	679 680 681
(2) "Franchise permit fee" and "provider" have the same meanings as in section 5111.20 of the Revised Code.	682 683
(3) "ICF/MR" means an intermediate care facility for the mentally retarded as defined in section 5111.20 of the Revised Code.	684 685 686
(4) "ICF/MR services" means services covered by the Medicaid program that an ICF/MR provides to a Medicaid recipient eligible for the services.	687 688 689
(5) "Medicaid days" means all days during which a resident who is a Medicaid recipient occupies a bed in an ICF/MR that is included in the ICF/MR's Medicaid-certified capacity. Therapeutic or hospital leave days for which payment is made under section 5111.33 of the Revised Code are considered Medicaid days proportionate to the percentage of the ICF/MR's per resident per day rate paid for those days.	690 691 692 693 694 695 696
(6) "Modified per diem rate" means the per diem rate calculated for an ICF/MR under division (C) of this section.	697 698
(7) "Overall CPI inflation adjustment" means the amount determined as follows:	699 700
(a) Using the United States Bureau of Labor Statistics' Consumer Price Index inflation calculator available at <a href="http://www.bls.gov/data/inflation_calculator.htm">http://www.bls.gov/data/inflation_calculator.htm</a> , determine the	701 702 703

buying power that \$100 in calendar year 2010 has in calendar year 2011;

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(b) Divide the amount determined under division (A) (7) (a) of this section by one hundred.

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(8) "Unmodified per diem rate" means the per diem rate calculated for an ICF/MR under sections 5111.20 to 5111.331 of the Revised Code.

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(B) This section applies to each provider of an ICF/MR to which either of the following applies:

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(1) The provider has a valid Medicaid provider agreement for the ICF/MR on June 30, 2012, and a valid Medicaid provider agreement for the ICF/MR during fiscal year 2013.

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(2) The ICF/MR undergoes a change of operator effective July 1, 2012, the exiting operator has a valid Medicaid provider agreement for the ICF/MR on June 30, 2012, and the entering operator has a valid Medicaid provider agreement for the ICF/MR during fiscal year 2013.

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(C) An ICF/MR's total modified per diem rate for fiscal year 2013 shall be the ICF/MR's total unmodified per diem rate for that fiscal year with the following modifications:

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(1) In place of the inflation adjustment otherwise made under section 5111.235 of the Revised Code, the ICF/MR's desk-reviewed, actual, allowable, per diem other protected costs, excluding the franchise permit fee, from calendar year 2011 shall be multiplied by the overall CPI inflation adjustment.

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(2) The ICF/MR's maximum costs per case-mix unit shall be the following:

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(a) In the case of an ICF/MR with more than eight beds, the maximum established under division (B) (2) (a) of section 5111.23 of

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the Revised Code for the ICF/MR's peer group divided by 1.1123; 733

(b) In the case of an ICF/MR with eight or fewer beds, the 734  
maximum established under division (B) (2) (b) of section 5111.23 of 735  
the Revised Code for the ICF/MR's peer group divided by 1.094. 736

(3) In place of the inflation adjustment otherwise calculated 737  
under division (B) (3) of section 5111.23 of the Revised Code for 738  
the purpose of division (C) (2) of that section, the overall CPI 739  
inflation adjustment shall be used. 740

(4) The maximum rate for indirect care costs for the ICF/MR's 741  
peer group shall be the following: 742

(a) In the case of an ICF/MR with more than eight beds and 743  
subject to division (C) (5) of this section, the maximum 744  
established for the peer group under division (B) (1) (b) of section 745  
5111.241 of the Revised Code divided by 1.0843; 746

(b) In the case of an ICF/MR with eight or fewer beds and 747  
subject to division (C) (5) of this section, the maximum 748  
established for the peer group under division (B) (2) (b) of section 749  
5111.241 of the Revised Code divided by 1.07. 750

(5) In place of the inflation adjustment otherwise calculated 751  
under divisions (C) (1) and (2) of section 5111.241 of the Revised 752  
Code for the purposes of divisions (A) (1), (B) (1) (b), and 753  
(B) (2) (b) of that section, the overall CPI inflation adjustment 754  
shall be used. 755

(6) In place of the efficiency incentive otherwise calculated 756  
under division (A) (2) of section 5111.241 of the Revised Code, the 757  
ICF/MR's efficiency incentive for indirect care costs shall be the 758  
same as its efficiency incentive for indirect care costs for 759  
fiscal year 2012 as determined under division (C) (6) of the 760  
section of this act titled "Fiscal Year 2012 Medicaid 761  
Reimbursement System for ICFs/MR." 762

(7) The ICF/MR's efficiency incentive for capital costs, as  
determined under division (B) of section 5111.251 of the Revised  
Code, shall be reduced by 50 per cent.

(D) Except as otherwise provided by this section, the  
provider of an ICF/MR to which this section applies shall be paid,  
for ICF/MR services the ICF/MR provides during fiscal year 2013,  
the ICF/MR's total modified per diem rate.

(E) If the mean total modified per diem rate for all ICFs/MR  
to which this section applies, weighted by May 2012 Medicaid days  
and determined under division (C) of this section as of July 1,  
2012, is other than \$280.14, the Department of Job and Family  
Services shall adjust, for fiscal year 2013, the modified per diem  
rate for each ICF/MR to which this section applies by a percentage  
that is equal to the percentage by which the mean total modified  
per diem rate is greater or less than \$280.14.

(F) If the United States Centers for Medicare and Medicaid  
Services requires that the franchise permit fee be reduced or  
eliminated, the Department of Job and Family Services shall reduce  
the amount it pays providers of ICF/MR services under this section  
as necessary to reflect the loss to the state of the revenue and  
federal financial participation generated from the franchise  
permit fee.

(G) The Department of Job and Family Services shall follow  
this section in determining the rate to be paid providers of  
ICF/MR services subject to this section notwithstanding anything  
to the contrary in sections 5111.20 to 5111.331 of the Revised  
Code."

In line 210 of the title, after "5111.211," insert "5111.22,  
5111.221,"

In line 211 of the title, after "5111.231," insert

"5111.232,"	793
In line 212 of the title, after "5111.254," insert	794
"5111.255,"	795
In line 213, after "5111.258," insert "5111.262,"; after	796
"5111.28," insert "5111.29, 5111.291,"	797
In line 330 of the title, after "5111.259," insert	798
"5111.331,"	799

The motion was \_\_\_\_\_ agreed to.

#### SYNOPSIS

Medicaid Payments to Reserve Beds in ICFs/MR	800
R.C. 5111.33 (primary), 5111.20, 5111.22, 5111.221, 5111.222,	801
5111.224, 5111.232, 5111.25, 5111.251, 5111.254, 5111.255,	802
5111.258, 5111.259, 5111.262, 5111.27, 5111.29, 5111.291, and	803
5111.331	804
Removes the bill's provisions regarding Medicaid payments to	805
reserve a bed in an intermediate care facility for the mentally	806
retarded.	807
Fiscal Years 2012 and 2013 Medicaid Rates for ICFs/MR	808
Sections 309.30.90 and 309.33.10	809
Replaces the bill's provision regarding the fiscal year 2012	810
Medicaid rates for intermediate care facilities for the mentally	811
retarded (ICFs/MR) with a provision that does the following:	812
(1) Requires the Ohio Department of Job and Family Services	813
(ODJFS) to determine modified rates and capped rates for existing	814
ICFs/MR;	815



(2) Provides for an existing ICF/MR to be paid a rate that is the average of its modified and capped rates unless the mean of such rates for all existing ICFs/MR is other than \$279.81, in which case the ICF/MR's rate is to be adjusted by a percentage that equals the percentage by which the mean rate is greater or less than \$279.81.

Replaces the bill's provision regarding the fiscal year 2013 Medicaid rates for ICFs/MR with a provision that does the following:

(1) Requires ODJFS to determine modified rates for existing ICFs/MR;

(2) Provides for an ICF/MR to be paid its modified rate unless the mean of such rates for all existing ICFs/MR is other than \$280.14, in which case the ICF/MR's modified rate is to be adjusted by a percentage that equals the percentage by which the mean modified rate is greater or less than \$280.14.

Sub. H.B. 153  
As Pending in S. Finance  
LSC 129 1066-6  
SC-4192

\_\_\_\_\_ moved to amend as follows:

In line 116117, strike through "division"; after "~~(c)~~" insert  
"divisions" 1  
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In line 116128, after "assessment" insert "against any  
person" 3  
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In line 116134, after the underlined period insert "The  
commissioner shall not make or issue an assessment against a  
consumer for any tax due under Chapter 5741. of the Revised Code,  
or for any penalty, interest, or additional charge on such tax, if  
the tax was due before January 1, 2008." 5  
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In line 122355, strike through "directly" and insert  
"primarily" 10  
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In line 122990, strike through "fish," 12

In line 122991, strike through "horses," 13

In line 123486, strike through "or" and insert an underlined  
comma; after "(g)" insert ", or (n)" 14  
15

In line 123511, strike through "directly" and insert  
"primarily" 16  
17

In line 123513, strike through "directly" and insert  
"primarily" 18  
19

In line 123625, after "(B) (42) (a)" insert " <u>or (n)</u> "	20
In line 123692, after "(B) (42) (a)" insert " <u>or (n)</u> "	21
In line 123709, strike through "farming, agriculture, horticulture, or floriculture,"	22 23
In line 123713, strike through "farming,"	24
Strike through line 123714	25
In line 123716, strike through the first comma; strike through "farming,"	26 27
In line 123717, strike through "agriculture, horticulture, and floriculture, or" and insert " <u>the</u> "	28 29
In line 123775, after "(n)" insert " <u>To use or consume the thing transferred primarily in producing tangible personal property for sale by farming, agriculture, horticulture, or floriculture. Persons engaged in rendering farming, agriculture, horticulture, or floriculture services for others are deemed engaged primarily in farming, agriculture, horticulture, or floriculture. This paragraph does not exempt from "retail sale" or "sales at retail" the sale of tangible personal property that is to be incorporated into a structure or improvement to real property.</u> "	30 31 32 33 34 35 36 37 38 39
<u>(o)</u> "	40
In line 147363, delete "5741.,"	41
In line 147366, delete the first "and"	42
In line 147367, after "Code," insert "and taxes required to be paid by a seller levied under Chapter 5741. of the Revised Code,"	43 44 45
Between lines 147374 and 147375, insert:	46
"(e) "Seller" has the same meaning as defined in section	47

5741.01 of the Revised Code."	48
In line 147424, delete "and \ (6) " and insert "and	49
(6) "	50
Between lines 147436 and 147437, insert:	51
"Section 757.42. (A) For the purposes of this section:	52
(1) "Use tax" means a tax levied under Chapter 5741. of the	53
Revised Code.	54
(2) "Consumer" has the same meaning as defined in section	55
5741.01 of the Revised Code.	56
(3) "Audit" has the same meaning as defined in section	57
5703.50 of the Revised Code.	58
(B) The Tax Commissioner shall establish and administer a use	59
tax amnesty program independently from the amnesty program	60
established in Section 757.40 of this act with respect to	61
delinquent use taxes that are qualifying delinquent taxes under	62
that section. The program established under this section shall	63
commence on the effective date of this section and shall conclude	64
on May 1, 2013. The Commissioner shall issue forms and	65
instructions and take other actions necessary to implement the	66
program and may adopt rules to administer the program. The	67
Commissioner may contract with such parties as the Commissioner	68
deems necessary for promotion, computer support, or administration	69
of the program.	70
(C) If, during the program, a consumer pays the full amount	71
of use tax for which the consumer has outstanding liability on or	72
after January 1, 2010, that has accrued as a result of the	73
consumer failing to pay those taxes in a timely fashion or a	74
failure of the taxes to be remitted in a timely fashion, the	75
Commissioner shall waive or abate all delinquent use tax owed by	76

the consumer before January 1, 2010, and all applicable penalties  
and interest accrued before and after January 1, 2010. For any  
consumer that does not participate in the use tax amnesty program  
under this section, the Commissioner may audit and make an  
assessment against the consumer for all delinquent use tax due  
from that consumer on or after January 1, 2008, plus all  
applicable penalties and interest, as permitted by section 5703.58  
of the Revised Code.

(D) As soon as practical after the effective date of this  
section, the Tax Commissioner shall implement and adopt rules to  
administer a payment plan program. Upon application by a consumer  
that participates in the use tax amnesty program under this  
section, the Commissioner may enter into a payment plan with the  
consumer allowing the participant to pay the amount of use tax  
owed by the consumer over a time period of up to twenty-four  
months, plus interest computed at the rate per annum determined  
under section 5703.47 of the Revised Code. If the consumer fails  
to remit the unpaid use tax or fails to comply with the terms of a  
payment plan, the Commissioner shall certify to the Attorney  
General any remaining unpaid amount in accordance with section  
131.02 of the Revised Code.

(E) A consumer against which the Tax Commissioner has issued  
an assessment on or before the effective date of this section is  
not eligible to participate in the use tax amnesty program  
established under this section.

(F) A person who participates in the program and pays the  
required outstanding delinquent tax in accordance with this  
section shall not be subject to any criminal prosecution or any  
civil action with respect to that tax, and no assessment shall  
thereafter be issued against that person with respect to that tax.

(G) Taxes and interest collected under the program shall be

credited to the General Revenue Fund, except that delinquent taxes 108  
 levied under section 5741.021, 5741.022, or 5741.023 of the 109  
 Revised Code shall be distributed to the appropriate counties and 110  
 transit authorities in accordance with section 5741.03 of the 111  
 Revised Code during the next distribution required under that 112  
 section." 113

The motion was \_\_\_\_\_ agreed to.

### SYNOPSIS

#### **Use Tax Amnesty Program 114**

**R.C. 5703.58; Section 757.42 115**

Requires the Tax Commissioner to administer a temporary use 116  
 tax amnesty program from January 1, 2012, to February 15, 2012, 117  
 with respect to consumers with outstanding use tax obligations in 118  
 lieu of the general tax amnesty authorized in the pending bill; 119  
 authorizes the Commissioner to enter into a payment plan with any 120  
 consumer that participates in the amnesty program. 121

Prohibits the Commissioner from assessing any consumer for 122  
 outstanding use tax liability incurred before 2008. 123

#### **Agricultural Sales Tax Exemptions 124**

**R.C. 5739.01 and 5739.02 125**

Modifies the statutory language governing the agricultural 126  
 "use on use," "direct use," and agricultural land tile sales and 127  
 use tax exemptions by applying them to sales of tangible personal 128  
 property used "primarily" for producing tangible personal property 129  
 used for farming, agriculture, horticulture, floriculture or used 130  
 "primarily" for those purposes, or for agriculture tile used 131

"primarily" for those purposes respectively.

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Under current law, sales of tangible personal property to farmers, agriculturists, horticulturists, and floriculturists, who purchase such items for the purpose of incorporating them into tangible personal property to be produced for sale or to use them "directly" to produce other things for sale ("use on use"), and sales of articles to be used in farming, agriculture, horticulture, or floriculture, "directly" in producing tangible personal property for sale, are not subject to sales and use tax ("direct use").

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Removes horses and fish from the definition of excluded livestock, thereby allowing horse and fish owners to qualify for an exemption from sales and use taxation for any building materials and related services that are incorporated into a building or structure used for keeping livestock. The current exemption covers buildings and structures used to house, feed, raise, or shelter livestock, store or handle feed, or handle manure and waste.

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6 \_\_\_\_\_ moved to amend as follows:

7 In line 626, delete "918.221,"

8 Delete lines 27716 through 27728

9 In line 306 of the title, delete "918.221,"

10 The motion was \_\_\_\_\_ agreed to.

11 SYNOPSIS

12 **Supplemental Poultry Inspections**

13 **R.C. 918.221**

14 Removes a provision of the bill that authorizes the owner  
15 of an establishment that slaughters or otherwise prepares the  
16 meat of poultry to request the Director of Agriculture to  
17 provide supplemental inspection of the establishment beyond  
18 inspections otherwise required under current law.



6 \_\_\_\_\_ moved to amend as follows:

7 In line 578, delete "5709.084,"

8 Delete lines 117936 through 117955

9 In line 131167, delete "5709.084,"

10 Delete lines 147453 through 147459

11 In line 243 of the title, delete "5709.084,"

12 The motion was \_\_\_\_\_ agreed to.

13 SYNOPSIS

14 **Convention Center and Golf Course Tax Exemption**

15 **R.C. 5709.084**

16 Removes a provision of the Senate committee-pending bill  
17 that exempts from property taxation a convention center and golf  
18 courses owned by the largest city in a county having a  
19 population between 750,000 and 850,000 according to the most  
20 recent decennial federal census. The amendment also removes a  
21 provision authorizing the abatement of unpaid taxes with respect  
22 to the convention center or golf courses for any tax year that  
23 may be at issue in a tax exemption application proceeding  
24 pending before the Tax Commissioner, Board of Tax Appeals, Court  
25 of Appeals, or Supreme Court on the bill's effective date.

6 \_\_\_\_\_ moved to amend as follows:

7 In line 7852, delete all after the underlined comma

8 Delete line 7853

9 In line 7854, delete "the credit and"

10 In line 7857, after "credit" insert "and a requirement that  
11 the taxpayer maintain an annual payroll of at least twenty  
12 million dollars for the entire term of the credit"

13 The motion was \_\_\_\_\_ agreed to.

14 SYNOPSIS

15 **Refundable Job Retention Tax Credits**

16 **R.C. 122.171**

17 Clarifies that a business may receive the new refundable  
18 JRTC proposed in the Senate committee-pending bill if the  
19 business agrees to (1) retain at least 500 full-time employees  
20 and maintain an annual payroll of at least \$20 million, or (2)  
21 maintain an annual payroll of \$30 million. (The bill expands  
22 the current JRTC program to authorize the new refundable JRTC  
23 for businesses that have an annual payroll of \$20 million, make  
24 a capital investment of at least \$5 million in the state, and  
25 meet other existing program requirements. The Tax Credit  
26 Authority may enter agreements for the new credit only between  
27 July 1, 2011, and December 31, 2013.)

2  
3 Sub. H.B. 153  
4 As Pending in S. Finance  
5 LSC 129 1066-6  
6 SC-4261  
7 OBM169

7 \_\_\_\_\_ moved to amend as follows:

8 In line 135119, delete "\$21,400,000" and insert  
9 "\$21,800,000"

10 In lines 144799a and 144800a, delete "10,450,000  
11 10,600,000" and insert "11,000,000 11,000,000"

12 In line 144808a, delete "654,032,393 648,263,286" and  
13 insert "654,582,393 648,663,286"

14 The motion was \_\_\_\_\_ agreed to.

15 SYNOPSIS

16 **Department of Commerce**

17 **Section 243.10**

18 Increases the maximum amount of cash that the Director of  
19 Budget and Management may transfer, in FY 2013, from the General  
20 Revenue Fund to the Liquor Control Fund (Fund 7043) by \$400,000,  
21 from \$21,400,000 to \$21,800,000, for operations of the  
22 Department of Commerce's Division of Liquor Control, the Liquor  
23 Control Commission, and the Department of Public Safety.

24 **Department of Public Safety**

25 **Section 610.10**

26 Increases the appropriation in Public Safety appropriation  
27 item 767321, Liquor Enforcement - Operating, from \$10,450,000 in  
28 FY 2012 and \$10,600,000 in FY 2013 to \$11,000,000 in each fiscal  
29 year.

6 \_\_\_\_\_ moved to amend as follows:

7 In line 11020, delete "and execute"

8 In line 11021, delete "any contract" and insert "under  
9 section 126.602 of the Revised Code"

10 In line 11030, delete "it" and insert "the consideration of  
11 proposals therefor"; delete "includes the" and insert "may  
12 include"

13 In line 11031, delete "of" and insert "that proposals for"

14 In line 11032, after "project" insert "must contain"

15 In line 11033, delete "pursuant to" and insert "upon the  
16 enactment of"

17 In line 11040, delete "Before" and insert "Pursuant to  
18 legislation enacted under section 126.601 of the Revised Code  
19 and before"

20 Between lines 11113 and 11114, insert:

21 "(H) The director may provide compensation for the  
22 preparation of a responsive proposal from unsuccessful bidders  
23 for a proposal to lease the turnpike under sections 126.60 to  
24 126.605 of the Revised Code. The director may establish

25 policies or procedures necessary to determine the amount of  
26 compensation to be provided for each project and the method of  
27 evaluating the value of the preliminary proposal submitted, but  
28 in no instance may the compensation exceed the value of such  
29 proposal."

30 In line 11114, after "(A)" delete the balance of the line

31 Delete lines 11115 and 11116

32 In line 11117, delete "related" and insert "The director of  
33 budget and management, with the prior approval of the  
34 controlling board, may enter into a"

35 In line 11118, after "Code" delete the balance of the line

36 In line 11119, delete "specified terms of the contract"

37 The motion was \_\_\_\_\_ agreed to.

38 SYNOPSIS

39 **Turnpike Project Outsourcing**

40 **R.C. 126.601, 126.602, and 126.603**

41 In regard to the outsourcing provisions of the bill that,  
42 under the Senate version of the bill, require the General  
43 Assembly to approve the sale or lease of a turnpike project by  
44 enactment of legislation, requires instead that the General  
45 Assembly enact legislation to approve the consideration of  
46 proposals to sell or lease the turnpike and that the Controlling  
47 Board approve any final contract for the sale and lease of the  
48 turnpike negotiated after the General Assembly enacts  
49 legislation authorizing the consideration of proposals.

50           Authorizes the Director of Budget and Management to provide  
51 compensation for the preparation of a responsive proposal from  
52 unsuccessful bidders for a proposal to lease the turnpike, to  
53 establish policies or procedures to determine the amount of  
54 compensation to be provided for each project and the method of  
55 evaluating the value of the preliminary proposal submitted, and  
56 specifies that the compensation may not exceed the value of the  
57 proposal.

Sub. H.B. 153  
As Pending in S. Finance  
LSC 129 1066-6  
SC-4281

\_\_\_\_\_ moved to amend as follows:

In line 646, delete "5111.085," and insert "5111.086," 1

Delete lines 3754 through 4137 and insert: 2

"Sec. 109.57. (A) (1) The superintendent of the bureau of 3  
criminal identification and investigation shall procure from 4  
wherever procurable and file for record photographs, pictures, 5  
descriptions, fingerprints, measurements, and other information 6  
that may be pertinent of all persons who have been convicted of 7  
committing within this state a felony, any crime constituting a 8  
misdemeanor on the first offense and a felony on subsequent 9  
offenses, or any misdemeanor described in division (A) (1) (a), 10  
(A) (8) (a), or (A) (10) (a) of section 109.572 of the Revised Code, 11  
of all children under eighteen years of age who have been 12  
adjudicated delinquent children for committing within this state 13  
an act that would be a felony or an offense of violence if 14  
committed by an adult or who have been convicted of or pleaded 15  
guilty to committing within this state a felony or an offense of 16  
violence, and of all well-known and habitual criminals. The person 17  
in charge of any county, multicounty, municipal, municipal-county, 18  
or multicounty-municipal jail or workhouse, community-based 19  
correctional facility, halfway house, alternative residential 20

facility, or state correctional institution and the person in 21  
charge of any state institution having custody of a person 22  
suspected of having committed a felony, any crime constituting a 23  
misdemeanor on the first offense and a felony on subsequent 24  
offenses, or any misdemeanor described in division (A)(1)(a), 25  
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code or 26  
having custody of a child under eighteen years of age with respect 27  
to whom there is probable cause to believe that the child may have 28  
committed an act that would be a felony or an offense of violence 29  
if committed by an adult shall furnish such material to the 30  
superintendent of the bureau. Fingerprints, photographs, or other 31  
descriptive information of a child who is under eighteen years of 32  
age, has not been arrested or otherwise taken into custody for 33  
committing an act that would be a felony or an offense of violence 34  
who is not in any other category of child specified in this 35  
division, if committed by an adult, has not been adjudicated a 36  
delinquent child for committing an act that would be a felony or 37  
an offense of violence if committed by an adult, has not been 38  
convicted of or pleaded guilty to committing a felony or an 39  
offense of violence, and is not a child with respect to whom there 40  
is probable cause to believe that the child may have committed an 41  
act that would be a felony or an offense of violence if committed 42  
by an adult shall not be procured by the superintendent or 43  
furnished by any person in charge of any county, multicounty, 44  
municipal, municipal-county, or multicounty-municipal jail or 45  
workhouse, community-based correctional facility, halfway house, 46  
alternative residential facility, or state correctional 47  
institution, except as authorized in section 2151.313 of the 48  
Revised Code. 49

(2) Every clerk of a court of record in this state, other 50  
than the supreme court or a court of appeals, shall send to the 51  
superintendent of the bureau a weekly report containing a summary 52



of each case involving a felony, involving any crime constituting 53  
a misdemeanor on the first offense and a felony on subsequent 54  
offenses, involving a misdemeanor described in division (A)(1)(a), 55  
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code, 56  
or involving an adjudication in a case in which a child under 57  
eighteen years of age was alleged to be a delinquent child for 58  
committing an act that would be a felony or an offense of violence 59  
if committed by an adult. The clerk of the court of common pleas 60  
shall include in the report and summary the clerk sends under this 61  
division all information described in divisions (A)(2)(a) to (f) 62  
of this section regarding a case before the court of appeals that 63  
is served by that clerk. The summary shall be written on the 64  
standard forms furnished by the superintendent pursuant to 65  
division (B) of this section and shall include the following 66  
information: 67

(a) The incident tracking number contained on the standard 68  
forms furnished by the superintendent pursuant to division (B) of 69  
this section; 70

(b) The style and number of the case; 71

(c) The date of arrest, offense, summons, or arraignment; 72

(d) The date that the person was convicted of or pleaded 73  
guilty to the offense, adjudicated a delinquent child for 74  
committing the act that would be a felony or an offense of 75  
violence if committed by an adult, found not guilty of the 76  
offense, or found not to be a delinquent child for committing an 77  
act that would be a felony or an offense of violence if committed 78  
by an adult, the date of an entry dismissing the charge, an entry 79  
declaring a mistrial of the offense in which the person is 80  
discharged, an entry finding that the person or child is not 81  
competent to stand trial, or an entry of a nolle prosequi, or the 82  
date of any other determination that constitutes final resolution 83

of the case; 84

(e) A statement of the original charge with the section of 85  
the Revised Code that was alleged to be violated; 86

(f) If the person or child was convicted, pleaded guilty, or 87  
was adjudicated a delinquent child, the sentence or terms of 88  
probation imposed or any other disposition of the offender or the 89  
delinquent child. 90

If the offense involved the disarming of a law enforcement 91  
officer or an attempt to disarm a law enforcement officer, the 92  
clerk shall clearly state that fact in the summary, and the 93  
superintendent shall ensure that a clear statement of that fact is 94  
placed in the bureau's records. 95

(3) The superintendent shall cooperate with and assist 96  
sheriffs, chiefs of police, and other law enforcement officers in 97  
the establishment of a complete system of criminal identification 98  
and in obtaining fingerprints and other means of identification of 99  
all persons arrested on a charge of a felony, any crime 100  
constituting a misdemeanor on the first offense and a felony on 101  
subsequent offenses, or a misdemeanor described in division 102  
(A) (1) (a), (A) (8) (a), or (A) (10) (a) of section 109.572 of the 103  
Revised Code and of all children under eighteen years of age 104  
arrested or otherwise taken into custody for committing an act 105  
that would be a felony or an offense of violence if committed by 106  
an adult. The superintendent also shall file for record the 107  
fingerprint impressions of all persons confined in a county, 108  
multicounty, municipal, municipal-county, or multicounty-municipal 109  
jail or workhouse, community-based correctional facility, halfway 110  
house, alternative residential facility, or state correctional 111  
institution for the violation of state laws and of all children 112  
under eighteen years of age who are confined in a county, 113  
multicounty, municipal, municipal-county, or multicounty-municipal 114

jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution or in any facility for delinquent children for committing an act that would be a felony or an offense of violence if committed by an adult, and any other information that the superintendent may receive from law enforcement officials of the state and its political subdivisions.

(4) The superintendent shall carry out Chapter 2950. of the Revised Code with respect to the registration of persons who are convicted of or plead guilty to a sexually oriented offense or a child-victim oriented offense and with respect to all other duties imposed on the bureau under that chapter.

(5) The bureau shall perform centralized recordkeeping functions for criminal history records and services in this state for purposes of the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code and is the criminal history record repository as defined in that section for purposes of that compact. The superintendent or the superintendent's designee is the compact officer for purposes of that compact and shall carry out the responsibilities of the compact officer specified in that compact.

(B) The superintendent shall prepare and furnish to every county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution and to every clerk of a court in this state specified in division (A)(2) of this section standard forms for reporting the information required under division (A) of this section. The standard forms that the superintendent prepares pursuant to this division may be in a tangible format, in an electronic format, or in both tangible

formats and electronic formats. 146

(C) (1) The superintendent may operate a center for 147  
electronic, automated, or other data processing for the storage 148  
and retrieval of information, data, and statistics pertaining to 149  
criminals and to children under eighteen years of age who are 150  
adjudicated delinquent children for committing an act that would 151  
be a felony or an offense of violence if committed by an adult, 152  
criminal activity, crime prevention, law enforcement, and criminal 153  
justice, and may establish and operate a statewide communications 154  
network to be known as the Ohio law enforcement gateway to gather 155  
and disseminate information, data, and statistics for the use of 156  
law enforcement agencies and for other uses specified in this 157  
division. The superintendent may gather, store, retrieve, and 158  
disseminate information, data, and statistics that pertain to 159  
children who are under eighteen years of age and that are gathered 160  
pursuant to sections 109.57 to 109.61 of the Revised Code together 161  
with information, data, and statistics that pertain to adults and 162  
that are gathered pursuant to those sections. 163

(2) The superintendent or the superintendent's designee shall 164  
gather information of the nature described in division (C) (1) of 165  
this section that pertains to the offense and delinquency history 166  
of a person who has been convicted of, pleaded guilty to, or been 167  
adjudicated a delinquent child for committing a sexually oriented 168  
offense or a child-victim oriented offense for inclusion in the 169  
state registry of sex offenders and child-victim offenders 170  
maintained pursuant to division (A) (1) of section 2950.13 of the 171  
Revised Code and in the internet database operated pursuant to 172  
division (A) (13) of that section and for possible inclusion in the 173  
internet database operated pursuant to division (A) (11) of that 174  
section. 175

(3) In addition to any other authorized use of information, 176

data, and statistics of the nature described in division (C) (1) of  
 this section, the superintendent or the superintendent's designee  
 may provide and exchange the information, data, and statistics  
 pursuant to the national crime prevention and privacy compact as  
 described in division (A) (5) of this section.

(4) The attorney general may adopt rules under Chapter 119.  
 of the Revised Code establishing guidelines for the operation of  
 and participation in the Ohio law enforcement gateway. The rules  
 may include criteria for granting and restricting access to  
 information gathered and disseminated through the Ohio law  
 enforcement gateway. The attorney general shall permit the state  
 medical board and board of nursing to access and view, but not  
 alter, information gathered and disseminated through the Ohio law  
 enforcement gateway.

The attorney general may appoint a steering committee to  
 advise the attorney general in the operation of the Ohio law  
 enforcement gateway that is comprised of persons who are  
 representatives of the criminal justice agencies in this state  
 that use the Ohio law enforcement gateway and is chaired by the  
 superintendent or the superintendent's designee.

(D) (1) The following are not public records under section  
 149.43 of the Revised Code:

(a) Information and materials furnished to the superintendent  
 pursuant to division (A) of this section;

(b) Information, data, and statistics gathered or  
 disseminated through the Ohio law enforcement gateway pursuant to  
 division (C) (1) of this section;

(c) Information and materials furnished to any board or  
 person under division (F) or (G) of this section.

(2) The superintendent or the superintendent's designee shall

gather and retain information so furnished under division (A) of 207  
 this section that pertains to the offense and delinquency history 208  
 of a person who has been convicted of, pleaded guilty to, or been 209  
 adjudicated a delinquent child for committing a sexually oriented 210  
 offense or a child-victim oriented offense for the purposes 211  
 described in division (C) (2) of this section. 212

(E) The attorney general shall adopt rules, in accordance 213  
 with Chapter 119. of the Revised Code, setting forth the procedure 214  
 by which a person may receive or release information gathered by 215  
 the superintendent pursuant to division (A) of this section. A 216  
 reasonable fee may be charged for this service. If a temporary 217  
 employment service submits a request for a determination of 218  
 whether a person the service plans to refer to an employment 219  
 position has been convicted of or pleaded guilty to an offense 220  
 listed in division (A) (1), (3), (4), (5), or (6) of section 221  
 109.572 of the Revised Code, the request shall be treated as a 222  
 single request and only one fee shall be charged. 223

(F) (1) As used in division (F) (2) of this section, "head 224  
 start agency" means an entity in this state that has been approved 225  
 to be an agency for purposes of subchapter II of the "Community 226  
 Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 227  
 as amended. 228

(2) (a) In addition to or in conjunction with any request that 229  
 is required to be made under section 109.572, 2151.86, 3301.32, 230  
 3301.541, division (C) of section 3310.58, or section 3319.39, 231  
 3319.391, 3327.10, 3701.881, 5104.012, 5104.013, 5123.081, 232  
 5126.28, 5126.281, or 5153.111 of the Revised Code or that is made 233  
 under section 3314.41, 3319.392, ~~or 3326.25,~~ or 3328.20 of the 234  
 Revised Code, the board of education of any school district; the 235  
 director of developmental disabilities; any county board of 236  
 developmental disabilities; any entity under contract with a 237

county board of developmental disabilities; the chief 238  
 administrator of any chartered nonpublic school; the chief 239  
administrator of a registered private provider that is not also a 240  
chartered nonpublic school; the chief administrator of any home 241  
 health agency; the chief administrator of or person operating any 242  
 child day-care center, type A family day-care home, or type B 243  
 family day-care home licensed or certified under Chapter 5104. of 244  
 the Revised Code; the administrator of any type C family day-care 245  
 home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 246  
 general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 247  
 general assembly; the chief administrator of any head start 248  
 agency; the executive director of a public children services 249  
 agency; a private company described in section 3314.41, 3319.392, 250  
~~or~~ 3326.25, or 3328.20 of the Revised Code; or an employer 251  
 described in division (J) (2) of section 3327.10 of the Revised 252  
 Code may request that the superintendent of the bureau investigate 253  
 and determine, with respect to any individual who has applied for 254  
 employment in any position after October 2, 1989, or any 255  
 individual wishing to apply for employment with a board of 256  
 education may request, with regard to the individual, whether the 257  
 bureau has any information gathered under division (A) of this 258  
 section that pertains to that individual. On receipt of the 259  
 request, the superintendent shall determine whether that 260  
 information exists and, upon request of the person, board, or 261  
 entity requesting information, also shall request from the federal 262  
 bureau of investigation any criminal records it has pertaining to 263  
 that individual. The superintendent or the superintendent's 264  
 designee also may request criminal history records from other 265  
 states or the federal government pursuant to the national crime 266  
 prevention and privacy compact set forth in section 109.571 of the 267  
 Revised Code. Within thirty days of the date that the 268  
 superintendent receives a request, the superintendent shall send 269

to the board, entity, or person a report of any information that 270  
the superintendent determines exists, including information 271  
contained in records that have been sealed under section 2953.32 272  
of the Revised Code, and, within thirty days of its receipt, shall 273  
send the board, entity, or person a report of any information 274  
received from the federal bureau of investigation, other than 275  
information the dissemination of which is prohibited by federal 276  
law. 277

(b) When a board of education or a registered private 278  
provider is required to receive information under this section as 279  
a prerequisite to employment of an individual pursuant to division 280  
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 281  
may accept a certified copy of records that were issued by the 282  
bureau of criminal identification and investigation and that are 283  
presented by an individual applying for employment with the 284  
district in lieu of requesting that information itself. In such a 285  
case, the board shall accept the certified copy issued by the 286  
bureau in order to make a photocopy of it for that individual's 287  
employment application documents and shall return the certified 288  
copy to the individual. In a case of that nature, a district or 289  
provider only shall accept a certified copy of records of that 290  
nature within one year after the date of their issuance by the 291  
bureau. 292

(c) Notwithstanding division (F) (2) (a) of this section, in 293  
the case of a request under section 3319.39, 3319.391, or 3327.10 294  
of the Revised Code only for criminal records maintained by the 295  
federal bureau of investigation, the superintendent shall not 296  
determine whether any information gathered under division (A) of 297  
this section exists on the person for whom the request is made. 298

(3) The state board of education may request, with respect to 299  
any individual who has applied for employment after October 2, 300



1989, in any position with the state board or the department of  
education, any information that a school district board of  
education is authorized to request under division (F)(2) of this  
section, and the superintendent of the bureau shall proceed as if  
the request has been received from a school district board of  
education under division (F)(2) of this section.

(4) When the superintendent of the bureau receives a request  
for information under section 3319.291 of the Revised Code, the  
superintendent shall proceed as if the request has been received  
from a school district board of education and shall comply with  
divisions (F)(2)(a) and (c) of this section.

(5) When a recipient of a classroom reading improvement grant  
paid under section 3301.86 of the Revised Code requests, with  
respect to any individual who applies to participate in providing  
any program or service funded in whole or in part by the grant,  
the information that a school district board of education is  
authorized to request under division (F)(2)(a) of this section,  
the superintendent of the bureau shall proceed as if the request  
has been received from a school district board of education under  
division (F)(2)(a) of this section.

(G) In addition to or in conjunction with any request that is  
required to be made under section 3701.881, 3712.09, 3721.121,  
5119.693, or ~~3722.151~~ 5119.85 of the Revised Code with respect to  
an individual who has applied for employment in a position that  
involves providing direct care to an older adult or adult  
resident, the chief administrator of a home health agency, hospice  
care program, home licensed under Chapter 3721. of the Revised  
Code, adult day-care program operated pursuant to rules adopted  
under section 3721.04 of the Revised Code, adult foster home, or  
adult care facility may request that the superintendent of the  
bureau investigate and determine, with respect to any individual

who has applied after January 27, 1997, for employment in a 332  
 position that does not involve providing direct care to an older 333  
 adult or adult resident, whether the bureau has any information 334  
 gathered under division (A) of this section that pertains to that 335  
 individual. 336

In addition to or in conjunction with any request that is 337  
 required to be made under section 173.27 of the Revised Code with 338  
 respect to an individual who has applied for employment in a 339  
 position that involves providing ombudsperson services to 340  
 residents of long-term care facilities or recipients of 341  
 community-based long-term care services, the state long-term care 342  
 ombudsperson, ombudsperson's designee, or director of health may 343  
 request that the superintendent investigate and determine, with 344  
 respect to any individual who has applied for employment in a 345  
 position that does not involve providing such ombudsperson 346  
 services, whether the bureau has any information gathered under 347  
 division (A) of this section that pertains to that applicant. 348

In addition to or in conjunction with any request that is 349  
 required to be made under section 173.394 of the Revised Code with 350  
 respect to an individual who has applied for employment in a 351  
 position that involves providing direct care to an individual, the 352  
 chief administrator of a community-based long-term care agency may 353  
 request that the superintendent investigate and determine, with 354  
 respect to any individual who has applied for employment in a 355  
 position that does not involve providing direct care, whether the 356  
 bureau has any information gathered under division (A) of this 357  
 section that pertains to that applicant. 358

On receipt of a request under this division, the 359  
 superintendent shall determine whether that information exists 360  
 and, on request of the individual requesting information, shall 361  
 also request from the federal bureau of investigation any criminal 362

records it has pertaining to the applicant. The superintendent or 363  
the superintendent's designee also may request criminal history 364  
records from other states or the federal government pursuant to 365  
the national crime prevention and privacy compact set forth in 366  
section 109.571 of the Revised Code. Within thirty days of the 367  
date a request is received, the superintendent shall send to the 368  
requester a report of any information determined to exist, 369  
including information contained in records that have been sealed 370  
under section 2953.32 of the Revised Code, and, within thirty days 371  
of its receipt, shall send the requester a report of any 372  
information received from the federal bureau of investigation, 373  
other than information the dissemination of which is prohibited by 374  
federal law. 375

(H) Information obtained by a government entity or person 376  
under this section is confidential and shall not be released or 377  
disseminated. 378

(I) The superintendent may charge a reasonable fee for 379  
providing information or criminal records under division (F) (2) or 380  
(G) of this section. 381

(J) As used in this section, ~~"sexually;~~ 382

(1) "Sexually oriented offense" and "child-victim oriented 383  
offense" have the same meanings as in section 2950.01 of the 384  
Revised Code. 385

(2) "Registered private provider" means a nonpublic school or 386  
entity registered with the superintendent of public instruction 387  
under section 3310.41 of the Revised Code to participate in the 388  
autism scholarship program or section 3310.58 of the Revised Code 389  
to participate in the special education scholarship program." 390

Delete lines 68029 through 68109 and insert: 391

"Sec. 3345.32. (A) As used in this section: 392

(1) "State university or college" means the institutions 393  
described in section 3345.27 of the Revised Code and the northeast 394  
Ohio medical university. 395

(2) "Resident" has the meaning specified by rule of the 396  
chancellor of the Ohio board of regents. 397

(3) "Statement of selective service status" means a statement 398  
certifying one of the following: 399

(a) That the individual filing the statement has registered 400  
with the selective service system in accordance with the "Military 401  
Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as 402  
amended; 403

(b) That the individual filing the statement is not required 404  
to register with the selective service for one of the following 405  
reasons: 406

(i) The individual is under eighteen or over twenty-six years 407  
of age. 408

(ii) The individual is on active duty with the armed forces 409  
of the United States other than for training in a reserve or 410  
national guard unit. 411

(iii) The individual is a nonimmigrant alien lawfully in the 412  
United States in accordance with section 101 (a) (15) of the 413  
"Immigration and Nationality Act," 8 U.S.C. 1101, as amended. 414

(iv) The individual is not a citizen of the United States and 415  
is a permanent resident of the Trust Territory of the Pacific 416  
Islands or the Northern Mariana Islands. 417

(4) "Institution of higher education" means any eligible 418  
institution approved by the United States department of education 419  
pursuant to the "Higher Education Act of 1965," 79 Stat. 1219, as 420

amended, or any institution whose students are eligible for 421  
 financial assistance under any of the programs described by 422  
 division (E) of this section. 423

(B) The chancellor shall, by rule, specify the form of 424  
 statements of selective service status to be filed in compliance 425  
 with divisions (C) to (E) of this section. Each statement of 426  
 selective service status shall contain a section wherein a male 427  
 student born after December 31, 1959, certifies that the student 428  
 has registered with the selective service system in accordance 429  
 with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. 430  
 App. 453, as amended. For those students not required to register 431  
 with the selective service, as specified in divisions (A) (2) (b) (i) 432  
 to (iv) of this section, a section shall be provided on the 433  
 statement of selective service status for the certification of 434  
 nonregistration and for an explanation of the reason for the 435  
 exemption. The chancellor may require that such statements be 436  
 accompanied by documentation specified by rule of the chancellor. 437

(C) A state university or college that enrolls in any course, 438  
 class, or program a male student born after December 31, 1959, who 439  
 has not filed a statement of selective service status with the 440  
 university or college shall, regardless of the student's 441  
 residency, charge the student any tuition surcharge charged 442  
 students who are not residents of this state. 443

(D) No male born after December 31, 1959, shall be eligible 444  
 to receive any loan, grant, scholarship, or other financial 445  
 assistance for educational expenses granted under section 3315.33, 446  
 3333.12, 3333.122, 3333.21, 3333.22, 3333.26, 3333.391, 3333.93, 447  
 5910.03, 5910.032, or 5919.34 of the Revised Code, financed by an 448  
 award under the choose Ohio first scholarship program established 449  
 under section 3333.61 of the Revised Code, or financed by an award 450  
 under the Ohio co-op/internship program established under section 451

3333.72 of the Revised Code, unless that person has filed a statement of selective service status with that person's institution of higher education.

(E) If an institution of higher education receives a statement from an individual certifying that the individual has registered with the selective service system in accordance with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as amended, or that the individual is exempt from registration for a reason other than that the individual is under eighteen years of age, the institution shall not require the individual to file any further statements. If it receives a statement certifying that the individual is not required to register because the individual is under eighteen years of age, the institution shall require the individual to file a new statement of selective service status each time the individual seeks to enroll for a new academic term or makes application for a new loan or loan guarantee or for any form of financial assistance for educational expenses, until it receives a statement certifying that the individual has registered with the selective service system or is exempt from registration for a reason other than that the individual is under eighteen years of age."

In line 100477, delete "5111.085" and insert "5111.086"

In line 329 of the title, delete "5111.085," and insert "5111.086,"

The motion was \_\_\_\_\_ agreed to.

#### SYNOPSIS

LSC Conforming

476

RC 109.57, 3345.32, and 5111.085 477

Substitutes sections that have been amended since the bill 478  
was introduced with their current versions, reflecting those 479  
recent amendments. 480

Preserves the amendments made to those sections by the bill. 481

Sub. H.B. 153  
As Pending in S. Finance  
LSC 129 1066-6  
SC-4285

\_\_\_\_\_ moved to amend as follows:

In line 582, after "5727.57," insert "5727.75," 1

Between lines 120956 and 120957, insert: 2

"Sec. 5727.75. (A) For purposes of this section: 3

(1) "Qualified energy project" means an energy project 4  
certified by the director of development pursuant to this section. 5

(2) "Energy project" means a project to provide electric 6  
power through the construction, installation, and use of an energy 7  
facility. 8

(3) "Alternative energy zone" means a county declared as such 9  
by the board of county commissioners under division (E) (1) (b) or 10  
(c) of this section. 11

(4) "Full-time equivalent employee" means the total number of 12  
employee-hours for which compensation was paid to individuals 13  
employed at a qualified energy project for services performed at 14  
the project during the calendar year divided by two thousand 15  
eighty hours. 16

(5) "Solar energy project" means an energy project composed 17  
of an energy facility using solar panels to generate electricity. 18



(B) (1) Tangible personal property of a qualified energy project using renewable energy resources is exempt from taxation for tax years 2011 ~~and, 2012, 2013, 2014, and 2015~~ if all of the following conditions are satisfied:

(a) On or before December 31, ~~2011~~ 2014, the owner or a lessee pursuant to a sale and leaseback transaction of the project submits an application to the power siting board for a certificate under section 4906.20 of the Revised Code, or if that section does not apply, submits an application for any approval, consent, permit, or certificate or satisfies any condition required by a public agency or political subdivision of this state for the construction or initial operation of an energy project.

(b) Construction or installation of the energy facility begins on or after January 1, 2009, and before January 1, ~~2012~~ 2015. For the purposes of this division, construction begins on the earlier of the date of application for a certificate or other approval or permit described in division (B) (1) (a) of this section, or the date the contract for the construction or installation of the energy facility is entered into.

(c) For a qualified energy project with a nameplate capacity of five megawatts or greater, a board of county commissioners of a county in which property of the project is located has adopted a resolution under division (E) (1) (b) or (c) of this section to approve the application submitted under division (E) of this section to exempt the property located in that county from taxation. A board's adoption of a resolution rejecting an application or its failure to adopt a resolution approving the application does not affect the tax-exempt status of the qualified energy project's property that is located in another county.

(2) If tangible personal property of a qualified energy project using renewable energy resources was exempt from taxation

under this section ~~for~~ beginning in any of tax years 2011 and, 50  
2012, 2013, 2014, or 2015, and the certification under division 51  
(E) (2) of this section has not been revoked, the tangible personal 52  
property of the qualified energy project is exempt from taxation 53  
for tax year ~~2013~~ 2016 and all ensuing tax years if the property 54  
was placed into service before January 1, ~~2013~~ 2016, as certified 55  
in the construction progress report required under division (F) (2) 56  
of this section. Tangible personal property that has not been 57  
placed into service before that date is taxable property subject 58  
to taxation. An energy project for which certification has been 59  
revoked is ineligible for further exemption under this section. 60  
Revocation does not affect the tax-exempt status of the project's 61  
tangible personal property for the tax year in which revocation 62  
occurs or any prior tax year. 63

(C) Tangible personal property of a qualified energy project 64  
using clean coal technology, advanced nuclear technology, or 65  
cogeneration technology is exempt from taxation for the first tax 66  
year that the property would be listed for taxation and all 67  
subsequent years if all of the following circumstances are met: 68

(1) The property was placed into service before January 1, 69  
~~2017~~ 2020. Tangible personal property that has not been placed 70  
into service before that date is taxable property subject to 71  
taxation. 72

(2) For such a qualified energy project with a nameplate 73  
capacity of five megawatts or greater, a board of county 74  
commissioners of a county in which property of the qualified 75  
energy project is located has adopted a resolution under division 76  
(E) (1) (b) or (c) of this section to approve the application 77  
submitted under division (E) of this section to exempt the 78  
property located in that county from taxation. A board's adoption 79  
of a resolution rejecting the application or its failure to adopt 80

a resolution approving the application does not affect the 81  
tax-exempt status of the qualified energy project's property that 82  
is located in another county. 83

(3) The certification for the qualified energy project issued 84  
under division (E)(2) of this section has not been revoked. An 85  
energy project for which certification has been revoked is 86  
ineligible for exemption under this section. Revocation does not 87  
affect the tax-exempt status of the project's tangible personal 88  
property for the tax year in which revocation occurs or any prior 89  
tax year. 90

(D) Except as otherwise provided in this ~~division~~ section, 91  
real property of a qualified energy project is exempt from 92  
taxation for any tax year for which the tangible personal property 93  
of the qualified energy project is exempted under this section. 94

(E)(1)(a) A person may apply to the director of development 95  
for certification of an energy project as a qualified energy 96  
project on or before the following dates: 97

(i) December 31, ~~2011~~ 2014, for an energy project using 98  
renewable energy resources; 99

(ii) December 31, ~~2013~~ 2016, for an energy project using 100  
clean coal technology, advanced nuclear technology, or 101  
cogeneration technology. 102

(b) The director shall forward a copy of each application for 103  
certification of an energy project with a nameplate capacity of 104  
five megawatts or greater to the board of county commissioners of 105  
each county in which the project is located and to each taxing 106  
unit with territory located in each of the affected counties. Any 107  
board that receives from the director a copy of an application 108  
submitted under this division shall adopt a resolution approving 109  
or rejecting the application unless it has adopted a resolution 110

under division (E) (1) (c) of this section. A resolution adopted 111  
under division (E) (1) (b) or (c) of this section may require an 112  
annual service payment to be made in addition to the service 113  
payment required under division (G) of this section. The sum of 114  
the service payment required in the resolution and the service 115  
payment required under division (G) of this section shall not 116  
exceed nine thousand dollars per megawatt of nameplate capacity 117  
located in the county. The resolution shall specify the time and 118  
manner in which the payments required by the resolution shall be 119  
paid to the county treasurer. The county treasurer shall deposit 120  
the payment to the credit of the county's general fund to be used 121  
for any purpose for which money credited to that fund may be used. 122

The board shall send copies of the resolution by certified 123  
mail to the owner of the facility and the director within thirty 124  
days after receipt of the application, or a longer period of time 125  
if authorized by the director. 126

(c) A board of county commissioners may adopt a resolution 127  
declaring the county to be an alternative energy zone and 128  
declaring all applications submitted to the director of 129  
development under this division after the adoption of the 130  
resolution, and prior to its repeal, to be approved by the board. 131

All tangible personal property and real property of an energy 132  
project with a nameplate capacity of five megawatts or greater is 133  
taxable if it is located in a county in which the board of county 134  
commissioners adopted a resolution rejecting the application 135  
submitted under this division or failed to adopt a resolution 136  
approving the application under division (E) (1) (b) or (c) of this 137  
section. 138

(2) The director shall certify an energy project if all of 139  
the following circumstances exist: 140

(a) The application was timely submitted. 141

(b) For an energy project with a nameplate capacity of five megawatts or greater, a board of county commissioners of at least one county in which the project is located has adopted a resolution approving the application under division (E) (1) (b) or (c) of this section.

(c) No portion of the project's facility was used to supply electricity before December 31, 2009.

(3) The director shall deny a certification application if the director determines the person has failed to comply with any requirement under this section. The director may revoke a certification if the director determines the person, or subsequent owner or lessee pursuant to a sale and leaseback transaction of the qualified energy project, has failed to comply with any requirement under this section. Upon certification or revocation, the director shall notify the person, owner, or lessee, the tax commissioner, and the county auditor of a county in which the project is located of the certification or revocation. Notice shall be provided in a manner convenient to the director.

(F) The owner or a lessee pursuant to a sale and leaseback transaction of a qualified energy project shall do each of the following:

(1) Comply with all applicable regulations;

(2) File with the director of development a certified construction progress report before the first day of March of each year during the energy facility's construction or installation indicating the percentage of the project completed, and the project's nameplate capacity, as of the preceding thirty-first day of December. Unless otherwise instructed by the director of development, the owner or lessee of an energy project shall file a report with the director on or before the first day of March each year after completion of the energy facility's construction or

installation indicating the project's nameplate capacity as of the 173  
preceding thirty-first day of December. Not later than sixty days 174  
after ~~the effective date of this section~~ June 17, 2010, the owner 175  
or lessee of an energy project, the construction of which was 176  
completed before ~~the effective date of this section~~ June 17, 2010, 177  
shall file a certificate indicating the project's nameplate 178  
capacity. 179

(3) File with the director of development, in a manner 180  
prescribed by the director, a report of the total number of 181  
full-time equivalent employees, and the total number of full-time 182  
equivalent employees domiciled in Ohio, who are employed in the 183  
construction or installation of the energy facility; 184

(4) For energy projects with a nameplate capacity of five 185  
megawatts or greater, repair all roads, bridges, and culverts 186  
affected by construction as reasonably required to restore them to 187  
their ~~preconstruction condition, as determined by the county~~ 188  
engineer in consultation with the local jurisdiction responsible 189  
for the roads, bridges, and culverts. In the event that the county 190  
engineer deems any road, bridge, or culvert to be inadequate to 191  
support the construction or decommissioning of the energy 192  
facility, the road, bridge, or culvert shall be rebuilt or 193  
reinforced to the specifications established by the county 194  
engineer prior to the construction or decommissioning of the 195  
facility. The owner or lessee of the facility shall post a bond in 196  
an amount established by the county engineer and to be held by the 197  
board of county commissioners to ensure funding for repairs of 198  
roads, bridges, and culverts affected during the construction. The 199  
bond shall be released by the board not later than one year after 200  
the date the repairs are completed. The energy facility owner or 201  
lessee pursuant to a sale and leaseback transaction shall post a 202  
bond, as may be required by the Ohio power siting board in the 203

certificate authorizing commencement of construction issued 204  
pursuant to section 4906.10 of the Revised Code, to ensure funding 205  
for repairs to roads, bridges, and culverts resulting from 206  
decommissioning of the facility. The energy facility owner or 207  
lessee and the county engineer may enter into an agreement 208  
regarding specific transportation plans, reinforcements, 209  
modifications, use and repair of roads, financial security to be 210  
provided, and any other relevant issue. 211

(5) Provide or facilitate training for fire and emergency 212  
responders for response to emergency situations related to the 213  
energy project and, for energy projects with a nameplate capacity 214  
of five megawatts or greater, at the person's expense, equip the 215  
fire and emergency responders with proper equipment as reasonably 216  
required to enable them to respond to such emergency situations; 217

(6) Maintain a ratio of Ohio-domiciled full-time equivalent 218  
employees employed in the construction or installation of the 219  
energy project to total full-time equivalent employees employed in 220  
the construction or installation of the energy project of not less 221  
than eighty per cent in the case of a solar energy project, and 222  
not less than fifty per cent in the case of any other energy 223  
project. In the case of an energy project for which certification 224  
from the power siting board is required under section 4906.20 of 225  
the Revised Code, the number of full-time equivalent employees 226  
employed in the construction or installation of the energy project 227  
equals the number actually employed or the number projected to be 228  
employed in the certificate application, if such projection is 229  
required under regulations adopted pursuant to section 4906.03 of 230  
the Revised Code, whichever is greater. For all other energy 231  
projects, the number of full-time equivalent employees employed in 232  
the construction or installation of the energy project equals the 233  
number actually employed or the number projected to be employed by 234

the director of development, whichever is greater. To estimate the  
 number of employees to be employed in the construction or  
 installation of an energy project, the director shall use a  
 generally accepted job-estimating model in use for renewable  
 energy projects, including but not limited to the job and economic  
 development impact model. The director may adjust an estimate  
 produced by a model to account for variables not accounted for by  
 the model.

(7) For energy projects with a nameplate capacity in excess  
 of two megawatts, establish a relationship with a member of the  
 university system of Ohio as defined in section 3345.011 of the  
 Revised Code or with a person offering an apprenticeship program  
 registered with the employment and training administration within  
 the United States department of labor or with the apprenticeship  
 council created by section 4139.02 of the Revised Code, to educate  
 and train individuals for careers in the wind or solar energy  
 industry. The relationship may include endowments, cooperative  
 programs, internships, apprenticeships, research and development  
 projects, and curriculum development.

(8) Offer to sell power or renewable energy credits from the  
 energy project to electric distribution utilities or electric  
 service companies subject to renewable energy resource  
 requirements under section 4928.64 of the Revised Code that have  
 issued requests for proposal for such power or renewable energy  
 credits. If no electric distribution utility or electric service  
 company issues a request for proposal on or before December 31,  
 2010, or accepts an offer for power or renewable energy credits  
 within forty-five days after the offer is submitted, power or  
 renewable energy credits from the energy project may be sold to  
 other persons. Division (F) (8) of this section does not apply if:

(a) The owner or lessee is a rural electric company or a



municipal power agency as defined in section 3734.058 of the Revised Code.

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(b) The owner or lessee is a person that, before completion of the energy project, contracted for the sale of power or renewable energy credits with a rural electric company or a municipal power agency.

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(c) The owner or lessee contracts for the sale of power or renewable energy credits from the energy project before the ~~effective date of this section as enacted by this act~~ June 17, 2010.

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(9) Make annual service payments as required by division (G) of this section and as may be required in a resolution adopted by a board of county commissioners under division (E) of this section.

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(G) The owner or a lessee pursuant to a sale and leaseback transaction of a qualified energy project shall make annual service payments in lieu of taxes to the county treasurer on or before the final dates for payments of taxes on public utility personal property on the real and public utility personal property tax list for each tax year for which property of the energy project is exempt from taxation under this section. The county treasurer shall allocate the payment on the basis of the project's physical location. Upon receipt of a payment, or if timely payment has not been received, the county treasurer shall certify such receipt or non-receipt to the director of development and tax commissioner in a form determined by the director and commissioner, respectively. Each payment shall be in the following amount:

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(1) In the case of a solar energy project, seven thousand dollars per megawatt of nameplate capacity located in the county as of December 31, 2010, for tax year 2011, as of December 31,

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2011, for tax year 2012, ~~and~~ as of December 31, 2012, for tax year 297  
 2013, as of December 31, 2013, for tax year 2014, as of December 298  
31, 2014, for tax year 2015, and as of December 31, 2015, for tax 299  
year 2016 and each tax year thereafter; 300

(2) In the case of any other energy project using renewable 301  
 energy resources, the following: 302

(a) If the project maintains during the construction or 303  
 installation of the energy facility a ratio of Ohio-domiciled 304  
 full-time equivalent employees to total full-time equivalent 305  
 employees of not less than seventy-five per cent, six thousand 306  
 dollars per megawatt of nameplate capacity located in the county 307  
 as of the thirty-first day of December of the preceding tax year; 308

(b) If the project maintains during the construction or 309  
 installation of the energy facility a ratio of Ohio-domiciled 310  
 full-time equivalent employees to total full-time equivalent 311  
 employees of less than seventy-five per cent but not less than 312  
 sixty per cent, seven thousand dollars per megawatt of nameplate 313  
 capacity located in the county as of the thirty-first day of 314  
 December of the preceding tax year; 315

(c) If the project maintains during the construction or 316  
 installation of the energy facility a ratio of Ohio-domiciled 317  
 full-time equivalent employees to total full-time equivalent 318  
 employees of less than sixty per cent but not less than fifty per 319  
 cent, eight thousand dollars per megawatt of nameplate capacity 320  
 located in the county as of the thirty-first day of December of 321  
 the preceding tax year. 322

(3) In the case of an energy project using clean coal 323  
 technology, advanced nuclear technology, or cogeneration 324  
 technology, the following: 325

(a) If the project maintains during the construction or 326

installation of the energy facility a ratio of Ohio-domiciled 327  
 full-time equivalent employees to total full-time equivalent 328  
 employees of not less than seventy-five per cent, six thousand 329  
 dollars per megawatt of nameplate capacity located in the county 330  
 as of the thirty-first day of December of the preceding tax year; 331

(b) If the project maintains during the construction or 332  
 installation of the energy facility a ratio of Ohio-domiciled 333  
 full-time equivalent employees to total full-time equivalent 334  
 employees of less than seventy-five per cent but not less than 335  
 sixty per cent, seven thousand dollars per megawatt of nameplate 336  
 capacity located in the county as of the thirty-first day of 337  
 December of the preceding tax year; 338

(c) If the project maintains during the construction or 339  
 installation of the energy facility a ratio of Ohio-domiciled 340  
 full-time equivalent employees to total full-time equivalent 341  
 employees of less than sixty per cent but not less than fifty per 342  
 cent, eight thousand dollars per megawatt of nameplate capacity 343  
 located in the county as of the thirty-first day of December of 344  
 the preceding tax year. 345

(H) The director of development in consultation with the tax 346  
 commissioner shall adopt rules pursuant to Chapter 119. of the 347  
 Revised Code to implement and enforce this section." 348

In line 131171, after "5727.57," insert "5727.75," 349

In line 248 of the title, after "5727.57," insert "5727.75," 350

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

Qualified Energy Project Exemption 351

R.C. 5727.75 352

Extends by three years the deadline by which the owner of a 353  
qualified energy project must submit a property tax exemption 354  
application, begin construction, and place into service an energy 355  
facility using renewable energy resources or advanced energy 356  
technology to qualify for an ongoing real and tangible personal 357  
property tax exemption. 358

For facilities using renewable energy resources (wind, solar, 359  
etc.), current law requires the applications to be submitted and 360  
construction to begin before 2012 and the facility to be placed 361  
into service before 2013. For facilities using advanced energy 362  
technology (clean coal, advanced nuclear, or cogeneration), 363  
current law requires applications to be submitted before 2014 and 364  
the facility to be placed into service before 2017. 365

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6 \_\_\_\_\_ moved to amend as follows:

7 Between lines 139249 and 139250, insert:

8 **"Section 309.30.\_\_\_\_\_.** MEDICAID MANAGED CARE EXEMPTIONS

9 (A) Notwithstanding section 5111.16 of the Revised Code, as  
10 amended by this act, the Department of Job and Family Services  
11 shall not include in the care management system established  
12 under that section in fiscal year 2012 or fiscal year 2013 any  
13 individual receiving services through the program for medically  
14 handicapped children established under section 3701.023 of the  
15 Revised Code who has one or more of the following conditions:

16 (1) Cystic fibrosis;

17 (2) Hemophilia;

18 (3) Cancer;

19 (4) Diabetes;

20 (5) Cranio-facial anomalies;

21 (6) Any other condition defined under division (B) of this  
22 section by the Director of Health as life-threatening.

23 (B) For purposes of this section, the Director of Health  
24 shall adopt rules under Chapter 119. of the Revised Code

25 defining a life-threatening condition. The Director shall  
26 include in the definition any medical condition that requires  
27 maintenance drugs or interventions that, if the drugs or  
28 interventions are absent, would result in devastating, life-  
29 threatening health outcomes."

30 The motion was \_\_\_\_\_ agreed to.

31 SYNOPSIS

32 **Medicaid Managed Care Exemption for Medically Handicapped**  
33 **Children Program Participants with Certain Medical Conditions**

34 **Section 309.30. \_\_\_\_\_**

35 Prohibits, in fiscal years 2012 and 2013, the Department of  
36 Job and Family Services from including in the Medicaid managed  
37 care system any individual eligible for services under the  
38 program for medically handicapped children who has one or more  
39 of the following conditions:

40 -- Cystic fibrosis;

41 -- Hemophilia;

42 -- Cancer;

43 -- Diabetes;

44 -- Cranio-facial anomalies;

45 -- A life-threatening condition, as defined by the Director  
46 of Health.

6 \_\_\_\_\_ moved to amend as follows:

7 In line 466, delete "2101.08,"

8 In line 468, delete "2301.03,"; delete "2301.18, 2301.20,  
9 2301.21, 2301.22,"

10 In line 469, delete "2301.23, 2301.24, 2301.25, 2301.26,"

11 In line 470, delete "2319.27,"; delete "2501.16,"

12 In line 471, delete "2501.17, 2743.09,"

13 In line 472, delete "2939.11,"

14 In line 520, delete "3745.05,"

15 In line 32323, delete "or"

16 In line 32324, delete "electronic"

17 In line 32325, reinsert "shorthand"

18 In line 32326, reinsert "therefor"; delete "for the record"

19 In line 36556, delete "or"

20 In line 36557, delete "electronic"

21 In line 36558, reinsert "shorthand"

22 In line 36559, reinsert "therefor"; delete "for the record"

23 Delete lines 39784 through 39787

24 Delete lines 41332 through 42694

25 Delete lines 42760 through 42885  
26 Delete lines 43681 through 43704  
27 Delete lines 43867 through 44012  
28 Delete lines 46285 through 46299  
29 Delete lines 76051 through 76144  
30 In line 131054, delete "2101.08,"  
31 In line 131056, delete "2301.03,"; delete "2301.18,  
32 2301.20, 2301.21, 2301.22, 2301.23,"  
33 In line 131057, delete "2301.24, 2301.25, 2301.26,"  
34 In line 131058, delete "2319.27,"; delete "2501.16,  
35 2501.17,"  
36 In line 131059, delete "2743.09,"  
37 In line 131060, delete "2939.11,"  
38 In line 131108, delete "3745.05,"  
39 In line 131185, delete "2301.19,"  
40 In line 90 of the title, delete "2101.08,"  
41 In line 92 of the title, delete "2301.03,"  
42 Delete line 93 of the title  
43 In line 94 of the title, delete "2301.24, 2301.25,  
44 2301.26,"  
45 In line 95 of the title, delete "2319.27,"  
46 In line 96 of the title, delete "2501.16, 2501.17,  
47 2743.09,"  
48 In line 99 of the title, delete "2939.11,"



49 In line 164 of the title, delete "3745.05,"

50 In line 339 of the title, delete "2301.19,"

51 The motion was \_\_\_\_\_ agreed to.

52 SYNOPSIS

53 **Removal of Changes Regarding Court Reporters, Electronic**  
54 **Recording, and Transcripts**

55 R.C. 1509.36, 1571.14, 2101.08, 2301.03, 2301.18, 2301.19  
56 (elimination of repeal), 2301.20, 2301.21, 2301.22, 2301.23,  
57 2301.24, 2301.25, 2301.26, 2319.27, 2501.16, 2501.17, 2743.09,  
58 2939.11, and 3745.05

59 Removes the following from the House-passed bill: (1)  
60 changes in the designation under current law of "stenographic  
61 reporter" or "shorthand reporter" as appointed by the court of  
62 common pleas, a probate judge, or the Clerk of the Court of  
63 Claims simply to "reporter," (2) electronic recording  
64 requirements, (3) changes regarding the furnishing and costs of  
65 transcripts, and (4) conforming changes in provisions governing  
66 testimony before a grand jury and appeals to the Oil and Gas  
67 Commission, the Director of Natural Resources, and the  
68 Environmental Review Appeals Commission; and reinstates the  
69 section repealed in the House-passed bill that authorizes the  
70 appointment of assistant shorthand reporters by a court of  
71 common pleas.

Sub. H.B. 153  
As Pending in S. Finance  
LSC 129 1066-6  
SC-4294

\_\_\_\_\_ moved to amend as follows:

In line 23089, after "basis" insert ";	1
<u>(4) Designate one or more police constables under Chapter</u>	2
<u>509. of the Revised Code"</u>	3

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

<b>Limited Home Rule Township Law Enforcement</b>	4
<b>R.C. 504.16</b>	5
Adds as one of the methods by which a limited home rule	6
township may meet the requirement to provide law enforcement for	7
the township, by designating one or more police constables.	8

Sub. H.B. 153  
As Pending in S. Finance  
LSC 129 1066-6  
SC-4304

\_\_\_\_\_ moved to amend as follows:

In line 542, after "4736.12," insert "4740.14," 1

Between lines 92899 and 92900, insert: 2

"Sec. 4740.14. (A) There is hereby created within the 3  
department of commerce the residential construction advisory 4  
committee consisting of nine persons the director of commerce 5  
appoints. ~~Of the advisory committee's members, three~~ The advisory 6  
committee shall be made up of the following members: 7

(1) Three shall be general contractors who have recognized 8  
ability and experience in the construction of residential 9  
buildings, ~~two.~~ 10

(2) Two shall be building officials who have experience 11  
administering and enforcing a residential building code, ~~one.~~ 12

(3) One, chosen from a list of three names the Ohio fire 13  
chief's association submits, shall be from the fire service 14  
certified as a fire safety inspector who has at least ten years of 15  
experience enforcing fire or building codes, ~~one.~~ 16

(4) One shall be a residential contractor who has recognized 17  
ability and experience in the remodeling and construction of 18  
residential buildings, ~~one.~~ 19

(5) One shall be an architect registered pursuant to Chapter 20  
 4703. of the Revised Code, with recognized ability and experience 21  
 in the architecture of residential buildings, ~~and one.~~ 22

(6) One, chosen from a list of three names the Ohio municipal 23  
 league submits to the director, shall be a mayor of a municipal 24  
 corporation in which the Ohio residential building code is being 25  
 enforced in the municipal corporation by a certified building 26  
 department. 27

(B) ~~The director shall make appointments to the advisory 28  
 committee within ninety days after May 27, 2005.~~ 29

Terms of office shall be for three years, with each term 30  
 ending on the date three years after the date of appointment. Each 31  
 member shall hold office from the date of appointment until the 32  
 end of the term for which the member was appointed. ~~The director~~ 33  
~~shall fill a vacancy~~ Vacancies shall be filed in the manner 34  
 provided for initial appointments. Any member appointed to fill a 35  
 vacancy in an unexpired term shall hold office for the remainder 36  
 of that term. 37

(C) The advisory committee shall do all of the following: 38

(1) Recommend to the board of building standards a building 39  
 code for residential buildings. The committee shall recommend a 40  
 code that it may model on a residential building code a national 41  
 model code organization issues, with adaptations necessary to 42  
 implement the code in this state. If the board of building 43  
 standards decides not to adopt a code the committee recommends, 44  
 the committee shall revise the code and resubmit it until the 45  
 board adopts a code the committee recommends as the state 46  
 residential building code; 47

(2) Advise the board regarding the establishment of standards 48  
 for certification of building officials who enforce the state 49

residential building code;	50
(3) Assist the board in providing information and guidance to residential contractors and building officials who enforce the state residential building code;	51 52 53
(4) Advise the board regarding the interpretation of the state residential building code;	54 55
(5) Provide other assistance the committee considers necessary;	56 57
(6) Provide the board with a written report of the committee's findings for each consideration required by division (D) of this section.	58 59 60
(D) The committee shall not make its recommendation to the board pursuant to divisions (C) (1), (2), and (4) of this section until the advisory committee has considered all of the following:	61 62 63
(1) The impact that the state residential building code may have upon the health, safety, and welfare of the public;	64 65
(2) The economic reasonableness of the residential building code;	66 67
(3) The technical feasibility of the residential building code;	68 69
(4) The financial impact that the residential building code may have on the public's ability to purchase affordable housing.	70 71
(E) The advisory committee may provide the board with any rule the committee recommends to update or amend the state residential building code or any rule that the committee recommends to update or amend the state residential building code after receiving a petition described in division (A) (2) of section 3781.12 of the Revised Code.	72 73 74 75 76 77
(F) Members of the advisory committee shall receive no salary	78

for the performance of their duties as members, but shall receive  
 their actual and necessary expenses incurred in the performance of  
 their duties as members of the advisory committee and shall  
 receive a per diem for each day in attendance at an official  
 meeting of the committee, to be paid from the labor operating fund  
 in the state treasury, using fees collected in connection with  
 residential buildings pursuant to division (F)(2) of section  
 3781.102 of the Revised Code and deposited in that fund.

(G) The advisory committee is not subject to divisions (A)  
 and (B) of section 101.84 of the Revised Code."

In line 131130, after "4736.12," insert "4740.14,"

Between lines 146023 and 146024, insert:

"Section 747.\_\_\_\_. (A) For members of the Residential  
 Construction Advisory Committee serving terms beginning on July 1,  
 2011, such members' terms shall expire as follows:

(1) The terms of the members described in divisions (A)(3),  
 (A)(6), and one of the members described in division (A)(1) of  
 section 4740.14 of the Revised Code as amended by this act shall  
 expire on June 30, 2012.

(2) The terms of the member described in division (A)(4), one  
 of the members described in division (A)(1), and one of the  
 members described in division (A)(2) of section 4740.14 of the  
 Revised Code as amended by this act shall expire on June 30, 2013.

(3) The terms of the member described in division (A)(5), one  
 of the members described in division (A)(1), and one of the  
 members described in division (A)(2) of section 4740.14 of the  
 Revised Code as amended by this act shall expire on June 30, 2014.

(B) The Director of Commerce shall determine which of the  
 members appointed pursuant to division (A)(1) of section 4740.14  
 of the Revised Code as amended by this act will serve the term

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described in division (A) (1), which member will serve the term 109  
described in division (A) (2), and which member will serve the term 110  
described in division (A) (3) of this section, and shall determine 111  
which of the members appointed pursuant to division (A) (2) of 112  
section 4740.14 of the Revised Code as amended by this act will 113  
serve the term described in division (A) (2) and which member will 114  
serve the term described in division (A) (3) of this section. 115

(C) Upon the expiration of the terms described in division 116  
(A) of this section, all successive terms shall last for the 117  
period described in division (C) of section 4740.14 of the Revised 118  
Code as amended by this act." 119

In line 194 of the title, after "4736.12," insert "4740.14," 120

The motion was \_\_\_\_\_ agreed to.

#### SYNOPSIS

**Residential Construction Advisory Committee Membership** 121

**R.C. 4740.14** 122

Requires the terms of the members of the Residential 123  
Construction Advisory Committee to be staggered so that three 124  
members serve until June 30, 2012, three members serve until June 125  
30, 2013, and three members serve until June 30, 2014. After the 126  
expiration of these appointments, all successive terms are to last 127  
for the three year period specified in continuing law. 128

Sub. H.B. 153  
As Pending in S. Finance  
LSC 129 1066-6  
SC-4309

\_\_\_\_\_ moved to amend as follows:

In line 583, after "5733.23," insert "5733.351," 1

Between lines 122230 and 122231, insert: 2

"Sec. 5733.351. (A) As used in this section, "qualified 3  
research expenses" has the same meaning as in section 41 of the 4  
Internal Revenue Code. 5

(B) (1) A nonrefundable credit is allowed against the tax 6  
imposed by section 5733.06 of the Revised Code for tax year 2002 7  
for a taxpayer whose taxable year for tax year 2002 ended before 8  
July 1, 2001. The credit shall equal seven per cent of the excess 9  
of qualified research expenses incurred in this state by the 10  
taxpayer between January 1, 2001, and the end of the taxable year, 11  
over the taxpayer's average annual qualified research expenses 12  
incurred in this state for the three preceding taxable years. 13

(2) A nonrefundable credit also is allowed against the tax 14  
imposed by section 5733.06 of the Revised Code for each tax year, 15  
commencing with tax year 2004, and in the case of a corporation 16  
subject to division (G) (2) of section 5733.01 of the Revised Code 17  
ending with tax year 2008. The credit shall equal seven per cent 18  
of the excess of qualified research expenses incurred in this 19



state by the taxpayer for the taxable year over the taxpayer's 20  
average annual qualified research expenses incurred in this state 21  
for the three preceding taxable years. 22

(3) The taxpayer shall claim the credit allowed under 23  
division (B) (1) or (2) of this section in the order required by 24  
section 5733.98 of the Revised Code. Any credit amount in excess 25  
of the tax due under section 5733.06 of the Revised Code, after 26  
allowing for any other credits that precede the credit under this 27  
section in the order required under section 5733.98 of the Revised 28  
Code, may be carried forward for seven taxable years, but the 29  
amount of the excess credit allowed in any such year shall be 30  
deducted from the balance carried forward to the next year. A 31  
corporation subject to division (G) (2) of section 5733.01 of the 32  
Revised Code may carry forward any credit not fully utilized by 33  
tax year 2008 and apply it against the tax levied by Chapter 5751. 34  
of the Revised Code to the extent allowed under section 5751.51 of 35  
the Revised Code, provided that the total number of taxable years 36  
under this section and calendar years under Chapter 5751. of the 37  
Revised Code for which the credit is carried forward shall not 38  
exceed seven. 39

(C) In the case of a qualifying controlled group, the credit 40  
allowed under division (B) (1) or (2) of this section to taxpayers 41  
in the qualifying controlled group shall be computed as if all 42  
corporations in the qualifying controlled group were a 43  
consolidated, single taxpayer. For purposes of this division, an 44  
insurance company subject to the tax levied under section 5727.18 45  
or Chapter 5729. of the Revised Code may be considered a member of 46  
a qualifying controlled group by the group, even though the 47  
insurance company is not subject to the tax levied under section 48  
5733.06 of the Revised Code. The credit shall be allocated to such 49  
taxpayers in any amount elected for the taxable year by the 50

qualifying controlled group. The election shall be revocable and 51  
 amendable during the period prescribed by division (B) of section 52  
 5733.12 of the Revised Code." 53

In line 131172, after "5733.23," insert "5733.351," 54

Between lines 147510 and 147511, insert: 55

"Section 757.\_\_\_\_. The amendment by this act of division (C) 56  
 of section 5733.351 of the Revised Code is intended to clarify the 57  
 law as it existed before the enactment of this act and shall be 58  
 construed accordingly." 59

In line 250 of the title, after "5733.23," insert "5733.351," 60

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

**Franchise Tax Credit for Qualified Research Expenses** 61

**R.C. 5733.351 and Section 757.\_\_\_\_** 62

States that, for the purpose of the existing corporation 63  
 franchise (i.e., financial institution) tax credit for research 64  
 expenses incurred by one or more members of a commonly owned or 65  
 controlled group of corporations, an insurance company may be 66  
 considered to be included in the group, even though insurance 67  
 companies are not subject to the corporation franchise tax. 68  
 (Insurance companies are subject to separate tax measured by 69  
 premiums received to cover risks in Ohio.) 70

The qualified research expenses credit equals 7% of the 71  
 amount by which a taxpayer's research expenses for a taxable year 72  
 exceeds the average amount of research expenses incurred by the 73  
 taxpayer in the three previous taxable years. Corporations that 74

are members of a qualifying controlled group are treated as a 75  
single taxpayer for purposes of calculating the credit, and may 76  
allocate the credit among the members of the group. 77

Declares that the amendment is a clarification of existing 78  
law. 79

Sub. H.B. 153  
As Pending in S. Finance  
LSC 129 1066-6  
SC-4363

\_\_\_\_\_ moved to amend as follows:

In line 486, after "3313.975," insert "3313.976,"; after 1  
"3313.978," insert "3313.979," 2

Between lines 56202 and 56203, insert: 3

"Sec. 3313.976. (A) No private school may receive scholarship 4  
payments from parents pursuant to section 3313.979 of the Revised 5  
Code until the chief administrator of the private school registers 6  
the school with the superintendent of public instruction. The 7  
state superintendent shall register any school that meets the 8  
following requirements: 9

(1) The school is located within the boundaries of the pilot 10  
project school district; 11

(2) The school indicates in writing its commitment to follow 12  
all requirements for a state-sponsored scholarship program 13  
specified under sections 3313.974 to 3313.979 of the Revised Code, 14  
including, but not limited to, the requirements for admitting 15  
students pursuant to section 3313.977 of the Revised Code; 16

(3) The school meets all state minimum standards for 17  
chartered nonpublic schools in effect on July 1, 1992, except that 18  
the state superintendent at the superintendent's discretion may 19  
register nonchartered nonpublic schools meeting the other 20

- requirements of this division; 21
- (4) The school does not discriminate on the basis of race, 22  
religion, or ethnic background; 23
- (5) The school enrolls a minimum of ten students per class or 24  
a sum of at least twenty-five students in all the classes offered; 25
- (6) The school does not advocate or foster unlawful behavior 26  
or teach hatred of any person or group on the basis of race, 27  
ethnicity, national origin, or religion; 28
- (7) The school does not provide false or misleading 29  
information about the school to parents, students, or the general 30  
public; 31
- (8) For students in grades kindergarten through eight with 32  
family incomes at or below two hundred per cent of the federal 33  
poverty guidelines, as defined in section 5104.46 of the Revised 34  
Code, the school agrees not to charge any tuition ~~to low income~~ 35  
~~families receiving ninety per cent of the scholarship amount~~ 36  
~~through the scholarship program, pursuant to division (A) of~~ 37  
~~section 3313.978 of the Revised Code, in excess of ten per cent of~~ 38  
the scholarship amount established pursuant to division (C)(1) of 39  
section 3313.978 of the Revised Code, excluding any increase 40  
described in division (C)(2) of that section. ~~The school shall~~ 41  
~~permit any such tuition, at the discretion of the parent, to be~~ 42  
~~satisfied by the low income family's provision of in-kind~~ 43  
~~contributions or services.~~ 44
- (9) For students in grades kindergarten through eight with 45  
family incomes above two hundred per cent of the federal poverty 46  
guidelines, whose scholarship amounts are less than the actual 47  
tuition charge of the school, the school agrees not to charge any 48  
tuition ~~to low income families receiving a seventy five per cent~~ 49  
~~scholarship amount through the scholarship program, pursuant to~~ 50

~~division (A) of section 3313.978 of the Revised Code,~~ in excess of 51  
the difference between the actual tuition charge of the school and 52  
~~seventy five per cent of the scholarship amount established~~ 53  
pursuant to division (C) (1) of section 3313.978 of the Revised 54  
Code, excluding any increase described in division (C) (2) of that 55  
section. The school shall permit such tuition, at the discretion 56  
of the parent, to be satisfied by the ~~low income~~ family's 57  
provision of in-kind contributions or services. 58

(10) The school agrees not to charge any tuition to families 59  
of students in grades nine through twelve receiving a scholarship 60  
in excess of the actual tuition charge of the school less 61  
~~seventy five or ninety per cent of the scholarship amount~~ 62  
established pursuant to division (C) (1) of section 3313.978 of the 63  
Revised Code, ~~as applicable,~~ excluding any increase described in 64  
division (C) (2) of that section. 65

(11) Notwithstanding division (K) of section 3301.0711 of the 66  
Revised Code, the school annually administers the assessments 67  
prescribed by section 3301.0710 of the Revised Code to each 68  
scholarship student enrolled in the school in accordance with 69  
section 3301.0711 of the Revised Code and reports to the 70  
department of education the results of each such assessment 71  
administered to each scholarship student. 72

(B) The state superintendent shall revoke the registration of 73  
any school if, after a hearing, the superintendent determines that 74  
the school is in violation of any of the provisions of division 75  
(A) of this section. 76

(C) Any public school located in a school district adjacent 77  
to the pilot project district may receive scholarship payments on 78  
behalf of parents pursuant to section 3313.979 of the Revised Code 79  
if the superintendent of the district in which such public school 80  
is located notifies the state superintendent prior to the first 81

day of March that the district intends to admit students from the 82  
 pilot project district for the ensuing school year pursuant to 83  
 section 3327.06 of the Revised Code. 84

(D) Any parent wishing to purchase tutorial assistance from 85  
 any person or governmental entity pursuant to the pilot project 86  
 program under sections 3313.974 to 3313.979 of the Revised Code 87  
 shall apply to the state superintendent. The state superintendent 88  
 shall approve providers who appear to possess the capability of 89  
 furnishing the instructional services they are offering to 90  
 provide." 91

In line 56215, strike through all after the period 92

Strike through lines 56216 through 56223 93

In line 56225, strike through all after "January" 94

In line 56226, strike through all before the period 95

In line 56267, strike through "For each student" 96

Strike through lines 56268 through 56276 97

Strike through lines 56307 through 56315 98

Between lines 56415 and 56416, insert: 99

"Sec. 3313.979. Each scholarship to be used for payments to a 100  
 registered private school is payable to the parents of the student 101  
 entitled to the scholarship. Each scholarship to be used for 102  
 payments to a public school in an adjacent school district is 103  
 payable to the school district of attendance by the superintendent 104  
 of public instruction. Each grant to be used for payments to an 105  
 approved tutorial assistance provider is payable to the approved 106  
 tutorial assistance provider. 107

(A) (1) By the fifteenth day of each month of the school year 108  
 that any scholarship students are enrolled in a registered private 109

school, the chief administrator of that school shall notify the state superintendent of:

(a) The number of scholarship students who were reported to the school district as having been admitted by that private school pursuant to division (A) (2) (b) of section 3313.978 of the Revised Code and who were still enrolled in the private school as of the first day of such month, ~~and the numbers of such students who qualify for seventy five and ninety per cent of the scholarship amount;~~

(b) The number of scholarship students who were reported to the school district as having been admitted by another private school pursuant to division (A) (2) (b) of section 3313.978 of the Revised Code and since the date of admission have transferred to the school providing the notification under division (A) (1) of this section, ~~and the numbers of such students who qualify for seventy five and ninety per cent of the scholarship amount.~~

(2) From time to time, the state superintendent shall make a payment to the parent of each student entitled to a scholarship. Each payment shall include for each student reported under division (A) (1) of this section, a portion of ~~seventy five or ninety per cent, as applicable,~~ of the scholarship amount specified in divisions (C) (1) and (2) of section 3313.978 of the Revised Code. This amount shall be proportionately reduced in the case of any such student who is not enrolled in a registered private school for the entire school year.

(3) The first payment under this division shall be made by the last day of November and shall equal one-third of ~~seventy five or ninety per cent, as applicable,~~ of the estimated total amount that will be due to the parent for the school year pursuant to division (A) (2) of this section.

(B) The state superintendent, on behalf of the parents of a



scholarship student enrolled in a public school in an adjacent 141  
 school district pursuant to section 3327.06 of the Revised Code, 142  
 shall make the tuition payments required by that section to the 143  
 school district admitting the student, except that, 144  
 notwithstanding sections 3323.13, 3323.14, and 3327.06 of the 145  
 Revised Code, the total payments in any school year shall not 146  
 exceed ~~seventy five or ninety per cent, as applicable,~~ of the 147  
 scholarship amount provided in divisions (C) (1) and (2) of section 148  
 3313.978 of the Revised Code. 149

(C) Whenever an approved provider provides tutorial 150  
 assistance to a student, the state superintendent shall pay the 151  
 approved provider for such costs upon receipt of a statement 152  
 specifying the services provided and the costs of the services, 153  
 which statement shall be signed by the provider and verified by 154  
 the chief administrator having supervisory control over the 155  
 tutoring site. The total payments to any approved provider under 156  
 this division for all provider services to any individual student 157  
 in any school year shall not exceed ~~seventy five or ninety per~~ 158  
~~cent, as applicable,~~ of the grant amount provided in division 159  
 (C) (3) of section 3313.978 of the Revised Code." 160

In line 131074, after "3313.975," insert "3313.976,"; after 161  
 "3313.978," insert "3313.979," 162

In line 147589, after "3313.88," insert "3313.976," 163

In line 147590, after "3313.978," insert "3313.979," 164

In line 117 of the title, after "3313.975," insert 165  
 "3313.976,"; after "3313.978," insert "3313.979," 166

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

<b>Cleveland Scholarship Amounts</b>	167
<b>R.C. 3313.976, 3313.978, and 3313.979</b>	168
Eliminates the income-based reduction required by current law	169
for scholarships under the Cleveland Scholarship Program.	170
(Currently, each scholarship award is reduced by either 10% or	171
25%, depending upon the student's family income, with the balance	172
of the award to be paid by a political subdivision, a private	173
entity, or an individual.)	174

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Sub. H.B. 153  
As Pending in S. Finance  
LSC 129 1066-6  
SC-4367

\_\_\_\_\_ moved to amend as follows:

In line 575, after "5705.16," insert "5705.19," 1

Between lines 116444 and 116445, insert: 2

"Sec. 5705.19. This section does not apply to school 3  
districts or county school financing districts. 4

The taxing authority of any subdivision at any time and in 5  
any year, by vote of two-thirds of all the members of the taxing 6  
authority, may declare by resolution and certify the resolution to 7  
the board of elections not less than ninety days before the 8  
election upon which it will be voted that the amount of taxes that 9  
may be raised within the ten-mill limitation will be insufficient 10  
to provide for the necessary requirements of the subdivision and 11  
that it is necessary to levy a tax in excess of that limitation 12  
for any of the following purposes: 13

(A) For current expenses of the subdivision, except that the 14  
total levy for current expenses of a detention facility district 15  
or district organized under section 2151.65 of the Revised Code 16  
shall not exceed two mills and that the total levy for current 17  
expenses of a combined district organized under sections 2151.65 18  
and 2152.41 of the Revised Code shall not exceed four mills; 19

(B) For the payment of debt charges on certain described	20
bonds, notes, or certificates of indebtedness of the subdivision	21
issued subsequent to January 1, 1925;	22
(C) For the debt charges on all bonds, notes, and	23
certificates of indebtedness issued and authorized to be issued	24
prior to January 1, 1925;	25
(D) For a public library of, or supported by, the subdivision	26
under whatever law organized or authorized to be supported;	27
(E) For a municipal university, not to exceed two mills over	28
the limitation of one mill prescribed in section 3349.13 of the	29
Revised Code;	30
(F) For the construction or acquisition of any specific	31
permanent improvement or class of improvements that the taxing	32
authority of the subdivision may include in a single bond issue;	33
(G) For the general construction, reconstruction,	34
resurfacing, and repair of streets, roads, and bridges in	35
municipal corporations, counties, or townships;	36
(H) For parks and recreational purposes;	37
(I) For the purpose of providing and maintaining fire	38
apparatus, appliances, buildings, or sites therefor, or sources of	39
water supply and materials therefor, or the establishment and	40
maintenance of lines of fire alarm telegraph, or the payment of	41
<u>firefighting companies or permanent, part-time, or volunteer</u>	42
<u>firefighters or firefighting companies, emergency medical service,</u>	43
<u>administrative, or communications personnel</u> to operate the same,	44
including the payment of <del>the firefighter employers' contribution</del>	45
<u>any employer contributions required for such personnel</u> under	46
section <u>145.48 or 742.34</u> of the Revised Code, or the purchase of	47
ambulance equipment, or the provision of ambulance, paramedic, or	48
other emergency medical services operated by a fire department or	49

firefighting company; 50

(J) For the purpose of providing and maintaining motor 51  
vehicles, communications, other equipment, buildings, and sites 52  
for such buildings used directly in the operation of a police 53  
department, or the payment of salaries of permanent or part-time 54  
police, communications, or administrative personnel to operate the 55  
same, including the payment of ~~the police officer employers'~~ 56  
~~contribution~~ any employer contributions required for such 57  
personnel under section 145.48 or 742.33 of the Revised Code, or 58  
the payment of the costs incurred by townships as a result of 59  
contracts made with other political subdivisions in order to 60  
obtain police protection, or the provision of ambulance or 61  
emergency medical services operated by a police department; 62

(K) For the maintenance and operation of a county home or 63  
detention facility; 64

(L) For community mental retardation and developmental 65  
disabilities programs and services pursuant to Chapter 5126. of 66  
the Revised Code, except that the procedure for such levies shall 67  
be as provided in section 5705.222 of the Revised Code; 68

(M) For regional planning; 69

(N) For a county's share of the cost of maintaining and 70  
operating schools, district detention facilities, forestry camps, 71  
or other facilities, or any combination thereof, established under 72  
section 2151.65 or 2152.41 of the Revised Code or both of those 73  
sections; 74

(O) For providing for flood defense, providing and 75  
maintaining a flood wall or pumps, and other purposes to prevent 76  
floods; 77

(P) For maintaining and operating sewage disposal plants and 78  
facilities; 79

(Q) For the purpose of purchasing, acquiring, constructing,	80
enlarging, improving, equipping, repairing, maintaining, or	81
operating, or any combination of the foregoing, a county transit	82
system pursuant to sections 306.01 to 306.13 of the Revised Code,	83
or of making any payment to a board of county commissioners	84
operating a transit system or a county transit board pursuant to	85
section 306.06 of the Revised Code;	86
(R) For the subdivision's share of the cost of acquiring or	87
constructing any schools, forestry camps, detention facilities, or	88
other facilities, or any combination thereof, under section	89
2151.65 or 2152.41 of the Revised Code or both of those sections;	90
(S) For the prevention, control, and abatement of air	91
pollution;	92
(T) For maintaining and operating cemeteries;	93
(U) For providing ambulance service, emergency medical	94
service, or both;	95
(V) For providing for the collection and disposal of garbage	96
or refuse, including yard waste;	97
(W) For the payment of the police officer employers'	98
contribution or the firefighter employers' contribution required	99
under sections 742.33 and 742.34 of the Revised Code;	100
(X) For the construction and maintenance of a drainage	101
improvement pursuant to section 6131.52 of the Revised Code;	102
(Y) For providing or maintaining senior citizens services or	103
facilities as authorized by section 307.694, 307.85, 505.70, or	104
505.706 or division (EE) of section 717.01 of the Revised Code;	105
(Z) For the provision and maintenance of zoological park	106
services and facilities as authorized under section 307.76 of the	107
Revised Code;	108

(AA) For the maintenance and operation of a free public museum of art, science, or history;	109 110
(BB) For the establishment and operation of a 9-1-1 system, as defined in section 4931.40 of the Revised Code;	111 112
(CC) For the purpose of acquiring, rehabilitating, or developing rail property or rail service. As used in this division, "rail property" and "rail service" have the same meanings as in section 4981.01 of the Revised Code. This division applies only to a county, township, or municipal corporation.	113 114 115 116 117
(DD) For the purpose of acquiring property for, constructing, operating, and maintaining community centers as provided for in section 755.16 of the Revised Code;	118 119 120
(EE) For the creation and operation of an office or joint office of economic development, for any economic development purpose of the office, and to otherwise provide for the establishment and operation of a program of economic development pursuant to sections 307.07 and 307.64 of the Revised Code, or to the extent that the expenses of a county land reutilization corporation organized under Chapter 1724. of the Revised Code are found by the board of county commissioners to constitute the promotion of economic development, for the payment of such operations and expenses;	121 122 123 124 125 126 127 128 129 130
(FF) For the purpose of acquiring, establishing, constructing, improving, equipping, maintaining, or operating, or any combination of the foregoing, a township airport, landing field, or other air navigation facility pursuant to section 505.15 of the Revised Code;	131 132 133 134 135
(GG) For the payment of costs incurred by a township as a result of a contract made with a county pursuant to section 505.263 of the Revised Code in order to pay all or any part of the	136 137 138

cost of constructing, maintaining, repairing, or operating a water supply improvement; 139  
140

(HH) For a board of township trustees to acquire, other than 141  
by appropriation, an ownership interest in land, water, or 142  
wetlands, or to restore or maintain land, water, or wetlands in 143  
which the board has an ownership interest, not for purposes of 144  
recreation, but for the purposes of protecting and preserving the 145  
natural, scenic, open, or wooded condition of the land, water, or 146  
wetlands against modification or encroachment resulting from 147  
occupation, development, or other use, which may be styled as 148  
protecting or preserving "greenspace" in the resolution, notice of 149  
election, or ballot form. Except as otherwise provided in this 150  
division, land is not acquired for purposes of recreation, even if 151  
the land is used for recreational purposes, so long as no 152  
building, structure, or fixture used for recreational purposes is 153  
permanently attached or affixed to the land. Except as otherwise 154  
provided in this division, land that previously has been acquired 155  
in a township for these greenspace purposes may subsequently be 156  
used for recreational purposes if the board of township trustees 157  
adopts a resolution approving that use and no building, structure, 158  
or fixture used for recreational purposes is permanently attached 159  
or affixed to the land. The authorization to use greenspace land 160  
for recreational use does not apply to land located in a township 161  
that had a population, at the time it passed its first greenspace 162  
levy, of more than thirty-eight thousand within a county that had 163  
a population, at that time, of at least eight hundred sixty 164  
thousand. 165

(II) For the support by a county of a crime victim assistance 166  
program that is provided and maintained by a county agency or a 167  
private, nonprofit corporation or association under section 307.62 168  
of the Revised Code; 169



(JJ) For any or all of the purposes set forth in divisions (I) and (J) of this section. This division applies only to a township.	170 171 172
(KK) For a countywide public safety communications system under section 307.63 of the Revised Code. This division applies only to counties.	173 174 175
(LL) For the support by a county of criminal justice services under section 307.45 of the Revised Code;	176 177
(MM) For the purpose of maintaining and operating a jail or other detention facility as defined in section 2921.01 of the Revised Code;	178 179 180
(NN) For purchasing, maintaining, or improving, or any combination of the foregoing, real estate on which to hold agricultural fairs. This division applies only to a county.	181 182 183
(OO) For constructing, rehabilitating, repairing, or maintaining sidewalks, walkways, trails, bicycle pathways, or similar improvements, or acquiring ownership interests in land necessary for the foregoing improvements;	184 185 186 187
(PP) For both of the purposes set forth in divisions (G) and (OO) of this section.	188 189
(QQ) For both of the purposes set forth in divisions (H) and (HH) of this section. This division applies only to a township.	190 191
(RR) For the legislative authority of a municipal corporation, board of county commissioners of a county, or board of township trustees of a township to acquire agricultural easements, as defined in section 5301.67 of the Revised Code, and to supervise and enforce the easements.	192 193 194 195 196
(SS) For both of the purposes set forth in divisions (BB) and (KK) of this section. This division applies only to a county.	197 198

(TT) For the maintenance and operation of a facility that is	199
organized in whole or in part to promote the sciences and natural	200
history under section 307.761 of the Revised Code.	201
(UU) For the creation and operation of a county land	202
reutilization corporation and for any programs or activities of	203
the corporation found by the board of directors of the corporation	204
to be consistent with the purposes for which the corporation is	205
organized;	206
(VV) For construction and maintenance of improvements and	207
expenses of soil and water conservation district programs under	208
Chapter 1515. of the Revised Code;	209
(WW) For the Ohio cooperative extension service fund created	210
under section 3335.35 of the Revised Code for the purposes	211
prescribed under section 3335.36 of the Revised Code for the	212
benefit of the citizens of a county. This division applies only to	213
a county.	214
The resolution shall be confined to the purpose or purposes	215
described in one division of this section, to which the revenue	216
derived therefrom shall be applied. The existence in any other	217
division of this section of authority to levy a tax for any part	218
or all of the same purpose or purposes does not preclude the use	219
of such revenues for any part of the purpose or purposes of the	220
division under which the resolution is adopted.	221
The resolution shall specify the amount of the increase in	222
rate that it is necessary to levy, the purpose of that increase in	223
rate, and the number of years during which the increase in rate	224
shall be in effect, which may or may not include a levy upon the	225
duplicate of the current year. The number of years may be any	226
number not exceeding five, except as follows:	227
(1) When the additional rate is for the payment of debt	228

charges, the increased rate shall be for the life of the 229  
 indebtedness. 230

(2) When the additional rate is for any of the following, the 231  
 increased rate shall be for a continuing period of time: 232

(a) For the current expenses for a detention facility 233  
 district, a district organized under section 2151.65 of the 234  
 Revised Code, or a combined district organized under sections 235  
 2151.65 and 2152.41 of the Revised Code; 236

(b) For providing a county's share of the cost of maintaining 237  
 and operating schools, district detention facilities, forestry 238  
 camps, or other facilities, or any combination thereof, 239  
 established under section 2151.65 or 2152.41 of the Revised Code 240  
 or under both of those sections. 241

(3) When the additional rate is for either of the following, 242  
 the increased rate may be for a continuing period of time: 243

(a) For the purposes set forth in division (I), (J), (U), or 244  
 (KK) of this section; 245

(b) For the maintenance and operation of a joint recreation 246  
 district. 247

(4) When the increase is for the purpose or purposes set 248  
 forth in division (D), (G), (H), (CC), or (PP) of this section, 249  
 the tax levy may be for any specified number of years or for a 250  
 continuing period of time, as set forth in the resolution. 251

(5) When the additional rate is for the purpose described in 252  
 division (Z) of this section, the increased rate shall be for any 253  
 number of years not exceeding ten. 254

A levy for one of the purposes set forth in division (G), 255  
 (I), (J), or (U) of this section may be reduced pursuant to 256  
 section 5705.261 or 5705.31 of the Revised Code. A levy for one of 257

the purposes set forth in division (G), (I), (J), or (U) of this 258  
 section may also be terminated or permanently reduced by the 259  
 taxing authority if it adopts a resolution stating that the 260  
 continuance of the levy is unnecessary and the levy shall be 261  
 terminated or that the millage is excessive and the levy shall be 262  
 decreased by a designated amount. 263

A resolution of a detention facility district, a district 264  
 organized under section 2151.65 of the Revised Code, or a combined 265  
 district organized under both sections 2151.65 and 2152.41 of the 266  
 Revised Code may include both current expenses and other purposes, 267  
 provided that the resolution shall apportion the annual rate of 268  
 levy between the current expenses and the other purpose or 269  
 purposes. The apportionment need not be the same for each year of 270  
 the levy, but the respective portions of the rate actually levied 271  
 each year for the current expenses and the other purpose or 272  
 purposes shall be limited by the apportionment. 273

Whenever a board of county commissioners, acting either as 274  
 the taxing authority of its county or as the taxing authority of a 275  
 sewer district or subdistrict created under Chapter 6117. of the 276  
 Revised Code, by resolution declares it necessary to levy a tax in 277  
 excess of the ten-mill limitation for the purpose of constructing, 278  
 improving, or extending sewage disposal plants or sewage systems, 279  
 the tax may be in effect for any number of years not exceeding 280  
 twenty, and the proceeds of the tax, notwithstanding the general 281  
 provisions of this section, may be used to pay debt charges on any 282  
 obligations issued and outstanding on behalf of the subdivision 283  
 for the purposes enumerated in this paragraph, provided that any 284  
 such obligations have been specifically described in the 285  
 resolution. 286

The resolution shall go into immediate effect upon its 287  
 passage, and no publication of the resolution is necessary other 288

than that provided for in the notice of election. 289

When the electors of a subdivision have approved a tax levy 290  
 under this section, the taxing authority of the subdivision may 291  
 anticipate a fraction of the proceeds of the levy and issue 292  
 anticipation notes in accordance with section 5705.191 or 5705.193 293  
 of the Revised Code." 294

In line 131164, after "5705.16," insert "5705.19," 295

Between lines 147774 and 147775, insert: 296

"Section 5705.19 of the Revised Code as amended by Am. Sub. 297  
 H.B. 48 and Sub. H.B. 313 of the 128th General Assembly." 298

In line 240 of the title, after "5705.16," insert "5705.19," 299

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

**Tax Levy for Police and Fire Personnel Pensions** 300

**R.C. 5705.19** 301

Expands the expressed purposes for which a political 302  
 subdivision may levy a property tax related to police and fire 303  
 services to include the payment of (1) salaries of emergency 304  
 medical service personnel, part-time police personnel, and police 305  
 and fire communications and administrative personnel and (2) 306  
 employer contributions to retirement or pension funds for such 307  
 personnel. Under current permanent law, the proceeds of a police 308  
 or fire levy may be used towards the salaries and retirement 309  
 benefits of only "firefighters or firefighting companies" and 310  
 "permanent police personnel." 311

6 \_\_\_\_\_ moved to amend as follows:

7 In line 99939 after "(3)" insert "Independent provider"  
8 means an individual who personally provides aide services or  
9 nursing services and is not employed by, under contract with, or  
10 affiliated with another entity that provides those services.

11 (4)"

12 In line 99946, delete "The" and insert "Effective October  
13 1, 2011, the"

14 Delete lines 99948 through 99962 and insert:

15 "(1) Reduce the medicaid program's first-hour-unit price  
16 for aide services to ninety-seven per cent of the price paid on  
17 June 30, 2011, and for nursing services to ninety-five per cent  
18 of the price paid on June 30, 2011;

19 (2) Pay for a service that is an aide service or a nursing  
20 service provided by an independent provider eighty per cent of  
21 the price it pays for the same service provided by a provider  
22 that is not an independent provider."

23 In line 99963, delete "(D)" and insert "(C)"

24 The motion was \_\_\_\_\_ agreed to.

25. . . . SYNOPSIS

26 **Medicaid Aide and Nursing Services Prices**

27 **R.C. 5111.0213**

28 Effective October 1, 2011, requires the Department of Job  
29 and Family Services to do both of the following under the  
30 Medicaid program:

31 (1) Reduce the first-hour-unit price it pays for aide  
32 services to 97% of the June 30, 2011, price and for nursing  
33 services to 95% of the June 30, 2011, price;

34 (2) Pay independent providers of aide and nursing services  
35 80% of the price paid providers that are not independent  
36 providers.

6 \_\_\_\_\_ moved to amend as follows:

7 In line 29310, after "state" insert "excepting only those  
8 activities regulated under federal laws for which oversight has  
9 been delegated to the environmental protection agency and  
10 activities regulated under sections 6111.02 to 6111.029 of the  
11 Revised Code"

12 In line 29316, delete "the"; delete "of discharges"

13 The motion was \_\_\_\_\_ agreed to.

14 SYNOPSIS

15 **Statewide Regulation and Comprehensive Plan under Oil and**  
16 **Gas Law**

17 **R.C. 1509.02**

18 Excludes from the exclusive authority of the Division of  
19 Oil and Gas Resources Management (renamed by the bill) under  
20 current law to regulate oil and gas wells within the state: (1)  
21 only those activities that are regulated under federal laws for  
22 which oversight has been delegated to the Environmental  
23 Protection Agency, and (2) activities that are regulated under  
24 the statutes governing isolated wetlands.

25 With respect to the bill's provision that adds the  
26 permitting of discharges related to site construction and



27 restoration to the activities that are specifically included as  
28 activities that are governed by the Oil and Gas Law and rules  
29 adopted under it as a comprehensive plan of uniform statewide  
30 regulation, removes the reference to discharges, thus including  
31 any permitting related to site construction and restoration as  
32 activities that are so governed.

6 \_\_\_\_\_ moved to amend as follows:

7 In line 28153, delete the underlined comma and insert "that  
8 provides the final quantity and final cost of a transaction and"

9 The motion was \_\_\_\_\_ agreed to.

10 SYNOPSIS

11 **Commercially Used Weighing and Measuring Device Permit**  
12 **Program**

13 **R.C. 1327.501**

14 Limits the commercially used weighing and measuring device  
15 permit program established in the bill to devices that provide  
16 the final quantity and final cost of a transaction.

Sub. H.B. 153  
As Pending in S. Finance  
LSC 129 1066-6  
SC-4403

\_\_\_\_\_ moved to amend as follows:

In line 624, after "306.551," insert "307.093," 1

In line 640, after "3345.023," insert "3345.54," 2

Between lines 19258 and 19259, insert: 3

"Sec. 307.093. A board of county commissioners may enter into 4  
a sale and leaseback agreement under which the board agrees to 5  
convey a county-owned building to a purchaser who is obligated, 6  
immediately upon closing, to lease the building back to the board. 7  
The sale and leaseback agreement shall obligate the lessor to make 8  
improvements to the building, including renovations, energy 9  
conservation measures, and other measures that are necessary to 10  
improve the functionality and reduce the operating costs of the 11  
building. 12

The authority granted by this section is not subject to the 13  
limitations imposed by sections 307.02 and 307.09 of the Revised 14  
Code." 15

Between lines 68109 and 68110, insert: 16

"Sec. 3345.54. (A) As used in this section: 17

(1) "Auxiliary facilities" has the same meaning as in section 18

3345.12 of the Revised Code.

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(2) "Conduit entity" means an organization described in section 501(c)(3) of the Internal Revenue Code qualified as a public charity under section 509(a)(2) or 509(a)(3) of the Internal Revenue Code, whose corporate purpose allows it to perform the functions and obligations of a conduit entity pursuant to the terms of a financing agreement.

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(3) "Conveyed property" means auxiliary facilities conveyed by a state institution to a conduit entity pursuant to a financing agreement.

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(4) "Financing agreement" means a contract described in division (C) of this section.

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(5) "Independent funding source" means a private entity that enters into a financing agreement with a conduit entity and a state institution.

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(6) "State institution" means a state institution of higher education as defined in section 3345.011 of the Revised Code.

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(B) The board of trustees of a state institution, with the approval of the chancellor of the Ohio board of regents and the controlling board, may enter into a financing agreement with a conduit entity and an independent funding source selected either through a competitive selection process or by direct negotiations, and may convey to the conduit entity title to any auxiliary facilities owned by the state institution pursuant to the terms of a financing agreement.

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(C) A financing agreement under this section is a written contract entered into among a state institution, a conduit entity, and an independent funding source that provides for:

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(1) The conveyance of auxiliary facilities owned by a state institution to the conduit entity for consideration deemed

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adequate by the state institution; 49

(2) The lease of the conveyed property by the conduit entity to the independent funding source and leaseback of the conveyed property to the conduit entity for a term not to exceed ninety-nine years; 50  
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(3) Such other terms and conditions that may be negotiated and agreed upon by the parties, including, but not limited to, terms regarding; 54  
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(a) Payment to the state institution by the conduit entity of revenues received by it from the operations of the conveyed property in excess of the payments it is required to make to the independent funding source under the lease-leaseback arrangement described in division (C)(2) of this section; 57  
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(b) Pledge, assignment, or creation of a lien in favor of the independent funding source by the conduit entity of any revenues derived from the conveyed property; 62  
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(c) Reverter or conveyance of title to the conveyed property to the state institution when the conveyed property is no longer subject to a lease with the independent funding source. 65  
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(4) Terms and conditions required by the chancellor or the controlling board as a condition of approval of the financing agreement. 68  
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(D) The state institution and the conduit entity may enter into such other management agreements or other contracts regarding the conveyed property the parties deem appropriate, including agreements pursuant to which the state institution may maintain or administer the conveyed property and collect and disburse revenues from the conveyed property on behalf of the conduit entity. 71  
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(E) The parties may modify or extend the term of the financing agreement with the approval of the chancellor and the 77  
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controlling board.

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(F) The conveyed property shall retain its exemption from property taxes and assessments as though title to the conveyed property were held by the state institution during any part of a tax year that title is held by the state institution or the conduit entity and, if held by the conduit entity, remains subject to the lease-leaseback arrangement described in division (C)(2) of this section. However, as a condition of the continued exemption of the conveyed property during the term of the lease-leaseback arrangement the conduit entity shall apply for and maintain the exemption as provided by law.

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(G) Nothing in this section is intended to abrogate, amend, limit, or replace any existing authority state institutions may have with respect to the conveyance, lease, lease-leaseback, finance, or acquisition of auxiliary facilities including, but not limited to, authority granted under sections 3345.07, 3345.11, and 3345.12 of the Revised Code."

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In line 303 of the title, after "306.551," insert "307.093,"

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In line 322 of the title, after "3345.023," insert "3345.54,"

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The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

**Lease-Leaseback of State Higher Education Institutions'  
Facilities**

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**R.C. 3345.54**

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Permits the board of trustees of a state institution of higher education to enter into an agreement to convey "auxiliary"

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facilities to a charitable conduit entity, which will enter into a lease-leaseback arrangement with a third-party independent funding source. Under current law, not affected by the amendment, auxiliary facilities are facilities for student services, housing and dining, separate dining halls, and other food service and preparation, parking, bookstores, athletic and recreational activities, faculty centers, auditoriums, assembly and exhibition halls, hospitals, infirmaries and other medical and health services, research, and continuing education.

**Leaseback Agreements for County Buildings**

**R.C. 307.093**

Authorizes a board of county commissioners to enter into a sale and leaseback agreement under which the board agrees to convey a county-owned building to a purchaser who is obligated immediately upon closing, to lease the building back to the board. The sale and leaseback agreement also is to obligate the lessor to make improvements to the building to improve its functionality and reduce its operating costs.

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SC-4406-1

\_\_\_\_\_ moved to amend as follows:

In line 67104, after "(D)" insert "(1)" 1

Between lines 67111 and 67112, insert: 2

"(2) The rules of the chancellor for determining student 3  
residency shall not grant residency status to an alien if the 4  
alien is not also an immigrant or a nonimmigrant." 5

In line 67112, after "(E)" insert "As used in this section:" 6

(1)" 7

Between lines 67114 and 67115, insert: 8

"(2) "Alien" means a person who is not a United States 9  
citizen or a United States national. 10

(3) "Immigrant" means an alien who has been granted the right 11  
by the United States bureau of citizenship and immigration 12  
services to reside permanently in the United States and to work 13  
without restrictions in the United States. 14

(4) "Nonimmigrant" means an alien who has been granted the 15  
right by the United States bureau of citizenship and immigration 16  
services to reside temporarily in the United States." 17



The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

Residency for Ohio High School Graduates	18
R.C. 3333.31	19
Prohibits the rules adopted by the Chancellor of the Ohio	20
Board of Regents under the bill for determining student residency,	21
for purposes of in-state college tuition, from granting residency	22
status to any alien unless the alien has been granted: (1) the	23
right to reside permanently in, and to work without restrictions	24
in, the United States or (2) the right to reside temporarily in	25
the United States.	26

6 \_\_\_\_\_ moved to amend as follows:

7 In line 122987, strike through "and"; delete ", in the case  
8 of captive deer,"

9 In line 122988, delete "for private hunting" and insert "or  
10 other agricultural purposes"

11 In line 122990, strike through "fish,"

12 In line 122991, strike through "horses,"

13 In line 123273, delete the first underlined comma and  
14 insert "or"; delete ", or private hunting"

15 The motion was \_\_\_\_\_ agreed to.

16 SYNOPSIS

17 **Sales Tax: Captive Deer**

18 **R.C. 5739.01**

19 Limits application of a sales and use tax exemption,  
20 proposed in the pending bill, for building materials and related  
21 services for livestock structures. The pending bill extends the  
22 existing livestock structure exemption to include such  
23 structures related to "captive deer" raised for "private  
24 hunting" or for agricultural or farming purposes. The amendment  
25 limits the proposed exemption to livestock structures related to

26 captive deer kept for agricultural and farming purposes, but not  
27 for private hunting.

28         Removes horses and fish from the definition of excluded  
29 livestock, thereby allowing horse and fish owners to qualify for  
30 the exemption from sales and use taxation for any building  
31 materials and related services that are incorporated into a  
32 building or structure used for keeping fish or horses for food.  
33 The current exemption covers buildings and structures used to  
34 house, feed, raise, or shelter livestock kept for food purposes,  
35 store or handle feed, or handle manure and waste.

Sub. H.B. 153  
As Pending in S. Finance  
LSC 129 1066-6  
SC-4408-1

\_\_\_\_\_ moved to amend as follows:

In line 464, after "1901.02," insert "1901.06," 1

In line 465, after "1901.262," insert "1907.13," 2

In line 468, after "2152.72," insert "2301.01," 3

In line 470, after "2335.06," insert "2501.02," 4

In line 471, after "2501.17," insert "2503.01," 5

Between lines 39199 and 39200, insert: 6

"Sec. 1901.06. A municipal judge during the judge's term of 7  
office shall be a qualified elector and a resident of the 8  
territory of the court to which the judge is elected or appointed. 9  
A municipal judge shall have been admitted to the practice of law 10  
in this state and shall have been, for a total of at least six 11  
years preceding appointment or the commencement of the judge's 12  
term, engaged in the practice of law ~~in this state~~ or served as a 13  
judge of a court of record in any jurisdiction in the United 14  
States, or both. At least two of the years of practice or service 15  
that qualify a judge shall have been in this state. 16

Except as provided in section 1901.08 of the Revised Code, 17  
the first election of any newly created office of a municipal 18

judge shall be held at the next regular municipal election 19  
 occurring not less than one hundred days after the creation of the 20  
 office. Except as otherwise provided in division (G) of section 21  
 1901.01 of the Revised Code, the institution of a new municipal 22  
 court shall take place on the first day of January next after the 23  
 first election for the court." 24

Between lines 39385 and 39386, insert: 25

"Sec. 1907.13. A county court judge, at the time of filing a 26  
 nominating petition for the office or at the time of appointment 27  
 to the office and during the judge's term of office, shall be a 28  
 qualified elector and a resident of the county court district in 29  
 which the judge is elected or appointed. A county court judge does 30  
 not have to be a resident of an area of separate jurisdiction in 31  
 the county court district to which the judge may be assigned 32  
 pursuant to section 1907.15 of the Revised Code. Every county 33  
 court judge shall have been admitted to the practice of law in 34  
 this state and shall have been engaged, for a total of at least 35  
 six years preceding the judge's appointment or the commencement of 36  
 the judge's term, in the practice of law in ~~this state~~ any 37  
jurisdiction in the United States, except that the six-year 38  
 practice requirement does not apply to a county court judge who is 39  
 holding office on ~~the effective date of this amendment~~ July 2, 40  
2010, and who subsequently is a candidate for that office. At 41  
least two of the years of practice that qualify a judge shall have 42  
been in this state. 43

Judges shall be elected by the electors of the county court 44  
 district at the general election in even-numbered years as set 45  
 forth in section 1907.11 of the Revised Code for a term of six 46  
 years commencing on the first day of January following the 47  
 election for the county court or on the dates specified in section 48  
 1907.11 of the Revised Code for particular county court judges. 49

Their successors shall be elected in even-numbered years every six years. 50  
51

All candidates for county court judge shall be nominated by petition. The nominating petition shall be in the general form and signed and verified as prescribed by section 3513.261 of the Revised Code and shall be signed by the lesser of fifty qualified electors of the county court district or a number of qualified electors of the county court district not less than one per cent of the number of electors who voted for governor at the most recent regular state election in the district. A nominating petition shall not be accepted for filing or filed if it appears on its face to contain signatures aggregating in number more than twice the minimum aggregate number of signatures required by this section. A nominating petition shall be filed with the board of elections not later than four p.m. of the ninetieth day before the day of the general election." 52  
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Between lines 41331 and 41332, insert: 66

"Sec. 2301.01. There shall be a court of common pleas in each county held by one or more judges, each of whom has been admitted to practice as an attorney at law in this state and has, for a total of at least six years preceding the judge's appointment or commencement of the judge's term, engaged in the practice of law ~~in this state~~ or served as a judge of a court of record in any jurisdiction in the United States, or both, resides in ~~said~~ the county, and is elected by the electors therein. At least two of the years of practice or service that qualify a judge shall have been in this state. Each judge shall be elected for six years at the general election immediately preceding the year in which the term, as provided in sections 2301.02 and 2301.03 of the Revised Code, commences, and the judge's successor shall be elected at the general election immediately preceding the expiration of ~~such~~ that 67  
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term." 81

Between lines 43866 and 43867, insert: 82

"Sec. 2501.02. Each judge of a court of appeals shall have 83  
 been admitted to practice as an attorney at law in this state and 84  
 have, for a total of six years preceding the judge's appointment 85  
 or commencement of the judge's term, engaged in the practice of 86  
 law ~~in this state~~ or served as a judge of a court of record in any 87  
 jurisdiction in the United States, or both. At least two of the 88  
years of practice or service that qualify a judge shall have been 89  
in this state. One judge shall be chosen in each court of appeals 90  
 district every two years, and shall hold office for six years, 91  
 beginning on the ninth day of February next after the judge's 92  
 election. 93

In addition to the original jurisdiction conferred by Section 94  
 3 of Article IV, Ohio Constitution, the court shall have 95  
 jurisdiction upon an appeal upon questions of law to review, 96  
 affirm, modify, set aside, or reverse judgments or final orders of 97  
 courts of record inferior to the court of appeals within the 98  
 district, including the finding, order, or judgment of a juvenile 99  
 court that a child is delinquent, neglected, abused, or dependent, 100  
 for prejudicial error committed by such lower court. 101

The court, on good cause shown, may issue writs of 102  
 supersedeas in any case, and all other writs, not specially 103  
 provided for or prohibited by statute, necessary to enforce the 104  
 administration of justice." 105

Between lines 43952 and 43953, insert: 106

"Sec. 2503.01. The supreme court shall consist of a chief 107  
 justice and six justices, each of whom has been admitted to 108  
 practice as an attorney at law in this state and has, for a total 109

of at least six years preceding his appointment or commencement of 110  
his the justice's term, engaged in the practice of law ~~in this~~ 111  
state or served as a judge of a court of record in any 112  
jurisdiction of the United States, or both. At least two of the 113  
years of practice or service that qualify a justice shall have 114  
been in this state." 115

In line 131052, after "1901.02," insert "1901.06," 116

In line 131053, after "1901.262," insert "1907.13," 117

In line 131055, after "2152.72," insert "2301.01," 118

In line 131058, after "2335.06," insert "2501.02,"; after 119  
"2501.17," insert "2503.01," 120

In line 88 of the title, after "1901.02," insert "1901.06,"; 121  
after "1901.262," insert "1907.13," 122

In line 92 of the title, after "2152.72," insert "2301.01," 123

In line 96 of the title, after "2335.06," insert "2501.02,"; 124  
after "2501.17," insert "2503.01," 125

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

**Qualifications of Judges** 126

**R.C. 1901.06, 1907.13, 2301.01, 2501.02, and 2503.01** 127

Revises the "experience" criterion for holding judicial 128  
office by removing the requirement that the prior legal practice 129  
that satisfies the criterion has been in Ohio and by requiring 130  
that at least two of the six or more years of prior legal practice 131  
or prior service as a judge needed to satisfy the criterion has 132  
been in Ohio. 133



Sub. H.B. 153  
As Pending in S. Finance  
LSC 129 1066-6  
SC-4410

\_\_\_\_\_ moved to amend as follows:

Between lines 145034 and 145035, insert: 1

"Section 610.\_\_\_\_. That Section 5 of Am. Sub. S.B. 2 of the 2  
129th General Assembly be amended to read as follows: 3

Sec. 5. The enactment by this act of sections 107.51 to 4  
107.55 and 121.81 to 121.83 of the Revised Code ~~first and the~~ 5  
amendment by this act of section 119.032 of the Revised Code 6  
applies to a proposed rule, the original ~~and any revised~~ version 7  
of which is filed with the Joint Committee on Agency Rule Review 8  
on or after January 1, 2012, and to any rule that is ~~scheduled for~~ 9  
subjected to review under section 119.032 of the Revised Code on 10  
or after January 1, 2012. ~~If rule-making proceedings are commenced~~ 11  
~~and completed before January 1, 2012, sections~~ The enactment of 12  
sections 107.51 to 107.55 and 121.81 to 121.83 of the Revised Code 13  
and the amendment by this act of section 119.032 of the Revised 14  
Code do not apply to ~~the proceedings, and section 121.24 of the~~ 15  
~~Revised Code applies to the proceedings instead. If rule making~~ 16  
~~proceedings are commenced but not completed before January 1,~~ 17  
~~2012, section 121.24 of the Revised Code applies to the original~~ 18  
~~version of the proposed rule if it is filed with the Joint~~ 19

~~Committee before that date, and sections 107.51 to 107.55 and 20~~  
~~121.81 to 121.83 of the Revised Code apply to any revised version 21~~  
~~of the a proposed rule that is filed pending on or after that date 22~~  
January 1, 2012. 23

~~Section Notwithstanding its repeal by this act, section 24~~  
~~121.24 and sections 107.51 to 107.55 and 121.81 to 121.83 of the 25~~  
~~Revised Code do not continues to apply to a proposed rule that is 26~~  
~~deemed the original version of a proposed rule by the carry over 27~~  
~~provisions in division (I) (2) of section 119.03 of the Revised 28~~  
~~Code. Whether section 121.24 or sections 107.51 to 107.55 and 29~~  
~~121.81 to 121.83 of the Revised Code applied to such a proposed 30~~  
~~rule before its carry over, the results of that application are 31~~  
~~carried over with the proposed rule pending on January 1, 2012, 32~~  
until the rule-making proceedings are completed. 33

**Section 610.\_\_\_\_.** That existing Section 5 of Am. Sub. S.B. 2 34  
of the 129th General Assembly is hereby repealed." 35

In line 366 of the title, after the comma insert "Section 5 36  
of Am. Sub. S.B. 2 of the 129th General Assembly," 37

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

**Applicability of S.B. 2's New Business Rule Review Process 38**  
**Sections 610.\_\_\_\_ and 610.\_\_\_\_ 39**  
Provides that the new rule business review process 40  
established by Am. Sub. S.B. 2 of the 129th General Assembly does 41  
not apply to a proposed rule that is pending on January 1, 2011. 42  
Instead, the proposed rule continues to be reviewed under the 43

small business rule review process repealed by S.B. 2, until the 44  
rule-making proceedings are completed. S.B. 2 required certain 45  
state agencies to assess whether their proposed or existing 46  
administrative rules have an adverse impact on business, and 47  
eliminated the former small business rule review process. 48

Sub. H.B. 153  
As Pending in S. Finance  
LSC 129 1066-6  
SC-4411

\_\_\_\_\_ moved to amend as follows:

In line 405, after "118.99," insert "119.032," 1

Between lines 6391 and 6392, insert: 2

"Sec. 119.032. (A) As used in this section: 3

(1) "Agency" includes both an agency as defined in division 4  
(A) (2) of section 111.15 and an agency as defined in division (A) 5  
of section 119.01 of the Revised Code. 6

(2) "Review date" means the review date assigned to a rule by 7  
an agency under division (B) or (E) (2) of this section or under 8  
section 111.15, 119.04, or 4141.14 of the Revised Code or a review 9  
date assigned to a rule by the joint committee on agency rule 10  
review under division (B) of this section. 11

(3) (a) "Rule" means only a rule whose adoption, amendment, or 12  
rescission is subject to review under division (D) of section 13  
111.15 or division (H) of section 119.03 of the Revised Code. 14

(b) "Rule" does not include a rule adopted, amended, or 15  
rescinded by the department of taxation under section 5703.14 of 16  
the Revised Code, a rule of a state college or university, 17  
community college district, technical college district, or state 18  
community college, or a rule that is consistent with and 19

equivalent to the form required by a federal law and that does not  
exceed the minimum scope and intent of that federal law.

(B) Not later than March 25, 1997, each agency shall assign a  
review date to each of its rules that is currently in effect and  
shall notify the joint committee on agency rule review of the  
review date for each such rule. The agency shall assign review  
dates to its rules so that approximately one-fifth of the rules  
are scheduled for review during each calendar year of the  
five-year period that begins March 25, 1997, except that an  
agency, with the joint committee's approval, may set a review  
schedule for the agency's rules in which there is no requirement  
that approximately one-fifth of the agency's rules be assigned a  
review date during each calendar year of the five-year period but  
in which all of the agency's rules are assigned a review date  
during that five-year period. An agency may change the review  
dates it has assigned to specific rules so long as the agency  
complies with the five-year time deadline specified in this  
division.

Upon the request of the agency that adopted the rule, the  
joint committee on agency rule review may extend a review date of  
a rule to a date that is not later than one hundred eighty days  
after the original review date assigned to the rule by the agency  
under this division, division (E) (2) of this section, or section  
111.15, 119.04, or 4141.14 of the Revised Code. The joint  
committee may further extend a review date that has been extended  
under this paragraph if appropriate under the circumstances.

(C) Prior to the review date of a rule, the agency that  
adopted the rule shall review the rule to determine all of the  
following:

(1) Whether the rule should be continued without amendment,  
be amended, or be rescinded, taking into consideration the

purpose, scope, and intent of the statute under which the rule was adopted; 51  
52

(2) Whether the rule needs amendment or rescission to give more flexibility at the local level; 53  
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(3) Whether the rule needs amendment or rescission to eliminate unnecessary paperwork, or whether the rule incorporates a text or other material by reference and, if so, whether the text or other material incorporated by reference is deposited or displayed as required by section 121.74 of the Revised Code and whether the incorporation by reference meets the standards stated in sections 121.72, 121.75, and 121.76 of the Revised Code; 55  
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(4) Whether the rule duplicates, overlaps with, or conflicts with other rules; 62  
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(5) Whether the rule has an adverse impact on businesses, ~~as determined reviewing the rule as if it were a draft rule being reviewed under section sections 107.52 and 107.53~~ of the Revised Code, and whether any such adverse impact has been eliminated or reduced ~~as required under section 121.82 of the Revised Code.~~ 64  
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(D) In making the review required under division (C) of this section, the agency shall consider the continued need for the rule, the nature of any complaints or comments received concerning the rule, and any relevant factors that have changed in the subject matter area affected by the rule. 69  
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(E) (1) On or before the designated review date of a rule, the agency that adopted the rule shall proceed under division (E) (2) or (5) of this section to indicate that the agency has reviewed the rule. 74  
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(2) If the agency has determined that the rule does not need to be amended or rescinded, the agency shall file all the following, in electronic form, with the joint committee on agency 78  
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rule review, the secretary of state, and the director of the  
legislative service commission: a copy of the rule, a statement of  
the agency's determination, and an accurate rule summary and  
fiscal analysis for the rule as described in section 127.18 of the  
Revised Code. The agency shall assign a new review date to the  
rule, which shall not be later than five years after the rule's  
immediately preceding review date. After the joint committee has  
reviewed such a rule for the first time, including any rule that  
was in effect on September 26, 1996, the agency in its subsequent  
reviews of the rule may provide the same fiscal analysis it  
provided to the joint committee during its immediately preceding  
review of the rule unless any of the conditions described in  
division (B) (4), (5), (6), (8), (9), or (10) of section 127.18 of  
the Revised Code, as they relate to the rule, have appreciably  
changed since the joint committee's immediately preceding review  
of the rule. If any of these conditions, as they relate to the  
rule, have appreciably changed, the agency shall provide the joint  
committee with an updated fiscal analysis for the rule. If no  
review date is assigned to a rule, or if a review date assigned to  
a rule exceeds the five-year maximum, the review date for the rule  
is five years after its immediately preceding review date. The  
joint committee shall give public notice in the register of Ohio  
of the agency's determination after receiving a notice from the  
agency under division (E) (2) of this section. The joint committee  
shall transmit a copy of the notice in electronic form to the  
director of the legislative service commission. The director shall  
publish the notice in the register of Ohio for four consecutive  
weeks after its receipt.

(3) During the ninety-day period following the date the joint  
committee receives a notice under division (E) (2) of this section  
but after the four-week period described in division (E) (2) of  
this section has ended, the joint committee, by a two-thirds vote

of the members present, may recommend the adoption of a concurrent  
resolution invalidating the rule if the joint committee determines  
that any of the following apply:

(a) The agency improperly applied the criteria described in  
divisions (C) and (D) of this section in reviewing the rule and in  
recommending its continuance without amendment or rescission.

(b) The agency failed to file proper notice with the joint  
committee regarding the rule, or if the rule incorporates a text  
or other material by reference, the agency failed to file, or to  
deposit or display, the text or other material incorporated by  
reference as required by section 121.73 or 121.74 of the Revised  
Code or the incorporation by reference fails to meet the standards  
stated in section 121.72, 121.75, or 121.76 of the Revised Code.

(c) The rule has an adverse impact on businesses, as  
determined under section 107.52 of the Revised Code, and the  
agency has not eliminated or reduced that impact as required under  
section 121.82 of the Revised Code.

(4) If the joint committee does not take the action described  
in division (E)(3) of this section regarding a rule during the  
ninety-day period after the date the joint committee receives a  
notice under division (E)(2) of this section regarding that rule,  
the rule shall continue in effect without amendment and shall be  
next reviewed by the joint committee by the date designated by the  
agency in the notice provided to the joint committee under  
division (E)(2) of this section.

(5) If the agency has determined that a rule reviewed under  
division (C) of this section needs to be amended or rescinded, the  
agency, on or before the rule's review date, shall file the rule  
as amended or rescinded in accordance with section 111.15, 119.03,  
or 4141.14 of the Revised Code, as applicable.



(6) Each agency shall provide the joint committee with a copy of the rules that it has determined are rules described in division (A) (3) (b) of this section. At a time the joint committee designates, each agency shall appear before the joint committee and explain why it has determined that such rules are rules described in division (A) (3) (b) of this section. The joint committee, by a two-thirds vote of the members present, may determine that any of such rules are rules described in division (A) (3) (a) of this section. After the joint committee has made such a determination relating to a rule, the agency shall thereafter treat the rule as a rule described in division (A) (3) (a) of this section.

(F) If an agency fails to provide the notice to the joint committee required under division (E) (2) of this section regarding a rule or otherwise fails by the rule's review date to take any action regarding the rule required by this section, the joint committee, by a majority vote of the members present, may recommend the adoption of a concurrent resolution invalidating the rule. The joint committee shall not recommend the adoption of such a resolution until it has afforded the agency the opportunity to appear before the joint committee to show cause why the joint committee should not recommend the adoption of such a resolution regarding that rule.

(G) If the joint committee recommends adoption of a concurrent resolution invalidating a rule under division (E) (3) or (F) of this section, the adoption of the concurrent resolution shall be in the manner described in division (I) of section 119.03 of the Revised Code."

In line 130992, after "118.99," insert "119.032,"

Between lines 147535 and 147536, insert:

"Section 803.\_\_\_\_. The amendment by this act to section

119.032 of the Revised Code does not accelerate the taking effect 174  
of the amendment to that section by S.B. 2 of the 129th General 175  
Assembly, which takes effect January 1, 2012." 176

In line 7 of the title, after "118.99," insert "119.032," 177

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

**Adverse Impact on Businesses Rule Review Process 178**

**R.C. 119.032 179**

Requires agencies that are reviewing rules under the Cyclical 180  
Review of Rules Act (R.C. 119.032) to determine whether a rule has 181  
an adverse impact on businesses to review the rule as if it were a 182  
draft rule that must be reviewed under laws that define what an 183  
adverse impact on business means and that require the use of a 184  
business impact analysis instrument to evaluate the rule (R.C. 185  
107.52 and 107.53). The effect of the amendment is that both rules 186  
that are going to be amended or rescinded and no change rules 187  
would be subject to this review process. 188

Sub. H.B. 153  
As Pending in S. Finance  
LSC 129 1066-6  
SC-4419

\_\_\_\_\_ moved to amend as follows:

In line 465, after "1901.262," insert "1905.01," 1

Between lines 39385 and 39386, insert: 2

"Sec. 1905.01. (A) In Georgetown in Brown county, in Mount 3  
Gilead in Morrow county, and in all other municipal corporations 4  
having a population of more than one hundred fifty, other than 5  
Batavia in Clermont county, not being the site of a municipal 6  
court nor a place where a judge of the Auglaize county, Crawford 7  
county, Jackson county, Miami county, Montgomery county, Portage 8  
county, or Wayne county municipal court sits as required pursuant 9  
to section 1901.021 of the Revised Code or by designation of the 10  
judges pursuant to section 1901.021 of the Revised Code, the mayor 11  
of the municipal corporation has jurisdiction, except as provided 12  
in divisions (B), (C), and (E) of this section and subject to the 13  
limitation contained in section 1905.03 and the limitation 14  
contained in section 1905.031 of the Revised Code, to hear and 15  
determine any prosecution for the violation of an ordinance of the 16  
municipal corporation, to hear and determine any case involving a 17  
violation of a vehicle parking or standing ordinance of the 18  
municipal corporation unless the violation is required to be 19  
handled by a parking violations bureau or joint parking violations 20

bureau pursuant to Chapter 4521. of the Revised Code, and to hear 21  
and determine all criminal causes involving any moving traffic 22  
violation occurring on a state highway located within the 23  
boundaries of the municipal corporation, subject to the 24  
limitations of sections 2937.08 and 2938.04 of the Revised Code. 25

(B) (1) In Georgetown in Brown county, in Mount Gilead in 26  
Morrow county, and in all other municipal corporations having a 27  
population of more than one hundred fifty, other than Batavia in 28  
Clermont county, not being the site of a municipal court nor a 29  
place where a judge of a court listed in division (A) of this 30  
section sits as required pursuant to section 1901.021 of the 31  
Revised Code or by designation of the judges pursuant to section 32  
1901.021 of the Revised Code, the mayor of the municipal 33  
corporation has jurisdiction, subject to the limitation contained 34  
in section 1905.03 of the Revised Code, to hear and determine 35  
prosecutions involving a violation of an ordinance of the 36  
municipal corporation relating to operating a vehicle while under 37  
the influence of alcohol, a drug of abuse, or a combination of 38  
them or relating to operating a vehicle with a prohibited 39  
concentration of alcohol, a controlled substance, or a metabolite 40  
of a controlled substance in the whole blood, blood serum or 41  
plasma, breath, or urine, and to hear and determine criminal 42  
causes involving a violation of section 4511.19 of the Revised 43  
Code that occur on a state highway located within the boundaries 44  
of the municipal corporation, subject to the limitations of 45  
sections 2937.08 and 2938.04 of the Revised Code, only if the 46  
person charged with the violation, within six years of the date of 47  
the violation charged, has not been convicted of or pleaded guilty 48  
to any of the following: 49

(a) A violation of an ordinance of any municipal corporation 50  
relating to operating a vehicle while under the influence of 51

alcohol, a drug of abuse, or a combination of them or relating to 52  
operating a vehicle with a prohibited concentration of alcohol, a 53  
controlled substance, or a metabolite of a controlled substance in 54  
the whole blood, blood serum or plasma, breath, or urine; 55

(b) A violation of section 4511.19 of the Revised Code; 56

(c) A violation of any ordinance of any municipal corporation 57  
or of any section of the Revised Code that regulates the operation 58  
of vehicles, streetcars, and trackless trolleys upon the highways 59  
or streets, to which all of the following apply: 60

(i) The person, in the case in which the conviction was 61  
obtained or the plea of guilty was entered, had been charged with 62  
a violation of an ordinance of a type described in division 63  
(B)(1)(a) of this section, or with a violation of section 4511.19 64  
of the Revised Code; 65

(ii) The charge of the violation described in division 66  
(B)(1)(c)(i) of this section was dismissed or reduced; 67

(iii) The violation of which the person was convicted or to 68  
which the person pleaded guilty arose out of the same facts and 69  
circumstances and the same act as did the charge that was 70  
dismissed or reduced. 71

(d) A violation of a statute of the United States or of any 72  
other state or a municipal ordinance of a municipal corporation 73  
located in any other state that is substantially similar to 74  
section 4511.19 of the Revised Code. 75

(2) The mayor of a municipal corporation does not have 76  
jurisdiction to hear and determine any prosecution or criminal 77  
cause involving a violation described in division (B)(1)(a) or (b) 78  
of this section, regardless of where the violation occurred, if 79  
the person charged with the violation, within six years of the 80  
violation charged, has been convicted of or pleaded guilty to any 81

violation listed in division (B) (1) (a), (b), (c), or (d) of this section. 82  
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If the mayor of a municipal corporation, in hearing a prosecution involving a violation of an ordinance of the municipal corporation the mayor serves relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or relating to operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine, or in hearing a criminal cause involving a violation of section 4511.19 of the Revised Code, determines that the person charged, within six years of the violation charged, has been convicted of or pleaded guilty to any violation listed in division (B) (1) (a), (b), (c), or (d) of this section, the mayor immediately shall transfer the case to the county court or municipal court with jurisdiction over the violation charged, in accordance with section 1905.032 of the Revised Code. 84  
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(C) (1) In Georgetown in Brown county, in Mount Gilead in Morrow county, and in all other municipal corporations having a population of more than one hundred fifty, other than Batavia in Clermont county, not being the site of a municipal court and not being a place where a judge of a court listed in division (A) of this section sits as required pursuant to section 1901.021 of the Revised Code or by designation of the judges pursuant to section 1901.021 of the Revised Code, the mayor of the municipal corporation, subject to sections 1901.031, 2937.08, and 2938.04 of the Revised Code, has jurisdiction to hear and determine prosecutions involving a violation of a municipal ordinance that is substantially equivalent to division (A) of section 4510.14 or section 4510.16 of the Revised Code and to hear and determine criminal causes that involve a moving traffic violation, that 99  
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involve a violation of division (A) of section 4510.14 or section 113  
 4510.16 of the Revised Code, and that occur on a state highway 114  
 located within the boundaries of the municipal corporation only if 115  
 all of the following apply regarding the violation and the person 116  
 charged: 117

(a) Regarding a violation of section 4510.16 of the Revised 118  
 Code or a violation of a municipal ordinance that is substantially 119  
 equivalent to that division, the person charged with the 120  
 violation, within six years of the date of the violation charged, 121  
 has not been convicted of or pleaded guilty to any of the 122  
 following: 123

(i) A violation of section 4510.16 of the Revised Code; 124

(ii) A violation of a municipal ordinance that is 125  
 substantially equivalent to section 4510.16 of the Revised Code; 126

(iii) A violation of any municipal ordinance or section of 127  
 the Revised Code that regulates the operation of vehicles, 128  
 streetcars, and trackless trolleys upon the highways or streets, 129  
 in a case in which, after a charge against the person of a 130  
 violation of a type described in division (C) (1) (a) (i) or (ii) of 131  
 this section was dismissed or reduced, the person is convicted of 132  
 or pleads guilty to a violation that arose out of the same facts 133  
 and circumstances and the same act as did the charge that was 134  
 dismissed or reduced. 135

(b) Regarding a violation of division (A) of section 4510.14 136  
 of the Revised Code or a violation of a municipal ordinance that 137  
 is substantially equivalent to that division, the person charged 138  
 with the violation, within six years of the date of the violation 139  
 charged, has not been convicted of or pleaded guilty to any of the 140  
 following: 141

(i) A violation of division (A) of section 4510.14 of the 142  
 Revised Code; 143

(ii) A violation of a municipal ordinance that is 144  
substantially equivalent to division (A) of section 4510.14 of the 145  
Revised Code; 146

(iii) A violation of any municipal ordinance or section of 147  
the Revised Code that regulates the operation of vehicles, 148  
streetcars, and trackless trolleys upon the highways or streets in 149  
a case in which, after a charge against the person of a violation 150  
of a type described in division (C)(1)(b)(i) or (ii) of this 151  
section was dismissed or reduced, the person is convicted of or 152  
pleads guilty to a violation that arose out of the same facts and 153  
circumstances and the same act as did the charge that was 154  
dismissed or reduced. 155

(2) The mayor of a municipal corporation does not have 156  
jurisdiction to hear and determine any prosecution or criminal 157  
cause involving a violation described in division (C)(1)(a)(i) or 158  
(ii) of this section if the person charged with the violation, 159  
within six years of the violation charged, has been convicted of 160  
or pleaded guilty to any violation listed in division 161  
(C)(1)(a)(i), (ii), or (iii) of this section and does not have 162  
jurisdiction to hear and determine any prosecution or criminal 163  
cause involving a violation described in division (C)(1)(b)(i) or 164  
(ii) of this section if the person charged with the violation, 165  
within six years of the violation charged, has been convicted of 166  
or pleaded guilty to any violation listed in division 167  
(C)(1)(b)(i), (ii), or (iii) of this section. 168

(3) If the mayor of a municipal corporation, in hearing a 169  
prosecution involving a violation of an ordinance of the municipal 170  
corporation the mayor serves that is substantially equivalent to 171  
division (A) of section 4510.14 or section 4510.16 of the Revised 172  
Code or a violation of division (A) of section 4510.14 or section 173  
4510.16 of the Revised Code, determines that, under division 174



(C) (2) of this section, mayors do not have jurisdiction of the 175  
prosecution, the mayor immediately shall transfer the case to the 176  
county court or municipal court with jurisdiction over the 177  
violation in accordance with section 1905.032 of the Revised Code. 178

(D) If the mayor of a municipal corporation has jurisdiction 179  
pursuant to division (B) (1) of this section to hear and determine 180  
a prosecution or criminal cause involving a violation described in 181  
division (B) (1) (a) or (b) of this section, the authority of the 182  
mayor to hear or determine the prosecution or cause is subject to 183  
the limitation contained in division (C) of section 1905.03 of the 184  
Revised Code. If the mayor of a municipal corporation has 185  
jurisdiction pursuant to division (A) or (C) of this section to 186  
hear and determine a prosecution or criminal cause involving a 187  
violation other than a violation described in division (B) (1) (a) 188  
or (b) of this section, the authority of the mayor to hear or 189  
determine the prosecution or cause is subject to the limitation 190  
contained in division (C) of section 1905.031 of the Revised Code. 191

(E) (1) The mayor of a municipal corporation does not have 192  
jurisdiction to hear and determine any prosecution or criminal 193  
cause involving any of the following: 194

(a) A violation of section 2919.25 or 2919.27 of the Revised 195  
Code; 196

(b) A violation of section 2903.11, 2903.12, 2903.13, 197  
2903.211, or 2911.211 of the Revised Code that involves a person 198  
who was a family or household member of the defendant at the time 199  
of the violation; 200

(c) A violation of a municipal ordinance that is 201  
substantially equivalent to an offense described in division 202  
(E) (1) (a) or (b) of this section and that involves a person who 203  
was a family or household member of the defendant at the time of 204  
the violation. 205

(2) The mayor of a municipal corporation does not have jurisdiction to hear and determine a motion filed pursuant to section 2919.26 of the Revised Code or filed pursuant to a municipal ordinance that is substantially equivalent to that section or to issue a protection order pursuant to that section or a substantially equivalent municipal ordinance.

(3) As used in this section, "family or household member" has the same meaning as in section 2919.25 of the Revised Code.

(F) In keeping a docket and files, the mayor, and a mayor's court magistrate appointed under section 1905.05 of the Revised Code, shall be governed by the laws pertaining to county courts."

In line 131053, after "1901.262," insert "1905.01,"

In line 88 of the title, after "1901.262," insert "1905.01,"

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

Mayor's Court -- Jurisdiction in Ordinance Cases and Traffic Violations

R.C. 1905.01

Increases from 100 to 150 the population that a municipal corporation other than Georgetown in Brown County, Mount Gilead in Morrow County, or Batavia in Clermont County must have in order to establish a mayor's court.

Sub. H.B. 153  
As Pending in S. Finance  
LSC 129 1066-6  
SC-4420

\_\_\_\_\_ moved to amend as follows:

In line 546, after "5101.30," insert "5101.342," 1

Between lines 96321 and 96322, insert: 2

"Sec. 5101.342. The Ohio commission on fatherhood shall do 3  
both of the following: 4

(A) Organize a state summit on fatherhood every four years; 5

(B) ~~(1)~~ Prepare a report each year that ~~identifies~~ does the 6  
following: 7

(1) Identifies resources available to fund fatherhood-related 8  
programs and explores the creation of initiatives to do the 9  
following: 10

(a) Build the parenting skills of fathers; 11

(b) Provide employment-related services for low-income, 12  
noncustodial fathers; 13

(c) Prevent premature fatherhood; 14

(d) Provide services to fathers who are inmates in or have 15  
just been released from imprisonment in a state correctional 16  
institution, as defined in section 2967.01 of the Revised Code, or 17  
in any other detention facility, as defined in section 2921.01 of 18

the Revised Code, so that they are able to maintain or reestablish  
their relationships with their families; 19  
20

(e) Reconcile fathers with their families; 21

(f) Increase public awareness of the critical role fathers  
play. 22  
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(2) Describes the commission's expectations for the outcomes  
of fatherhood-related programs and initiatives and the methods the  
commission uses for conducting annual measures of those outcomes. 24  
25  
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(C) The portion of the report prepared pursuant to division  
(B)(2) of this section shall be prepared by the commission in  
collaboration with the director of job and family services. 27  
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(D) The commission shall submit each report prepared pursuant  
to division (B)(1) of this section to the president and minority  
leader of the senate, speaker and minority leader of the house of  
representatives, governor, and chief justice of the supreme court.  
The first report is due not later than one year after the last of  
the initial appointments to the commission is made under section  
5101.341 of the Revised Code. 30  
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In line 131135, after "5101.30," insert "5101.342," 37

In line 131198, delete "5101.34," 38

In line 131199, delete "5101.341, 5101.342, 5101.343," 39

Between lines 140038 and 140039, insert: 40

"Section 309.40. \_\_\_\_ . OHIO COMMISSION ON FATHERHOOD 41

Of the foregoing appropriation item 600689, TANF Block Grant,  
\$1,000,000 in each fiscal year shall be provided to the Ohio  
Commission on Fatherhood." 42  
43  
44

In line 201 of the title, after "5101.30," insert "5101.342," 45

In line 358 of the title, delete "5101.34, 5101.341," 46

5101.342, 5101.343,"

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The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

<b>Ohio Commission on Fatherhood</b>	48
<b>R.C. 5101.34, 5101.341, 5101.342, and 5101.343</b>	49
Removes the Senate committee provision that would have eliminated the Ohio Commission on Fatherhood.	50 51
Requires the Commission to collaborate with the Director of Job and Family Services to establish outcomes and annual measures for fatherhood-related programs and initiatives and to report the results with its existing annual report that is to be submitted to the President and Minority Leader of the Senate, Speaker and Minority Leader of the House of Representatives, Governor, and Chief Justice of the Supreme Court.	52 53 54 55 56 57 58
<b>Department of Job and Family Services</b>	59
<b>Section 309.40.____</b>	60
Earmarks \$1 million of line item 600689, TANF Block Grant, in each fiscal year for the Ohio Commission on Fatherhood.	61 62

Sub. H.B. 153  
As Pending in S. Finance  
LSC 129 1066-6  
SC-4452

\_\_\_\_\_ moved to amend as follows:

In line 619, after "118.31," insert "123.101," 1

Between lines 8672 and 8673, insert: 2

"Sec. 123.101. (A) As used in this section: 3

"Capital facilities project" means the construction, 4  
reconstruction, improvement, enlargement, alteration, or repair of 5  
a building by a public entity. 6

"Public entity" includes a state agency, county, township, 7  
municipal corporation, school district, state institution of 8  
higher education, or any other political subdivision of the state. 9

"State institution of higher education" has the same meaning 10  
as in section 3345.011 of the Revised Code. 11

(B) Commencing not later than July 1, 2012, and upon 12  
completion of a capital facilities project that is funded wholly 13  
or in part using state funds, each public entity shall submit a 14  
report about the project to the director of administrative 15  
services. The report shall be submitted in Ohio administrative 16  
knowledge system capital improvement format or in a manner 17  
determined by the director and not later than thirty days after 18  
the project is complete. The report shall provide the total 19

original contract bid, total cost of change orders, total actual 20  
cost of the project, total costs incurred for mediation and 21  
litigation services, and any other data requested by the director. 22  
The first report submitted pursuant to this division shall include 23  
information about any capital facilities project completed on or 24  
after July 1, 2011. 25

(C) Commencing not later than July 1, 2012, and annually 26  
thereafter, the attorney general shall report to the director on 27  
any mediation and litigation costs associated with capital 28  
facilities projects for which a judgment has been rendered. The 29  
report shall be submitted in a manner prescribed by the director 30  
and shall contain any information requested by the director 31  
related to capital facilities project mediation and litigation 32  
costs. 33

(D) As soon as practicable after such information is made 34  
available, the director of administrative services shall 35  
incorporate the information reported pursuant to divisions (B) and 36  
(C) of this section into the Ohio administrative knowledge 37  
system." 38

In line 296 of the title, after "118.31," insert "123.101," 39

The motion was \_\_\_\_\_ agreed to.

#### SYNOPSIS

**OAKS Capital Project Reporting Requirements** 40

**R.C. 123.101** 41

Requires public entities to submit a report to the Director 42  
of Administrative Services upon completion of each capital 43  
facilities project funded wholly or in part with state funds. 44

Requires the Attorney General to submit an annual report to 45  
the Director on any mediation and litigation costs associated with 46  
capital facilities projects for which a judgment has been 47  
rendered. 48

Requires the Director to incorporate the information received 49  
from the reports submitted by public entities and the Attorney 50  
General into the Ohio Administrative Knowledge System (OAKS). 51

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6 \_\_\_\_\_ moved to amend as follows:

7 In line 94802, after "Code" insert "that involve supporting  
8 retail natural gas competition"

9 The motion was \_\_\_\_\_ agreed to.

10 SYNOPSIS

11 **Consumers' Counsel to Follow Natural Gas Policies**

12 **R.C. 4911.02**

13 Modifies a provision of the bill requiring the Consumers'  
14 Counsel to follow current state policies regarding natural gas  
15 to specify that the policies are those that involve supporting  
16 natural gas competition.

6 \_\_\_\_\_ moved to amend as follows:

7 In line 65453, after the underlined period insert "However,  
8 if a teacher who takes a prescribed examination under this  
9 division passes that examination and provides proof of that  
10 passage to the teacher's employer, the teacher shall not be  
11 required to take the examination again for three years,  
12 regardless of the performance index score ranking of the  
13 building in which the teacher teaches. No teacher shall be  
14 responsible for the cost of taking an examination under this  
15 division."

16 The motion was \_\_\_\_\_ agreed to.

17 SYNOPSIS

18 **Retesting Teachers**

19 **R.C. 3319.58**

20 With respect to the bill's provision requiring each core  
21 subject area teacher in a building that is ranked by performance  
22 index score in the lowest 10% of public schools to retake all  
23 exams needed for licensure in the teacher's subject area and  
24 grade level:

25           (1) Specifies that a teacher who retakes an exam and  
26 provides proof of passing the exam to the teacher's employer is  
27 not required to retake the exam again for three years, even if  
28 the teacher's building remains ranked in the lowest 10% of  
29 public schools; and

30           (2) Specifies that the teacher is not responsible for the  
31 cost of the exam.

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Sub. H.B. 153  
As Pending in S. Finance  
LSC 129 1066-6  
SC-4469  
OBM163

7 \_\_\_\_\_ moved to amend as follows:

8       In line 1271, after "(K)" insert "Any action asserting that  
9 section 9.06 of the Revised Code or section 753.10 of the act in  
10 which this amendment was adopted violates any provision of the  
11 Ohio constitution and any claim asserting that any action taken  
12 by the governor or the department of administrative services or  
13 the department of rehabilitation and correction pursuant to  
14 section 9.06 of the Revised Code or section 753.10 of the act in  
15 which this amendment was adopted violates any provision of the  
16 Ohio constitution or any provision of the Revised Code shall be  
17 brought in the court of common pleas of Franklin county. The  
18 court shall give any action filed pursuant to this division  
19 priority over all other civil cases pending on its docket and  
20 expeditiously make a determination on the claim. If an appeal  
21 is taken from any final order issued in a case brought pursuant  
22 to this division, the court of appeals shall give the case  
23 priority over all other civil cases pending on its docket and  
24 expeditiously make a determination on the appeal.



6 \_\_\_\_\_ moved to amend as follows:

7 Between lines 145725 and 145726, insert:

8 "Section 701.\_\_\_\_. Within thirty days after the effective  
9 date of this section, the Department of Administrative Services  
10 shall begin developing recommendations for a state government  
11 reorganization plan focused on increased efficiencies in the  
12 operation of state government and a reduced number of state  
13 agencies. The Department shall present its recommendations to  
14 the Speaker of the House of Representatives, the President of  
15 the Senate, the Minority Leader of the House of Representatives,  
16 and the Minority Leader of the Senate not later than January 1,  
17 2012."

18 The motion was \_\_\_\_\_ agreed to.

19 SYNOPSIS

20 **Department of Administrative Services' Recommendations for**  
21 **a State Government Reorganization Plan**

22 **Section 701.\_\_\_\_**

23 Requires the Department of Administrative Services to  
24 recommend, by January 1, 2012, to the leaders of the General  
25 Assembly a state government reorganization plan focused on  
26 increased efficiencies in the operation of state government and  
27 a reduced number of state agencies.

6 \_\_\_\_\_ moved to amend as follows:

7 In line 137019, delete "The" and insert "Notwithstanding  
8 division (D) (5) of section 3317.018 of the Revised Code, the"

9 The motion was \_\_\_\_\_ agreed to.

10 SYNOPSIS

11 **Gifted Units for Educational Service Centers**

12 **Section 267.30.40**

13 Makes a technical change to emphasize that the bill's  
14 specific earmark of gifted unit funding for educational service  
15 centers for FY 2012 and FY 2013 is not nullified by the bill's  
16 general prohibition against the payment of gifted units.

6 \_\_\_\_\_ moved to amend as follows:

7 In line 56977, after "Code" insert ", or at least seventy-  
8 five per cent of the school's total enrollment will be children  
9 identified as gifted under Chapter 3324. of the Revised Code"

10 In line 56980, after "need" insert "in that region"; delete  
11 "in that"

12 In line 56981, delete "region" and insert "or a school  
13 serving children identified as gifted"

14 The motion was \_\_\_\_\_ agreed to.

15 SYNOPSIS

16 **Community Schools Established Outside Challenged Districts**

17 **R.C. 3314.02 (G)**

18 Expands the substitute bill's authorization of new start-up  
19 community schools outside of challenged districts to include  
20 community schools (1) in which at least 75% of the enrollment  
21 will be children identified as gifted and (2) the school  
22 district in which the school will be located, or the Department  
23 of Education, certifies that there is a need in that region for  
24 a school serving gifted children. (The substitute bill includes  
25 a similar provision for schools that will primarily serve  
26 children with disabilities.)



Am. Sub. H.B. 153  
As Passed by the House  
SC-4478

\_\_\_\_\_ moved to amend as follows:

In line 135355, delete "\$20,000,000 \$30,000,000" and insert 1  
"\$10,000,000 \$20,000,000" 2

Between lines 135355a and 135356, insert: 3  
"5HR0195622 Defense Development \$ 10,000,000 \$ 10,000,000" 4  
Assistance

In line 135622, delete "\$20,000,000" and insert "\$10,000,000" 5

In line 135627, delete "\$30,000,000" and insert "\$20,000,000" 6

In line 135632, delete "\$20,000,000" and insert "\$10,000,000" 7

In line 135633, delete "\$30,000,000" and insert "\$20,000,000" 8

Between lines 135656 and 135657, insert: 9

"DEFENSE DEVELOPMENT ASSISTANCE 10

On July 1 of each fiscal year, or as soon as possible 11  
thereafter, the Director of Budget and Management shall transfer 12  
\$10,000,000 in cash from the Economic Development Projects Fund 13  
(Fund 5JC0) used by the Board of Regents to the Ohio Incumbent 14  
Workforce Job Training Fund (Fund 5HR0) used by the Department of 15  
Development. The transferred funds are hereby appropriated in 16  
appropriation item 195622, Defense Development Assistance. 17

The foregoing appropriation item 195622, Defense Development 18

Assistance, shall be used for economic development programs and  
the creation of new jobs to leverage and support mission gains at  
Department of Defense facilities in Ohio by working with future  
base realignment and closure activities and ongoing Department of  
Defense efficiency initiatives, assisting efforts to secure  
Department of Defense support contracts for Ohio companies,  
assessing and supporting regional job training and workforce  
development needs generated by the Department of Defense and the  
Ohio aerospace industry, and for expanding job training and  
economic development programs in human performance related  
initiatives. These funds shall be matched by private industry  
partners or the Department of Defense in an aggregate amount of  
\$6,000,000 over the FY 2012-FY 2013 biennium."

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The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

**Department of Development** 32

**Sections 261.10 and 261.20.90** 33

Reduces Fund 5HR0 appropriation item 195526, Ohio Workforce  
Job Training, by \$10,000,000 in each fiscal year and  
correspondingly reduces the amounts specified for the Ohio  
Incumbent Worker Training Voucher Program in temporary law.  
Requires the Director of Budget and Management to transfer  
\$10,000,000 in each fiscal year from the Economic Development  
Projects Fund (Fund 5JC0) to the Ohio Incumbent Workforce Job  
Training Fund (Fund 5HR0), appropriates those amounts in Fund 5HR0  
appropriation item 195622, Defense Development Assistance,  
earmarks the appropriation item for specified job creation and  
economic development purposes related to Department of Defense

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facilities in Ohio, and requires these amounts to be used in  
conjunction with private or Department of Defense funding.

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Sub. H.B. 153  
As Pending in S. Finance  
LSC 129 1066-6  
SC-4486-1

\_\_\_\_\_ moved to amend as follows:

In line 135355, delete "\$20,000,000 \$30,000,000" and insert	1
"\$16,000,000 \$26,000,000"	2
In lines 135364 and 135387, subtract \$4,000,000 from each	3
fiscal year	4
In line 135622, delete "\$20,000,000" and insert "\$16,000,000"	5
In line 135627, delete "\$30,000,000" and insert "\$26,000,000"	6
In line 135632, delete "\$20,000,000" and insert "\$16,000,000"	7
In line 135633, delete "\$30,000,000" and insert "\$26,000,000"	8
Between lines 141548b and 141549, insert:	9
"5JC0 235668 Air Force Institute     \$     4,000,000 \$     4,000,000"	10
of Technology -	
Defense/Aerospace	
Graduate Studies	
Institute	
In lines 141550 and 141577, add \$4,000,000 to each fiscal	11
year	12
Between lines 142643 and 142644, insert:	13
"Section 371. __. __. AIR FORCE INSTITUTE OF TECHNOLOGY -	14

DEFENSE/AEROSPACE GRADUATE STUDIES INSTITUTE 15

The foregoing appropriation item 235668, Air Force Institute 16  
of Technology - Defense/Aerospace Graduate Studies Institute, 17  
shall be used by the Defense/Aerospace Graduate Studies Institute 18  
to strengthen regional job training, equip Ohio's workforce with 19  
needed skills, and strengthen the research and educational 20  
linkages among Department of Defense facilities in Ohio, 21  
institutions of higher education in Ohio, and available industry 22  
jobs in Ohio. These funds shall be matched by private industry 23  
partners or the Department of Defense in the aggregate amount of 24  
\$2,500,000 over the FY 2012 - FY 2013 biennium." 25

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

**Board of Regents and Department of Development** 26

**Sections 261.10, 261.20.90, 371.10, and 371.\_\_\_\_.** 27

Creates in Board of Regents GSF Fund 5JC0 appropriation item 28  
235668, Air Force Institute of Technology-Defense/Aerospace 29  
Graduate Studies Institute, with an appropriation of \$4,000,000 in 30  
each fiscal year. 31

Specifies that item is to be used by the Defense/Aerospace 32  
Graduate Studies Institute to strengthen regional job training, 33  
equip Ohio's workforce with needed skills, and strengthen the 34  
research and educational linkages among Ohio's Department of 35  
Defense facilities, institutions of higher education, and 36  
available industry jobs. 37

Decreases SSR Fund 5HR0 appropriation item 195526, Ohio 38  
Workforce Job Training, by \$4,000,000 in each fiscal year and 39

reduces the transfer from the Economic Development Programs Fund 40  
(Fund 5JC0) to Fund 5HR0 by the same amount. Requires industry 41  
partners or the Department of Defense to provide \$2.5 million in 42  
matching funds over the biennium. 43

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6 \_\_\_\_\_ moved to amend as follows:

7 In line 69430, delete "shall" and insert "may"

8 In line 69435, delete the first "or" and insert an  
9 underlined comma; after "formulas" insert an underlined comma;  
10 delete "a grant of"

11 The motion was \_\_\_\_\_ agreed to.

12 SYNOPSIS

13 **BCMH Manufacturer Discount Program**

14 **R.C. 3701.023**

15 For purposes of the drug and nutritional formula discount  
16 program the Department of Health may establish under the bill,  
17 permits (rather than requires) a manufacturer and the Department  
18 to negotiate the amount and terms of the discount to be provided  
19 under by the manufacturer under a discount agreement.

20 In lieu of the Department establishing a drug and  
21 nutritional formula discount program, permits a manufacturer and  
22 the Department to discuss a donation of, among other things,  
23 money (as opposed to a "grant of money" as specified in the  
24 bill).

Sub. H.B. 153  
As Pending in S. Finance  
LSC 129 1066-6  
SC-4495

\_\_\_\_\_ moved to amend as follows:

In line 544, after "4911.02," insert "4927.17," 1

Between lines 94806 and 94807, insert: 2

"Sec. 4927.17. (A) Except as provided in sections 4927.07 and 3  
4927.12 of the Revised Code and, ~~if applicable, under rules~~ 4  
~~adopted by the public utilities commission for the pilot program~~ 5  
~~for community voicemail service created in S.B. 162 of the 128th~~ 6  
~~general assembly,~~ a telephone company shall provide at least 7  
fifteen days' advance notice to its affected customers of any 8  
material change in the rates, terms, and conditions of a service 9  
and any change in the company's operations that are not 10  
transparent to customers and may impact service. 11

(B) A telephone company shall inform its customers of the 12  
commission's toll-free number and e-mail address on all bills and 13  
disconnection notices and any residential customers of the office 14  
of the consumers' counsel's toll-free number and e-mail address on 15  
all residential bills and disconnection notices." 16

In line 131132, after "4911.02," insert "4927.17," 17

Between lines 141434 and 141436, insert: 18

"COMMUNITY-VOICEMAIL SERVICE PILOT PROGRAM 19



The Community-voicemail Service Pilot Program assessments 20  
 authorized by Section 6 of Sub. S.B. 162 of the 128th General 21  
 Assembly shall cease. These assessments shall be refunded without 22  
 interest to those assessed under the program by the Public 23  
 Utilities Commission within 60 days of the effective date of this 24  
 section." 25

Between lines 145346 and 145347, insert: 26

"Section 620.\_\_. That Section 5 of Sub. S.B. 162 of the 128th 27  
 General Assembly be amended to read as follows: 28

Sec. 5. (A) There is hereby created the Select Committee on 29  
 Telecommunications Regulatory Reform consisting of the following 30  
 members: 31

(1) The chairperson and ranking minority member of the 32  
 committee in the Senate to which legislation pertaining to public 33  
 utilities is referred; 34

(2) The chairperson and ranking minority member of the 35  
 committee in the House of Representatives to which legislation 36  
 pertaining to public utilities is referred; 37

(3) The chairperson of the Public Utilities Commission or an 38  
 officer or employee of the Commission who shall serve as the 39  
 chairperson's designee; 40

(4) The Consumers' Counsel or an officer or employee of the 41  
 Office of the Consumers' Counsel who shall serve as the designee 42  
 of the Consumers' Counsel; 43

(5) One member appointed by the Governor, who is a member of 44  
 the Governor's staff; 45

(6) One member appointed by the Governor who is a 46  
 representative of the telecommunications industry. 47

(B) The Governor shall make appointments to the Committee not 48  
later than ~~sixty days after the effective date of this section~~ 49  
November 12, 2010. Vacancies on the Committee shall be filled in 50  
the manner provided for original appointments. 51

(C) The members who serve as chairpersons of the House and 52  
Senate committees to which public utility legislation is referred 53  
shall serve as co-chairpersons of the Select Committee on 54  
Telecommunications Regulatory Reform. The Committee shall meet at 55  
the call of the co-chairpersons who shall determine the time, 56  
meeting location, and agenda for each meeting of the Committee. 57

(D) The Committee shall study the impacts of Sub. S.B. 162 as 58  
enacted by the 128th General Assembly. The Committee's study shall 59  
include, but shall not be limited to, a review of both the 60  
economic benefits of the act and the act's impact on jobs, 61  
telephone company rates, telephone company quality of service, 62  
lifeline program customers, rural markets, rural broadband 63  
deployment, and carrier access to private property. The 64  
~~Committee's study shall also include a report on the~~ 65  
~~Community voicemail Service Pilot Program created in S.B. 162 of~~ 66  
~~the 128th General Assembly.~~ The Public Utilities Commission shall 67  
cooperate with the Committee as it performs its duties and shall 68  
provide reports and any other information requested by the 69  
Committee. 70

(E) The Committee may request assistance from the Legislative 71  
Service Commission. 72

(F) Not later than ~~four years after the effective date of~~ 73  
~~this section~~ September 13, 2014, the Committee shall submit a 74  
written report of its findings and recommendations to the General 75  
Assembly and the Governor. Upon submission of its report, the 76  
Committee shall cease to exist. 77

Section 620.\_\_. That existing Section 5 of Sub. S.B. 162 of 78  
 the 128th General Assembly is hereby repealed. 79

Section 620.\_\_. That Section 6 of Sub. S.B. 162 of the 128th 80  
 General Assembly is hereby repealed." 81

In line 197 of the title, after "4911.02," insert "4927.17," 82

In line 372 of the title, after the comma insert "Section 5 83  
 of Sub. S.B. 162 of the 128th General Assembly," 84

In line 376 of the title, after "repeal" insert "Section 6 of 85  
 Sub. S.B. 162 of the 128th General Assembly and" 86

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

Community-voicemail Service Pilot Program Repeal 87

Section 365.10; Sections 620.\_\_, 620.\_\_, and 620.\_\_, (repeal 88  
 and conforming change); R.C. 4927.17 (conforming change) 89

Repeals the Community-voicemail Service Pilot Program and the 90  
 Community-voicemail Service Pilot Program Fund created by Sub. 91  
 S.B. 162 of the 128th General Assembly. 92

Requires assessments made under the program to cease and the 93  
 Public Utilities Commission to refund them, without interest and 94  
 within 60 days of the effective date of the section, to the local 95  
 exchange carriers that paid them. 96

6 \_\_\_\_\_ moved to amend as follows:

7 Delete lines 129227 through 129293

8 In line 131177, delete "5901.02,"

9 In line 131202, after "5126.19," insert "and"; delete "  
10 and 5901.021"

11 Delete lines 147511 through 147516

12 In line 362 of the title, after "5126.19," insert "and";  
13 delete ", and 5901.021"

14 The motion was \_\_\_\_\_ agreed to.

15 SYNOPSIS

16 **Veterans' Service Commissions**

17 **R.C. 5901.02, and 5901.021; Section 759.10**

18 Removes from the bill a provision that repealed from  
19 current law the authorization for boards of county  
20 commissioners, in counties that meet certain population and  
21 budgetary criteria, to create up to six additional memberships  
22 on the county veterans service commission.

1 129HB153-SC4507.docx/ss

2 Sub. H.B. 153  
3 As Pending in S. Finance  
4 LSC 129 1066-6  
5 SC-4507  
6 OBM165

7 \_\_\_\_\_ moved to amend as follows:

8 In line 12387, strike through all after "(a)"

9 Strike through line 12388

10 In line 12389, strike through "(b)"

11 In line 12391, strike through "(c)" and insert "(b)"

12 In line 12392, strike through "(d)" and insert "(c)"

13 In line 12405, strike through "three" and insert "one and  
14 one-half"

15 In lines 12412 and 12418, strike through "Nine" and insert  
16 "Twelve"

17 In line 12558, after "initiatives" insert ", the cost of  
18 other locally funded initiatives in an amount that does not  
19 exceed fifty per cent of the district's portion of the basic  
20 project cost,"

21 The motion was \_\_\_\_\_ agreed to.

22

SYNOPSIS

23

**Debt Limits for School Districts with Special Needs**

24

**R.C. 133.06**

25 Modifies current law exempting certain school districts  
26 with special needs for permanent improvements from the ordinary  
27 debt limit of 9% of a district's tax valuation, by:

28 (1) Changing the standard by which the state  
29 Superintendent certifies a special needs district to a  
30 demonstration that the district's potential average growth in  
31 valuation during the next five years will be 1.5%, rather than  
32 3% as under current law;

33 (2) Permitting a special needs district certified by the  
34 state Superintendent to incur debt equal to the greater of:

35 (a) 12%, instead of 9% as under current law, of the sum of  
36 its tax valuation plus the product of the tax valuation times  
37 the percentage by which the tax valuation has increased over the  
38 16-month period prior to an election on the issuance of  
39 securities; or

40 (b) 12%, instead of 9% as under current law, of the sum of  
41 its tax valuation plus the product of the tax valuation times  
42 the percentage the state Superintendent projects the district's  
43 tax valuation will increase during the next ten years.

44 Eliminates the requirement that a district applying for  
45 special needs certification submit to the state Superintendent a  
46 history and projection of the growth of the district's student  
47 population. (Retains the requirement that a district submit a  
48 history and projection of tax valuation growth, its projected  
49 needs for permanent improvements, and an estimate of the cost of  
50 those needs.)

51 Adds the cost of *nonrequired* locally funded initiatives (in  
52 an amount of up to 50% of the district's project cost) to the  
53 list of improvements that a district may incur debt in excess of  
54 the ordinary 9% of tax valuation limit if it is participating in  
55 state-assisted classroom facilities project. (Current law  
56 permits a district participating in such a project to exceed the  
57 ordinary debt limit to raise funds necessary to pay the  
58 district's share of the project, the site for the project and

59 "required" locally funded initiatives. The School Facilities  
60 Commission may require districts to pay the entire amount for  
61 certain items that do not meet the Commission's specifications  
62 but are closely associated with the state-assisted portion of  
63 the entire project.)

6 \_\_\_\_\_ moved to amend as follows:

7 In line 423, delete "317.321,"

8 In line 424, delete "319.63,"

9 Delete lines 20756 through 20818

10 Delete lines 21259 through 21278

11 In line 131010, delete "317.321,"

12 In line 131011, delete "319.63,"

13 In line 32 of the title, delete "317.321,"; delete  
14 "319.63,"

15 The motion was \_\_\_\_\_ agreed to.

16 SYNOPSIS

17 **Dedication of Fees for the General Needs of County**  
18 **Recorders**

19 **R.C. 317.321 and 319.63**

20 Removes from the bill an increase (from 1% to 10%) in the  
21 amount of Housing Trust Fund fees collected that the county  
22 auditor may retain as an administrative fee and must deposit in  
23 the county general fund to be used for the general needs of the  
24 county recorder. Also removes from the bill a provision  
25 authorizing a county recorder to request the use of up to \$7 of  
26 specific filing and recording fees for the general needs of the  
27 county recorder, rather than to supplement the recorder's  
28 equipment needs.



Sub. H.B. 153  
As Pending in S. Finance  
LSC 129 1066-6  
SC-4512

\_\_\_\_\_ moved to amend as follows:

In line 409, after "124.393," insert "124.85," 1

In line 591, after "sections" insert "124.85 (9.04)," 2

Between lines 888 and 889, insert: 3

"Sec. ~~124.85~~ 9.04. (A) As used in this section: 4

(1) "Nontherapeutic abortion" means an abortion that is 5  
performed or induced when the life of the mother would not be 6  
endangered if the fetus were carried to term or when the pregnancy 7  
of the mother was not the result of rape or incest reported to a 8  
law enforcement agency. 9

(2) "Policy, contract, or plan" means a policy, contract, or 10  
plan of one or more insurance companies, medical care 11  
corporations, health care corporations, health maintenance 12  
organizations, preferred provider organizations, or other entities 13  
that provides health, medical, hospital, or surgical coverage, 14  
benefits, or services to elected or appointed officers or 15  
employees of the state, including or any political subdivision 16  
thereof. "Policy, contract, or plan" includes a plan that is 17  
associated with a self-insurance program and a policy, contract, 18  
or plan that implements a collective bargaining agreement. 19

(3) "Political subdivision" means any body corporate and 20

politic that is responsible for governmental activities in a 21  
geographic area smaller than the state, except that "political 22  
subdivision" does not include either of the following: 23

(a) A municipal corporation; 24

(b) A county that has adopted a charter under Section 3 of 25  
Article X, Ohio Constitution, to the extent that it is exercising 26  
the powers of local self-government as provided in that charter 27  
and is subject to Section 3 of Article XVIII, Ohio Constitution. 28

(4) "State" has the same meaning as in section 2744.01 of the 29  
Revised Code means the state of Ohio, including the general 30  
assembly, the supreme court, the offices of all elected state 31  
officers, and all departments, boards, offices, commissions, 32  
agencies, colleges and universities, institutions, and other 33  
instrumentalities of the state of Ohio. "State" does not include 34  
political subdivisions. 35

(B) Subject to division (C) of this section, but 36  
 notwithstanding other provisions of the Revised Code that conflict 37  
 with the prohibition specified in this division, funds of the 38  
 state or any political subdivision thereof shall not be expended 39  
 directly or indirectly to pay the costs, premiums, or charges 40  
 associated with a policy, contract, or plan if the policy, 41  
 contract, or plan provides coverage, benefits, or services related 42  
 to a nontherapeutic abortion. 43

(C) Division (B) of this section does not preclude the state 44  
or any political subdivision thereof from expending funds to pay 45  
 the costs, premiums, or charges associated with a policy, 46  
 contract, or plan that includes a rider or other provision offered 47  
 on an individual basis under which an elected or appointed 48  
 official or employee who accepts the offer of the rider or 49  
 provision may obtain coverage of a nontherapeutic abortion through 50  
 the policy, contract, or plan if the individual pays for all of 51

the costs, premiums, or charges associated with the rider or 52  
 provision, including all administrative expenses related to the 53  
 rider or provision and any claim made for a nontherapeutic 54  
 abortion. 55

(D) In addition to the laws specified in division (A) of 56  
 section 4117.10 of the Revised Code that prevail over conflicting 57  
 provisions of agreements between employee organizations and public 58  
 employers, divisions (B) and (C) of this section shall prevail 59  
 over conflicting provisions of that nature." 60

In line 130996, after "124.393," insert "124.85," 61

In line 12 of the title, after "124.393," insert "124.85," 62

In line 263 of the title, after "sections" insert "124.85 63  
 (9.04)," 64

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

**Public Funding for Nontherapeutic Abortions** 65

**R.C. 124.85 (9.04)** 66

Prohibits the use of political subdivision funds, other than 67  
 those of municipal corporations and of certain counties exercising 68  
 local self-government powers, for paying the costs, premiums, or 69  
 charges associated with a health care policy, contract, or plan 70  
 that provides coverage, benefits, or services related to an 71  
 abortion that is performed when (1) the life of the mother would 72  
 not be endangered if the fetus were carried to term or (2) the 73  
 pregnancy of the mother was not the result of a reported rape or 74  
 incest, as continuing law does with regard to state funds. 75

Sub. H.B. 153  
As Pending in S. Finance  
LSC 129 1066-6  
SC-4513

\_\_\_\_\_ moved to amend as follows:

In line 644, after "5101.5210," insert "5101.57," 1

Between lines 96757 and 96758, insert: 2

"Sec. 5101.57. (A) As used in this section: 3

(1) "Nontherapeutic abortion" has the same meaning as in 4  
section 124.85 of the Revised Code. 5

(2) "Political subdivision" means any body corporate and 6  
politic that is responsible for governmental activities in a 7  
geographic area smaller than the state, except that "political 8  
subdivision" does not include either of the following: 9

(a) A municipal corporation; 10

(b) A county that has adopted a charter under Section 3 of 11  
Article X, Ohio Constitution, to the extent that it is exercising 12  
the powers of local self-government as provided in that charter 13  
and is subject to Section 3 of Article XVIII, Ohio Constitution. 14

(3) "Public facility" means any institution, structure, 15  
equipment, or physical asset that is owned, leased, or controlled 16  
by this state or any agency, institution, instrumentality, or 17  
political subdivision thereof. "Public facility" includes any 18

state university, state medical college, health district, joint 19  
hospital, or public hospital agency. 20

(B) No public facility shall be used for the purpose of 21  
performing or inducing a nontherapeutic abortion." 22

In line 326 of the title, after "5101.5210," insert 23  
 "5101.57," 24

The motion was \_\_\_\_\_ agreed to.

#### SYNOPSIS

**Use of Public Facilities for Nontherapeutic Abortions** 25

**R.C. 5101.57** 26

Prohibits the use of any institution, structure, equipment, 27  
 or physical asset that is owned, leased, or controlled by the 28  
 state or any political subdivision of the state, except for 29  
 municipal corporations and certain counties exercising local 30  
 self-government powers, for performing or inducing an abortion 31  
 when (1) the life of the mother would not be endangered if the 32  
 fetus were carried to term or (2) the pregnancy of the mother was 33  
 not the result of a reported rape or incest. 34

7 \_\_\_\_\_ moved to amend as follows:

8 In line 544, delete "4909.15,"; delete "4928.18,"

9 Delete lines 94558 through 94779

10 Delete lines 94807 through 94864

11 In line 131132, delete "4909.15,"; delete "4928.18,"

12 Between lines 146023 and 146024, insert:

13 **"Section 749.\_\_\_\_.** The Public Utilities Commission shall,  
14 on or before December 31, 2011, determine appropriate methods  
15 under which to ensure that the reduction in public utility  
16 assessments paid under section 4911.18 of the Revised Code for  
17 the Office of the Ohio Consumers' Counsel for fiscal year 2012  
18 and fiscal year 2013 is distributed to the benefit of Ohio  
19 customers of those public utilities. The Commission shall  
20 implement its distribution methodology in a timely manner."

21 In line 147637, after "733.10," insert "749.\_\_\_\_,"

22 In line 197 of the title, delete "4909.15,"; delete  
23 "4928.18,"

24 The motion was \_\_\_\_\_ agreed to.

25 SYNOPSIS

26 **Distribution of Reduced OCC Assessments**

27 **R.C. 4909.15 and 4928.18 (removed); Section 749.\_\_\_\_**

28 Removes a provision of the bill that would have required  
29 the Public Utilities Commission (PUCO), by the end of 2011, to  
30 recalculate public utility rates based on the Office of  
31 Consumer's Counsel's (OCC's) reduced appropriation contained in  
32 the bill.

33 Requires instead that the PUCO, by the end of 2011,  
34 determine appropriate methods for the distribution to the  
35 benefit of customers of the reduction in public utility OCC  
36 assessments for FY 2012 and FY 2013, and requires the Commission  
37 to implement the methodology in a timely manner.

Sub. H.B. 153  
As Pending in S. Finance  
LSC 129 1066-6  
SC-4519

\_\_\_\_\_ moved to amend as follows:

Between lines 122571 and 122572, insert:

"(v) The dollar value of a gift card that is not sold by a vendor or purchased by a consumer and that is redeemed by the consumer in purchasing tangible personal property or services if the vendor is not reimbursed and does not receive compensation from a third party to cover all or part of the gift card value. For the purposes of this division, a gift card is not sold by a vendor or purchased by a consumer if it is distributed pursuant to an awards, loyalty, or promotional program. Past and present purchases of tangible personal property or services by the consumer shall not be treated as consideration exchanged for a gift card."

In line 122594, after "that" insert "the dollar value of gift cards distributed pursuant to an awards, loyalty, or promotional program, and"

Between lines 123273 and 123274, insert:

"(PPP) "Gift card" means a document, card, certificate, or other record, whether tangible or intangible, that may be redeemed by a consumer for a dollar value when making a purchase of tangible personal property or services."

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The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

Excludes Redeemed Customer Loyalty Coupons from Sales and Use	21
Tax	22
R.C. 5739.01(H), (I), and (OOO)	23
Excludes from the sales and use tax the value of gift cards	24
or certificates redeemed by a consumer in exchange for the	25
vendor's goods or services as part of the vendor's awards,	26
loyalty, or promotional program.	27

Sub. H.B. 153  
As Pending in S. Finance  
LSC 129 1066-6  
SC-4553-3

\_\_\_\_\_ moved to amend as follows:

In line 419, after "185.10," insert "187.01, 187.02, 187.03,  
187.09,"

In line 623, after "173.41," insert "187.13,"

Between lines 17907 and 17908, insert:

"Sec. 187.01. As used in this chapter, "JobsOhio" means the  
nonprofit corporation formed under this section, and includes any  
subsidiary of that corporation. In any section of law that refers  
to the nonprofit corporation formed under this section, reference  
to the corporation includes reference to any such subsidiary  
unless otherwise specified or clearly appearing from the context.

The governor is hereby authorized to form a nonprofit  
corporation, to be named "JobsOhio," with the purposes of  
promoting economic development, job creation, job retention, job  
training, and the recruitment of business to this state. Except as  
otherwise provided in this chapter, the corporation shall be  
organized and operated in accordance with Chapter 1702. of the  
Revised Code. The governor shall sign and file articles of  
incorporation for the corporation with the secretary of state. The  
legal existence of the corporation shall begin upon the filing of

the articles. 20

The In addition to meeting the requirements for articles of 21  
incorporation in Chapter 1702. of the Revised Code, the 22  
of incorporation for the nonprofit corporation shall set forth the 23  
following: 24

(A) The designation of the name of the corporation as 25  
JobsOhio; 26

(B) The creation of a board of directors consisting of ~~the~~ 27  
~~governor and eight~~ nine directors, to be appointed by the 28  
governor, who satisfy the qualifications prescribed by section 29  
187.02 of the Revised Code; 30

(C) A requirement that the governor make initial appointments 31  
to the board within sixty days after the filing of the articles of 32  
incorporation. Of the initial appointments made to the board, two 33  
shall be for a term ending one year after the date the articles 34  
were filed, two shall be for a term ending two years after the 35  
date the articles were filed, and ~~four~~ five shall be for a term 36  
ending four years after the date the articles were filed. The 37  
articles shall state that, following the initial appointments, the 38  
governor shall appoint directors to terms of office of four years, 39  
with each term of office ending on the same day of the same month 40  
as did the term that it succeeds. If any director dies, resigns, 41  
or the director's status changes such that any of the requirements 42  
of division (C) of section 187.02 of the Revised Code are no 43  
longer met, that director's seat on the board shall become 44  
immediately vacant. The governor shall forthwith fill the vacancy 45  
by appointment for the remainder of the term of office of the 46  
vacated seat. 47

(D) ~~The designation of~~ A requirement that the governor ~~as the~~ 48  
appoint one director to be chairperson of the board and procedures 49  
for electing directors to serve as officers of the corporation and 50

- members of an executive committee; 51
- (E) A provision for the appointment of a chief investment officer of the corporation by the recommendation of the board and approval of the governor. The chief investment officer shall serve at the pleasure of the ~~governor~~ board and shall have the power to execute contracts, spend corporation funds, and hire employees on behalf of the corporation. If the position of chief investment officer becomes vacant for any reason, the vacancy shall be filled in the same manner as provided in this division. 52  
53  
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59
- (F) Provisions requiring the board to do all of the following: 60  
61
- (1) Adopt one or more resolutions providing for compensation of the chief investment officer; 62  
63
- (2) Approve an employee compensation plan recommended by the chief investment officer; 64  
65
- (3) Approve a contract with the director of development for the corporation to assist the director and the department of development with providing services or otherwise carrying out the functions or duties of the department, including the operation and management of programs, offices, divisions, or boards, as may be determined by the director of development in consultation with the governor; 66  
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72
- (4) Approve all major contracts for services recommended by the chief investment officer; 73  
74
- (5) Establish an annual strategic plan and standards of measure to be used in evaluating the corporation's success in executing the plan; 75  
76  
77
- (6) Establish a conflicts of interest policy that, at a minimum, complies with section 187.06 of the Revised Code; 78  
79
- (7) Hold a minimum of four board of directors meetings per 80

year at which a quorum of the board is physically present, and  
 such other meetings, at which directors' physical presence is not  
 required, as may be necessary. Meetings at which a quorum of the  
 board is required to be physically present are subject to  
 divisions (C), (D), and (E) of section 187.03 of the Revised Code.

(8) Establish a records retention policy and present the  
 policy, and any subsequent changes to the policy, at a meeting of  
 the board of directors at which a quorum of the board is required  
 to be physically present pursuant to division (F) (7) of this  
 section;

(9) Adopt standards of conduct for the directors.

(G) A statement that directors shall not receive any  
 compensation from the corporation, except that ~~governor appointed~~  
 directors may be reimbursed for actual and necessary expenses  
 incurred in connection with services performed for the  
 corporation;

(H) A provision authorizing the board to amend provisions of  
 the corporation's articles of incorporation or regulations, except  
 provisions required by this chapter;

(I) Procedures by which the corporation would be dissolved  
 and by which all corporation rights, ~~liabilities,~~ and assets would  
 be distributed to the state or to another corporation organized  
 under this chapter. These procedures shall incorporate any  
separate procedures subsequently set forth in this chapter for the  
 dissolution of the corporation. The articles shall state that no  
 dissolution shall take effect until the corporation has made  
 adequate provision for the payment of any outstanding bonds,  
 notes, or other obligations.

(J) A provision establishing an audit committee to be  
 comprised of directors. The articles shall require that the audit

committee hire an independent certified public accountant to 111  
 perform a financial audit of the corporation at least once every 112  
 year. 113

(K) A provision authorizing ~~the governor, as chairperson of~~ 114  
~~the board, a majority of the disinterested directors~~ to remove a 115  
 director for misconduct, as that term may be defined in the 116  
 articles or regulations of the corporation. The removal of a 117  
 director under this division creates a vacancy on the board that 118  
 the governor shall fill by appointment for the remainder of the 119  
 term of office of the vacated seat. 120

Sec. 187.02. (A) To qualify for appointment to the board of 121  
 directors of JobsOhio, an individual must satisfy all of the 122  
 following: 123

(1) Has an understanding of generally accepted accounting 124  
 principles and financial statements; 125

(2) Possesses the ability to assess the general application 126  
 of such principles in connection with the accounting for 127  
 estimates, accruals, and reserves; 128

(3) Has experience preparing, auditing, analyzing, or 129  
 evaluating financial statements that present a breadth and level 130  
 of complexity of accounting issues that are generally comparable 131  
 to the breadth and complexity of issues that can reasonably be 132  
 expected to be presented by the JobsOhio corporation's financial 133  
 statements, or experience actively supervising one or more persons 134  
 engaged in such activities; 135

(4) Has an understanding of internal controls and the 136  
 procedures for financial reporting; 137

(5) Has an understanding of audit committee functions. 138

(B) Specific experience demonstrating the qualifications 139

required by division (A) of this section may be evidenced by any 140  
of the following: 141

(1) Education and experience as a principal financial 142  
officer, principal accounting officer, controller, public 143  
accountant or auditor, or experience in one or more positions that 144  
involve the performance of similar functions; 145

(2) Experience actively supervising a principal financial 146  
officer, principal accounting officer, controller, public 147  
accountant, auditor, or person performing similar functions; 148

(3) Experience overseeing or assessing the performance of 149  
companies or public accountants with respect to the preparation, 150  
auditing, or evaluation of financial statements; 151

~~(4) Other experience considered relevant by the governor 152  
consistent with division (A) of this section. 153~~

(C) Each individual appointed to the board of directors shall 154  
be a citizen of the United States. At least six of the individuals 155  
appointed to the board shall be residents of or domiciled in this 156  
state. 157

**Sec. 187.03.** (A) JobsOhio may perform such functions as 158  
permitted and shall perform such duties as prescribed by law, but 159  
shall not be considered a state or public department, agency, 160  
office, body, institution, or instrumentality for purposes of 161  
section 1.60 or Chapter 102., 121., 125., or 149. of the Revised 162  
Code. JobsOhio and its board of directors are not subject to the 163  
following sections of Chapter 1702. of the Revised Code: sections 164  
1702.03, 1702.08, 1702.09, 1702.21, 1702.24, 1702.26, 1702.27, 165  
1702.28, 1702.29, 1702.301, 1702.33, 1702.34, 1702.37, 1702.38, 166  
1702.40 to 1702.52, 1702.521, 1702.54, 1702.57, 1702.58, 1702.59, 167  
1702.60, 1702.80, and 1702.99. Nothing in this division shall be 168  
construed to impair the powers and duties of the Ohio ethics 169

commission described in section 102.06 of the Revised Code to 170  
investigate and enforce section 102.02 of the Revised Code with 171  
regard to individuals required to file statements under division 172  
(B) (2) of this section. 173

(B) (1) ~~With the exception of the governor, directors~~ 174  
Directors and employees of JobsOhio are not employees or officials 175  
of the state and, except as provided in division (B) (2) of this 176  
section, are not subject to Chapter 102., 124., 145., or 4117. of 177  
the Revised Code. 178

(2) The chief investment officer, any other officer or 179  
employee with significant administrative, supervisory, 180  
contracting, or investment authority, and any ~~governor-appointed~~ 181  
director of JobsOhio shall file, with the Ohio ethics commission, 182  
a financial disclosure statement pursuant to section 102.02 of the 183  
Revised Code that includes, in place of the information required 184  
by divisions (A) (2), (7), (8), and (9) of that section, the 185  
information required by divisions (A) and (B) of section 102.022 186  
of the Revised Code. The governor shall comply with all applicable 187  
requirements of section 102.02 of the Revised Code. 188

(3) Actual or in-kind expenditures for the travel, meals, or 189  
lodging of the governor or of any public official or employee 190  
designated by the governor for the purpose of this division shall 191  
not be considered a violation of section 102.03 of the Revised 192  
Code if the expenditures are made by the corporation, or on behalf 193  
of the corporation by any person, in connection with the 194  
governor's performance of official duties ~~as chairperson of the~~ 195  
~~board of directors of~~ related to JobsOhio. The governor may 196  
designate any person, including a person who is a public official 197  
or employee as defined in section 102.01 of the Revised Code, for 198  
the purpose of this division if such expenditures are made on 199  
behalf of the person in connection with the governor's performance 200



of official duties as ~~chairperson~~ related to JobsOhio. A public 201  
 official or employee so designated by the governor shall comply 202  
 with all applicable requirements of section 102.02 of the Revised 203  
 Code. 204

At the times and frequency agreed to under division (B) (2) (b) 205  
 of section 187.04 of the Revised Code, beginning in 2012, the 206  
 corporation shall file with the department of development a 207  
 written report of all such expenditures paid or incurred during 208  
 the preceding calendar year. The report shall state the dollar 209  
 value and purpose of each expenditure, the date of each 210  
 expenditure, the name of the person that paid or incurred each 211  
 expenditure, and the location, if any, where services or benefits 212  
 of an expenditure were received, provided that any such 213  
 information that may disclose proprietary information as defined 214  
 in division (C) of this section shall not be included in the 215  
 report. 216

(4) The prohibition applicable to former public officials or 217  
 employees in division (A) (1) of section 102.03 of the Revised Code 218  
 does not apply to any person appointed to be a director or hired 219  
 as an employee of JobsOhio. 220

(5) Notwithstanding division (A) (2) of section 145.01 of the 221  
 Revised Code, any person who is a former state employee shall no 222  
 longer be considered a public employee for purposes of Chapter 223  
 145. of the Revised Code upon commencement of employment with 224  
 JobsOhio. 225

(6) Any director, officer, or employee of JobsOhio may 226  
 request an advisory opinion from the Ohio ethics commission with 227  
 regard to questions concerning the provisions of sections 102.02 228  
 and 102.022 of the Revised Code to which the person is subject. 229

(C) Meetings of the board of directors at which a quorum of 230  
 the board is required to be physically present pursuant to 231

division (F) of section 187.01 of the Revised Code shall be open 232  
to the public except, by a majority vote of the directors present 233  
at the meeting, such a meeting may be closed to the public only 234  
for one or more of the following purposes: 235

(1) To consider business strategy of the corporation; 236

(2) To consider proprietary information belonging to 237  
potential applicants or potential recipients of business 238  
recruitment, retention, or creation incentives. For the purposes 239  
of this division, "proprietary information" means marketing plans, 240  
specific business strategy, production techniques and trade 241  
secrets, financial projections, or personal financial statements 242  
of applicants or members of the applicants' immediate family, 243  
including, but not limited to, tax records or other similar 244  
information not open to the public inspection. 245

(3) To consider legal matters, including litigation, in which 246  
the corporation is or may be involved; 247

(4) To consider personnel matters related to an individual 248  
employee of the corporation. 249

(D) The board of directors shall establish a reasonable 250  
method whereby any person may obtain the time and place of all 251  
public meetings described in division (C) of this section. The 252  
method shall provide that any person, upon request and payment of 253  
a reasonable fee, may obtain reasonable advance notification of 254  
all such meetings. 255

(E) The board of directors shall promptly prepare, file, and 256  
maintain minutes of all public meetings described in division (C) 257  
of this section. 258

(F) Not later than March 1, 2012, and the first day of March 259  
of each year thereafter, the chief investment officer of JobsOhio 260  
shall prepare and submit a report of the corporation's activities 261

for the preceding year to the governor, the speaker and minority leader of the house of representatives, and the president and minority leader of the senate. The annual report shall include the following:

(1) An analysis of the state's economy;

(2) A description of the structure, operation, and financial status of the corporation;

(3) A description of the corporation's strategy to improve the state economy and the standards of measure used to evaluate its progress;

(4) An evaluation of the performance of current strategies and major initiatives;

(5) An analysis of any statutory or administrative barriers to successful economic development, business recruitment, and job growth in the state identified by JobsOhio during the preceding year.

**Sec. 187.09. (A)** Any action brought by or on behalf of JobsOhio against a director or former director in that individual's capacity as a director shall be brought in the court of common pleas of Franklin county.

(B) Except as provided in division (D) of this section, any claim asserting that any one or more sections of the Revised Code amended or enacted by H.B. 1 of the 129th general assembly, any section of Chapter 4313. of the Revised Code enacted by H.B. 153 of the 129th general assembly, or any portion of one or more of those sections, violates any provision of the Ohio Constitution shall be brought in the court of common pleas of Franklin county within ninety days after the effective date of the amendment of this section by H.B. 153 of the 129th general assembly.

(C) Except as provided in division (D) of this section, any claim asserting that any action taken by JobsOhio violates any provision of the Ohio Constitution shall be brought in the court of common pleas of Franklin county within sixty days after the action is taken. 291  
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(D) Divisions (B) and (C) of this section shall not apply to any claim within the original jurisdiction of the supreme court or a court of appeals pursuant to Article IV of the Ohio Constitution. 296  
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(E) The court of common pleas of Franklin county shall give any claim filed pursuant to division (B) or (C) of this section priority over all other civil cases before the court, irrespective of position on the court's calendar, and shall make a determination on the claim expeditiously. A court of appeals shall give any appeal from a final order issued in a case brought pursuant to division (B) or (C) of this section priority over all other civil cases before the court, irrespective of position on the court's calendar, and shall make a determination on the appeal expeditiously. 300  
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Sec. 187.13. (A) No person, except the nonprofit corporation formed under section 187.01 of the Revised Code or its designees, may use the name "JobsOhio" or "Jobs Ohio," or words of a similar meaning in another language, as any part of a designation or name under which the person conducts or may conduct business in this state, unless the person receives the written consent of JobsOhio. As used in this section, "person" has the same meaning as in section 1702.01 of the Revised Code. 310  
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(B) The name of any subsidiary of JobsOhio shall include the name "JobsOhio" and an additional designation that differentiates the subsidiary from other JobsOhio corporations formed under 318  
319  
320

section 187.01 of the Revised Code. 321

In line 84938, delete everything after "(2)" 322

Delete lines 84939 through 84942 323

In line 84943, delete "acquisition project."; after the 324  
underlined comma insert "in consultation with the" 325

In line 84944, delete "and director of development" and 326  
insert "may, without need for any other approval, negotiate terms 327  
of any documents, including the transfer agreement, necessary to 328  
effect the transfer and the acceptance of the transfer of the 329  
enterprise acquisition project. The director of commerce shall 330  
execute the transfer agreement on behalf of the state. The 331  
director of budget and management" 332

In line 84947, delete "their" and insert "the" 333

In line 84948, after "judgment" insert "of the director of 334  
budget and management" 335

In line 84988, after the second underlined comma insert "and" 336

In line 84989, delete everything after "commerce" 337

In line 84990, delete everything before the first underlined 338  
comma and insert "shall, subject to approval by the controlling 339  
board" 340

In line 84995, delete "may" and insert "shall" 341

Delete lines 85002 and 85003 342

In line 85004, delete everything before "4301.10" and insert 343  
"The division of liquor control shall manage and actively 344  
supervise the activities required or authorized under sections" 345

In line 85005, delete "section"; after "Code" insert "as 346  
those sections exist on the effective date of this section. 347  
including, but not limited to, controlling the traffic in beer and 348

intoxicating liquor in this state and fixing the wholesale and 349  
retail prices at which the various classes, varieties, and brands 350  
of spirituous liquor are sold" 351

In line 131006, after "185.10," insert "187.01, 187.02, 352  
187.03, 187.09," 353

Between lines 144719 and 144720, insert: 354

"Section \_\_\_\_ . That Section 5 of Am. Sub. H.B. 1 of the 129th 355  
General Assembly be amended to read as follows: 356

Sec. 5. The Director of Development, in consultation with the 357  
Director of Budget and Management, shall find within the 358  
Department of Development's total unexpended and unencumbered 359  
fiscal year 2011 General Revenue Fund appropriation an amount not 360  
to exceed \$1,000,000 in order to establish and operate the 361  
JobsOhio corporation established in Chapter 187. of the Revised 362  
Code. The Director of Development shall identify appropriation 363  
items within the General Revenue Fund that are to be reduced for 364  
this purpose, and any reduction in appropriations to these items 365  
pursuant to this section shall not collectively exceed \$1,000,000. 366  
The amounts identified by the Director are hereby appropriated in 367  
General Revenue Fund appropriation item 195527, JobsOhio, for 368  
transition and start-up costs of the JobsOhio corporation, 369  
including, but not limited to, the costs of the incorporation and 370  
formation of the corporation. Nothing in this section shall be 371  
construed as increasing or decreasing the Department of 372  
Development's total fiscal year 2011 General Revenue Fund 373  
appropriation. Any unexpended and unencumbered balance in 374  
appropriation item 195527, JobsOhio, remaining at the end of 375  
fiscal year 2011 is hereby reappropriated for fiscal year 2012. 376

The Department of Development shall prepare and, not later 377  
than six months after the effective date of this section, submit 378

to the Controlling Board a report detailing the use of the funds 379  
 appropriated under this section. The Department of Development 380  
 shall submit to the Controlling Board a report not later than 381  
 every six months thereafter detailing the use of the funds 382  
 appropriated under this section, until those funds have all been 383  
 used. 384

Section \_\_\_\_\_. That existing Section 5 of Am. Sub. H.B. 1 of 385  
 the 129th General Assembly is hereby repealed." 386

In line 147575, after "149.311," insert "187.02, 187.03," 387

Between lines 147661b and 147662, insert: 388

"187.01	The amendment to	All amendments except	389
	division (I)	as described in the	
		middle column"	

In line 26 of the title, after "185.10," insert "187.01, 390  
 187.02, 187.03, 187.09," 391

In line 302 of the title, after "173.41," insert "187.13," 392

In line 363 of the title, after "amend" insert "Section 5 of 393  
 Am. Sub. H.B. 1 of the 129th General Assembly," 394

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

JobsOhio Corporation 395

R.C. 187.01, 187.02, 187.03, 187.09, 187.13; Sections 812.20, 396  
 812.30, \_\_\_\_, and \_\_\_\_ 397

Removes permanent law that requires the Governor to serve as 398  
 a member and chairperson of the 9-member JobsOhio Board of 399  
 Directors. Under current permanent law, the Governor must appoint 400

the other eight Board members. The amendment instead requires the  
Governor to appoint all nine members and to designate one of those  
members to be the Board chairperson.

Clarifies that JobsOhio must comply with Ohio's Nonprofit  
Corporation Law unless the corporation is specifically exempted  
from a particular provision of that law. (Current law, unchanged  
by the amendment, exempts JobsOhio from 34 of the 61 sections of  
that chapter that might otherwise apply.)

Specifies that the foregoing provisions take immediate  
effect.

Provides that any claim, except a claim within the original  
jurisdiction of the Supreme Court or Court of Appeals, alleging  
the unconstitutionality of Am. Sub. H.B. 1 of the 129th General  
Assembly, which authorized the creation of JobsOhio, or any  
section of Chapter 4313. enacted by the bill, must be brought in  
the Franklin County Common Pleas Court within 90 days after the  
end of the 90-day period following the enactment of the pending  
House-passed bill. (Am. Sub. H.B. 1 previously established a  
statute of limitations for constitutional challenges to its  
provisions that ended 60 days after the bill's effective date,  
which was February 18, 2011, and vested the Ohio Supreme Court  
with original and exclusive jurisdiction over such challenges,  
bypassing trial- or appeals-level jurisdiction.)

Provides that any claim, except a claim within the original  
jurisdiction of the Supreme Court or Court of Appeals, alleging  
the unconstitutionality of any action taken by JobsOhio must be  
brought in the Franklin County Common Pleas Court within 60 days  
after the action was taken.

Requires the Franklin County Common Pleas Court and Court of  
Appeals to give calendar priority to any constitutional challenge  
to the JobsOhio authorizing legislation or to actions taken by the



corporation.	432
Prohibits any business from using "JobsOhio" or "Jobs Ohio"	433
as part of the business' name without the written consent of	434
JobsOhio.	435
Removes a catch-all provision that allows the Governor to	436
specify other types of experience that would qualify an individual	437
for appointment to the JobsOhio Board of Directors as alternatives	438
to the types of experience specifically enumerated in the statute.	439
Appropriates any unexpended and unencumbered balance in GRF	440
appropriation item 195527, JobsOhio, remaining at the end of	441
fiscal year 2011 for fiscal year 2012.	442
<b>Transfer of Spirituous Liquor Distribution System to JobsOhio</b>	443
<b>R.C. 4313.02</b>	444
Rather than authorizing the Governor and Directors of	445
Development, Commerce, and Budget and Management, without need for	446
any other approval, to take any action and execute any documents,	447
including any transfer agreements, necessary to effect the	448
transfer and acceptance of the transfer of the enterprise	449
acquisition project as provided in the bill, instead authorizes	450
the Director of Budget and Management, in consultation with the	451
Director of Commerce and without need for any other approval, to	452
negotiate the terms of any documents, including the transfer	453
agreement, necessary to effect the transfer and acceptance of the	454
transfer of the enterprise acquisition project.	455
Requires the Director of Commerce to execute the transfer	456
agreement on behalf of the state.	457
Authorizes the Director of Budget and Management, rather than	458
the Governor and Directors of Development, Commerce, and Budget	459
and Management as provided in the bill, without need for any other	460
approval, to retain or contract for the services of certain	461

professionals that are necessary to effect the transfer agreement. 462

Requires, rather than authorizes as in the bill, JobsOhio and 463  
the Directors of Budget and Management and Commerce to enter into 464  
a contract, which may be part of the transfer agreement, for the 465  
continuing operation by the Division of Liquor Control of 466  
spirituous liquor distribution and merchandising subject to 467  
performance standards provided in that contract, and requires the 468  
contract to be subject to approval by the Controlling Board rather 469  
than allowing the contract to be entered into without the need for 470  
any other approval, and removes the Director of Development as a 471  
party to the contract. 472

Requires, rather than authorizes as in the bill, the contract 473  
to establish other terms and conditions for the assignment of 474  
duties to, and the provision of advice, services, and other 475  
assistance by, the Division, including providing for the necessary 476  
staffing and payment by JobsOhio of appropriate compensation to 477  
the Division for the performance of such duties. 478

Requires the Division of Liquor Control to manage and 479  
actively supervise the activities required or authorized under 480  
current law regarding the powers and duties of the Division as 481  
those powers and duties exist on the effective date of the bill's 482  
provisions governing the transfer, including controlling the 483  
traffic in beer and intoxicating liquor in Ohio and fixing the 484  
wholesale and retail prices at which the various classes, 485  
varieties, and brands of spirituous liquor are sold rather than 486  
stating that the provisions of, and activities under, any contract 487  
are subject to the requirements of, and limitations established 488  
under, current law regarding the following powers and duties of 489  
the Division of Liquor Control: (a) controlling the traffic in 490  
beer and intoxicating liquor in the state, including the 491  
manufacture, importation, and sale of beer and intoxicating 492

liquor, (b) operating, managing, and controlling a system of state 493  
liquor stores for the sale of spirituous liquor, (c) determining 494  
the locations of all state liquor stores and manufacturing, 495  
distributing, and bottling plants required in connection with 496  
those stores, (d) fixing the wholesale and retail prices of 497  
spirituous liquor sold by the Division, and (e) allocating the 498  
equitable distribution of state liquor stores and agency stores in 499  
the state. 500

6 \_\_\_\_\_ moved to amend as follows:

7 In line 401, delete "9.314,"

8 Delete lines 1718 through 1777

9 In line 130988, delete "9.314,"

10 In line 2 of the title, delete "9.314,"

11 The motion was \_\_\_\_\_ agreed to.

12 SYNOPSIS

13 **Reverse Auctions for Political Subdivisions**

14 **R.C. 9.314**

15 Removes from the bill a provision authorizing political  
16 subdivisions to purchase by reverse auction services or supplies  
17 for the design, construction, alteration, repair,  
18 reconstruction, or demolition of a building, highway, road,  
19 street, alley, drainage system, water system, waterworks, ditch,  
20 sewer, sewage disposal plant, or any other structure or works of  
21 any kind.

1 129HB153-SC4561.docx/rs

2 Sub. H.B. 153  
3 As Pending in S. Finance  
4 LSC 129 1066-6  
5 SC-4561  
6 OBM171

7 \_\_\_\_\_ moved to amend as follows:

8 In line 49376, delete the underlined period

9 Delete lines 49377 through 49379

10 In line 49380, delete "superintendent"

11 The motion was \_\_\_\_\_ agreed to.

12 SYNOPSIS

13 **End-of-Course Examinations**

14 **R.C. 3301.0712**

15 Removes the bill's provision that permits any district or  
16 school offering an interdisciplinary course to develop and use  
17 its own assessment as an end-of-course examination, upon  
18 approval of the assessment by the Superintendent of Public  
19 Instruction.

6 \_\_\_\_\_ moved to amend as follows:

7 In line 138842, delete "\$4,297,666,947 \$4,671,520,882"  
8 and insert "\$4,297,729,447 \$4,671,583,382"

9 In line 138844, add \$62,500 to each fiscal year

10 In line 138857, delete "\$5,296,157,339 \$5,697,282,099"  
11 and insert "\$5,296,219,839 \$5,697,344,599"

12 In line 138859, add \$62,500 to each fiscal year

13 In line 138928, add \$62,500 to each fiscal year

14 Between lines 139003 and 139004, insert:

15 **"Section 309.\_\_\_\_.\_\_\_\_. HATTIE LARLHAM COMMUNITY LIVING**

16 Of the foregoing appropriation item 600525, Health  
17 Care/Medicaid, \$62,500 in each fiscal year shall be awarded to  
18 Hattie Larlham Community Living."

19 The motion was \_\_\_\_\_ agreed to.

20 SYNOPSIS

21 **Department of Job and Family Services**

22 **Section 309.\_\_\_\_.\_\_\_\_**

23 Increases the state share of GRF line item 600525, Health  
24 Care/Medicaid, by \$62,500 in each fiscal year and earmarks those  
25 funds for Hattie Larlham Community Living.

6 \_\_\_\_\_ moved to amend as follows:

7 In line 117587, delete "five" and insert "ten"

8 In line 117588, after "appropriated" insert "for personal  
9 services and payrolls"

10 In line 117591, delete "three" and insert "two"

11 The motion was \_\_\_\_\_ agreed to.

12 SYNOPSIS

13 **County Quarterly Spending Plans for Any County Fund**

14 **R.C. 5705.392 (B) (2)**

15 Changes from 105% to 110% the spending level of the total  
16 amount appropriated to a county office, department, or division  
17 above which the bill authorizes a board of county commissioners  
18 to adopt a spending plan or an amended spending plan with a  
19 quarterly schedule of expenses and expenditures of  
20 appropriations from any county fund. Specifies that the  
21 spending level applies only to the total amount appropriated for  
22 personal services and payrolls. Also reduces from three fiscal  
23 years to two fiscal years the number of years a spending plan or  
24 amended spending plan must remain in effect, but maintains the  
25 condition "or until the county officer of the office for which  
26 the plan was adopted is no longer in office," whichever is  
27 later.

6 \_\_\_\_\_ moved to amend as follows:

7 In line 14285, delete "six" and insert "five"

8 The motion was \_\_\_\_\_ agreed to.

9 SYNOPSIS

10 **Statute of Limitations for Destruction of a Record of a**  
11 **Public Office**

12 **R.C. 149.351(E)**

13 Changes from six years to five years the bill's statute of  
14 limitations for a civil action for injunctive relief or a civil  
15 action to recover a forfeiture for the removal, destruction,  
16 mutilation, transfer, damage, or disposal of a record of a  
17 public office.



1 129HB153-SC4570.docx/ss

2 Sub. H.B. 153  
3 As Pending in S. Finance  
4 LSC 129 1066-6  
5 HC-4570

6 \_\_\_\_\_ moved to amend as follows:

7 In line 142692, delete "(A)"

8 Delete lines 142721 to 142723

9 The motion was \_\_\_\_\_ agreed to.

10 SYNOPSIS

11 **Board of Regents**

12 **Section 371.60.23**

13 Eliminates the shared services requirement that any state  
14 institution of higher education providing prescription drug  
15 benefits through the RxOhio Collective be deemed to have met  
16 maximum cost savings.

6 \_\_\_\_\_ moved to amend as follows:

7 In line 137087, delete "city,"

8 In line 137088, delete all before "school"; after  
9 "districts" insert "and community schools"

10 In line 137230, after "district" insert "or community  
11 school, established under Chapter 3314. of the Revised Code,";  
12 delete "applicable"

13 In line 137231, after "pay" insert "to each school district  
14 or community school rated as "excellent with distinction" or  
15 "excellent" on the report card issued for the district or  
16 community school under sections 3302.03 and 3314.012 of the  
17 Revised Code for the prior school year"

18 In line 137232, after "ADM" insert ", in the case of a  
19 school district, or the number of students in the community  
20 school's enrollment report for the current year, in the case of  
21 a community school"; delete the balance of the line

22 Delete lines 137233 and 137234

23 In line 137235, delete all before the period

24 Between lines 137235 and 137236, insert:

25 "As used in this section, "the number of students in the  
26 community school's enrollment report" means "the final number of  
27 students reported under divisions (B)(2)(a) and (b) of section  
28 3314.08 of the Revised Code at the end of a fiscal year, as  
29 verified by the Department.""

30 The motion was \_\_\_\_\_ agreed to.

31 SYNOPSIS

32 **Subsidy for High Performing District and Schools**

33 **Sections 267.30.40 and 267.30.56**

34 Adds community schools to the bill's subsidy of \$17 per  
35 student for school districts rated "excellent" or "excellent  
36 with distinction."

6 \_\_\_\_\_ moved to amend as follows:

7 In line 619, after "113.44," insert "113.45,"

8 In line 5209, delete ", subject to an appropriate"

9 In line 5210, delete "assurance of the approval of the  
10 internal revenue service,"

11 In line 5215, delete "a"; delete "party" and insert  
12 "parties"

13 In line 5271, delete "one" and insert "any"

14 Between lines 5314 and 5315, insert:

15 "Sec. 113.45. There is created the supplemental employee  
16 deferral plan administration fund, which shall be in the custody  
17 of the treasurer of state but shall not be part of the state  
18 treasury. The fund shall consist of payments made to the  
19 treasurer of state with respect to a plan created under section  
20 113.42 of the Revised Code. Money in the fund shall be used to  
21 pay the actual and necessary expenses of the treasurer of state  
22 in administering the plan."

23 In line 296 of the title, after "113.44," insert "113.45,"

24 The motion was \_\_\_\_\_ agreed to.

26       **Supplemental Employee Deferral Plan**27       **R.C. 113.42, 113.43, 113.44, 2907.15, and 2921.41**28       Makes revisions to the supplemental employee deferral plan  
29       program for school employees that is created by the bill by:30       Permitting the Treasurer of State to designate more than  
31       one third party as administrator of the plan.32       Creating a custodial fund to be used by the Treasurer of  
33       State to pay actual and necessary administrative expenses of the  
34       plan.35       Permitting the Treasurer of State to apply administrative  
36       expenses of the plan in any of the following ways: (1) against  
37       earnings from investments, (2) as prorated fees charged  
38       equitably among the participants of the plan, or (3) by another  
39       method determined by the Treasurer of State. The bill requires  
40       the Treasurer of State to use one of the above options.

6 \_\_\_\_\_ moved to amend as follows:

7 In line 25763, delete "(A)"

8 Delete lines 25771 through 25774

9 The motion was \_\_\_\_\_ agreed to.

10 SYNOPSIS

11 Municipal Corporation and Township Mergers

12 **R.C. 709.44**

13 Clarifies that the new procedure for merger, as well as the  
14 existing procedure for merger, applies to one or more municipal  
15 corporations, one or more municipal corporations and the  
16 unincorporated area of a township, or one or more municipal  
17 corporations, whether or not adjacent to one another and an  
18 adjacent unincorporated area of a township. Two amendments  
19 adopted by the Senate Finance Committee could not be entirely  
20 harmonized, which resulted in conflicting language.

Sub. H.B. 153  
As Pending in S. Finance  
LSC 129 1066-6  
SC-4593

\_\_\_\_\_ moved to amend as follows:

In line 578, after "5709.084," insert "5709.40, 5709.41,  
5709.42,"; after "5709.632," insert "5709.73, 5709.78,"

Between lines 117955 and 117956, insert:

"Sec. 5709.40. (A) As used in this section:

(1) "Blighted area" and "impacted city" have the same  
meanings as in section 1728.01 of the Revised Code.

(2) "Business day" means a day of the week excluding  
Saturday, Sunday, and a legal holiday as defined under section  
1.14 of the Revised Code.

(3) "Housing renovation" means a project carried out for  
residential purposes.

(4) "Improvement" means the increase in the assessed value of  
any real property that would first appear on the tax list and  
duplicate of real and public utility property after the effective  
date of an ordinance adopted under this section were it not for  
the exemption granted by that ordinance.

(5) "Incentive district" means an area not more than three  
hundred acres in size enclosed by a continuous boundary in which a  
project is being, or will be, undertaken and having one or more of

the following distress characteristics: 20

(a) At least fifty-one per cent of the residents of the 21  
 district have incomes of less than eighty per cent of the median 22  
 income of residents of the political subdivision in which the 23  
 district is located, as determined in the same manner specified 24  
 under section 119(b) of the "Housing and Community Development Act 25  
 of 1974," 88 Stat. 633, 42 U.S.C. 5318, as amended; 26

(b) The average rate of unemployment in the district during 27  
 the most recent twelve-month period for which data are available 28  
 is equal to at least one hundred fifty per cent of the average 29  
 rate of unemployment for this state for the same period. 30

(c) At least twenty per cent of the people residing in the 31  
 district live at or below the poverty level as defined in the 32  
 federal Housing and Community Development Act of 1974, 42 U.S.C. 33  
 5301, as amended, and regulations adopted pursuant to that act. 34

(d) The district is a blighted area. 35

(e) The district is in a situational distress area as 36  
 designated by the director of development under division (F) of 37  
 section 122.23 of the Revised Code. 38

(f) As certified by the engineer for the political 39  
 subdivision, the public infrastructure serving the district is 40  
 inadequate to meet the development needs of the district as 41  
 evidenced by a written economic development plan or urban renewal 42  
 plan for the district that has been adopted by the legislative 43  
 authority of the subdivision. 44

(g) The district is comprised entirely of unimproved land 45  
 that is located in a distressed area as defined in section 122.23 46  
 of the Revised Code. 47

(6) "Project" means development activities undertaken on one 48  
 or more parcels, including, but not limited to, construction, 49



expansion, and alteration of buildings or structures, demolition, 50  
 remediation, and site development, and any building or structure 51  
 that results from those activities. 52

(7) "Public infrastructure improvement" includes, but is not 53  
 limited to, public roads and highways; water and sewer lines; 54  
 environmental remediation; land acquisition, including acquisition 55  
 in aid of industry, commerce, distribution, or research; 56  
 demolition, including demolition on private property when 57  
 determined to be necessary for economic development purposes; 58  
 stormwater and flood remediation projects, including such projects 59  
 on private property when determined to be necessary for public 60  
 health, safety, and welfare; the provision of gas, electric, and 61  
 communications service facilities; and the enhancement of public 62  
 waterways through improvements that allow for greater public 63  
 access. 64

(B) The legislative authority of a municipal corporation, by 65  
 ordinance, may declare improvements to certain parcels of real 66  
 property located in the municipal corporation to be a public 67  
 purpose. Improvements with respect to a parcel that is used or to 68  
 be used for residential purposes may be declared a public purpose 69  
 under this division only if the parcel is located in a blighted 70  
 area of an impacted city. Except with the approval under division 71  
 (D) of this section of the board of education of each city, local, 72  
~~or~~ exempted village, and joint vocational school district within 73  
 which the improvements are located, not more than seventy-five per 74  
 cent of an improvement thus declared to be a public purpose may be 75  
 exempted from real property taxation for a period of not more than 76  
 ten years. The ordinance shall specify the percentage of the 77  
 improvement to be exempted from taxation and the life of the 78  
 exemption. 79

An ordinance adopted or amended under this division shall 80

designate the specific public infrastructure improvements made, to  
be made, or in the process of being made by the municipal  
corporation that directly benefit, or that once made will directly  
benefit, the parcels for which improvements are declared to be a  
public purpose. The service payments provided for in section  
5709.42 of the Revised Code shall be used to finance the public  
infrastructure improvements designated in the ordinance, for the  
purpose described in division (D) (1) of this section or as  
provided in section 5709.43 of the Revised Code.

(C) (1) The legislative authority of a municipal corporation  
may adopt an ordinance creating an incentive district and  
declaring improvements to parcels within the district to be a  
public purpose and, except as provided in division (F) of this  
section, exempt from taxation as provided in this section, but no  
legislative authority of a municipal corporation that has a  
population that exceeds twenty-five thousand, as shown by the most  
recent federal decennial census, shall adopt an ordinance that  
creates an incentive district if the sum of the taxable value of  
real property in the proposed district for the preceding tax year  
and the taxable value of all real property in the municipal  
corporation that would have been taxable in the preceding year  
were it not for the fact that the property was in an existing  
incentive district and therefore exempt from taxation exceeds  
twenty-five per cent of the taxable value of real property in the  
municipal corporation for the preceding tax year. The ordinance  
shall delineate the boundary of the district and specifically  
identify each parcel within the district. A district may not  
include any parcel that is or has been exempted from taxation  
under division (B) of this section or that is or has been within  
another district created under this division. An ordinance may  
create more than one such district, and more than one ordinance  
may be adopted under division (C) (1) of this section.

(2) Not later than thirty days prior to adopting an ordinance 113  
 under division (C) (1) of this section, if the municipal 114  
 corporation intends to apply for exemptions from taxation under 115  
 section 5709.911 of the Revised Code on behalf of owners of real 116  
 property located within the proposed incentive district, the 117  
 legislative authority of a municipal corporation shall conduct a 118  
 public hearing on the proposed ordinance. Not later than thirty 119  
 days prior to the public hearing, the legislative authority shall 120  
 give notice of the public hearing and the proposed ordinance by 121  
 first class mail to every real property owner whose property is 122  
 located within the boundaries of the proposed incentive district 123  
 that is the subject of the proposed ordinance. 124

(3) (a) An ordinance adopted under division (C) (1) of this 125  
 section shall specify the life of the incentive district and the 126  
 percentage of the improvements to be exempted, shall designate the 127  
 public infrastructure improvements made, to be made, or in the 128  
 process of being made, that benefit or serve, or, once made, will 129  
 benefit or serve parcels in the district. The ordinance also shall 130  
 identify one or more specific projects being, or to be, undertaken 131  
 in the district that place additional demand on the public 132  
 infrastructure improvements designated in the ordinance. The 133  
 project identified may, but need not be, the project under 134  
 division (C) (3) (b) of this section that places real property in 135  
 use for commercial or industrial purposes. Except as otherwise 136  
 permitted under that division, the service payments provided for 137  
 in section 5709.42 of the Revised Code shall be used to finance 138  
 the designated public infrastructure improvements, for the purpose 139  
 described in division (D) (1) or (E) of this section, or as 140  
 provided in section 5709.43 of the Revised Code. 141

An ordinance adopted under division (C) (1) of this section on 142  
 or after ~~the effective date of this amendment~~ March 30, 2006, 143

shall not designate police or fire equipment as public 144  
 infrastructure improvements, and no service payment provided for 145  
 in section 5709.42 of the Revised Code and received by the 146  
 municipal corporation under the ordinance shall be used for police 147  
 or fire equipment. 148

(b) An ordinance adopted under division (C) (1) of this 149  
 section may authorize the use of service payments provided for in 150  
 section 5709.42 of the Revised Code for the purpose of housing 151  
 renovations within the incentive district, provided that the 152  
 ordinance also designates public infrastructure improvements that 153  
 benefit or serve the district, and that a project within the 154  
 district places real property in use for commercial or industrial 155  
 purposes. Service payments may be used to finance or support 156  
 loans, deferred loans, and grants to persons for the purpose of 157  
 housing renovations within the district. The ordinance shall 158  
 designate the parcels within the district that are eligible for 159  
 housing renovation. The ordinance shall state separately the 160  
 amounts or the percentages of the expected aggregate service 161  
 payments that are designated for each public infrastructure 162  
 improvement and for the general purpose of housing renovations. 163

(4) Except with the approval of the board of education of 164  
 each city, local, ~~or~~ exempted village, and joint vocational school 165  
 district within the territory of which the incentive district is 166  
 or will be located, and subject to division (E) of this section, 167  
 the life of an incentive district shall not exceed ten years, and 168  
 the percentage of improvements to be exempted shall not exceed 169  
 seventy-five per cent. With approval of the board of education, 170  
 the life of a district may be not more than thirty years, and the 171  
 percentage of improvements to be exempted may be not more than one 172  
 hundred per cent. The approval of a board of education shall be 173  
 obtained in the manner provided in division (D) of this section. 174

(D) (1) If the ordinance declaring improvements to a parcel to be a public purpose or creating an incentive district specifies that payments in lieu of taxes provided for in section 5709.42 of the Revised Code shall be paid to the city, local, ~~or~~ exempted village, or joint vocational school district in which the parcel or incentive district is located in the amount of the taxes that would have been payable to the school district if the improvements had not been exempted from taxation, the percentage of the improvement that may be exempted from taxation may exceed seventy-five per cent, and the exemption may be granted for up to thirty years, without the approval of the board of education as otherwise required under division (D) (2) of this section.

(2) Improvements with respect to a parcel may be exempted from taxation under division (B) of this section, and improvements to parcels within an incentive district may be exempted from taxation under division (C) of this section, for up to ten years or, with the approval under this paragraph of the board of education of the city, local, ~~or~~ exempted village, and joint vocational school district within which the parcel or district is located, for up to thirty years. The percentage of the improvement exempted from taxation may, with such approval, exceed seventy-five per cent, but shall not exceed one hundred per cent. Not later than forty-five business days prior to adopting an ordinance under this section declaring improvements to be a public purpose that is subject to approval by a board of education under this division, the legislative authority shall deliver to the board of education a notice stating its intent to adopt an ordinance making that declaration. The notice regarding improvements with respect to a parcel under division (B) of this section shall identify the parcels for which improvements are to be exempted from taxation, provide an estimate of the true value in money of the improvements, specify the period for which the

improvements would be exempted from taxation and the percentage of 207  
the improvement that would be exempted, and indicate the date on 208  
which the legislative authority intends to adopt the ordinance. 209  
The notice regarding improvements to parcels within an incentive 210  
district under division (C) of this section shall delineate the 211  
boundaries of the district, specifically identify each parcel 212  
within the district, identify each anticipated improvement in the 213  
district, provide an estimate of the true value in money of each 214  
such improvement, specify the life of the district and the 215  
percentage of improvements that would be exempted, and indicate 216  
the date on which the legislative authority intends to adopt the 217  
ordinance. The board of education, by resolution adopted by a 218  
majority of the board, may approve the exemption for the period or 219  
for the exemption percentage specified in the notice; may 220  
disapprove the exemption for the number of years in excess of ten, 221  
may disapprove the exemption for the percentage of the improvement 222  
to be exempted in excess of seventy-five per cent, or both; or may 223  
approve the exemption on the condition that the legislative 224  
authority and the board negotiate an agreement providing for 225  
compensation to the school district equal in value to a percentage 226  
of the amount of taxes exempted in the eleventh and subsequent 227  
years of the exemption period or, in the case of exemption 228  
percentages in excess of seventy-five per cent, compensation equal 229  
in value to a percentage of the taxes that would be payable on the 230  
portion of the improvement in excess of seventy-five per cent were 231  
that portion to be subject to taxation, or other mutually 232  
agreeable compensation. 233

(3) The board of education shall certify its resolution to 234  
the legislative authority not later than fourteen days prior to 235  
the date the legislative authority intends to adopt the ordinance 236  
as indicated in the notice. If the board of education and the 237  
legislative authority negotiate a mutually acceptable compensation 238

agreement, the ordinance may declare the improvements a public  
purpose for the number of years specified in the ordinance or, in  
the case of exemption percentages in excess of seventy-five per  
cent, for the exemption percentage specified in the ordinance. In  
either case, if the board and the legislative authority fail to  
negotiate a mutually acceptable compensation agreement, the  
ordinance may declare the improvements a public purpose for not  
more than ten years, and shall not exempt more than seventy-five  
per cent of the improvements from taxation. If the board fails to  
certify a resolution to the legislative authority within the time  
prescribed by this division, the legislative authority thereupon  
may adopt the ordinance and may declare the improvements a public  
purpose for up to thirty years, or, in the case of exemption  
percentages proposed in excess of seventy-five per cent, for the  
exemption percentage specified in the ordinance. The legislative  
authority may adopt the ordinance at any time after the board of  
education certifies its resolution approving the exemption to the  
legislative authority, or, if the board approves the exemption on  
the condition that a mutually acceptable compensation agreement be  
negotiated, at any time after the compensation agreement is agreed  
to by the board and the legislative authority.

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(4) If a board of education has adopted a resolution waiving  
its right to approve exemptions from taxation under this section  
and the resolution remains in effect, approval of exemptions by  
the board is not required under division (D) of this section. If a  
board of education has adopted a resolution allowing a legislative  
authority to deliver the notice required under division (D) of  
this section fewer than forty-five business days prior to the  
legislative authority's adoption of the ordinance, the legislative  
authority shall deliver the notice to the board not later than the  
number of days prior to such adoption as prescribed by the board  
in its resolution. If a board of education adopts a resolution

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waiving its right to approve agreements or shortening the 271  
notification period, the board shall certify a copy of the 272  
resolution to the legislative authority. If the board of education 273  
rescinds such a resolution, it shall certify notice of the 274  
rescission to the legislative authority. 275

(5) If the legislative authority is not required by division 276  
(D) of this section to notify the board of education of the 277  
legislative authority's intent to declare improvements to be a 278  
public purpose, the legislative authority shall comply with the 279  
notice requirements imposed under section 5709.83 of the Revised 280  
Code, unless the board has adopted a resolution under that section 281  
waiving its right to receive such a notice. 282

(E) (1) If a proposed ordinance under division (C) (1) of this 283  
section exempts improvements with respect to a parcel within an 284  
incentive district for more than ten years, or the percentage of 285  
the improvement exempted from taxation exceeds seventy-five per 286  
cent, not later than forty-five business days prior to adopting 287  
the ordinance the legislative authority of the municipal 288  
corporation shall deliver to the board of county commissioners of 289  
the county within which the incentive district will be located a 290  
notice that states its intent to adopt an ordinance creating an 291  
incentive district. The notice shall include a copy of the 292  
proposed ordinance, identify the parcels for which improvements 293  
are to be exempted from taxation, provide an estimate of the true 294  
value in money of the improvements, specify the period of time for 295  
which the improvements would be exempted from taxation, specify 296  
the percentage of the improvements that would be exempted from 297  
taxation, and indicate the date on which the legislative authority 298  
intends to adopt the ordinance. 299

(2) The board of county commissioners, by resolution adopted 300  
by a majority of the board, may object to the exemption for the 301



number of years in excess of ten, may object to the exemption for  
the percentage of the improvement to be exempted in excess of  
seventy-five per cent, or both. If the board of county  
commissioners objects, the board may negotiate a mutually  
acceptable compensation agreement with the legislative authority.  
In no case shall the compensation provided to the board exceed the  
property taxes ~~foregone~~ forgone due to the exemption. If the board  
of county commissioners objects, and the board and legislative  
authority fail to negotiate a mutually acceptable compensation  
agreement, the ordinance adopted under division (C)(1) of this  
section shall provide to the board compensation in the eleventh  
and subsequent years of the exemption period equal in value to not  
more than fifty per cent of the taxes that would be payable to the  
county or, if the board's objection includes an objection to an  
exemption percentage in excess of seventy-five per cent,  
compensation equal in value to not more than fifty per cent of the  
taxes that would be payable to the county, on the portion of the  
improvement in excess of seventy-five per cent, were that portion  
to be subject to taxation. The board of county commissioners shall  
certify its resolution to the legislative authority not later than  
thirty days after receipt of the notice.

(3) If the board of county commissioners does not object or  
fails to certify its resolution objecting to an exemption within  
thirty days after receipt of the notice, the legislative authority  
may adopt the ordinance, and no compensation shall be provided to  
the board of county commissioners. If the board timely certifies  
its resolution objecting to the ordinance, the legislative  
authority may adopt the ordinance at any time after a mutually  
acceptable compensation agreement is agreed to by the board and  
the legislative authority, or, if no compensation agreement is  
negotiated, at any time after the legislative authority agrees in  
the proposed ordinance to provide compensation to the board of

fifty per cent of the taxes that would be payable to the county in 334  
the eleventh and subsequent years of the exemption period or on 335  
the portion of the improvement in excess of seventy-five per cent, 336  
were that portion to be subject to taxation. 337

(F) Service payments in lieu of taxes that are attributable 338  
to any amount by which the effective tax rate of either a renewal 339  
levy with an increase or a replacement levy exceeds the effective 340  
tax rate of the levy renewed or replaced, or that are attributable 341  
to an additional levy, for a levy authorized by the voters for any 342  
of the following purposes on or after January 1, 2006, and which 343  
are provided pursuant to an ordinance creating an incentive 344  
district under division (C) (1) of this section that is adopted on 345  
or after January 1, 2006, shall be distributed to the appropriate 346  
taxing authority as required under division (C) of section 5709.42 347  
of the Revised Code in an amount equal to the amount of taxes from 348  
that additional levy or from the increase in the effective tax 349  
rate of such renewal or replacement levy that would have been 350  
payable to that taxing authority from the following levies were it 351  
not for the exemption authorized under division (C) of this 352  
section: 353

(1) A tax levied under division (L) of section 5705.19 or 354  
section 5705.191 of the Revised Code for community mental 355  
retardation and developmental disabilities programs and services 356  
pursuant to Chapter 5126. of the Revised Code; 357

(2) A tax levied under division (Y) of section 5705.19 of the 358  
Revised Code for providing or maintaining senior citizens services 359  
or facilities; 360

(3) A tax levied under section 5705.22 of the Revised Code 361  
for county hospitals; 362

(4) A tax levied by a joint-county district or by a county 363  
under section 5705.19, 5705.191, or 5705.221 of the Revised Code 364

for alcohol, drug addiction, and mental health services or facilities;	365 366
(5) A tax levied under section 5705.23 of the Revised Code for library purposes;	367 368
(6) A tax levied under section 5705.24 of the Revised Code for the support of children services and the placement and care of children;	369 370 371
(7) A tax levied under division (Z) of section 5705.19 of the Revised Code for the provision and maintenance of zoological park services and facilities under section 307.76 of the Revised Code;	372 373 374
(8) A tax levied under section 511.27 or division (H) of section 5705.19 of the Revised Code for the support of township park districts;	375 376 377
(9) A tax levied under division (A), (F), or (H) of section 5705.19 of the Revised Code for parks and recreational purposes of a joint recreation district organized pursuant to division (B) of section 755.14 of the Revised Code;	378 379 380 381
(10) A tax levied under section 1545.20 or 1545.21 of the Revised Code for park district purposes;	382 383
(11) A tax levied under section 5705.191 of the Revised Code for the purpose of making appropriations for public assistance; human or social services; public relief; public welfare; public health and hospitalization; and support of general hospitals;	384 385 386 387
(12) A tax levied under section 3709.29 of the Revised Code for a general health district program.	388 389
(G) An exemption from taxation granted under this section commences with the tax year specified in the ordinance so long as the year specified in the ordinance commences after the effective date of the ordinance. If the ordinance specifies a year	390 391 392 393

commencing before the effective date of the resolution or 394  
 specifies no year whatsoever, the exemption commences with the tax 395  
 year in which an exempted improvement first appears on the tax 396  
 list and duplicate of real and public utility property and that 397  
 commences after the effective date of the ordinance. Except as 398  
 otherwise provided in this division, the exemption ends on the 399  
 date specified in the ordinance as the date the improvement ceases 400  
 to be a public purpose or the incentive district expires, or ends 401  
 on the date on which the public infrastructure improvements and 402  
 housing renovations are paid in full from the municipal public 403  
 improvement tax increment equivalent fund established under 404  
 division (A) of section 5709.43 of the Revised Code, whichever 405  
 occurs first. The exemption of an improvement with respect to a 406  
 parcel or within an incentive district may end on a later date, as 407  
 specified in the ordinance, if the legislative authority and the 408  
 board of education of the city, local, ~~ex~~ exempted village, or 409  
joint vocational school district within which the parcel or 410  
 district is located have entered into a compensation agreement 411  
 under section 5709.82 of the Revised Code with respect to the 412  
 improvement, and the board of education has approved the term of 413  
 the exemption under division (D) (2) of this section, but in no 414  
 case shall the improvement be exempted from taxation for more than 415  
 thirty years. Exemptions shall be claimed and allowed in the same 416  
 manner as in the case of other real property exemptions. If an 417  
 exemption status changes during a year, the procedure for the 418  
 apportionment of the taxes for that year is the same as in the 419  
 case of other changes in tax exemption status during the year. 420

(H) Additional municipal financing of public infrastructure 421  
 improvements and housing renovations may be provided by any 422  
 methods that the municipal corporation may otherwise use for 423  
 financing such improvements or renovations. If the municipal 424  
 corporation issues bonds or notes to finance the public 425

infrastructure improvements and housing renovations and pledges 426  
 money from the municipal public improvement tax increment 427  
 equivalent fund to pay the interest on and principal of the bonds 428  
 or notes, the bonds or notes are not subject to Chapter 133. of 429  
 the Revised Code. 430

(I) The municipal corporation, not later than fifteen days 431  
 after the adoption of an ordinance under this section, shall 432  
 submit to the director of development a copy of the ordinance. On 433  
 or before the thirty-first day of March of each year, the 434  
 municipal corporation shall submit a status report to the director 435  
 of development. The report shall indicate, in the manner 436  
 prescribed by the director, the progress of the project during 437  
 each year that an exemption remains in effect, including a summary 438  
 of the receipts from service payments in lieu of taxes; 439  
 expenditures of money from the funds created under section 5709.43 440  
 of the Revised Code; a description of the public infrastructure 441  
 improvements and housing renovations financed with such 442  
 expenditures; and a quantitative summary of changes in employment 443  
 and private investment resulting from each project. 444

(J) Nothing in this section shall be construed to prohibit a 445  
 legislative authority from declaring to be a public purpose 446  
 improvements with respect to more than one parcel. 447

**Sec. 5709.41.** (A) As used in this section: 448

(1) "Business day" means a day of the week excluding 449  
 Saturday, Sunday, and a legal holiday as defined under section 450  
 1.14 of the Revised Code. 451

(2) "Improvement" means the increase in assessed value of any 452  
 parcel of property subsequent to the acquisition of the parcel by 453  
 a municipal corporation engaged in urban redevelopment. 454

(B) The legislative authority of a municipal corporation, by 455

ordinance, may declare to be a public purpose any improvement to a parcel of real property if both of the following apply:

(1) The municipal corporation held fee title to the parcel prior to the adoption of the ordinance;

(2) The parcel is leased, or the fee of the parcel is conveyed, to any person either before or after adoption of the ordinance.

Improvements used or to be used for residential purposes may be declared a public purpose under this section only if the parcel is located in a blighted area of an impacted city as those terms are defined in section 1728.01 of the Revised Code.

(C) Except as otherwise provided in division (C) (1), (2), or (3) of this section, not more than seventy-five per cent of an improvement thus declared to be a public purpose may be exempted from real property taxation. The ordinance shall specify the percentage of the improvement to be exempted from taxation.

(1) If the ordinance declaring improvements to a parcel to be a public purpose specifies that payments in lieu of taxes provided for in section 5709.42 of the Revised Code shall be paid to the city, local, ~~or~~ exempted village, and joint vocational school district in which the parcel is located in the amount of the taxes that would have been payable to the school district if the improvements had not been exempted from taxation, the percentage of the improvement that may be exempted from taxation may exceed seventy-five per cent, and the exemption may be granted for up to thirty years, without the approval of the board of education as otherwise required under division (C) (2) of this section.

(2) Improvements may be exempted from taxation for up to ten years or, with the approval of the board of education of the each city, local, ~~or~~ exempted village, and joint vocational school

district within the territory of which the improvements are or 486  
will be located, for up to thirty years. The percentage of the 487  
improvement exempted from taxation may, with such approval, exceed 488  
seventy-five per cent, but shall not exceed one hundred per cent. 489  
Not later than forty-five business days prior to adopting an 490  
ordinance under this section, the legislative authority shall 491  
deliver to the board of education a notice stating its intent to 492  
declare improvements to be a public purpose under this section. 493  
The notice shall describe the parcel and the improvements, provide 494  
an estimate of the true value in money of the improvements, 495  
specify the period for which the improvements would be exempted 496  
from taxation and the percentage of the improvements that would be 497  
exempted, and indicate the date on which the legislative authority 498  
intends to adopt the ordinance. The board of education, by 499  
resolution adopted by a majority of the board, may approve the 500  
exemption for the period or for the exemption percentage specified 501  
in the notice, may disapprove the exemption for the number of 502  
years in excess of ten, may disapprove the exemption for the 503  
percentage of the improvements to be exempted in excess of 504  
seventy-five per cent, or both, or may approve the exemption on 505  
the condition that the legislative authority and the board 506  
negotiate an agreement providing for compensation to the school 507  
district equal in value to a percentage of the amount of taxes 508  
exempted in the eleventh and subsequent years of the exemption 509  
period, or, in the case of exemption percentages in excess of 510  
seventy-five per cent, compensation equal in value to a percentage 511  
of the taxes that would be payable on the portion of the 512  
improvement in excess of seventy-five per cent were that portion 513  
to be subject to taxation. The board of education shall certify 514  
its resolution to the legislative authority not later than 515  
fourteen days prior to the date the legislative authority intends 516  
to adopt the ordinance as indicated in the notice. If the board of 517

education approves the exemption on the condition that a 518  
 compensation agreement be negotiated, the board in its resolution 519  
 shall propose a compensation percentage. If the board of education 520  
 and the legislative authority negotiate a mutually acceptable 521  
 compensation agreement, the ordinance may declare the improvements 522  
 a public purpose for the number of years specified in the 523  
 ordinance or, in the case of exemption percentages in excess of 524  
 seventy-five per cent, for the exemption percentage specified in 525  
 the ordinance. In either case, if the board and the legislative 526  
 authority fail to negotiate a mutually acceptable compensation 527  
 agreement, the ordinance may declare the improvements a public 528  
 purpose for not more than ten years, but shall not exempt more 529  
 than seventy-five per cent of the improvements from taxation. If 530  
 the board fails to certify a resolution to the legislative 531  
 authority within the time prescribed by this division, the 532  
 legislative authority thereupon may adopt the ordinance and may 533  
 declare the improvements a public purpose for up to thirty years. 534  
 The legislative authority may adopt the ordinance at any time 535  
 after the board of education certifies its resolution approving 536  
 the exemption to the legislative authority, or, if the board 537  
 approves the exemption on the condition that a mutually acceptable 538  
 compensation agreement be negotiated, at any time after the 539  
 compensation agreement is agreed to by the board and the 540  
 legislative authority. 541

(3) If a board of education has adopted a resolution waiving 542  
 its right to approve exemptions from taxation and the resolution 543  
 remains in effect, approval of exemptions by the board is not 544  
 required under this division. If a board of education has adopted 545  
 a resolution allowing a legislative authority to deliver the 546  
 notice required under this division fewer than forty-five business 547  
 days prior to the legislative authority's adoption of the 548  
 ordinance, the legislative authority shall deliver the notice to 549



the board not later than the number of days prior to such adoption 550  
as prescribed by the board in its resolution. If a board of 551  
education adopts a resolution waiving its right to approve 552  
exemptions or shortening the notification period, the board shall 553  
certify a copy of the resolution to the legislative authority. If 554  
the board of education rescinds such a resolution, it shall 555  
certify notice of the rescission to the legislative authority. 556

(4) If the legislative authority is not required by division 557  
(C) (1), (2), or (3) of this section to notify the board of 558  
education of the legislative authority's intent to declare 559  
improvements to be a public purpose, the legislative authority 560  
shall comply with the notice requirements imposed under section 561  
5709.83 of the Revised Code, unless the board has adopted a 562  
resolution under that section waiving its right to receive such a 563  
notice. 564

(D) The exemption commences on the effective date of the 565  
ordinance and ends on the date specified in the ordinance as the 566  
date the improvement ceases to be a public purpose. The exemption 567  
shall be claimed and allowed in the same or a similar manner as in 568  
the case of other real property exemptions. If an exemption status 569  
changes during a tax year, the procedure for the apportionment of 570  
the taxes for that year is the same as in the case of other 571  
changes in tax exemption status during the year. 572

(E) A municipal corporation, not later than fifteen days 573  
after the adoption of an ordinance granting a tax exemption under 574  
this section, shall submit to the director of development a copy 575  
of the ordinance. On or before the thirty-first day of March each 576  
year, the municipal corporation shall submit a status report to 577  
the director of development outlining the progress of the project 578  
during each year that the exemption remains in effect. 579

Sec. 5709.42. (A) A municipal corporation that has declared 580  
 an improvement to be a public purpose under section 5709.40 or 581  
 5709.41 of the Revised Code may require the owner of any structure 582  
 located on the parcel to make annual service payments in lieu of 583  
 taxes to the county treasurer on or before the final dates for 584  
 payment of real property taxes. Each such payment shall be charged 585  
 and collected in the same manner and in the same amount as the 586  
 real property taxes that would have been charged and payable 587  
 against the improvement if it were not exempt from taxation. If 588  
 any reduction in the levies otherwise applicable to such exempt 589  
 property is made by the county budget commission under section 590  
 5705.31 of the Revised Code, the amount of the service payment in 591  
 lieu of taxes shall be calculated as if such reduction in levies 592  
 had not been made. 593

(B) Moneys collected as service payments in lieu of taxes 594  
 shall be distributed at the same time and in the same manner as 595  
 real property tax payments. However, subject to division (C) of 596  
 this section or section 5709.913 of the Revised Code, the entire 597  
 amount so collected shall be distributed to the municipal 598  
 corporation in which the improvement is located. If an ordinance 599  
 adopted under section 5709.40 or 5709.41 of the Revised Code 600  
 specifies that service payments shall be paid to ~~the~~ a city, 601  
 local, ~~or~~ exempted village, or joint vocational school district in 602  
 which the improvements are located, the county treasurer shall 603  
 distribute the portion of the service payments to that school 604  
 district in an amount equal to the property tax payments the 605  
 school district would have received from the portion of the 606  
 improvements exempted from taxation had the improvements not been 607  
 exempted, as directed in the ordinance. The treasurer shall 608  
 maintain a record of the service payments in lieu of taxes made 609  
 from property in each municipal corporation. 610

(C) If annual service payments in lieu of taxes are required 611  
 under this section, the county treasurer shall distribute to the 612  
 appropriate taxing authorities the portion of the service payments 613  
 that represents payments required under division (F) of section 614  
 5709.40 of the Revised Code. 615

(D) Nothing in this section or section 5709.40 or 5709.41 of 616  
 the Revised Code affects the taxes levied against that portion of 617  
 the value of any parcel of property that is not exempt from 618  
 taxation." 619

Between lines 118651 and 118652, insert: 620

"Sec. 5709.73. (A) As used in this section and section 621  
 5709.74 of the Revised Code: 622

(1) "Business day" means a day of the week excluding 623  
 Saturday, Sunday, and a legal holiday as defined in section 1.14 624  
 of the Revised Code. 625

(2) "Further improvements" or "improvements" means the 626  
 increase in the assessed value of real property that would first 627  
 appear on the tax list and duplicate of real and public utility 628  
 property after the effective date of a resolution adopted under 629  
 this section were it not for the exemption granted by that 630  
 resolution. For purposes of division (B) of this section, 631  
 "improvements" do not include any property used or to be used for 632  
 residential purposes. 633

(3) "Housing renovation" means a project carried out for 634  
 residential purposes. 635

(4) "Incentive district" has the same meaning as in section 636  
 5709.40 of the Revised Code, except that a blighted area is in the 637  
 unincorporated area of a township. 638

(5) "Project" and "public infrastructure improvement" have 639

the same meanings as in section 5709.40 of the Revised Code. 640

(B) A board of township trustees may, by unanimous vote, 641  
 adopt a resolution that declares to be a public purpose any public 642  
 infrastructure improvements made that are necessary for the 643  
 development of certain parcels of land located in the 644  
 unincorporated area of the township. Except with the approval 645  
 under division (D) of this section of the board of education of 646  
 each city, local, ~~or~~ exempted village, and joint vocational school 647  
 district within which the improvements are located, the resolution 648  
 may exempt from real property taxation not more than seventy-five 649  
 per cent of further improvements to a parcel of land that directly 650  
 benefits from the public infrastructure improvements, for a period 651  
 of not more than ten years. The resolution shall specify the 652  
 percentage of the further improvements to be exempted and the life 653  
 of the exemption. 654

(C) (1) A board of township trustees may adopt, by unanimous 655  
 vote, a resolution creating an incentive district and declaring 656  
 improvements to parcels within the district to be a public purpose 657  
 and, except as provided in division (F) of this section, exempt 658  
 from taxation as provided in this section, but no board of 659  
 township trustees of a township that has a population that exceeds 660  
 twenty-five thousand, as shown by the most recent federal 661  
 decennial census, shall adopt a resolution that creates an 662  
 incentive district if the sum of the taxable value of real 663  
 property in the proposed district for the preceding tax year and 664  
 the taxable value of all real property in the township that would 665  
 have been taxable in the preceding year were it not for the fact 666  
 that the property was in an existing incentive district and 667  
 therefore exempt from taxation exceeds twenty-five per cent of the 668  
 taxable value of real property in the township for the preceding 669  
 tax year. The district shall be located within the unincorporated 670

area of the township and shall not include any territory that is  
included within a district created under division (B) of section  
5709.78 of the Revised Code. The resolution shall delineate the  
boundary of the district and specifically identify each parcel  
within the district. A district may not include any parcel that is  
or has been exempted from taxation under division (B) of this  
section or that is or has been within another district created  
under this division. A resolution may create more than one  
district, and more than one resolution may be adopted under  
division (C) (1) of this section.

(2) Not later than thirty days prior to adopting a resolution  
under division (C) (1) of this section, if the township intends to  
apply for exemptions from taxation under section 5709.911 of the  
Revised Code on behalf of owners of real property located within  
the proposed incentive district, the board shall conduct a public  
hearing on the proposed resolution. Not later than thirty days  
prior to the public hearing, the board shall give notice of the  
public hearing and the proposed resolution by first class mail to  
every real property owner whose property is located within the  
boundaries of the proposed incentive district that is the subject  
of the proposed resolution.

(3) (a) A resolution adopted under division (C) (1) of this  
section shall specify the life of the incentive district and the  
percentage of the improvements to be exempted, shall designate the  
public infrastructure improvements made, to be made, or in the  
process of being made, that benefit or serve, or, once made, will  
benefit or serve parcels in the district. The resolution also  
shall identify one or more specific projects being, or to be,  
undertaken in the district that place additional demand on the  
public infrastructure improvements designated in the resolution.  
The project identified may, but need not be, the project under

division (C) (3) (b) of this section that places real property in 702  
 use for commercial or industrial purposes. 703

A resolution adopted under division (C) (1) of this section on 704  
 or after ~~the effective date of this amendment~~ March 30, 2006, 705  
 shall not designate police or fire equipment as public 706  
 infrastructure improvements, and no service payment provided for 707  
 in section 5709.74 of the Revised Code and received by the 708  
 township under the resolution shall be used for police or fire 709  
 equipment. 710

(b) A resolution adopted under division (C) (1) of this 711  
 section may authorize the use of service payments provided for in 712  
 section 5709.74 of the Revised Code for the purpose of housing 713  
 renovations within the incentive district, provided that the 714  
 resolution also designates public infrastructure improvements that 715  
 benefit or serve the district, and that a project within the 716  
 district places real property in use for commercial or industrial 717  
 purposes. Service payments may be used to finance or support 718  
 loans, deferred loans, and grants to persons for the purpose of 719  
 housing renovations within the district. The resolution shall 720  
 designate the parcels within the district that are eligible for 721  
 housing renovations. The resolution shall state separately the 722  
 amount or the percentages of the expected aggregate service 723  
 payments that are designated for each public infrastructure 724  
 improvement and for the purpose of housing renovations. 725

(4) Except with the approval of the board of education of 726  
 each city, local, ~~or~~ exempted village, and joint vocational school 727  
 district within the territory of which the incentive district is 728  
 or will be located, and subject to division (E) of this section, 729  
 the life of an incentive district shall not exceed ten years, and 730  
 the percentage of improvements to be exempted shall not exceed 731  
 seventy-five per cent. With approval of the board of education, 732

the life of a district may be not more than thirty years, and the 733  
percentage of improvements to be exempted may be not more than one 734  
hundred per cent. The approval of a board of education shall be 735  
obtained in the manner provided in division (D) of this section f. 736

(D) Improvements with respect to a parcel may be exempted 737  
from taxation under division (B) of this section, and improvements 738  
to parcels within an incentive district may be exempted from 739  
taxation under division (C) of this section, for up to ten years 740  
or, with the approval of the board of education of ~~the~~ each city, 741  
local, ~~or~~ exempted village, and joint vocational school district 742  
within which the parcel or district is located, for up to thirty 743  
years. The percentage of the improvements exempted from taxation 744  
may, with such approval, exceed seventy-five per cent, but shall 745  
not exceed one hundred per cent. Not later than forty-five 746  
business days prior to adopting a resolution under this section 747  
declaring improvements to be a public purpose that is subject to 748  
approval by a board of education under this division, the board of 749  
township trustees shall deliver to the board of education a notice 750  
stating its intent to adopt a resolution making that declaration. 751  
The notice regarding improvements with respect to a parcel under 752  
division (B) of this section shall identify the parcels for which 753  
improvements are to be exempted from taxation, provide an estimate 754  
of the true value in money of the improvements, specify the period 755  
for which the improvements would be exempted from taxation and the 756  
percentage of the improvements that would be exempted, and 757  
indicate the date on which the board of township trustees intends 758  
to adopt the resolution. The notice regarding improvements made 759  
under division (C) of this section to parcels within an incentive 760  
district shall delineate the boundaries of the district, 761  
specifically identify each parcel within the district, identify 762  
each anticipated improvement in the district, provide an estimate 763  
of the true value in money of each such improvement, specify the 764

life of the district and the percentage of improvements that would 765  
 be exempted, and indicate the date on which the board of township 766  
 trustees intends to adopt the resolution. The board of education, 767  
 by resolution adopted by a majority of the board, may approve the 768  
 exemption for the period or for the exemption percentage specified 769  
 in the notice; may disapprove the exemption for the number of 770  
 years in excess of ten, may disapprove the exemption for the 771  
 percentage of the improvements to be exempted in excess of 772  
 seventy-five per cent, or both; or may approve the exemption on 773  
 the condition that the board of township trustees and the board of 774  
 education negotiate an agreement providing for compensation to the 775  
 school district equal in value to a percentage of the amount of 776  
 taxes exempted in the eleventh and subsequent years of the 777  
 exemption period or, in the case of exemption percentages in 778  
 excess of seventy-five per cent, compensation equal in value to a 779  
 percentage of the taxes that would be payable on the portion of 780  
 the improvements in excess of seventy-five per cent were that 781  
 portion to be subject to taxation, or other mutually agreeable 782  
 compensation. 783

The board of education shall certify its resolution to the 784  
 board of township trustees not later than fourteen days prior to 785  
 the date the board of township trustees intends to adopt the 786  
 resolution as indicated in the notice. If the board of education 787  
 and the board of township trustees negotiate a mutually acceptable 788  
 compensation agreement, the resolution may declare the 789  
 improvements a public purpose for the number of years specified in 790  
 the resolution or, in the case of exemption percentages in excess 791  
 of seventy-five per cent, for the exemption percentage specified 792  
 in the resolution. In either case, if the board of education and 793  
 the board of township trustees fail to negotiate a mutually 794  
 acceptable compensation agreement, the resolution may declare the 795  
 improvements a public purpose for not more than ten years, and 796



shall not exempt more than seventy-five per cent of the  
improvements from taxation. If the board of education fails to  
certify a resolution to the board of township trustees within the  
time prescribed by this section, the board of township trustees  
thereupon may adopt the resolution and may declare the  
improvements a public purpose for up to thirty years or, in the  
case of exemption percentages proposed in excess of seventy-five  
per cent, for the exemption percentage specified in the  
resolution. The board of township trustees may adopt the  
resolution at any time after the board of education certifies its  
resolution approving the exemption to the board of township  
trustees, or, if the board of education approves the exemption on  
the condition that a mutually acceptable compensation agreement be  
negotiated, at any time after the compensation agreement is agreed  
to by the board of education and the board of township trustees.

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If a board of education has adopted a resolution waiving its  
right to approve exemptions from taxation under this section and  
the resolution remains in effect, approval of such exemptions by  
the board of education is not required under division (D) of this  
section. If a board of education has adopted a resolution allowing  
a board of township trustees to deliver the notice required under  
division (D) of this section fewer than forty-five business days  
prior to adoption of the resolution by the board of township  
trustees, the board of township trustees shall deliver the notice  
to the board of education not later than the number of days prior  
to the adoption as prescribed by the board of education in its  
resolution. If a board of education adopts a resolution waiving  
its right to approve exemptions or shortening the notification  
period, the board of education shall certify a copy of the  
resolution to the board of township trustees. If the board of  
education rescinds the resolution, it shall certify notice of the  
rescission to the board of township trustees.

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If the board of township trustees is not required by division 829  
(D) of this section to notify the board of education of the board 830  
of township trustees' intent to declare improvements to be a 831  
public purpose, the board of township trustees shall comply with 832  
the notice requirements imposed under section 5709.83 of the 833  
Revised Code before taking formal action to adopt the resolution 834  
making that declaration, unless the board of education has adopted 835  
a resolution under that section waiving its right to receive the 836  
notice. 837

(E) (1) If a proposed resolution under division (C) (1) of this 838  
section exempts improvements with respect to a parcel within an 839  
incentive district for more than ten years, or the percentage of 840  
the improvement exempted from taxation exceeds seventy-five per 841  
cent, not later than forty-five business days prior to adopting 842  
the resolution the board of township trustees shall deliver to the 843  
board of county commissioners of the county within which the 844  
incentive district is or will be located a notice that states its 845  
intent to adopt a resolution creating an incentive district. The 846  
notice shall include a copy of the proposed resolution, identify 847  
the parcels for which improvements are to be exempted from 848  
taxation, provide an estimate of the true value in money of the 849  
improvements, specify the period of time for which the 850  
improvements would be exempted from taxation, specify the 851  
percentage of the improvements that would be exempted from 852  
taxation, and indicate the date on which the board of township 853  
trustees intends to adopt the resolution. 854

(2) The board of county commissioners, by resolution adopted 855  
by a majority of the board, may object to the exemption for the 856  
number of years in excess of ten, may object to the exemption for 857  
the percentage of the improvement to be exempted in excess of 858  
seventy-five per cent, or both. If the board of county 859

commissioners objects, the board may negotiate a mutually 860  
acceptable compensation agreement with the board of township 861  
trustees. In no case shall the compensation provided to the board 862  
of county commissioners exceed the property taxes foregone due to 863  
the exemption. If the board of county commissioners objects, and 864  
the board of county commissioners and board of township trustees 865  
fail to negotiate a mutually acceptable compensation agreement, 866  
the resolution adopted under division (C) (1) of this section shall 867  
provide to the board of county commissioners compensation in the 868  
eleventh and subsequent years of the exemption period equal in 869  
value to not more than fifty per cent of the taxes that would be 870  
payable to the county or, if the board of county commissioner's 871  
objection includes an objection to an exemption percentage in 872  
excess of seventy-five per cent, compensation equal in value to 873  
not more than fifty per cent of the taxes that would be payable to 874  
the county, on the portion of the improvement in excess of 875  
seventy-five per cent, were that portion to be subject to 876  
taxation. The board of county commissioners shall certify its 877  
resolution to the board of township trustees not later than thirty 878  
days after receipt of the notice. 879

(3) If the board of county commissioners does not object or 880  
fails to certify its resolution objecting to an exemption within 881  
thirty days after receipt of the notice, the board of township 882  
trustees may adopt its resolution, and no compensation shall be 883  
provided to the board of county commissioners. If the board of 884  
county commissioners timely certifies its resolution objecting to 885  
the trustees' resolution, the board of township trustees may adopt 886  
its resolution at any time after a mutually acceptable 887  
compensation agreement is agreed to by the board of county 888  
commissioners and the board of township trustees, or, if no 889  
compensation agreement is negotiated, at any time after the board 890  
of township trustees agrees in the proposed resolution to provide 891

compensation to the board of county commissioners of fifty per cent of the taxes that would be payable to the county in the eleventh and subsequent years of the exemption period or on the portion of the improvement in excess of seventy-five per cent, were that portion to be subject to taxation.

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(F) Service payments in lieu of taxes that are attributable to any amount by which the effective tax rate of either a renewal levy with an increase or a replacement levy exceeds the effective tax rate of the levy renewed or replaced, or that are attributable to an additional levy, for a levy authorized by the voters for any of the following purposes on or after January 1, 2006, and which are provided pursuant to a resolution creating an incentive district under division (C)(1) of this section that is adopted on or after January 1, 2006, shall be distributed to the appropriate taxing authority as required under division (C) of section 5709.74 of the Revised Code in an amount equal to the amount of taxes from that additional levy or from the increase in the effective tax rate of such renewal or replacement levy that would have been payable to that taxing authority from the following levies were it not for the exemption authorized under division (C) of this section:

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(1) A tax levied under division (L) of section 5705.19 or section 5705.191 of the Revised Code for community mental retardation and developmental disabilities programs and services pursuant to Chapter 5126. of the Revised Code;

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(2) A tax levied under division (Y) of section 5705.19 of the Revised Code for providing or maintaining senior citizens services or facilities;

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(3) A tax levied under section 5705.22 of the Revised Code for county hospitals;

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(4) A tax levied by a joint-county district or by a county

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under section 5705.19, 5705.191, or 5705.221 of the Revised Code	923
for alcohol, drug addiction, and mental health services or	924
families;	925
(5) A tax levied under section 5705.23 of the Revised Code	926
for library purposes;	927
(6) A tax levied under section 5705.24 of the Revised Code	928
for the support of children services and the placement and care of	929
children;	930
(7) A tax levied under division (Z) of section 5705.19 of the	931
Revised Code for the provision and maintenance of zoological park	932
services and facilities under section 307.76 of the Revised Code;	933
(8) A tax levied under section 511.27 or division (H) of	934
section 5705.19 of the Revised Code for the support of township	935
park districts;	936
(9) A tax levied under division (A), (F), or (H) of section	937
5705.19 of the Revised Code for parks and recreational purposes of	938
a joint recreation district organized pursuant to division (B) of	939
section 755.14 of the Revised Code;	940
(10) A tax levied under section 1545.20 or 1545.21 of the	941
Revised Code for park district purposes;	942
(11) A tax levied under section 5705.191 of the Revised Code	943
for the purpose of making appropriations for public assistance;	944
human or social services; public relief; public welfare; public	945
health and hospitalization; and support of general hospitals;	946
(12) A tax levied under section 3709.29 of the Revised Code	947
for a general health district program.	948
(G) An exemption from taxation granted under this section	949
commences with the tax year specified in the resolution so long as	950
the year specified in the resolution commences after the effective	951

date of the resolution. If the resolution specifies a year 952  
 commencing before the effective date of the resolution or 953  
 specifies no year whatsoever, the exemption commences with the tax 954  
 year in which an exempted improvement first appears on the tax 955  
 list and duplicate of real and public utility property and that 956  
 commences after the effective date of the resolution. Except as 957  
 otherwise provided in this division, the exemption ends on the 958  
 date specified in the resolution as the date the improvement 959  
 ceases to be a public purpose or the incentive district expires, 960  
 or ends on the date on which the public infrastructure 961  
 improvements and housing renovations are paid in full from the 962  
 township public improvement tax increment equivalent fund 963  
 established under section 5709.75 of the Revised Code, whichever 964  
 occurs first. The exemption of an improvement with respect to a 965  
 parcel or within an incentive district may end on a later date, as 966  
specified in the resolution, if the board of township trustees and 967  
the board of education of the city, local, ~~or~~ exempted village, 968  
and joint vocational school district within which the parcel or 969  
 district is located have entered into a compensation agreement 970  
 under section 5709.82 of the Revised Code with respect to the 971  
 improvement and the board of education has approved the term of 972  
 the exemption under division (D) of this section, but in no case 973  
 shall the improvement be exempted from taxation for more than 974  
 thirty years. The board of township trustees may, by majority 975  
 vote, adopt a resolution permitting the township to enter into 976  
 such agreements as the board finds necessary or appropriate to 977  
 provide for the construction or undertaking of public 978  
 infrastructure improvements and housing renovations. Any exemption 979  
 shall be claimed and allowed in the same or a similar manner as in 980  
 the case of other real property exemptions. If an exemption status 981  
 changes during a tax year, the procedure for the apportionment of 982  
 the taxes for that year is the same as in the case of other 983

changes in tax exemption status during the year. 984

(H) The board of township trustees may issue the notes of the township to finance all costs pertaining to the construction or undertaking of public infrastructure improvements and housing renovations made pursuant to this section. The notes shall be signed by the board and attested by the signature of the township fiscal officer, shall bear interest not to exceed the rate provided in section 9.95 of the Revised Code, and are not subject to Chapter 133. of the Revised Code. The resolution authorizing the issuance of the notes shall pledge the funds of the township public improvement tax increment equivalent fund established pursuant to section 5709.75 of the Revised Code to pay the interest on and principal of the notes. The notes, which may contain a clause permitting prepayment at the option of the board, shall be offered for sale on the open market or given to the vendor or contractor if no sale is made.

(I) The township, not later than fifteen days after the adoption of a resolution under this section, shall submit to the director of development a copy of the resolution. On or before the thirty-first day of March of each year, the township shall submit a status report to the director of development. The report shall indicate, in the manner prescribed by the director, the progress of the project during each year that the exemption remains in effect, including a summary of the receipts from service payments in lieu of taxes; expenditures of money from the fund created under section 5709.75 of the Revised Code; a description of the public infrastructure improvements and housing renovations financed with the expenditures; and a quantitative summary of changes in private investment resulting from each project.

(J) Nothing in this section shall be construed to prohibit a board of township trustees from declaring to be a public purpose

improvements with respect to more than one parcel. 1015

(K) A board of township trustees that adopted a resolution 1016  
 under this section prior to July 21, 1994, may amend that 1017  
 resolution to include any additional public infrastructure 1018  
 improvement. A board of township trustees that seeks by the 1019  
 amendment to utilize money from its township public improvement 1020  
 tax increment equivalent fund for land acquisition in aid of 1021  
 industry, commerce, distribution, or research, demolition on 1022  
 private property, or stormwater and flood remediation projects may 1023  
 do so provided that the board currently is a party to a 1024  
 hold-harmless agreement with the board of education of the each 1025  
 city, local, ~~or~~ exempted village, and joint vocational school 1026  
 district within the territory of which are located the parcels 1027  
 that are subject to an exemption. For the purposes of this 1028  
 division, a "hold-harmless agreement" means an agreement under 1029  
 which the board of township trustees agrees to compensate the 1030  
 school district for one hundred per cent of the tax revenue that 1031  
 the school district would have received from further improvements 1032  
 to parcels designated in the resolution were it not for the 1033  
 exemption granted by the resolution. 1034

**Sec. 5709.78.** (A) A board of county commissioners may, by 1035  
 resolution, declare improvements to certain parcels of real 1036  
 property located in the unincorporated territory of the county to 1037  
 be a public purpose. Except with the approval under division (C) 1038  
 of this section of the board of education of each city, local, ~~or~~ 1039  
exempted village, and joint vocational school district within 1040  
 which the improvements are located, not more than seventy-five per 1041  
 cent of an improvement thus declared to be a public purpose may be 1042  
 exempted from real property taxation, for a period of not more 1043  
 than ten years. The resolution shall specify the percentage of the 1044  
 improvement to be exempted and the life of the exemption. 1045



A resolution adopted under this division shall designate the specific public infrastructure improvements made, to be made, or in the process of being made by the county that directly benefit, or that once made will directly benefit, the parcels for which improvements are declared to be a public purpose. The service payments provided for in section 5709.79 of the Revised Code shall be used to finance the public infrastructure improvements designated in the resolution, or as provided in section 5709.80 of the Revised Code.

(B) (1) A board of county commissioners may adopt a resolution creating an incentive district and declaring improvements to parcels within the district to be a public purpose and, except as provided in division (E) of this section, exempt from taxation as provided in this section, but no board of county commissioners of a county that has a population that exceeds twenty-five thousand, as shown by the most recent federal decennial census, shall adopt a resolution that creates an incentive district if the sum of the taxable value of real property in the proposed district for the preceding tax year and the taxable value of all real property in the county that would have been taxable in the preceding year were it not for the fact that the property was in an existing incentive district and therefore exempt from taxation exceeds twenty-five per cent of the taxable value of real property in the county for the preceding tax year. The district shall be located within the unincorporated territory of the county and shall not include any territory that is included within a district created under division (C) of section 5709.73 of the Revised Code. The resolution shall delineate the boundary of the district and specifically identify each parcel within the district. A district may not include any parcel that is or has been exempted from taxation under division (A) of this section or that is or has been within another district created under this division. A resolution

may create more than one such district, and more than one 1078  
 resolution may be adopted under division (B)(1) of this section. 1079

(2) Not later than thirty days prior to adopting a resolution 1080  
 under division (B)(1) of this section, if the county intends to 1081  
 apply for exemptions from taxation under section 5709.911 of the 1082  
 Revised Code on behalf of owners of real property located within 1083  
 the proposed incentive district, the board of county commissioners 1084  
 shall conduct a public hearing on the proposed resolution. Not 1085  
 later than thirty days prior to the public hearing, the board 1086  
 shall give notice of the public hearing and the proposed 1087  
 resolution by first class mail to every real property owner whose 1088  
 property is located within the boundaries of the proposed 1089  
 incentive district that is the subject of the proposed resolution. 1090  
 The board also shall provide the notice by first class mail to the 1091  
 clerk of each township in which the proposed incentive district 1092  
 will be located. 1093

(3) (a) A resolution adopted under division (B)(1) of this 1094  
 section shall specify the life of the incentive district and the 1095  
 percentage of the improvements to be exempted, shall designate the 1096  
 public infrastructure improvements made, to be made, or in the 1097  
 process of being made, that benefit or serve, or, once made, will 1098  
 benefit or serve parcels in the district. The resolution also 1099  
 shall identify one or more specific projects being, or to be, 1100  
 undertaken in the district that place additional demand on the 1101  
 public infrastructure improvements designated in the resolution. 1102  
 The project identified may, but need not be, the project under 1103  
 division (B)(3)(b) of this section that places real property in 1104  
 use for commercial or industrial purposes. 1105

A resolution adopted under division (B)(1) of this section on 1106  
 or after ~~the effective date of this amendment~~ March 30, 2006, 1107  
 shall not designate police or fire equipment as public 1108

infrastructure improvements, and no service payment provided for 1109  
 in section 5709.79 of the Revised Code and received by the county 1110  
 under the resolution shall be used for police or fire equipment. 1111

(b) A resolution adopted under division (B)(1) of this 1112  
 section may authorize the use of service payments provided for in 1113  
 section 5709.79 of the Revised Code for the purpose of housing 1114  
 renovations within the incentive district, provided that the 1115  
 resolution also designates public infrastructure improvements that 1116  
 benefit or serve the district, and that a project within the 1117  
 district places real property in use for commercial or industrial 1118  
 purposes. Service payments may be used to finance or support 1119  
 loans, deferred loans, and grants to persons for the purpose of 1120  
 housing renovations within the district. The resolution shall 1121  
 designate the parcels within the district that are eligible for 1122  
 housing renovations. The resolution shall state separately the 1123  
 amount or the percentages of the expected aggregate service 1124  
 payments that are designated for each public infrastructure 1125  
 improvement and for the purpose of housing renovations. 1126

(4) Except with the approval of the board of education of 1127  
 each city, local, ~~or~~ exempted village, and joint vocational school 1128  
 district within the territory of which the incentive district is 1129  
 or will be located, and subject to division (D) of this section, 1130  
 the life of an incentive district shall not exceed ten years, and 1131  
 the percentage of improvements to be exempted shall not exceed 1132  
 seventy-five per cent. With approval of the board of education, 1133  
 the life of a district may be not more than thirty years, and the 1134  
 percentage of improvements to be exempted may be not more than one 1135  
 hundred per cent. The approval of a board of education shall be 1136  
 obtained in the manner provided in division (C) of this section. 1137

(C) (1) Improvements with respect to a parcel may be exempted 1138  
 from taxation under division (A) of this section, and improvements 1139

to parcels within an incentive district may be exempted from 1140  
taxation under division (B) of this section, for up to ten years 1141  
or, with the approval of the board of education of the each city, 1142  
local, ~~or~~ exempted village, and joint vocational school district 1143  
within which the parcel or district is located, for up to thirty 1144  
years. The percentage of the improvements exempted from taxation 1145  
may, with such approval, exceed seventy-five per cent, but shall 1146  
not exceed one hundred per cent. Not later than forty-five 1147  
business days prior to adopting a resolution under this section 1148  
declaring improvements to be a public purpose that is subject to 1149  
the approval of a board of education under this division, the 1150  
board of county commissioners shall deliver to the board of 1151  
education a notice stating its intent to adopt a resolution making 1152  
that declaration. The notice regarding improvements with respect 1153  
to a parcel under division (A) of this section shall identify the 1154  
parcels for which improvements are to be exempted from taxation, 1155  
provide an estimate of the true value in money of the 1156  
improvements, specify the period for which the improvements would 1157  
be exempted from taxation and the percentage of the improvements 1158  
that would be exempted, and indicate the date on which the board 1159  
of county commissioners intends to adopt the resolution. The 1160  
notice regarding improvements to parcels within an incentive 1161  
district under division (B) of this section shall delineate the 1162  
boundaries of the district, specifically identify each parcel 1163  
within the district, identify each anticipated improvement in the 1164  
district, provide an estimate of the true value in money of each 1165  
such improvement, specify the life of the district and the 1166  
percentage of improvements that would be exempted, and indicate 1167  
the date on which the board of county commissioners intends to 1168  
adopt the resolution. The board of education, by resolution 1169  
adopted by a majority of the board, may approve the exemption for 1170  
the period or for the exemption percentage specified in the 1171

notice; may disapprove the exemption for the number of years in excess of ten, may disapprove the exemption for the percentage of the improvements to be exempted in excess of seventy-five per cent, or both; or may approve the exemption on the condition that the board of county commissioners and the board of education negotiate an agreement providing for compensation to the school district equal in value to a percentage of the amount of taxes exempted in the eleventh and subsequent years of the exemption period or, in the case of exemption percentages in excess of seventy-five per cent, compensation equal in value to a percentage of the taxes that would be payable on the portion of the improvements in excess of seventy-five per cent were that portion to be subject to taxation, or other mutually agreeable compensation.

(2) The board of education shall certify its resolution to the board of county commissioners not later than fourteen days prior to the date the board of county commissioners intends to adopt its resolution as indicated in the notice. If the board of education and the board of county commissioners negotiate a mutually acceptable compensation agreement, the resolution of the board of county commissioners may declare the improvements a public purpose for the number of years specified in that resolution or, in the case of exemption percentages in excess of seventy-five per cent, for the exemption percentage specified in the resolution. In either case, if the board of education and the board of county commissioners fail to negotiate a mutually acceptable compensation agreement, the resolution may declare the improvements a public purpose for not more than ten years, and shall not exempt more than seventy-five per cent of the improvements from taxation. If the board of education fails to certify a resolution to the board of county commissioners within the time prescribed by this section, the board of county

commissioners thereupon may adopt the resolution and may declare  
the improvements a public purpose for up to thirty years or, in  
the case of exemption percentages proposed in excess of  
seventy-five per cent, for the exemption percentage specified in  
the resolution. The board of county commissioners may adopt the  
resolution at any time after the board of education certifies its  
resolution approving the exemption to the board of county  
commissioners, or, if the board of education approves the  
exemption on the condition that a mutually acceptable compensation  
agreement be negotiated, at any time after the compensation  
agreement is agreed to by the board of education and the board of  
county commissioners.

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(3) If a board of education has adopted a resolution waiving  
its right to approve exemptions from taxation under this section  
and the resolution remains in effect, approval of such exemptions  
by the board of education is not required under division (C) of  
this section. If a board of education has adopted a resolution  
allowing a board of county commissioners to deliver the notice  
required under division (C) of this section fewer than forty-five  
business days prior to approval of the resolution by the board of  
county commissioners, the board of county commissioners shall  
deliver the notice to the board of education not later than the  
number of days prior to such approval as prescribed by the board  
of education in its resolution. If a board of education adopts a  
resolution waiving its right to approve exemptions or shortening  
the notification period, the board of education shall certify a  
copy of the resolution to the board of county commissioners. If  
the board of education rescinds such a resolution, it shall  
certify notice of the rescission to the board of county  
commissioners.

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(D) (1) If a proposed resolution under division (B) (1) of this 1234

section exempts improvements with respect to a parcel within an  
 incentive district for more than ten years, or the percentage of  
 the improvement exempted from taxation exceeds seventy-five per  
 cent, not later than forty-five business days prior to adopting  
 the resolution the board of county commissioners shall deliver to  
 the board of township trustees of any township within which the  
 incentive district is or will be located a notice that states its  
 intent to adopt a resolution creating an incentive district. The  
 notice shall include a copy of the proposed resolution, identify  
 the parcels for which improvements are to be exempted from  
 taxation, provide an estimate of the true value in money of the  
 improvements, specify the period of time for which the  
 improvements would be exempted from taxation, specify the  
 percentage of the improvements that would be exempted from  
 taxation, and indicate the date on which the board intends to  
 adopt the resolution.

(2) The board of township trustees, by resolution adopted by  
 a majority of the board, may object to the exemption for the  
 number of years in excess of ten, may object to the exemption for  
 the percentage of the improvement to be exempted in excess of  
 seventy-five per cent, or both. If the board of township trustees  
 objects, the board of township trustees may negotiate a mutually  
 acceptable compensation agreement with the board of county  
 commissioners. In no case shall the compensation provided to the  
 board of township trustees exceed the property taxes ~~foregone~~  
forgone due to the exemption. If the board of township trustees  
 objects, and the board of township trustees and the board of  
 county commissioners fail to negotiate a mutually acceptable  
 compensation agreement, the resolution adopted under division  
 (B) (1) of this section shall provide to the board of township  
 trustees compensation in the eleventh and subsequent years of the  
 exemption period equal in value to not more than fifty per cent of

the taxes that would be payable to the township or, if the board 1267  
of township trustee's objection includes an objection to an 1268  
exemption percentage in excess of seventy-five per cent, 1269  
compensation equal in value to not more than fifty per cent of the 1270  
taxes that would be payable to the township on the portion of the 1271  
improvement in excess of seventy-five per cent, were that portion 1272  
to be subject to taxation. The board of township trustees shall 1273  
certify its resolution to the board of county commissioners not 1274  
later than thirty days after receipt of the notice. 1275

(3) If the board of township trustees does not object or 1276  
fails to certify a resolution objecting to an exemption within 1277  
thirty days after receipt of the notice, the board of county 1278  
commissioners may adopt its resolution, and no compensation shall 1279  
be provided to the board of township trustees. If the board of 1280  
township trustees certifies its resolution objecting to the 1281  
commissioners' resolution, the board of county commissioners may 1282  
adopt its resolution at any time after a mutually acceptable 1283  
compensation agreement is agreed to by the board of county 1284  
commissioners and the board of township trustees. If the board of 1285  
township trustees certifies a resolution objecting to the 1286  
commissioners' resolution, the board of county commissioners may 1287  
adopt its resolution at any time after a mutually acceptable 1288  
compensation agreement is agreed to by the board of county 1289  
commissioners and the board of township trustees, or, if no 1290  
compensation agreement is negotiated, at any time after the board 1291  
of county commissioners in the proposed resolution to provide 1292  
compensation to the board of township trustees of fifty per cent 1293  
of the taxes that would be payable to the township in the eleventh 1294  
and subsequent years of the exemption period or on the portion of 1295  
the improvement in excess of seventy-five per cent, were that 1296  
portion to be subject to taxation. 1297

(E) Service payments in lieu of taxes that are attributable 1298



to any amount by which the effective tax rate of either a renewal  
levy with an increase or a replacement levy exceeds the effective  
tax rate of the levy renewed or replaced, or that are attributable  
to an additional levy, for a levy authorized by the voters for any  
of the following purposes on or after January 1, 2006, and which  
are provided pursuant to a resolution creating an incentive  
district under division (B)(1) of this section that is adopted on  
or after January 1, 2006, shall be distributed to the appropriate  
taxing authority as required under division (D) of section 5709.79  
of the Revised Code in an amount equal to the amount of taxes from  
that additional levy or from the increase in the effective tax  
rate of such renewal or replacement levy that would have been  
payable to that taxing authority from the following levies were it  
not for the exemption authorized under division (B) of this  
section:

(1) A tax levied under division (L) of section 5705.19 or  
section 5705.191 of the Revised Code for community mental  
retardation and developmental disabilities programs and services  
pursuant to Chapter 5126. of the Revised Code;

(2) A tax levied under division (Y) of section 5705.19 of the  
Revised Code for providing or maintaining senior citizens services  
or facilities;

(3) A tax levied under section 5705.22 of the Revised Code  
for county hospitals;

(4) A tax levied by a joint-county district or by a county  
under section 5705.19, 5705.191, or 5705.221 of the Revised Code  
for alcohol, drug addiction, and mental health services or  
facilities;

(5) A tax levied under section 5705.23 of the Revised Code  
for library purposes;

- (6) A tax levied under section 5705.24 of the Revised Code . 1329  
for the support of children services and the placement and care of 1330  
children; 1331
- (7) A tax levied under division (Z) of section 5705.19 of the 1332  
Revised Code for the provision and maintenance of zoological park 1333  
services and facilities under section 307.76 of the Revised Code; 1334
- (8) A tax levied under section 511.27 or division (H) of 1335  
section 5705.19 of the Revised Code for the support of township 1336  
park districts; 1337
- (9) A tax levied under division (A), (F), or (H) of section 1338  
5705.19 of the Revised Code for parks and recreational purposes of 1339  
a joint recreation district organized pursuant to division (B) of 1340  
section 755.14 of the Revised Code; 1341
- (10) A tax levied under section 1545.20 or 1545.21 of the 1342  
Revised Code for park district purposes; 1343
- (11) A tax levied under section 5705.191 of the Revised Code 1344  
for the purpose of making appropriations for public assistance; 1345  
human or social services; public relief; public welfare; public 1346  
health and hospitalization; and support of general hospitals; 1347
- (12) A tax levied under section 3709.29 of the Revised Code 1348  
for a general health district program. 1349
- (F) An exemption from taxation granted under this section 1350  
commences with the tax year specified in the resolution so long as 1351  
the year specified in the resolution commences after the effective 1352  
date of the resolution. If the resolution specifies a year 1353  
commencing before the effective date of the resolution or 1354  
specifies no year whatsoever, the exemption commences with the tax 1355  
year in which an exempted improvement first appears on the tax 1356  
list and duplicate of real and public utility property and that 1357  
commences after the effective date of the resolution. Except as 1358

otherwise provided in this division, the exemption ends on the  
date specified in the resolution as the date the improvement  
ceases to be a public purpose or the incentive district expires,  
or ends on the date on which the county can no longer require  
annual service payments in lieu of taxes under section 5709.79 of  
the Revised Code, whichever occurs first. The exemption of an  
improvement with respect to a parcel or within an incentive  
district may end on a later date, as specified in the resolution,  
if the board of commissioners and the board of education of ~~the~~  
each city, local, or exempted village, and joint vocational school  
district within which the parcel or district is located have  
entered into a compensation agreement under section 5709.82 of the  
Revised Code with respect to the improvement, and the board of  
education has approved the term of the exemption under division  
(C) (1) of this section, but in no case shall the improvement be  
exempted from taxation for more than thirty years. Exemptions  
shall be claimed and allowed in the same or a similar manner as in  
the case of other real property exemptions. If an exemption status  
changes during a tax year, the procedure for the apportionment of  
the taxes for that year is the same as in the case of other  
changes in tax exemption status during the year.

(G) If the board of county commissioners is not required by  
this section to notify the board of education of the board of  
county commissioners' intent to declare improvements to be a  
public purpose, the board of county commissioners shall comply  
with the notice requirements imposed under section 5709.83 of the  
Revised Code before taking formal action to adopt the resolution  
making that declaration, unless the board of education has adopted  
a resolution under that section waiving its right to receive such  
a notice.

(H) The county, not later than fifteen days after the

adoption of a resolution under this section, shall submit to the  
 director of development a copy of the resolution. On or before the  
 thirty-first day of March of each year, the county shall submit a  
 status report to the director of development. The report shall  
 indicate, in the manner prescribed by the director, the progress  
 of the project during each year that an exemption remains in  
 effect, including a summary of the receipts from service payments  
 in lieu of taxes; expenditures of money from the fund created  
 under section 5709.80 of the Revised Code; a description of the  
 public infrastructure improvements and housing renovations  
 financed with such expenditures; and a quantitative summary of  
 changes in employment and private investment resulting from each  
 project.

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(I) Nothing in this section shall be construed to prohibit a  
 board of county commissioners from declaring to be a public  
 purpose improvements with respect to more than one parcel."

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In line 131167, after "5709.084," insert "5709.40, 5709.41,  
 5709.42,"; after "5709.632," insert "5709.73, 5709.78,"

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In line 243 of the title, after "5709.084," insert "5709.40,  
 5709.41, 5709.42,"

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In line 244 of the title, after "5709.632," insert "5709.73,  
 5709.78,"

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The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

Joint Vocational Schools: Tax Increment Financing Protections 1412

R.C. 5709.40, 5709.41, 5709.42, 5709.73, and 5709.78 1413

Extends certain notice and veto rights for a joint vocational 1414  
school district that would forgo tax revenue as the result of a 1415  
township, county, or municipal corporation tax increment financing 1416  
property tax exemption. Currently these rights are available only 1417  
to city, local, and exempted village school districts. 1418

6 \_\_\_\_\_ moved to amend as follows:

7 In line 466 delete "2101.162,"

8 Delete lines 39788 through 39846

9 In line 131054, delete "2101.162,"

10 In line 90 of the title, delete "2101.162,"

11 The motion was \_\_\_\_\_ agreed to.

12 SYNOPSIS

13 **Probate Court Computerization Fee**

14 **R.C. 2101.162**

15 Removes language making a probate court's use of the  
16 court's computerization fee subject to an appropriation by the  
17 board of county commissioners.

6 \_\_\_\_\_ moved to amend as follows:

7 In line 20075, delete the first comma and insert "and";  
8 delete "and a county automatic"

9 In line 20076, delete "data processing board,"

10 In line 20077, delete "establish a county board of  
11 information services and"

12 In line 20078, delete "records management" and insert  
13 "require the county automatic data processing board established  
14 under section 307.84 of the Revised Code"

15 In line 20082, delete "establishing" and insert  
16 "requiring"; after "board" insert "to assume these duties"

17 In line 20083, delete the underlined comma and insert "and"

18 In line 20084, delete ", and the county automatic data  
19 processing board, if any,"

20 In line 20085, delete "and the county board of information  
21 services and"

22 Delete lines 20086 through 20088

23 In line 20089, delete "common pleas" and insert ". If the  
24 duties of the county automatic data processing board are

25 expanded under this section"; after the first underlined comma  
26 insert "the"

27 In line 20090, after the second underlined comma insert  
28 "and"

29 In line 20091, delete ", and a member of the"

30 Delete line 20092

31 In line 20093, delete "commissioners" and insert "shall be  
32 added to the membership of the board"; delete "member" and  
33 insert "any of these additional members"

34 In line 20094, after the underlined period delete the  
35 balance of the line

36 Delete lines 20095 and 20096

37 In line 20097, delete "management is created" and insert  
38 "After a resolution is adopted under this section"

39 In line 20114, after the second "county" insert "automatic  
40 data processing"

41 In line 20115, delete "of information services and records  
42 management"

43 In line 20118, after "(B)" delete the balance of the line

44 Delete line 20119

45 In line 20120, delete "in" and insert "In"; delete  
46 "establishing it," and insert "expanding the duties of the  
47 county automatic data processing board adopted under this



48 section, the board of county commissioners shall designate the  
49 date on which"

50 In line 20122, delete the underlined comma and insert "and"

51 In line 20123, delete ", and the automatic data processing  
52 board"

53 In line 20124, after "county" insert "automatic data  
54 processing"; delete "of information services"

55 In line 20125, delete all before the period

56 In line 20127, delete the underlined comma and insert "and"

57 In line 20128, delete ", and the county automatic data  
58 processing board"

59 In line 20130, after "county" insert "automatic data  
60 processing"; delete "of information services and records  
61 management"

62 In line 20131, after "county" insert "automatic data  
63 processing"; delete "of information services and records"

64 In line 20132, delete "management"

65 In line 20133, delete the first underlined comma and insert  
66 "and"; delete ", and the"

67 In line 20134, delete all before the underlined comma

68 In line 20136, delete the underlined comma and insert "or"

69 In line 20137, delete ", or the county automatic data  
70 processing board"

71 In line 20140, delete "establishment of" and insert  
72 "transfer of duties to"; after "county" insert "automatic data  
73 processing"; delete "of information services and"

74 In line 20141, delete "records management"

75 In line 20142, after "county" insert "automatic data  
76 processing"; delete "of information services and records"

77 In line 20143, delete "management"

78 In line 20144, delete the underlined comma and insert "or"

79 In line 20145, delete ", or the county automatic data  
80 processing board"

81 In line 20146, after "county" insert "automatic data  
82 processing"; delete "of"

83 In line 20147, delete "information services and records  
84 management"

85 In line 20150, delete the first underlined comma and insert  
86 "or"; delete ", or"

87 In line 20151, delete "the county automatic data processing  
88 board"

89 In line 20153, after "county" insert "automatic data  
90 processing"; delete "of information services and records  
91 management"

92 In line 20156, after "the" insert "county automatic data  
93 processing"

94 In line 20159, delete the first underlined comma and insert  
95 "or"; delete ", or"

96 In line 20160, delete "the county automatic data processing  
97 board"

98 In line 20163, after "county" insert "automatic data  
99 processing"; delete "of"

100 In line 20164, delete "information services and records  
101 management"

102 In line 20166, delete "establishment of" and insert  
103 "transfer of duties to"; after "county" insert "automatic data  
104 processing"

105 In line 20167, delete "of information services and records  
106 management"

107 In line 20169, after "county" insert "automatic data  
108 processing"; delete "of information services and records  
109 management"

110 In line 20170, delete "or"

111 In line 20171, delete "automatic data processing centers";  
112 after "county" insert "automatic data processing"; delete "of  
113 information"

114 In line 20172, delete "services and records management"

115 In line 20174, delete the underlined comma and insert "and"

116 In line 20175, delete ", and the county"

117 Delete line 20176

118 In line 20177, delete all before the underlined period

119 In line 20178, after "county" insert "automatic data

120 processing"; delete "of information services and records"

121 In line 20179, delete "management"

122 Delete lines 20186 through 20198

123 In line 20199, delete "then all the administrators

124 jointly," and insert "The county auditor shall be the chief

125 administrator of either centralized or decentralized facilities,

126 as provided under section 307.844 of the Revised Code.

127 The county auditor"

128 In line 20200, after "county" insert "automatic data

129 processing"; delete "of"

130 In line 20201, delete "information services and records

131 management"

132 In line 20204, after "county" insert "automatic data

133 processing"

134 In line 20205, delete "of information services and records

135 management"

136 In line 20211, delete "administrator"

137 In line 20212, delete "of each center" and insert "county

138 auditor"; after "county" insert "automatic data processing";

139 delete "of information"

140 In line 20213, delete "services and records management"

141 In line 20214, delete the second "the" and insert "each"

142 In line 20215, delete the first "the" and insert "each"

143 In line 20218, after "county" insert "automatic data  
144 processing"; delete "of information services and records  
145 management"

146 In line 20228, after "county" insert "automatic data  
147 processing"

148 In line 20229, delete "of information services and records  
149 management,"

150 In line 20240, after "county" insert "automatic data  
151 processing"; delete "of information services and records  
152 management"

153 The motion was \_\_\_\_\_ agreed to.

154 SYNOPSIS

155 **County Automatic Data Processing Board**

156 **R.C. 307.847**

157 Replaces the County Board of Information Services and  
158 Records Management, the creation of which is authorized by the  
159 bill, with the County Automatic Data Processing Board, for the  
160 purpose of merging records and microfilming duties within a  
161 county. Permits the board of county commissioners to adopt a  
162 resolution requiring the County Automatic Data Processing Board  
163 to assume the duties of the County Records Commission and the  
164 County Microfilming Board, which resolution must specify the  
165 date on which the duties will be transferred.

166 Requires, if a resolution is adopted to expand the duties  
167 of the County Automatic Data Processing Board, the prosecuting  
168 attorney, county engineer, county coroner, sheriff, and a judge

169 of the court of common pleas to be added to the membership of  
170 the board.

171 Eliminates a provision in the bill that permits more than  
172 one centralized center for data processing, microfilming,  
173 records, and archives, and that permits an administrator to be  
174 appointed for each center. Requires the County Auditor to be  
175 the chief administrator of either centralized or decentralized  
176 facilities, as under current law.

Sub. H.B. 153  
As Pending in S. Finance  
LSC 129 1066-6  
SC-4610-1  
OBM172

\_\_\_\_\_ moved to amend as follows:

Between lines 134820a and 134821, insert: 1  
"GRF 042423 Liquor Enterprise \$ 500,000 \$ 0" 2  
Transaction  
In line 134821, delete "\$2,668,310" and insert "\$3,168,310" 3  
In line 134833, delete "\$26,435,329" and insert "\$26,935,329" 4  
Between lines 134833 and 134834, insert: 5  
"LIQUOR ENTERPRISE TRANSACTION 6  
The foregoing appropriation item 042423, Liquor Enterprise 7  
Transaction, shall be used by the Director of Budget and 8  
Management, without need for any other approval, to retain or 9  
contract for the services of commercial appraisers, underwriters, 10  
investment bankers, and financial advisers, as are necessary in 11  
the Director's judgment to commence negotiation of the transfer 12  
agreement referred to in sections 4313.01 and 4313.02 of the 13  
Revised Code, as enacted by this act. Any amounts expended from 14  
appropriation item 042423 shall be reimbursed from the proceeds of 15  
the enterprise acquisition project transaction authorized in those 16  
sections. 17

The Director of Budget and Management, in consultation with 18  
the Director of Commerce, may negotiate an initial agreement with 19  
JobsOhio, which shall be executed by the Directors of Budget and 20  
Management and Commerce upon its completion." 21

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

Liquor Enterprise Transaction 22

Section 229.10 23

Establishes Office of Budget and Management GRF appropriation 24  
item 042423, Liquor Enterprise Transaction, with an appropriation 25  
of \$500,000 in FY 2012, and requires this appropriation item to be 26  
used by the Director of Budget and Management, without the need 27  
for any other approval, to retain or contract for the services of 28  
commercial appraisers, underwriters, investment bankers, and 29  
financial advisers, as are necessary in the Director's judgment to 30  
commence negotiation of the liquor enterprise transfer agreement 31  
authorized in the bill. 32

Requires any amounts expended from appropriation item 042423 33  
to be reimbursed from the proceeds of the enterprise acquisition 34  
project transaction. 35

Permits the Director of Budget and Management, in 36  
consultation with the Director of Commerce, to negotiate an 37  
initial agreement with JobsOhio and requires this initial 38  
agreement to be executed by the Directors of Budget and Management 39  
and Commerce upon its completion. 40



Sub. H.B. 153  
As Pending in S. Finance  
LSC 129 1066-6  
SC-4615-1

\_\_\_\_\_ moved to amend as follows:

Delete lines 139004 through 139036 and insert: 1

"Section 309.30.30. REDUCTION IN MEDICAID PAYMENT RATES 2

(A) As used in this section, "charge high trim point" means a 3  
measure used to determine whether a claim for a hospital inpatient 4  
or outpatient service qualifies for a cost outlier payment under 5  
the Medicaid program. 6

(B) For fiscal year 2012 and fiscal year 2013, the Director 7  
of Job and Family Services shall implement purchasing strategies 8  
and rate reductions for hospital and other Medicaid-covered 9  
services, as determined by the Director, that result in payment 10  
rates for those services being at least two per cent less than the 11  
respective payment rates for fiscal year 2011. In implementing the 12  
purchasing strategies and rate reductions, the Director shall do 13  
the following: 14

(1) Notwithstanding the section of this act titled 15  
"CONTINUATION OF MEDICAID RATES FOR HOSPITAL INPATIENT AND 16  
OUTPATIENT SERVICES," modernize hospital inpatient and outpatient 17  
reimbursement methodologies by doing the following: 18

(a) Modifying the inpatient hospital capital reimbursement 19

methodology; 20

(b) Establishing new diagnosis-related groups in a cost-neutral manner; 21-22

(c) For hospital discharges that occur during the period beginning October 1, 2011, and ending January 1, 2012, modifying charge high trim points, as in effect on January 1, 2011, by a factor of 13.6%; 23-26

(d) For hospital discharges that occur during the period beginning January 1, 2012, and ending on the effective date of the first of the new diagnosis-related groups established under division (B) (1) (b) of this section, modifying charge high trim points, as in effect on October 1, 2011, by a factor of 9.72%; 27-31

(e) Implementing other changes the Director considers appropriate. 32-33

~~(2) Establish selective contracting and prior authorization requirements for types of medical assistance the Director identifies.~~ 34-36

(C) The Director shall adopt rules under section 5111.02 and 5111.85 of the Revised Code as necessary to implement this section. 37-39

(D) This section does not apply to nursing facility and intermediate care facility for the mentally retarded services provided under the Medicaid program." 40-42

In line 139173, after the first comma insert "appropriation item 600525, Health Care/Medicaid," 43-44

In line 139174, after "section" insert "and to implement the section of this act titled "CONTINUATION OF MEDICAID RATES FOR HOSPITAL INPATIENT AND OUTPATIENT SERVICES"" 45-47

In line 139176, after "payments" insert "to children's 48

hospitals" 49

Delete line 139177 and insert "the section of this act titled 50  
"CHILDREN'S HOSPITALS SUPPLEMENTAL FUNDING." 51

Delete lines 139178 through 139189 and insert: 52

"Section 309.30.35. CONTINUATION OF MEDICAID RATES FOR 53  
HOSPITAL INPATIENT AND OUTPATIENT SERVICES 54

The Director of Job and Family Services shall amend rules 55  
adopted under section 5111.02 of the Revised Code as necessary to 56  
continue, for fiscal year 2012 and fiscal year 2013, the Medicaid 57  
reimbursement rates in effect on June 30, 2011, for 58  
Medicaid-covered hospital inpatient services and hospital 59  
outpatient services that are paid under the prospective payment 60  
system established in those rules. 61

Section 309.30.\_\_\_\_. CHILDREN'S HOSPITALS SUPPLEMENTAL FUNDING 62  
63

(A) As used in this section, "children's hospital" means a 64  
children's hospital, as defined in section 3702.51 of the Revised 65  
Code, that is located in this state, primarily serves patients 66  
eighteen years of age and younger, is subject to the Medicaid 67  
prospective payment system for hospitals established in rules 68  
adopted under section 5111.02 of the Revised Code, and is excluded 69  
from Medicare prospective payment in accordance with 42 C.F.R. 70  
412.23(d). 71

(B) For fiscal year 2012 and fiscal year 2013, the Director 72  
of Job and Family Services shall make additional Medicaid payments 73  
to children's hospitals for inpatient services to compensate 74  
children's hospitals for the high percentage of Medicaid 75  
recipients they serve. The additional payments shall be made under 76  
a program modeled after the program the Department of Job and 77

Family Services was required to create for fiscal year 2006 and 78  
 fiscal year 2007 in Section 206.66.79 of Am. Sub. H.B. 66 of the 79  
 126th General Assembly. The program may be the same as the program 80  
 the Director used for making the payments to children's hospitals 81  
 for fiscal year 2010 and fiscal year 2011 under Section 309.30.15 82  
 of Am. Sub. H.B. 1 of the 128th General Assembly. 83

(C) All of the following shall be used to make additional 84  
 Medicaid payments to children's hospitals under division (B) of 85  
 this section: 86

(1) Of the foregoing appropriation item 600537, Children's 87  
 Hospital, up to \$6 million in each fiscal year plus the 88  
 corresponding federal match; 89

(2) Of the amounts deposited into the Hospital Assessment 90  
 Fund created under section 5112.45 of the Revised Code, \$4.4 91  
 million in fiscal year 2012, plus the corresponding federal match, 92  
 and \$4 million in fiscal year 2013, plus the corresponding federal 93  
 match." 94

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

Reduction of Medicaid Expenditures for Fiscal Years 2012 and 95  
 2013 96

Section 309.30.30 97

Revises the bill's provision that requires the Director of 98  
 Job and Family Services, for fiscal years 2012 and 2013, to 99  
 implement purchasing strategies and rate reductions for Medicaid 100  
 services as follows: 101

(1) Requires the Director to modernize hospital inpatient and outpatient reimbursement methodologies and establish selective contracting and prior authorization requirements for types of medical assistance the Director identifies rather than requiring the Director to consider such actions;

(2) Requires the Director to modernize hospital inpatient and outpatient reimbursement methodologies notwithstanding the bill's provision that requires the Director to continue the June 30, 2011, Medicaid rates for such services;

(3) Requires the Director, when modernizing hospital and outpatient reimbursement methodologies, to (1) establish new diagnosis-related groups in a cost-neutral manner and (2) modify the measures used to determine whether a claim for a hospital inpatient or outpatient service qualifies for a cost outlier payment;

(4) Removes the provision that would have required the Director, if any purchasing strategies or rate reductions reduce administrative rate payments made to medicaid managed care organizations, to ensure that the organizations do not pass the reductions onto providers under contract with the organizations.

**Continuation of Medicaid Rates for Hospital and Outpatient Services**

**Section 309.30.35**

Revises the bill's provision that requires the Director of Job and Family Services, for fiscal years 2012 and 2013, to continue to pay the June 30, 2011, Medicaid rates for hospital inpatient and outpatient services by removing the provision that would have required the Director to continue paying the rates notwithstanding the bill's provision that requires the Director to implement purchasing strategies and rate reductions for Medicaid

services.	132
<b>Authorization of Additional Medicaid Expenditures for</b>	133
<b>Hospital Services</b>	134
<b>Section 309.30.33</b>	135
Revises the bill's provision that permits the Director of	136
Budget and Management to authorize additional expenditures from	137
appropriation item 600623, Health Care Federal, and appropriation	138
item 600656, Medicaid-Hospital, in order to implement the Hospital	139
Inpatient and Outpatient Supplemental Upper Payment Limit Program	140
and the Medicaid Managed Care Hospital Incentive Payment Program	141
as follows:	142
(1) Permits the Director also to authorize additional	143
expenditures from those appropriation items to implement the	144
bill's provision that requires the Director of Job and Family	145
Services, for fiscal years 2012 and 2013, to continue to pay the	146
June 30, 2011, Medicaid rates for hospital inpatient and	147
outpatient services;	148
(2) Permits the Director of Budget and Management also to	149
authorize additional expenditures from appropriation item 600525,	150
Health Care/Medicaid, for those three purposes.	151
<b>Additional Medicaid Payments to Children's Hospitals</b>	152
<b>Sections 309.30.____ (primary) and 309.30.33</b>	153
For fiscal years 2012 and 2013, requires the Director of Job	154
and Family Services to make additional Medicaid payments to	155
children's hospitals for inpatient services under a program	156
modeled after the program that was created for fiscal years 2006	157
and 2007 under the budget act for those years.	158
Provides for all of the following to be used to make the	159
additional Medicaid payments:	160

(1) In each of the fiscal years, \$6 million from	161
appropriation item 600537, Children's Hospital, and the	162
corresponding federal match;	163
(2) In fiscal year 2012, \$4.4 million of the money in the	164
Hospital Assessment Fund and the corresponding federal match;	165
(3) In fiscal year 2013, \$4 million of the money in the	166
Hospital Assessment Fund and the corresponding federal match.	167
Provides that nothing in the bill's provision regarding the	168
Hospital Inpatient and Outpatient Supplemental Upper Payment Limit	169
Program and the Medicaid Managed Care Hospital Incentive Payment	170
Program reduces the additional Medicaid payments to be made to	171
children's hospitals.	172

Sub. H.B. 153  
As Pending in S. Finance  
LSC 129 1066-6  
SC-4618

\_\_\_\_\_ moved to amend as follows:

In line 647, after "5111.225," insert "5111.226," 1

In line 101810, strike through "division" and insert 2  
"divisions"; after "(C)" insert "and (D)" 3

Between lines 101836 and 101837, insert: 4

"(D) Beginning on the date the department of developmental 5  
disabilities assumes, under section 5111.226 of the Revised Code, 6  
the powers and duties of the department of job and family services 7  
regarding the medicaid program's coverage of services provided by 8  
intermediate care facilities for the mentally retarded, this 9  
section shall apply only to the extent, if any, provided in the 10  
contract required by that section." 11

Between lines 101904 and 101905, insert: 12

"Sec. 5111.226. Subject, if needed, to the approval of the 13  
United States secretary of health and human services, the 14  
department of job and family services shall enter into a contract 15  
with the department of developmental disabilities under section 16  
5111.91 of the Revised Code that provides for the department of 17  
developmental disabilities to assume the powers and duties of the 18  
department of job and family services with regard to the medicaid 19



program's coverage of services provided by intermediate care facilities for the mentally retarded. The contract shall include a schedule for the assumption of the powers and duties. Except as otherwise authorized by the United States secretary of health and human services, no provision of the contract may violate a federal law or regulation governing the medicaid program. Once the contract goes into effect, all references to the department of job and family services, and all references to the director of job and family services, with regard to intermediate care facilities for the mentally retarded that are in law enacted by the general assembly shall be deemed to be references to the department of developmental disabilities and director of developmental disabilities, respectively, to the extent necessary to implement the terms of the contract."

In line 139391, delete "the"

In line 139392, delete "administration of, and"; delete the second comma

Delete lines 139415 through 139417

Delete lines 139441 through 139444

In line 139573, after "309.33.20." insert "ICF/MR AND"

In line 139578, after "duties" insert "under section 5111.226 of the Revised Code regarding the Medicaid program's coverage of ICF/MR services and,"; delete "regarding" and insert a comma

In line 139599, after "for" insert "ICF/MR services,"

In line 139600, after "Waiver" insert a comma

In line 330 of the title, after "5111.225," insert "5111.226,"

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

ICF/MR Services Transferred to Department of Developmental	47
Disabilities	48
R.C. 5111.226 (primary) and 5111.211; Sections 309.30.80 and	49
309.33.20	50
Removes the bill's provision that would have prohibited the	51
transfer of the powers and duties of the Ohio Department of Job	52
and Family Services (ODJFS) regarding the Medicaid program's	53
coverage of intermediate care facility for the mentally retarded	54
(ICFs/MR) services to the Ohio Department of Developmental	55
Disabilities (ODODD) unless a state law is enacted that expressly	56
authorizes the transfer.	57
Restores the provisions from the Executive version of the	58
bill that require ODJFS to contract with ODODD to assume ODJFS's	59
powers and duties regarding ICF/MR services.	60
Removes the bill's provision that would have provided for	61
ODJFS and ODODD, as part of a study regarding Medicaid	62
reimbursement rates for ICF/MR services, to study the	63
administration of ICFs/MR services.	64

Sub. H.B. 153  
As Pending in S. Finance  
LSC 129 1066-6  
SC-4621

\_\_\_\_\_ moved to amend as follows:

- In line 454, delete "1541.03," 1
- In line 627, delete "1541.25, 1541.26," 2
- Delete lines 33498 through 33628 3
- Delete lines 33684 through 33713 4
- In line 131042, delete "1541.03," 5
- In line 73 of the title, delete "1541.03," 6
- In line 306 of the title, delete "1541.25," 7
- In line 307 of the title, delete "1541.26," 8

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

- Drilling on State Park Land 9
- R.C. 1541.03, 1541.25, and 1541.26 10
- Removes the bill's provisions that do both of the following: 11
- (1) Authorize the Chief of the Division of Parks and 12
- Recreation, with the approval of the Director of Natural 13

Resources, to sell, lease, or transfer minerals or mineral rights, 14  
specifically oil and natural gas, on lands owned by the state and 15  
administered by the Division and to enter into contracts for 16  
drilling; 17

(2) Specify how the resulting revenue is to be credited and 18  
used. 19

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2  
3 Sub. H.B. 153  
4 As Pending in S. Finance  
5 LSC 129 1066-6  
SC-4627

6 \_\_\_\_\_ moved to amend as follows:

7 In line 524, delete "4111.14,"

8 Delete lines 80539 through 80862

9 In line 131112, delete "4111.14,"

10 In line 169 of the title, delete "4111.14,"

11 The motion was \_\_\_\_\_ agreed to.

12 SYNOPSIS

13 **Minimum wage**

14 **R.C. 4111.14**

15 Removes proposed change to the exemptions from the minimum  
16 wage law, restoring the exemptions to current law.

Sub. H.B. 153  
As Pending in S. Finance  
LSC 129 1066-6  
SC-4632

\_\_\_\_\_ moved to amend as follows:

- In line 403, after "109.36," insert "109.43," 1
- In line 413, after "149.38," insert "149.39, 149.41, 149.411,  
149.412, 149.42," 2  
3
- In line 421, after "307.80," insert "307.801," 4
- In line 465, after "1901.262," insert "1901.41," 5
- In line 621, after "149.308," insert "149.381," 6
- Between lines 3753 and 3754, insert: 7
- "Sec. 109.43. (A) As used in this section: 8
- (1) "Designee" means a designee of the elected official in 9  
the public office if that elected official is the only elected 10  
official in the public office involved or a designee of all of the 11  
elected officials in the public office if the public office 12  
involved includes more than one elected official. 13
- (2) "Elected official" means an official elected to a local 14  
or statewide office. "Elected official" does not include the chief 15  
justice or a justice of the supreme court, a judge of a court of 16  
appeals, court of common pleas, municipal court, or county court, 17  
or a clerk of any of those courts. 18

(3) "Public office" has the same meaning as in section 19  
149.011 of the Revised Code. 20

(4) "Public record" has the same meaning as in section 149.43 21  
of the Revised Code. 22

(B) The attorney general shall develop, provide, and certify 23  
training programs and seminars for all elected officials or their 24  
appropriate designees in order to enhance the officials' knowledge 25  
of the duty to provide access to public records as required by 26  
section 149.43 of the Revised Code. The training shall be three 27  
hours for every term of office for which the elected official was 28  
appointed or elected to the public office involved. The training 29  
shall provide elected officials or their appropriate designees 30  
with guidance in developing and updating their offices' policies 31  
as required under section 149.43 of the Revised Code. The 32  
successful completion by an elected official or by an elected 33  
official's appropriate designee of the training requirements 34  
established by the attorney general under this section shall 35  
satisfy the education requirements imposed on elected officials or 36  
their appropriate designees under division (E) of section 149.43 37  
of the Revised Code. Prior to providing the training programs and 38  
seminars under this section to satisfy the education requirements 39  
imposed on elected officials or their appropriate designees under 40  
division (E) of section 149.43 of the Revised Code, the attorney 41  
general shall ensure that the training programs and seminars are 42  
accredited by the commission on continuing legal education 43  
established by the supreme court. 44

(C) The attorney general shall not charge any elected 45  
official or the appropriate designee of any elected official any 46  
fee for attending the training programs and seminars that the 47  
attorney general conducts under this section. The attorney general 48  
may allow the attendance of any other interested persons at any of 49

the training programs or seminars that the attorney general 50  
conducts under this section and shall not charge the person any 51  
fee for attending the training program or seminar. 52

(D) In addition to developing, providing, and certifying 53  
training programs and seminars as required under division (B) of 54  
this section, the attorney general may contract with one or more 55  
other state agencies, political subdivisions, or other public or 56  
private entities to conduct the training programs and seminars for 57  
elected officials or their appropriate designees under this 58  
section. The contract may provide for the attendance of any other 59  
interested persons at any of the training programs or seminars 60  
conducted by the contracting state agency, political subdivision, 61  
or other public or private entity. The contracting state agency, 62  
political subdivision, or other public or private entity may 63  
charge an elected official, an elected official's appropriate 64  
designee, or an interested person a registration fee for attending 65  
the training program or seminar conducted by that contracting 66  
agency, political subdivision, or entity pursuant to a contract 67  
entered into under this division. The attorney general shall 68  
determine a reasonable amount for the registration fee based on 69  
the actual and necessary expenses associated with the training 70  
programs and seminars. If the contracting state agency, political 71  
subdivision, or other public or private entity charges an elected 72  
official or an elected official's appropriate designee a 73  
registration fee for attending the training program or seminar 74  
conducted pursuant to a contract entered into under this division 75  
by that contracting agency, political subdivision, or entity, the 76  
public office for which the elected official was appointed or 77  
elected to represent may use the public office's own funds to pay 78  
for the cost of the registration fee. 79

(E) The attorney general shall develop and provide to all 80



public offices a model public records policy for responding to 81  
public records requests in compliance with section 149.43 of the 82  
Revised Code in order to provide guidance to public offices in 83  
developing their own public record policies for responding to 84  
public records requests in compliance with that section. 85

(F) The attorney general may provide any other appropriate 86  
training or educational programs about Ohio's "Sunshine Laws," 87  
sections 121.22, 149.38, 149.381, and 149.43 of the Revised Code, 88  
as may be developed and offered by the attorney general or by the 89  
attorney general in collaboration with one or more other state 90  
agencies, political subdivisions, or other public or private 91  
entities. 92

(G) The auditor of state, in the course of an annual or 93  
biennial audit of a public office pursuant to Chapter 117. of the 94  
Revised Code, shall audit the public office for compliance with 95  
this section and division (E) of section 149.43 of the Revised 96  
Code." 97

Delete lines 13555 through 13617 and insert: 98

"Sec. 149.38. (A) There Except as otherwise provided in 99  
section 307.847 of the Revised Code, there is hereby created in 100  
each county a county records commission, composed of a member of 101  
the board of county commissioners as chairperson, the prosecuting 102  
attorney, the auditor, the recorder, and the clerk of the court of 103  
common pleas. The commission shall appoint a secretary, who may or 104  
may not be a member of the commission and who shall serve at the 105  
pleasure of the commission. The commission may employ an archivist 106  
or records manager to serve under its direction. The commission 107  
shall meet at least once every six months and upon the call of the 108  
chairperson. 109

(B) The functions of the county records commission shall be 110

to provide rules for retention and disposal of records of the  
 county, and to review applications for one-time disposal of  
 obsolete records and schedules of records retention and  
 disposition submitted by county offices. The commission may  
 dispose of records pursuant to the procedure outlined in this  
 section. The commission, at any time, may review any schedule it  
 has previously approved and, for good cause shown, may revise that  
 schedule, subject to division (D) of this section.

(C) (1) When the county records commission has approved any  
 county application for one-time disposal of obsolete records or  
 any schedule of records retention and disposition, the commission  
 shall send that application or schedule to the Ohio historical  
 society for its review. The Ohio historical society shall review  
 the application or schedule within a period of not more than sixty  
 days after its receipt of it. ~~Upon~~ During the sixty-day review  
period, the Ohio historical society may select for its custody  
from the application for one-time disposal of obsolete records any  
records it considers to be of continuing historical value, and  
shall denote upon any schedule of records retention and  
disposition any records for which the Ohio historical society will  
require a certificate of records disposal prior to their disposal.

(2) Upon completion of its review, the Ohio historical  
 society shall forward the application for one-time disposal of  
 obsolete records or the schedule of records retention and  
 disposition to the auditor of state for the auditor's approval or  
 disapproval. The auditor of state shall approve or disapprove the  
 application or schedule within a period of not more than sixty  
 days after receipt of it. ~~Before~~

(3) Before public records are to be disposed of pursuant to  
an approved schedule of records retention and disposition, the  
county records commission shall inform the Ohio historical society

of the disposal through the submission of a certificate of records 142  
 disposal for only the records required by the schedule to be 143  
disposed of and shall give the society the opportunity for a 144  
 period of fifteen business days to select for its custody those 145  
 records, from the certificate submitted, that it considers to be 146  
 of continuing historical value. Upon the expiration of the 147  
 fifteen-business-day period, the county records commission also 148  
 shall notify the public libraries, county historical society, 149  
 state universities, and other public or quasi-public institutions, 150  
 agencies, or corporations in the county that have provided the 151  
 commission with their name and address for these notification 152  
 purposes, that the commission has informed the Ohio historical 153  
 society of the records disposal and that the notified entities, 154  
 upon written agreement with the Ohio historical society pursuant 155  
 to section 149.31 of the Revised Code, may select records of 156  
 continuing historical value, including records that may be 157  
 distributed to any of the notified entities under section 149.31 158  
 of the Revised Code. Any notified entity that notifies the county 159  
records commission of its intent to review and select records of 160  
continuing historical value from certificates of records disposal 161  
is responsible for the cost of any notice given and for the 162  
transportation of those records. 163

(D) The rules of the county records commission shall include 164  
 a rule that requires any receipts, checks, vouchers, or other 165  
 similar records pertaining to expenditures from the delinquent tax 166  
 and assessment collection fund created in section 321.261 of the 167  
 Revised Code, from the real estate assessment fund created in 168  
 section 325.31 of the Revised Code, or from amounts allocated for 169  
 the furtherance of justice to the county sheriff under section 170  
 325.071 of the Revised Code or to the prosecuting attorney under 171  
 section 325.12 of the Revised Code to be retained for at least 172  
 four years. 173

(E) No person shall knowingly violate the rule adopted under 174  
 division (D) of this section. Whoever violates that rule is guilty 175  
 of a misdemeanor of the first degree. 176

Sec. 149.381. (A) As used in this section, "records 177  
commission" means a records commission created under section 178  
149.39 of the Revised Code, a school district records commission 179  
and an educational service center records commission created under 180  
section 149.41 of the Revised Code, a library records commission 181  
created under section 149.411 of the Revised Code, a special 182  
taxing district records commission created under section 149.412 183  
of the Revised Code, and a township records commission created 184  
under section 149.42 of the Revised Code. 185

(B) When a records commission has approved an application for 186  
one-time disposal of obsolete records or any schedule of records 187  
retention and disposition, the records commission shall send that 188  
application or schedule to the Ohio historical society for its 189  
review. The Ohio historical society shall review the application 190  
or schedule within a period of not more than sixty days after its 191  
receipt of it. During the sixty-day review period, the Ohio 192  
historical society may select for its custody from the application 193  
for one-time disposal of obsolete records any records it considers 194  
to be of continuing historical value, and shall denote upon any 195  
schedule of records retention and disposition the records for 196  
which the Ohio historical society will require a certificate of 197  
records disposal prior to their disposal. 198

(C) Upon completion of its review, the Ohio historical 199  
society shall forward the application for one-time disposal of 200  
obsolete records or the schedule of records retention and 201  
disposition to the auditor of state for the auditor of state's 202  
approval or disapproval. The auditor of state shall approve or 203  
disapprove the application or schedule within a period of not more 204

than sixty days after receipt of it.

205

(D) Before public records are to be disposed of pursuant to an approved schedule of records retention and disposition, the records commission shall inform the Ohio historical society of the disposal through the submission of a certificate of records disposal for only the records required by the schedule to be disposed of, and shall give the society the opportunity for a period of fifteen business days to select for its custody those public records, from the certificate submitted, that it considers to be of continuing historical value.

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(E) The Ohio historical society may not review or select for its custody any of the following:

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(1) Records the release of which is prohibited by section 149.432 of the Revised Code.

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(2) Records containing personally identifiable information concerning any pupil attending a public school other than directory information, as defined in section 3319.321 of the Revised Code, without the written consent of the parent, guardian, or custodian of each such pupil who is less than eighteen years of age, or without the written consent of each pupil who is eighteen years of age or older.

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(3) Records the release of which would, according to the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, disqualify a school or other educational institution from receiving federal funds.

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**Sec. 149.39.** There is hereby created in each municipal corporation a records commission composed of the chief executive or the chief executive's appointed representative, as chairperson, and the chief fiscal officer, the chief legal officer, and a citizen appointed by the chief executive. The commission shall

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appoint a secretary, who may or may not be a member of the 235  
 commission and who shall serve at the pleasure of the commission. 236  
 The commission may employ an archivist or records manager to serve 237  
 under its direction. The commission shall meet at least once every 238  
 six months and upon the call of the chairperson. 239

The functions of the commission shall be to provide rules for 240  
 retention and disposal of records of the municipal corporation, 241  
 and to review applications for one-time disposal of obsolete 242  
 records and schedules of records retention and disposition 243  
 submitted by municipal offices. The commission may dispose of 244  
 records pursuant to the procedure outlined in this section 149.381 245  
of the Revised Code. The commission, at any time, may review any 246  
 schedule it has previously approved and, for good cause shown, may 247  
 revise that schedule under the procedure outlined in that section. 248

~~When the municipal records commission has approved any 249  
 application for one-time disposal of obsolete records or any 250  
 schedule of records retention and disposition, the commission 251  
 shall send that application or schedule to the Ohio historical 252  
 society for its review. The Ohio historical society shall review 253  
 the application or schedule within a period of not more than sixty 254  
 days after its receipt of it. Upon completion of its review, the 255  
 Ohio historical society shall forward the application for one-time 256  
 disposal of obsolete records or the schedule of records retention 257  
 and disposition to the auditor of state for the auditor's approval 258  
 or disapproval. The auditor shall approve or disapprove the 259  
 application or schedule within a period of not more than sixty 260  
 days after receipt of it. Before public records are to be disposed 261  
 of, the commission shall inform the Ohio historical society of the 262  
 disposal through the submission of a certificate of records 263  
 disposal and shall give the society the opportunity for a period 264  
 of fifteen business days to select for its custody those public 265  
 records that it considers to be of continuing historical value. 266~~

Sec. 149.41. There is hereby created in each city, local, 267  
 joint vocational, and exempted village school district a school 268  
 district records commission, and in each educational service 269  
 center an educational service center records commission. Each 270  
 records commission shall be composed of the president, the 271  
 treasurer of the board of education or governing board of the 272  
 educational service center, and the superintendent of schools in 273  
 each such district or educational service center. The commission 274  
 shall meet at least once every twelve months. 275

The function of the commission shall be to review 276  
 applications for one-time disposal of obsolete records and 277  
 schedules of records retention and disposition submitted by any 278  
 employee of the school district or educational service center. The 279  
 commission may dispose of records pursuant to the procedure 280  
 outlined in ~~this~~ section 149.381 of the Revised Code. The 281  
 commission, at any time, may review any schedule it has previously 282  
 approved and, for good cause shown, may revise that schedule under 283  
the procedure outlined in that section. 284

~~When the school district records commission or the 285  
 educational service center records commission has approved any 286  
 application for one-time disposal of obsolete records or any 287  
 schedule of records retention and disposition, the appropriate 288  
 commission shall send that application or schedule to the Ohio 289  
 historical society for its review. The Ohio historical society 290  
 shall review the application or schedule within a period of not 291  
 more than sixty days after its receipt of it. Upon completion of 292  
 its review, the Ohio historical society shall forward the 293  
 application for one-time disposal of obsolete records or the 294  
 schedule of records retention and disposition to the auditor of 295  
 state for the auditor's approval or disapproval. The auditor shall 296  
 approve or disapprove the application or schedule within a period 297~~

~~of not more than sixty days after receipt of it. Before public records are to be disposed of, the appropriate commission shall inform the Ohio historical society of the disposal through the submission of a certificate of records disposal and shall give the society the opportunity for a period of fifteen business days to select for its custody those public records that it considers to be of continuing historical value. The society may not review or select for its custody either of the following:~~

~~(A) Records containing personally identifiable information concerning any pupil attending a public school other than directory information, as defined in section 3319.321 of the Revised Code, without the written consent of the parent, guardian, or custodian of each such pupil who is less than eighteen years of age, or without the written consent of each such pupil who is eighteen years of age or older;~~

~~(B) Records the release of which would, according to the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C.A. 1232g, disqualify a school or other educational institution from receiving federal funds.~~

**Sec. 149.411.** There is hereby created in each county free public library, municipal free public library, township free public library, school district free public library as described in section 3375.15 of the Revised Code, county library district, and regional library district a library records commission composed of the members and the fiscal officer of the board of library trustees of the appropriate public library or library district. The commission shall meet at least once every twelve months.

The functions of the commission shall be to review applications for one-time disposal of obsolete records and



schedules of records retention and disposition submitted by any 328  
employee of the library. The commission may dispose of records 329  
pursuant to the procedure outlined in ~~this~~ section 149.381 of the 330  
Revised Code. The commission, at any time, may review any schedule 331  
it has previously approved and, for good cause shown, may revise 332  
that schedule under the procedure outlined in that section. 333

~~When the appropriate library records commission has approved 334  
any library application for one-time disposal of obsolete records 335  
or any schedule of records retention and disposition, the 336  
commission shall send that application or schedule to the Ohio 337  
historical society for its review. The Ohio historical society 338  
shall review the application or schedule within a period of not 339  
more than sixty days after its receipt of it. Upon completion of 340  
its review, the Ohio historical society shall forward the 341  
application for one-time disposal of obsolete records or the 342  
schedule of records retention and disposition to the auditor of 343  
state for the auditor's approval or disapproval. The auditor shall 344  
approve or disapprove the application or schedule within a period 345  
of not more than sixty days after receipt of it. Before public 346  
records are to be disposed of, the commission shall inform the 347  
Ohio historical society of the disposal through the submission of 348  
a certificate of records disposal and shall give the society the 349  
opportunity for a period of fifteen business days to select for 350  
its custody those public records that it considers to be of 351  
continuing historical value. The Ohio historical society may not 352  
review or select for its custody any records pursuant to section 353  
149.432 of the Revised Code.~~ 354

**Sec. 149.412.** There is hereby created in each special taxing 355  
district that is a public office as defined in section 149.011 of 356  
the Revised Code and that is not specifically designated in 357  
section 149.38, 149.39, 149.41, 149.411, or 149.42 of the Revised 358

Code a special taxing district records commission composed of, at 359  
 a minimum, the chairperson, a fiscal representative, and a legal 360  
 representative of the governing board of the special taxing 361  
 district. The commission shall meet at least once every twelve 362  
 months and upon the call of the chairperson. 363

The functions of the commission shall be to review 364  
 applications for one-time disposal of obsolete records and 365  
 schedules of records retention and disposition submitted by any 366  
 employee of the special taxing district. The commission may 367  
 dispose of records pursuant to the procedure outlined in this 368  
 section 149.381 of the Revised Code. The commission, at any time, 369  
 may review any schedule it has previously approved and, for good 370  
 cause shown, may revise that schedule under the procedure outlined 371  
in that section. 372

~~When the special taxing district records commission has 373  
 approved any special taxing district application for one time 374  
 disposal of obsolete records or any schedule of records retention 375  
 and disposition, the commission shall send that application or 376  
 schedule to the Ohio historical society for its review. The Ohio 377  
 historical society shall review the application or schedule within 378  
 a period of not more than sixty days after its receipt of it. Upon 379  
 completion of its review, the Ohio historical society shall 380  
 forward the application for one time disposal of obsolete records 381  
 or the schedule of records retention and disposition to the 382  
 auditor of state for the auditor's approval or disapproval. The 383  
 auditor shall approve or disapprove the application or schedule 384  
 within a period of not more than sixty days after receipt of it. 385  
 Before public records are to be disposed of, the commission shall 386  
 inform the Ohio historical society of the disposal through the 387  
 submission of a certificate of records disposal and shall give the 388  
 society the opportunity for a period of fifteen business days to 389~~

~~select for its custody those public records that it considers to  
be of continuing historical value.~~ 390  
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Sec. 149.42. There is hereby created in each township a 392  
township records commission, composed of the chairperson of the 393  
board of township trustees and the fiscal officer of the township. 394  
The commission shall meet at least once every twelve months and 395  
upon the call of the chairperson. 396

The function of the commission shall be to review 397  
applications for one-time disposal of obsolete records and 398  
schedules of records retention and disposition submitted by 399  
township offices. The commission may dispose of records pursuant 400  
to the procedure outlined in ~~this~~ section 149.381 of the Revised 401  
Code. The commission, at any time, may review any schedule it has 402  
previously approved and, for good cause shown, may revise that 403  
schedule under the procedure outlined in that section. 404

~~When the township records commission has approved any 405  
township application for one time disposal of obsolete records or 406  
any schedule of records retention and disposition, the commission 407  
shall send that application or schedule to the Ohio historical 408  
society for its review. The Ohio historical society shall review 409  
the application or schedule within a period of not more than sixty 410  
days after its receipt of it. Upon completion of its review, the 411  
Ohio historical society shall forward the application for one time 412  
disposal of obsolete records or the schedule of records retention 413  
and disposition to the auditor of state for the auditor's approval 414  
or disapproval. The auditor shall approve or disapprove the 415  
application or schedule within a period of not more than sixty 416  
days after receipt of it. Before public records are to be disposed 417  
of, the commission shall inform the Ohio historical society of the 418  
disposal through the submission of a certificate of records 419  
disposal and shall give the society the opportunity for a period 420~~

~~of fifteen business days to select for its custody those public records that it considers to be of continuing historical value."~~

Between lines 19857 and 19858, insert:

"Sec. 307.801. Within ninety days after a county microfilming board has been established, it shall hold its initial meeting at such time as the secretary of the board determines. Thereafter, the board shall meet annually on the ~~third~~ second Monday in January and at such other times and places as the secretary determines. The secretary shall, within five days after receiving a written request from any other member of the board, call the board together for a meeting. A majority of the board constitutes a quorum at any regular or special meeting.

The board may, by unanimous consent, adopt such rules as it considers necessary for its operation, but no rule of the board shall derogate the authority or responsibility of any elected official."

Between lines 39385 and 39386, insert:

"Sec. 1901.41. (A) Notwithstanding ~~section~~ sections 149.381 and 149.39 of the Revised Code and subject to division (E) of this section, each municipal court, by rule, may order the destruction or other disposition of the files of cases that have been finally disposed of by the court for at least five years as follows:

(1) If a case has been finally disposed of for at least five years, but less than fifteen years prior to the adoption of the rule of court for destruction or other disposition of the files, the court may order the files destroyed or otherwise disposed of only if the court first complies with division (B)(1) of this section;

(2) If a case has been finally disposed of for fifteen years

or more prior to the adoption of the rule of court for destruction 450  
 or other disposition of the files, the court may order the files 451  
 destroyed or otherwise disposed of without having copied or 452  
 reproduced the files prior to their destruction. 453

(B) (1) Except as otherwise provided in this division, all 454  
 files destroyed or otherwise disposed of under division (A) (1) of 455  
 this section shall be copied or reproduced prior to their 456  
 destruction or disposition in the manner and according to the 457  
 procedure prescribed in section 9.01 of the Revised Code. The 458  
 copies or reproductions of the files made pursuant to section 9.01 459  
 of the Revised Code shall be retained and preserved by the court 460  
 for a period of ten years after the destruction of the original 461  
 files in accordance with this section, after which the copies or 462  
 reproductions themselves may be destroyed or otherwise disposed 463  
 of. 464

Files destroyed or otherwise disposed of under division 465  
 (A) (1) of this section that are solely concerned with criminal 466  
 prosecutions for minor misdemeanor offenses or that are concerned 467  
 solely with minor misdemeanor traffic prosecutions do not have to 468  
 be copied or reproduced in any manner or under any procedure prior 469  
 to their destruction or disposition as provided in this section. 470

(2) Files destroyed or otherwise disposed of under division 471  
 (A) (2) of this section do not have to be copied or reproduced in 472  
 any manner or under any procedure prior to their destruction or 473  
 disposition. 474

(C) Nothing in this section permits or shall be construed as 475  
 permitting the destruction or other disposition of the files in 476  
 the Cleveland municipal court of cases involving the following 477  
 actions and proceedings: 478

(1) The sale of real property in an action to foreclose and 479  
 marshal all liens on the real property; 480

(2) The sale of real property in an action to foreclose a mortgage on the real property; 481  
482

(3) The determination of rights in the title to real property either in the form of a creditor's bill or in any other action intended to determine or adjudicate the right, title, and interest of a person or persons in the ownership of a parcel or parcels of real property or any interest therein. 483  
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(D) All dockets, indexes, journals, and cash books of the court shall be retained and preserved by the court for at least twenty-five years unless they are reproduced in the manner and according to the procedure prescribed in section 9.01 of the Revised Code, in which case the reproductions shall be retained and preserved by the court at least until the expiration of the twenty-five year period for which the originals would have had to have been retained. Court dockets, indexes, journals, and cash books, and all other court records also shall be subject to destruction or other disposition under section ~~149.39~~ 149.381 of the Revised Code. 488  
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(E) Notwithstanding ~~section~~ sections 149.381 and 149.39 of the Revised Code, each clerk of a municipal court shall retain documentation regarding each criminal conviction and plea of guilty involving a case that is or was before the court. The documentation shall be in a form that is admissible as evidence in a criminal proceeding as evidence of a prior conviction or that is readily convertible to or producible in a form that is admissible as evidence in a criminal proceeding as evidence of a prior conviction and may be retained in any form authorized by section 9.01 of the Revised Code. The clerk shall retain this documentation for a period of fifty years after the entry of judgment in the case, except that documentation regarding cases solely concerned with minor misdemeanor offenses or minor 499  
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misdemeanor traffic offenses shall be retained as provided in 512  
 divisions (A) and (B) of this section, and documentation regarding 513  
 other misdemeanor traffic offenses shall be retained for a period 514  
 of twenty-five years after the entry of judgment in the case. This 515  
 section shall apply to records currently retained and to records 516  
 created on or after September 23, 2004." 517

In line 53555, strike through "149.41" and insert "149.381" 518

In line 130990, after "109.36," insert "109.43," 519

In line 131000, after "149.38," insert "149.39, 149.41, 520  
 149.411, 149.412, 149.42," 521

In line 131008, after "307.80," insert "307.801," 522

In line 131053, after "1901.262," insert "1901.41," 523

In line 147588, delete "3313.29," 524

Between lines 147662 and 147663, insert: 525

"3313.29	The amendment striking	The amendment striking	526
	"149.41" and inserting	"(I)" and inserting	
	"149.381"	"(E)""	

In line 4 of the title, after "109.36," insert "109.43," 527

In line 18 of the title, after "149.38," insert "149.39, 528  
 149.41, 149.411, 149.412, 149.42," 529

In line 29 of the title, after "307.80," insert "307.801," 530

In line 88 of the title, after "1901.262," insert "1901.41," 531

In line 299 of the title, after "149.308," insert "149.381," 532

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

<b>Records Retention Procedures</b>	533
R.C. 149.38, 149.381, 149.39, 149.41, 149.411, 149.412, 149.42, 1901.41, and 3313.29	534 535
Consolidates the records retention procedure that currently applies to municipal corporations, school districts, educational service centers, libraries, special taxing district, and townships into one law (R.C. 149.381). Clarifies the procedure for the disposal of records and preparation of a schedule of records retention and disposition by a county, municipal corporation, school district, educational service center, library, special taxing district, and township, and revises the procedure used by the Ohio Historical Society for selecting records of continuing historical value before those entities dispose of records.	536 537 538 539 540 541 542 543 544 545
<b>Attorney General's Training Programs</b>	546
R.C. 109.43(F)	547
Extends the training or educational programs the Attorney General may offer to include the records retention procedure.	548 549
<b>County Microfilming Board</b>	550
R.C. 307.801	551
Moves the date for meetings of a county microfilming board, from the third Monday in January to the second Monday in January.	552 553



6 \_\_\_\_\_ moved to amend as follows:

7 In line 101336, delete "physician" and insert  
8 "psychiatrist"

9 The motion was \_\_\_\_\_ agreed to.

10 SYNOPSIS

11 **Mental Health Drug Exemption from Prior Authorization under**  
12 **Medicaid Managed Care**

13 **R.C. 5111.172**

14 Modifies the bill's exemption from prior authorization  
15 requirements for mental health drugs that are antidepressants or  
16 antipsychotics provided under the Medicaid managed care program  
17 when prescribed at a community mental health agency by  
18 specifying that the exemption applies to those drugs prescribed  
19 by a "psychiatrist" rather than any "physician" practicing at  
20 the agency.

Sub. H.B. 153  
As Pending in S. Finance  
LSC 129 1066-6  
SC-4637  
DMH065/DMH0

\_\_\_\_\_ moved to amend as follows:

- In line 649, delete "5119.222," 1
- In line 79427, delete "(1)"; delete "division (F)(2) of  
this"; after "section" insert "3793.061 of the Revised Code" 2  
3
- In line 79432, delete everything after "~~F~~" 4
- Delete lines 79433 through 79439 5
- Delete lines 79494 through 79502 and insert: 6
- "Sec. 3793.061. (A) In lieu of a determination by the 7  
department of alcohol and drug addiction services of whether an 8  
alcohol and drug addiction program satisfies the standards for 9  
certification under section 3793.06 of the Revised Code, the 10  
department shall accept appropriate accreditation of an 11  
applicant's alcohol and other drug addiction services, integrated 12  
mental health and alcohol and other drug addiction services, or 13  
integrated alcohol and other drug addiction and physical health 14  
services being provided in this state from any of the following 15  
national accrediting organizations as evidence that the applicant 16  
satisfies the standards for certification: 17
- (1) The joint commission; 18

- (2) The commission on accreditation of rehabilitation facilities; 19  
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- (3) The council on accreditation. 21
- (B) If the department determines that an applicant's accreditation is current, is appropriate for the program for which the applicant is seeking certification, and the applicant meets any other requirements established under this section or in rules adopted under this section, the department shall certify or recertify the program. Except as provided in division (C)(2) of this section, the department shall issue the certification or recertification without further evaluation of the program. 22  
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- (C) For purposes of this section, all of the following apply: 30
- (1) The department may review the accrediting organizations listed in division (A) of this section to evaluate whether the accreditation standards and processes used by the organizations are consistent with service delivery models the department considers appropriate for alcohol and other drug addiction services, physical health services, or both. The department may communicate to an accrediting organization any identified concerns, trends, needs, and recommendations. 31  
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- (2) The department may visit or otherwise evaluate an alcohol and drug addiction program at any time based on cause, including complaints made by or on behalf of consumers and confirmed or alleged deficiencies brought to the attention of the department. 39  
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- (3) The department shall require an alcohol and drug addiction program to notify the department not later than ten days after any change in the program's accreditation status. The program may notify the department by providing a copy of the relevant document the program received from the accrediting organization. 43  
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(4) The department shall require an alcohol and drug addiction program to submit to the department reports of major unusual incidents. 49  
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(5) The department may require an alcohol and drug addiction program to submit to the department cost reports pertaining to the program. 52  
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(D) The department shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. In adopting the rules, the department shall do all of the following: 55  
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(1) Specify the documentation that must be submitted as evidence of holding appropriate accreditation; 58  
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(2) Establish a process by which the department may review the accreditation standards and processes used by the national accrediting organizations listed in division (A) of this section; 60  
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(3) Specify the circumstances under which reports of major unusual incidents and program cost reports must be submitted to the department; 63  
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(4) Specify the circumstances under which the department may visit or otherwise evaluate an alcohol and drug addiction program for cause; 66  
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(5) Establish a process by which the department, based on deficiencies identified as a result of visiting or evaluating an alcohol drug addiction program under division (C)(2) of this section, may take any of a range of corrective actions, with the most stringent being revocation of the program's certification." 69  
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In line 106233, delete "sections" and insert "section" 74

In line 106234, delete "and 5119.222" 75

Delete lines 106434 through 106441 76

In line 106622, delete "(1)"; delete "division (B)(2) of" 77

this"; after "section" insert "5119.612 of the Revised Code" 78

In line 106625, after the underlined period, close the 79  
paragraph 80

In line 106630, before "~~If~~" insert "(C)"; reinsert "If" and 81  
delete the balance of the line 82

Delete lines 106631 through 106637 83

In line 106638, delete "(C) If" 84

Delete lines 106705 through 106712 and insert: 85

"Sec. 5119.612. (A) In lieu of a determination by the 86  
director of mental health of whether the services of a community 87  
mental health agency satisfy the standards for certification under 88  
section 5119.611 of the Revised Code, the director shall accept 89  
appropriate accreditation of an applicant's mental health 90  
services, integrated mental health and alcohol and other drug 91  
addiction services, or integrated mental health and physical 92  
health services being provided in this state from any of the 93  
following national accrediting organizations as evidence that the 94  
applicant satisfies the standards for certification: 95

(1) The joint commission; 96

(2) The commission on accreditation of rehabilitation 97  
facilities; 98

(3) The council on accreditation. 99

(B) If the director determines that an applicant's 100  
accreditation is current, is appropriate for the services for 101  
which the applicant is seeking certification, and the applicant 102  
meets any other requirements established under this section or in 103  
rules adopted under this section, the director shall certify the 104  
applicant's services that are accredited. Except as provided in 105  
division (C)(2) of this section, the director shall issue the 106

certification without further evaluation of the services. 107

(C) For purposes of this section, all of the following apply: 108

(1) The director may review the accrediting organizations 109  
listed in division (A) of this section to evaluate whether the 110  
accreditation standards and processes used by the organizations 111  
are consistent with service delivery models the director considers 112  
appropriate for mental health services, physical health services, 113  
or both. The director may communicate to an accrediting 114  
organization any identified concerns, trends, needs, and 115  
recommendations. 116

(2) The director may visit or otherwise evaluate a community 117  
mental health agency at any time based on cause, including 118  
complaints made by or on behalf of consumers and confirmed or 119  
alleged deficiencies brought to the attention of the director. 120

(3) The director shall require a community mental health 121  
agency to notify the director not later than ten days after any 122  
change in the agency's accreditation status. The agency may notify 123  
the director by providing a copy of the relevant document the 124  
agency received from the accrediting organization. 125

(4) The director shall require a community mental health 126  
agency to submit to the director reports of major unusual 127  
incidents. 128

(5) The director may require a community mental health agency 129  
to submit to the director cost reports pertaining to the agency. 130

(D) The director shall adopt rules in accordance with Chapter 131  
119. of the Revised Code to implement this section. In adopting 132  
the rules, the director shall do all of the following: 133

(1) Specify the documentation that must be submitted as 134  
evidence of holding appropriate accreditation; 135

<u>(2) Establish a process by which the director may review the accreditation standards and processes used by the national accrediting organizations listed in division (A) of this section;</u>	136
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<u>(3) Specify the circumstances under which reports of major unusual incidents and agency cost reports must be submitted to the director;</u>	139
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	141
<u>(4) Specify the circumstances under which the director may visit or otherwise evaluate a community mental health agency for cause;</u>	142
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<u>(5) Establish a process by which the director, based on deficiencies identified as a result of visiting or evaluating a community mental health agency under division (C)(2) of this section, may take any of a range of corrective actions, with the most stringent being revocation of the certification of the agency's services."</u>	145
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Between lines 140995 and 140996, insert:	151
"Section 337.30.____. BEHAVIORAL HEALTH DOCUMENTATION REDUCTION	152
	153
(A) As used in this section:	154
(1) "Community behavioral health services and programs" means both of the following:	155
	156
(a) Community mental health services certified by the Director of Mental Health under section 5119.611 of the Revised Code;	157
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(b) Alcohol and drug addiction programs certified by the Department of Alcohol and Drug Addiction Services under section 3793.06 of the Revised Code.	160
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	162
(2) "Residential facility" has the same meaning as in section 5119.22 of the Revised Code.	163
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(B) Not later than December 31, 2011, the Directors of Mental Health and Alcohol and Drug Addiction Services, or their designees, shall, in consultation with persons interested in the issues of residential facilities and community behavioral health services and programs, do all of the following:

(1) Identify areas of duplicative and unnecessary documentation requirements associated with licensing residential facilities and certifying community behavioral health services and programs;

(2) Align the documentation standards of the Departments of Mental Health and Alcohol and Drug Addiction Services;

(3) Streamline the Departments' standards regarding residential facilities and community behavioral health services and programs with federal standards;

(4) Promote the integration of behavioral and physical health in residential facilities and community behavioral health services and programs."

In line 333 of the title, delete "5119.222,"

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

**Deemed Certification of Alcohol and Drug Addiction Programs and Community Mental Health Services**

R.C. 3793.06, 3793.061, 5119.611, and 5119.612

Modifies the House-passed provisions under which alcohol and drug addiction programs and community mental health services are to receive state certification based on holding accreditation from



specified national accrediting bodies by requiring or authorizing	189
the Department of Alcohol and Drug Addiction Services and the	190
Director of Mental Health to do the following:	191
(1) Specify documentation that must be submitted as evidence	192
of holding appropriate accreditation;	193
(2) Determine whether an applicant's accreditation is	194
appropriate;	195
(3) Require a program or agency to notify the Department or	196
Director of any change in its accreditation status;	197
(4) Establish a process by which the Department or Director	198
may review the standards and processes of the accrediting bodies;	199
(5) Require a program or agency to submit to the Department	200
or Director major unusual incident reports or agency cost reports;	201
(6) Visit or evaluate a program or agency for cause;	202
(7) Adopt specified rules for the process of certification	203
based on national accreditation.	204
<b>Documentation Submission Requirements</b>	205
<b>R.C. 3793.061, 5119.222, and 5119.612; Section 337.30.____</b>	206
Removes provisions that would have prohibited rules adopted	207
by the Department of Alcohol and Drug Addiction Services and the	208
Department of Mental Health regarding documentation that alcohol	209
and drug addiction programs, residential facilities for persons	210
with mental illness, and community mental health agencies must	211
submit from being more stringent than a comparable documentation	212
submission requirement that applies under federal law.	213
Requires the Directors of Mental Health and Alcohol and Drug	214
Addiction Services, not later than December 31, 2011, and in	215
consultation with persons interested in the issues of residential	216
facilities for persons with mental illness and community	217

behavioral health services and programs, to perform certain	218
actions regarding documentation, standards, and the integration of	219
behavioral and physical health.	220

Sub. H.B. 153  
As Pending in S. Finance  
LSC 129 1066-6  
SC-4638

\_\_\_\_\_ moved to amend as follows:

In line 564, after "5123.01," insert "5123.0412," 1

Between lines 110427 and 110428, insert: 2

"Sec. 5123.0412. (A) The department of developmental 3  
disabilities shall charge each county board of developmental 4  
disabilities an annual fee equal to one ~~and one half~~ per cent of 5  
the total value of all medicaid paid claims for home and 6  
community-based services provided during the year to an individual 7  
eligible for services from the county board. No county board shall 8  
pass the cost of a fee charged to the county board under this 9  
section on to another provider of these services. 10

(B) The fees collected under this section shall be deposited 11  
into the ODDD administration and oversight fund ~~and the ODJFS~~ 12  
~~administration and oversight fund, both of which are~~ is hereby 13  
created in the state treasury. ~~The portion of the fees to be~~ 14  
~~deposited into the ODDD administration and oversight fund and the~~ 15  
~~portion of the fees to be deposited into the ODJFS administration~~ 16  
~~and oversight fund shall be the portion specified in an~~ 17  
~~interagency agreement entered into under division (C) of this~~ 18  
~~section.~~ The department of developmental disabilities shall use 19  
the money in the ODDD administration and oversight fund ~~and the~~ 20  
~~department of job and family services shall use the money in the~~ 21

~~ODJFS administration and oversight fund~~ for both of the following 22  
purposes: 23

(1) Medicaid administrative costs, including administrative 24  
and oversight costs of medicaid case management services and home 25  
and community-based services. The administrative and oversight 26  
costs of medicaid case management services and home and 27  
community-based services shall include costs for staff, systems, 28  
and other resources the ~~departments need~~ department needs and 29  
~~dedicate~~ dedicates solely to the following duties associated with 30  
the services: 31

- (a) Eligibility determinations; 32
- (b) Training; 33
- (c) Fiscal management; 34
- (d) Claims processing; 35
- (e) Quality assurance oversight; 36
- ~~(f) Other duties the departments identify.~~ 37

(2) Providing technical support to county boards' local 38  
administrative authority under section 5126.055 of the Revised 39  
Code for the services. 40

~~(C) The departments of developmental disabilities and job and 41  
family services shall enter into an interagency agreement to do 42  
both of the following: 43~~

~~(1) Specify which portion of the fees collected under this 44  
section is to be deposited into the ODDD administration and 45  
oversight fund and which portion is to be deposited into the ODJFS 46  
administration and oversight fund; 47~~

~~(2) Provide for the departments to coordinate the staff whose 48  
costs are paid for with money in the ODDD administration and 49  
oversight fund and the ODJFS administration and oversight fund. 50~~

~~(D)~~ The ~~departments~~ department shall submit an annual report 51  
to the director of budget and management certifying how the 52  
~~departments~~ department spent the money in the ODDD administration 53  
and oversight fund and ~~the ODJFS administration and oversight fund~~ 54  
for the purposes specified in division (B) of this section." 55

In line 131153, after "5123.01," insert "5123.0412," 56

Between lines 138967 and 138968, insert: 57

"Section 309.30.15. ODJFS ADMINISTRATION AND OVERSIGHT FUND 58

Notwithstanding the amendment by this act to section 59  
5123.0412 of the Revised Code, the ODJFS Administration and 60  
Oversight Fund shall continue to exist in the state treasury until 61  
the Department of Job and Family Services expends all of the 62  
foregoing appropriation item 600629, MR/DD Medicaid Administration 63  
and Oversight." 64

Between lines 147760 and 147761, insert: 65

"Section 5123.0412 of the Revised Code as amended by Am. Sub. 66  
H.B. 1 and Sub. S.B. 79 of the 128th General Assembly." 67

In line 225 of the title, after "5123.01," insert 68  
"5123.0412," 69

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

County DD Board Fees for Home and Community-Based Services 70

R.C. 5123.0412 71

Revises current law governing fees that a county board of 72  
developmental disabilities pays regarding home and community-based 73

services provided under a Medicaid waiver program the Department	74
of Developmental Disabilities administers as follows:	75
(1) Reduces the fee from 1.5% to 1% of the total value of all	76
Medicaid-paid claims for such services provided to an individual	77
eligible for services from the board;	78
(2) Provides for all of the money raised by the fees to be	79
deposited into the ODDD Administration and Oversight Fund rather	80
than having a portion of the money deposited into the ODJFS	81
Administration and Oversight Fund;	82
(3) Provides that the ODJFS Administration and Oversight Fund	83
ceases to exist when the Department of Job and Family Services	84
expends the amount appropriated from the Fund;	85
(4) Eliminates the Department of Job and Family Services'	86
duties regarding the fees;	87
(5) Provides that money in the ODDD Administration and	88
Oversight Fund may no longer be used for additional duties the	89
Department of Developmental Disabilities identifies.	90

2 Sub. H.B. 153  
3 As Pending in S. Finance  
4 LSC 129 1066-6  
5 SC-4640-2

6 \_\_\_\_\_ moved to amend as follows:

7 Between lines 143030 and 143031, insert:

8 "FEDERAL - VOCATIONAL REHABILITATION

9 Of the foregoing appropriation item 415616, Federal -  
10 Vocational Rehabilitation, \$250,000 in each fiscal year shall be  
11 provided to the Ohio Association of Rehabilitation Facilities to  
12 monitor provider accreditation compliance."

13 The motion was \_\_\_\_\_ agreed to.

14 SYNOPSIS

15 **Rehabilitation Services Commission**

16 **Section 375.10**

17 Provides \$250,000 of line item 415616, Federal - Vocational  
18 Rehabilitation, in each fiscal year for the Ohio Association of  
19 Rehabilitation Facilities to monitor provider accreditation  
20 compliance.

6 \_\_\_\_\_ moved to amend as follows:

7 In line 619, after "118.31," insert "122.175,"

8 Between lines 8019 and 8020, insert:

9 "Sec. 122.175. (A) As used in this section:

10 (1) "Capital investment project" means a plan of investment  
11 at a project site for the acquisition, construction, renovation,  
12 expansion, replacement, or repair of a computer data center or  
13 of computer data center equipment, but does not include any of  
14 the following:

15 (a) Project costs paid before a date determined by the tax  
16 credit authority for each capital investment project;

17 (b) Payments made to a related member as defined in section  
18 5733.042 of the Revised Code or to a consolidated elected  
19 taxpayer or a combined taxpayer as defined in section 5751.01 of  
20 the Revised Code.

21 (2) "Computer data center" means a facility used or to be  
22 used primarily to house computer data center equipment used or  
23 to be used in conducting a computer data center business, as  
24 determined by the tax credit authority.



25       (3) "Computer data center business" means, as may be  
26 further determined by the tax credit authority, a business that  
27 provides electronic information services as defined in division  
28 (Y)(1)(c) of section 5739.01 of the Revised Code. "Computer  
29 data center business" does not include providing electronic  
30 publishing as defined in division (LLL) of that section.

31       (4) "Computer data center equipment" means tangible  
32 personal property used or to be used for any of the following:

33       (a) To conduct a computer data center business, including  
34 equipment cooling systems to manage the performance of computer  
35 data center equipment;

36       (b) To generate, transform, transmit, distribute, or manage  
37 electricity necessary to operate the tangible personal property  
38 used or to be used in conducting a computer data center  
39 business;

40       (c) As building and construction materials sold to  
41 construction contractors for incorporation into a computer data  
42 center.

43       (5) "Eligible computer data center" means a computer data  
44 center that satisfies all of the following requirements:

45       (a) The taxpayer will make payments for a capital  
46 investment project of at least one hundred million dollars in  
47 the aggregate at the project site during a period of three  
48 consecutive calendar years;

49       (b) The taxpayer will pay annual compensation that is  
50 subject to the withholding obligation imposed under section  
51 5747.06 of the Revised Code of at least five million dollars to  
52 employees employed at the project site for the term of the  
53 agreement.

54       (6) "Person" has the same meaning as in section 5701.01 of  
55 the Revised Code.

56       (7) "Project site," "related member," and "tax credit  
57 authority" have the same meanings as in sections 122.17 and  
58 122.171 of the Revised Code.

59       (8) "Taxpayer" means any person subject to the taxes  
60 imposed under Chapters 5739. and 5741. of the Revised Code.

61       (B) The tax credit authority may completely or partially  
62 exempt from the taxes levied under Chapters 5739. and 5741. of  
63 the Revised Code the sale, storage, use, or other consumption of  
64 computer data center equipment used or to be used at an eligible  
65 computer data center. Any such exemption shall extend to  
66 charges for the delivery, installation, or repair of the  
67 computer data center equipment subject to the exemption under  
68 this section.

69       (C) A taxpayer that proposes a capital improvement project  
70 for an eligible computer data center in this state may apply to  
71 the tax credit authority to enter into an agreement under this  
72 section for a complete or partial exemption from the taxes

73 imposed under Chapters 5739. and 5741. of the Revised Code on  
74 computer data center equipment used or to be used at the  
75 eligible computer data center. The director of development shall  
76 prescribe the form of the application. After receipt of an  
77 application, the authority shall forward copies of the  
78 application to the director of budget and management, the tax  
79 commissioner, and the director of development, each of whom  
80 shall review the application to determine the economic impact  
81 that the proposed eligible computer data center would have on  
82 the state and any affected political subdivisions and submit to  
83 the authority a summary of their determinations and  
84 recommendations.

85 (D) Upon review and consideration of such determinations  
86 and recommendations, the tax credit authority may enter into an  
87 agreement with the taxpayer for a complete or partial exemption  
88 from the taxes imposed under Chapters 5739. and 5741. of the  
89 Revised Code on computer data center equipment used or to be  
90 used at an eligible computer data center if the authority  
91 determines all of the following:

92 (1) The taxpayer's capital investment project for the  
93 eligible computer data center will increase payroll and the  
94 amount of income taxes to be withheld from employee compensation  
95 pursuant to section 5747.06 of the Revised Code.

96       (2) The taxpayer is economically sound and has the ability  
97 to complete the proposed capital investment project.

98       (3) The taxpayer intends to and has the ability to maintain  
99 operations at the project site for the term of the agreement.

100       (4) Receiving the exemption is a major factor in the  
101 taxpayer's decision to begin, continue with, or complete the  
102 capital investment project.

103       (E) An agreement entered into under this section shall  
104 include all of the following:

105       (1) A detailed description of the capital investment  
106 project that is the subject of the agreement, including the  
107 amount of the investment, the period over which the investment  
108 has been or is being made, the annual compensation to be paid by  
109 the taxpayer to its employees at the project site, and the  
110 anticipated amount of income taxes to be withheld from employee  
111 compensation pursuant to section 5747.06 of the Revised Code.

112       (2) The percentage of the exemption from the taxes imposed  
113 under Chapters 5739. and 5741. of the Revised Code for the  
114 computer data center equipment used or to be used at the  
115 eligible computer data center, the length of time the computer  
116 data center equipment will be exempted, and the first date on  
117 which the exemption applies.

118       (3) A requirement that the taxpayer maintain the computer  
119 data center as an eligible computer data center during the term

120 of the agreement and that the taxpayer maintain operations at  
121 the eligible computer data center during that term.

122 (4) A requirement that during each year of the term of the  
123 agreement the taxpayer pay annual compensation that is subject  
124 to the withholding obligation imposed under section 5747.06 of  
125 the Revised Code of at least five million dollars to its  
126 employees at the eligible computer data center.

127 (5) A requirement that the taxpayer annually report to the  
128 director of development employment, tax withholding, capital  
129 investment, and other information required by the director to  
130 perform the director's duties under this section.

131 (6) A requirement that the director of development annually  
132 review the annual reports of the taxpayer to verify the  
133 information reported under division (E)(5) of this section and  
134 compliance with the agreement. Upon verification, the director  
135 shall issue a certificate to the taxpayer stating that the  
136 information has been verified and that the taxpayer remains  
137 eligible for the exemption specified in the agreement.

138 (7) A provision providing that the taxpayer may not  
139 relocate a substantial number of employment positions from  
140 elsewhere in this state to the project site unless the director  
141 of development determines that the taxpayer notified the  
142 legislative authority of the county, township, or municipal  
143 corporation from which the employment positions would be

144 relocated. For purposes of this paragraph, the movement of an  
145 employment position from one political subdivision to another  
146 political subdivision shall be considered a relocation of an  
147 employment position unless the movement is confined to the  
148 project site. The transfer of an employment position from one  
149 political subdivision to another political subdivision shall not  
150 be considered a relocation of an employment position if the  
151 employment position in the first political subdivision is  
152 replaced by another employment position.

153 (8) A waiver by the taxpayer of any limitations periods  
154 relating to assessments or adjustments resulting from the  
155 taxpayer's failure to comply with the agreement.

156 (F) The term of an agreement under this section shall be  
157 determined by the tax credit authority, and the amount of the  
158 exemption shall not exceed one hundred per cent of such taxes  
159 that would otherwise be owed in respect to the exempted computer  
160 data center equipment.

161 (G) If a taxpayer fails to meet or comply with any  
162 condition or requirement set forth in an agreement under this  
163 section, the tax credit authority may amend the agreement to  
164 reduce the percentage of the exemption or term during which the  
165 exemption applies to the computer data center equipment used or  
166 to be used at an eligible computer data center. The reduction of

167 the percentage or term may take effect in the current calendar  
168 year.

169 (H) Financial statements and other information submitted to  
170 the department of development or the tax credit authority by an  
171 applicant for or recipient of an exemption under this section,  
172 and any information taken for any purpose from such statements  
173 or information, are not public records subject to section 149.43  
174 of the Revised Code. However, the chairperson of the authority  
175 may make use of the statements and other information for  
176 purposes of issuing public reports or in connection with court  
177 proceedings concerning tax exemption agreements under this  
178 section. Upon the request of the tax commissioner, the  
179 chairperson of the authority shall provide to the tax  
180 commissioner any statement or other information submitted by an  
181 applicant for or recipient of an exemption under this section.  
182 The tax commissioner shall preserve the confidentiality of the  
183 statement or other information.

184 (I) The tax commissioner shall issue a direct payment  
185 permit under section 5739.031 of the Revised Code to a taxpayer  
186 that enters into an agreement under this section. Such direct  
187 payment permit shall authorize the taxpayer to pay any sales and  
188 use taxes due on purchases of computer data center equipment  
189 used or to be used in an eligible computer data center and to  
190 pay any sales and use taxes due on purchases of tangible

191 personal property or taxable services other than computer data  
192 center equipment used or to be used in an eligible computer data  
193 center directly to the tax commissioner. Each taxpayer shall pay  
194 pursuant to such direct payment permit all sales tax levied on  
195 such purchases under sections 5739.02, 5739.021, 5739.023, and  
196 5739.026 of the Revised Code and all use tax levied on such  
197 purchases under sections 5741.02, 5741.021, 5741.022, and  
198 5741.023 of the Revised Code, consistent with the terms of the  
199 agreement entered into under this section.

200 During the term of an agreement under this section the  
201 taxpayer shall submit to the tax commissioner a return that  
202 shows the amount of computer data center equipment purchased for  
203 use at the eligible computer data center, the amount of tangible  
204 personal property and taxable services other than computer data  
205 center equipment purchased for use at the eligible computer data  
206 center, the amount of tax under Chapter 5739. or 5741. of the  
207 Revised Code that would be due in the absence of the agreement  
208 under this section, the exemption percentage for computer data  
209 center equipment specified in the agreement, and the amount of  
210 tax due under Chapter 5739. or 5741. of the Revised Code as a  
211 result of the agreement under this section. The taxpayer shall  
212 pay the tax shown on the return to be due in the manner and at  
213 the times as may be further prescribed by the tax commissioner.  
214 The taxpayer shall include a copy of the director of



215 development's certificate of verification issued under division  
216 (E)(6) of this section. Failure to submit a copy of the  
217 certificate with the return does not invalidate the claim for  
218 exemption if the taxpayer submits a copy of the certificate to  
219 the tax commissioner within sixty days after the tax  
220 commissioner requests it.

221 (J) If the director of development determines that a  
222 taxpayer that received an exemption under this section is not  
223 complying with the requirement under division (E)(3) of this  
224 section, the director shall notify the tax credit authority of  
225 the noncompliance. After receiving such a notice, and after  
226 giving the taxpayer an opportunity to explain the noncompliance,  
227 the authority may terminate the agreement and require the  
228 taxpayer to pay to the state all or a portion of the taxes that  
229 would have been owed in regards to the exempt equipment in  
230 previous years, all as determined under rules adopted pursuant  
231 to division (K) of this section. In determining the portion of  
232 the taxes that would have been owed on the previously exempted  
233 equipment to be paid to this state by the taxpayer, the  
234 authority shall consider the effect of market conditions on the  
235 taxpayer's eligible computer data center and whether the  
236 taxpayer continues to maintain other operations in this state.  
237 After making the determination, the authority shall certify to  
238 the tax commissioner the amount to be paid by the taxpayer. The

239 tax commissioner shall make an assessment for that amount  
240 against the taxpayer under Chapter 5739. or 5741. of the Revised  
241 Code. The time limitations on assessments under those chapters  
242 do not apply to an assessment under this division, but the tax  
243 commissioner shall make the assessment within one year after the  
244 date the authority certifies to the tax commissioner the amount  
245 to be paid by the taxpayer.

246 (K) The director of development, after consultation with  
247 the tax commissioner and in accordance with Chapter 119. of the  
248 Revised Code, shall adopt rules necessary to implement this  
249 section. The rules may provide for recipients of tax exemptions  
250 under this section to be charged fees to cover administrative  
251 costs incurred in the administration of this section. The fees  
252 collected shall be credited to the tax incentive programs  
253 operating fund created in section 122.174 of the Revised Code.  
254 At the time the director gives public notice under division (A)  
255 of section 119.03 of the Revised Code of the adoption of the  
256 rules, the director shall submit copies of the proposed rules to  
257 the chairpersons of the standing committees on economic  
258 development in the senate and the house of representatives.

259 (L) On or before the first day of August of each year, the  
260 director of development shall submit a report to the governor,  
261 the president of the senate, and the speaker of the house of  
262 representatives on the tax exemption authorized under this

263 section. The report shall include information on the number of  
264 agreements that were entered into under this section during the  
265 preceding calendar year, a description of the eligible computer  
266 data center that is the subject of each such agreement, and an  
267 update on the status of eligible computer data centers under  
268 agreements entered into before the preceding calendar year."

269 In line 296 of the title, after "118.31," insert "122.175,"

270 The motion was \_\_\_\_\_ agreed to.

271 SYNOPSIS

272 **Computer Data Center Sales and Use Tax Exemption**

273 **R.C. 122.175**

274 Authorizes the Tax Credit Authority to grant a full or  
275 partial exemption from all sales and use taxes for equipment  
276 used in the operation of a computer data center business,  
277 provided that the business makes a capital investment of at  
278 least \$100 million in the state and maintains an annual payroll  
279 for employees involved in the capital investment project of at  
280 least \$5 million.

Sub. H.B. 153  
As Pending in S. Finance  
LSC 129 1066-6  
SC-4666-2

\_\_\_\_\_ moved to amend as follows:

- In line 84858, after "residual" insert "or reversionary" 1
- In line 84860, delete ", or provision of" 2
- In line 84861, delete everything before "JobsOhio"; after "JobsOhio" insert "or any subsidiary of JobsOhio"; after "any" insert "regulatory"; after "responsibility" insert "of" 3  
4  
5
- In line 84862, delete "may have" and insert ", including the authority" 6  
7
- In line 84863, delete everything before the underlined comma and insert "in connection therewith" 8  
9
- In line 84866, delete "these collection" and insert "regulatory"; delete everything after "activities" 10  
11
- Delete line 84867 12
- In line 84868, delete everything before the underlined period 13
- In line 84891, delete "As the services" 14
- Delete line 84892 15
- In line 84893, delete "government functions, all" and insert "All" 16  
17
- In line 84958, delete everything after "(3)" 18

Delete lines 84959 through 84969	19
In line 84970, delete "ownership" and insert " <u>The transfer agreement may authorize JobsOhio, in the ordinary course of doing business, to convey, lease, release, or otherwise dispose of any regular inventory or tangible personal property. Ownership</u> "	20 21 22 23
In line 84981, delete "others" and insert " <u>the state</u> "	24
In line 84988, after the second underlined comma insert " <u>and</u> "	25
In line 84989, delete everything after " <u>commerce</u> "	26
In line 84990, delete everything before the first underlined comma and insert " <u>shall, subject to approval by the controlling board</u> "	27 28 29
In line 84995, delete " <u>may</u> " and insert " <u>shall</u> "	30
Delete lines 85002 and 85003	31
In line 85004, delete everything before " <u>4301.10</u> " and insert " <u>The division of liquor control shall manage and actively supervise the activities required or authorized under sections</u> "	32 33 34
In line 85005, delete " <u>section</u> "; after " <u>Code</u> " insert " <u>as those sections exist on the effective date of this section, including, but not limited to, controlling the traffic in beer and intoxicating liquor in this state and fixing the wholesale and retail prices at which the various classes, varieties, and brands of spirituous liquor are sold</u> "	35 36 37 38 39 40
Between lines 85011 and 85012, insert:	41
" <u>(G) The transaction and transfer provided for under this section shall comply with all applicable provisions of the Ohio Constitution.</u> "	42 43 44

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

<b>Transfer of Spirituous Liquor Distribution System to JobsOhio</b>	45
<b>R.C. 4313.02</b>	46
Modifies the bill's provisions governing the transfer of the	47
spirituous liquor distribution system from the state to JobsOhio	48
by doing all of the following:	49
-- Revising the conditions or actions that do not negate or	50
adversely affect the transfer;	51
-- Removing a provision that: (1) allows the transfer	52
agreement to authorize JobsOhio to dispose of real and personal	53
property acquired by JobsOhio and no longer needed for the	54
purposes of the transfer, the enterprise acquisition project, or	55
JobsOhio, and (2) authorizes the disposal to be made without	56
competitive bidding, and instead allowing the transfer agreement	57
to authorize JobsOhio, in the ordinary course of doing business,	58
to convey, lease, release, or otherwise dispose of any regular	59
inventory or tangible personal property;	60
-- Clarifying that JobsOhio may lease any portion of the	61
enterprise acquisition project to the state rather than to others	62
as in the bill;	63
-- Requiring, rather than authorizing as in the bill,	64
JobsOhio and the Directors of Budget and Management and Commerce	65
to enter into a contract, which may be part of the transfer	66
agreement, for the continuing operation by the Division of Liquor	67
Control of spirituous liquor distribution and merchandising	68
subject to performance standards provided in that contract,	69
requiring the contract to be subject to approval by the	70
Controlling Board rather than allowing the contract to be entered	71
into without the need for any other approval, and removing the	72

Director of Development as a party to the contract; 73

-- Requiring, rather than authorizing as in the bill, the 74  
contract to establish other terms and conditions for the 75  
assignment of duties to, and the provision of advice, services, 76  
and other assistance by, the Division, including providing for the 77  
necessary staffing and payment by JobsOhio of appropriate 78  
compensation to the Division for the performance of such duties; 79

-- Requiring the Division of Liquor Control to manage and 80  
actively supervise the activities required or authorized under 81  
current law regarding the powers and duties of the Division as 82  
those powers and duties exist on the effective date of the bill's 83  
provisions governing the transfer, including controlling the 84  
traffic in beer and intoxicating liquor in Ohio and fixing the 85  
wholesale and retail prices at which the various classes, 86  
varieties, and brands of spirituous liquor are sold rather than 87  
stating that the provisions of, and activities under, any contract 88  
are subject to the requirements of, and limitations established 89  
under, current law regarding the following powers and duties of 90  
the Division of Liquor Control: (a) controlling the traffic in 91  
beer and intoxicating liquor in the state, including the 92  
manufacture, importation, and sale of beer and intoxicating 93  
liquor, (b) operating, managing, and controlling a system of state 94  
liquor stores for the sale of spirituous liquor, (c) determining 95  
the locations of all state liquor stores and manufacturing, 96  
distributing, and bottling plants required in connection with 97  
those stores, (d) fixing the wholesale and retail prices of 98  
spirituous liquor sold by the Division, and (e) allocating the 99  
equitable distribution of state liquor stores and agency stores in 100  
the state; 101

-- Requiring the transaction and transfer to comply with all 102  
applicable provisions of the Ohio Constitution. 103

Sub. H.B. 153  
As Pending in S. Finance  
LSC 129 1066-6  
SC-4667

\_\_\_\_\_ moved to amend as follows:

In line 71610, delete "may" and insert "shall" 1

In line 71611, after the underlined period insert "The rules shall require at a minimum annual inspections." 2  
3

In line 71641, delete "may" and insert "shall" 4

In line 71643, after the underlined period insert "The rules shall require at a minimum annual inspections." 5  
6

Delete lines 145882 through 145904 and insert: 7

"Section 737.11. (A) If an agricultural labor camp is located 8  
within the jurisdiction of a board of health on the effective date 9  
of this section, the board of health shall adopt the rules 10  
required by section 3733.42 of the Revised Code as enacted by this 11  
act not later than twelve months after the effective date of the 12  
enactment of that section by this act. After adopting the rules, 13  
the board of health immediately shall notify the Director of 14  
Health. 15

(B) (1) The rules governing agricultural labor camps adopted 16  
by the Public Health Council under former section 3733.42 of the 17  
Revised Code as repealed by this act shall remain in effect in a 18  
health district to which division (A) of this section applies 19



until the board of health of that district adopts rules under 20  
 section 3733.42 of the Revised Code as enacted by this act. 21

(2) On the effective date of the rules adopted by such a 22  
 board of health as required by section 3733.42 of the Revised Code 23  
 as enacted by this act, the Public Health Council rules adopted 24  
 under former section 3733.42 of the Revised Code as repealed by 25  
 this act cease to be effective within the jurisdiction of that 26  
 board of health. 27

(C) Twelve months after the effective date of this section, 28  
 the Public Health Council shall rescind the rules adopted under 29  
 former section 3733.42 of the Revised Code as repealed by this 30  
 act." 31

Delete lines 145912 through 145934 and insert: 32

"Section 737.15. (A) If a marina is located within the 33  
 jurisdiction of a board of health on the effective date of this 34  
 section, the board of health shall adopt the rules required by 35  
 section 3733.21 of the Revised Code as amended by this act not 36  
 later than twelve months after the effective date of the amendment 37  
 of that section by this act. After adopting the rules, the board 38  
 of health immediately shall notify the Director of Health. 39

(B) (1) The rules governing marinas adopted by the Public 40  
 Health Council under former section 3733.22 of the Revised Code as 41  
 repealed by this act shall remain in effect in a health district 42  
 to which division (A) of this section applies until the board of 43  
 health of that district adopts rules under section 3733.21 of the 44  
 Revised Code as amended by this act. 45

(2) On the effective date of the rules adopted by such a 46  
 board of health as required by section 3733.21 of the Revised Code 47  
 as amended by this act, the Public Health Council rules adopted 48  
 under former section 3733.22 of the Revised Code as repealed by 49

this act cease to be effective within the jurisdiction of that 50  
board of health. 51

(C) Twelve months after the effective date of this section, 52  
the Public Health Council shall rescind the rules adopted under 53  
former section 3733.22 of the Revised Code as repealed by this 54  
act." 55

The motion was \_\_\_\_\_ agreed to.

#### SYNOPSIS

**Agricultural Labor Camps; Marinas** 56

**R.C. 3733.21 and 3733.42; Sections 737.11 and 737.15** 57

Requires, rather than authorizes as in the bill, the board of 58  
health of a health district within which is located an 59  
agricultural labor camp or a marina to adopt rules governing the 60  
inspection of and issuance of licenses for agricultural labor 61  
camps or marinas as applicable. 62

Requires the rules to require at a minimum annual 63  
inspections. 64

Revises the procedures governing the transition from Public 65  
Health Council rules to board of health rules to reflect the 66  
amendment's requirement that local rules be adopted. 67

1 129HB153-SC4668.docx/ar

2 Sub. H.B. 153  
3 As Pending in S. Finance  
4 LSC 129 1066-6  
5 SC-4668

6 \_\_\_\_\_ moved to amend as follows:

7 Delete lines 142691 to 142723

8 The motion was \_\_\_\_\_ agreed to.

9 SYNOPSIS

10 **Board of Regents**

11 **Section 371.60.23**

12 Eliminates the shared services requirement that any state  
13 institution of higher education with total FTE enrollment under  
14 5,000 enter into strategic partnerships for specified shared  
15 services and report their savings to the Chancellor.

Sub. H.B. 153  
As Pending in S. Finance  
LSC 129 1066-6  
SC-4670

\_\_\_\_\_ moved to amend as follows:

In line 633, after "3313.538," insert "3313.539," 1

Between lines 54239 and 54240, insert: 2

"Sec. 3313.539. (A) As used in this section, "extracurricular 3  
activity" has the same meaning as in section 3313.537 of the 4  
Revised Code. 5

(B) A student who is receiving home instruction in accordance 6  
with division (A)(2) of section 3321.04 of the Revised Code shall 7  
be afforded the opportunity to participate in any extracurricular 8  
activity offered at the traditional public school that is operated 9  
by the school district in which the student is entitled to attend 10  
school pursuant to section 3313.64 or 3313.65 of the Revised Code 11  
and to which the student otherwise would be assigned. If more than 12  
one such school operated by the school district serves the 13  
student's grade level, as determined by the district 14  
superintendent based on the student's age and academic 15  
performance, the student shall be afforded the opportunity to 16  
participate in any extracurricular activity offered at the school 17  
to which the student would be assigned by the superintendent 18  
pursuant to section 3319.01 of the Revised Code. 19

(C) In order to participate in an extracurricular activity 20  
under this section, the student shall fulfill the same nonacademic 21  
and financial requirements as any other participant and shall 22  
fulfill either of the following academic requirements: 23

(1) If the student received home instruction in the preceding 24  
school year, the student shall meet any academic requirements 25  
established by the state board of education for continuation of 26  
home instruction. 27

(2) If the student did not receive home instruction in the 28  
preceding school year, the student's academic performance during 29  
the preceding school year shall have met any academic standards 30  
for eligibility to participate in the activity established by the 31  
school district. 32

Any student who commences home instruction after the 33  
beginning of a school year and who is, at the time home 34  
instruction commences, ineligible to participate in 35  
extracurricular activities due to failure to meet academic 36  
standards or any other requirements of the district shall not 37  
participate in extracurricular activities under this section for 38  
the remainder of the school year. 39

(D) No school or school district shall impose fees for a 40  
student to participate under this section that exceed any fees 41  
charged to other students participating in the same 42  
extracurricular activity. 43

(E) No school district, interscholastic conference, or 44  
organization that regulates interscholastic conferences or events 45  
shall require a student who is eligible to participate in 46  
extracurricular activities under this section to meet eligibility 47  
requirements that conflict with this section." 48

In line 315 of the title, after "3313.538," insert 49

"3313.539,"

50

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

<b>Homeschooled Student Participation in District Activities</b>	51
<b>R.C. 3313.539</b>	52
Requires school districts to allow homeschooled students, who	53
fulfill the same nonacademic and financial requirements as any	54
other participant and specified academic requirements, to	55
participate in extracurricular activities at the school	56
district-operated school to which the student would otherwise be	57
assigned.	58

---

6 \_\_\_\_\_ moved to amend as follows:

7 In line 521, delete "3770.02,"; delete "3770.06,"

8 In line 642, delete "3770.15,"

9 Delete lines 78355 through 78582

10 Delete lines 78746 through 79152

11 In line 131109, delete "3770.02,"; delete "3770.06,"

12 Between lines 145975 and 145976, insert:

13 **"Section 737.\_\_\_\_\_.** The Director of Budget and Management  
14 shall compare and analyze alternatives in order to convert the  
15 lottery from a state-run entity to a commercially run  
16 enterprise. The Director shall develop a competitive selection  
17 process in compliance with Chapter 125. of the Revised Code for  
18 the selection of an entity or entities to operate and manage the  
19 lottery. In completing this task, the Director may hire  
20 appropriate experts who are qualified in lottery evaluation and  
21 management. However, no entity or advisor shall be paid based  
22 upon any contingency contract, agreement, or the value to the  
23 state of any subsequent lottery management or operating  
24 agreement. No such entity or consultant may bid or participate

25 on any subsequent request for proposals or proposal for  
26 operation or management of the lottery.

27 The request for proposals shall include a provision that  
28 the proceeds payable to the bidder shall be subject to all  
29 ordinary taxes.

30 By December 15, 2011, the Director shall report to the  
31 General Assembly the Director's proposal for the operation and  
32 management of the lottery, which shall include methods for  
33 realizing optimum value of the lottery for the state when  
34 considering all appropriate factors including, but not limited  
35 to, improvement in the present value of the anticipated existing  
36 lottery stream, past performance, anticipated growth, as well as  
37 any future growth guarantees, up-front payments, and overall  
38 return.

39 Based upon this report, the Director, by January 15, 2012,  
40 shall propose a request for proposals process to the General  
41 Assembly that outlines the appropriate terms and conditions for  
42 the operation and management of the lottery.

43 Within ninety days of receipt of the Director's proposal,  
44 the General Assembly may approve or reject the terms and  
45 conditions outlined in the request for proposals by a joint  
46 resolution initiated in the Senate. If the General Assembly  
47 does not act during this period, the Director may move forward  
48 with the request for proposals."



49 In line 165 of the title, delete "3770.02,"

50 In line 166 of the title, delete "3770.06,"

51 In line 324 of the title, delete "3770.15,"

52 The motion was \_\_\_\_\_ agreed to.

53 SYNOPSIS

54 **Operation and Management of Lottery**

55 **Section 737. \_\_\_\_\_**

56 Requires the Director of Budget and Management to compare  
57 and analyze alternatives in order to convert the lottery from a  
58 state-run entity to a commercially run enterprise.

59 Requires the Director to develop a competitive selection  
60 process for the selection of an entity or entities to operate  
61 and manage the lottery and permits the Director to hire  
62 appropriate experts who are qualified in lottery evaluation and  
63 management.

64 Prohibits an entity or advisor from being paid based upon  
65 any contingency contract, agreement, or the value to the state  
66 of any subsequent lottery management or operating agreement.

67 Prohibits an entity or consultant from bidding or  
68 participating on any subsequent request for proposals or  
69 proposal for operation or management of the lottery.

70 Requires the request for proposals to include a provision  
71 that the proceeds payable to the bidder are subject to all  
72 ordinary taxes.

73 Requires the Director to report to the General Assembly the  
74 Director's proposal for the operation and management of the  
75 lottery.

76 Requires the Director to propose a request for proposals  
77 process to the General Assembly that outlines the appropriate  
78 terms and conditions for the operation and management of the  
79 lottery.

80           Within 90 days of receipt of the Director's proposal,  
81 allows the General Assembly to approve or reject the terms and  
82 conditions outlined in the request for proposals by Joint  
83 Resolution initiated in the Senate.

84           If the General Assembly does not act during this period,  
85 permits the Director to move forward with the request for  
86 proposals.

87           **Private Lottery Manager - Remove**

88           **R.C. 3770.02, 3770.03, 3770.06, and 3770.15**

89           Removes provisions from the bill that do the following:

90           -Requires the Director of the State Lottery Commission to  
91 enter into an agreement with a private lottery manager that  
92 agrees to manage the day-to-day operations of the Commission in  
93 exchange for a negotiated management fee.

94           -Requires the Director to execute the initial private  
95 lottery management agreement by June 1, 2012.

96           -Requires the private lottery manager to be responsible for  
97 executing a business plan for lottery operations.

98           -States that the private lottery management agreement, and  
99 any renewal of the agreement, is subject to the approval of the  
100 Commission and the Controlling Board and prohibits the agreement  
101 from becoming effective until approved by the Commission and the  
102 Controlling Board.

103           -States the term of the initial private lottery management  
104 agreement is 10 years and the term of any subsequent agreement  
105 must not be less than 10 years or more than 20 years.

106           -Requires the private lottery management agreement to  
107 contain a provision allowing for the early termination of the  
108 agreement for cause.

109           -Requires the management fee for the private lottery  
110 manager, including any performance-based incentive payment, to  
111 be paid from the State Lottery Gross Revenue Fund.

112           -Before entering into a private lottery management  
113 agreement, requires the Director, subject to the approval of the  
114 Commission and the Controlling Board, to retain the services of  
115 qualified advisors to assist the Director in designing and  
116 executing an appropriate qualifications-based selection process.

117  
118 -Requires the Director to issue a request for  
119 qualifications that must include a statement of the scope of the  
120 management services to be provided, a description of the  
121 required minimum qualifications, the evaluation criteria that  
122 will be used to select the most qualified manager, and the  
123 baseline level of net lottery profits that the private lottery  
manager must exceed.

124  
125 -Requires the Director, in consultation with the advisors,  
126 to evaluate the submitted statements of qualifications and to  
127 hold discussions with the responding offerors to explore further  
128 the statements of qualifications, the scope and nature of the  
129 services the offeror would provide, and the various approaches  
130 the offeror may take in providing private lottery management  
services.

131  
132 -Upon completion of this evaluation, requires the Director  
133 and advisors to: rank the offerors in terms of qualifications;  
134 invite at least two offerors to submit a proposed business plan;  
135 verify references provided by the offeror; determine the offeror  
136 whose proposal provides the greatest value to the state; and  
137 recommend to the Commission and Controlling Board the offeror to  
138 be awarded the agreement and seek the Commission's approval of  
the recommended offeror's business plan.

139  
140 -Upon failure to negotiate a contract with the offeror  
141 ranked most-qualified, requires the Director to inform the  
142 offeror in writing of the termination of negotiations and enter  
into negotiations with the offeror ranked next most qualified.

143  
144 -After a negotiated agreement is entered into, permits all  
145 duties and responsibilities of the Director to be performed by  
146 the private lottery manager or the Director as determined in the  
private lottery management agreement.

147  
148 -Requires the private lottery manager to prepare and make  
149 available for public inspection a comprehensive description of  
150 the terms and conditions of each lottery game, including the  
151 title and term, general design, price of tickets, structure,  
152 nature and value of prize awards, frequency of prize drawings,  
and validity of tickets.

153  
154 -Specifies that the execution of a private lottery  
155 management agreement does not result in subjecting any income,  
156 revenue, or receipts derived from the sale of lottery tickets or  
157 other conduct of the lottery or the conduct of the private  
158 lottery manager or any goods, services, or property purchased,  
procured, acquired, or used by the Commission or private lottery

manager to taxation by the state or any political subdivision of the state, unless the income, revenue, or receipts or the goods, services, or property were subject to taxation before the execution of the private lottery management agreement.

-Specifies that persons employed by the private lottery manager are not public employees and are not entitled to any rights or benefits conferred upon public employees or subject to any restrictions or limitations imposed upon public employees by the laws of Ohio or any political subdivision of Ohio.

-Permits, instead of requires, the Director to appoint an assistant director and deputy directors.