

129HB153-SC4182/RYT

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 5111.33 <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 5111.33 <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
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(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
"Section 309.30.90. FISCAL YEAR 2012 MEDICAID REIMBURSEMENT	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 http://www.bls.gov/data/inflation_calculator.htm , determine the	701 702 703

buying power that \$100 in calendar year 2010 has in calendar year 2011; 704
705

(b) Divide the amount determined under division (A) (7) (a) of this section by one hundred. 706
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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. 708
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(B) This section applies to each provider of an ICF/MR to which either of the following applies: 711
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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. 713
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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. 716
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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: 721
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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. 724
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(2) The ICF/MR's maximum costs per case-mix unit shall be the following: 729
730

(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 731
732

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
2

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
11

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 77
and interest accrued before and after January 1, 2010. For any 78
consumer that does not participate in the use tax amnesty program 79
under this section, the Commissioner may audit and make an 80
assessment against the consumer for all delinquent use tax due 81
from that consumer on or after January 1, 2008, plus all 82
applicable penalties and interest, as permitted by section 5703.58 83
of the Revised Code. 84

(D) As soon as practical after the effective date of this 85
section, the Tax Commissioner shall implement and adopt rules to 86
administer a payment plan program. Upon application by a consumer 87
that participates in the use tax amnesty program under this 88
section, the Commissioner may enter into a payment plan with the 89
consumer allowing the participant to pay the amount of use tax 90
owed by the consumer over a time period of up to twenty-four 91
months, plus interest computed at the rate per annum determined 92
under section 5703.47 of the Revised Code. If the consumer fails 93
to remit the unpaid use tax or fails to comply with the terms of a 94
payment plan, the Commissioner shall certify to the Attorney 95
General any remaining unpaid amount in accordance with section 96
131.02 of the Revised Code. 97

(E) A consumer against which the Tax Commissioner has issued 98
an assessment on or before the effective date of this section is 99
not eligible to participate in the use tax amnesty program 100
established under this section. 101

(F) A person who participates in the program and pays the 102
required outstanding delinquent tax in accordance with this 103
section shall not be subject to any criminal prosecution or any 104
civil action with respect to that tax, and no assessment shall 105
thereafter be issued against that person with respect to that tax. 106

(G) Taxes and interest collected under the program shall be 107

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.

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_____ 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
the superintendent's designee also may request criminal history
records from other states or the federal government pursuant to
the national crime prevention and privacy compact set forth in
section 109.571 of the Revised Code. Within thirty days of the
date a request is received, the superintendent shall send to the
requester a report of any information determined to exist,
including information contained in records that have been sealed
under section 2953.32 of the Revised Code, and, within thirty days
of its receipt, shall send the requester a report of any
information received from the federal bureau of investigation,
other than information the dissemination of which is prohibited by
federal law.

(H) Information obtained by a government entity or person
under this section is confidential and shall not be released or
disseminated.

(I) The superintendent may charge a reasonable fee for
providing information or criminal records under division (F) (2) or
(G) of this section.

(J) As used in this section, ~~"sexually;~~

(1) "Sexually oriented offense" and "child-victim oriented
offense" have the same meanings as in section 2950.01 of the
Revised Code.

(2) "Registered private provider" means a nonpublic school or
entity registered with the superintendent of public instruction
under section 3310.41 of the Revised Code to participate in the
autism scholarship program or section 3310.58 of the Revised Code
to participate in the special education scholarship program."

Delete lines 68029 through 68109 and insert:

"Sec. 3345.32. (A) As used in this section:	392
(1) "State university or college" means the institutions described in section 3345.27 of the Revised Code and the northeast Ohio medical university.	393 394 395
(2) "Resident" has the meaning specified by rule of the chancellor of the Ohio board of regents.	396 397
(3) "Statement of selective service status" means a statement certifying one of the following:	398 399
(a) That the individual filing the statement 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;	400 401 402 403
(b) That the individual filing the statement is not required to register with the selective service for one of the following reasons:	404 405 406
(i) The individual is under eighteen or over twenty-six years of age.	407 408
(ii) The individual is on active duty with the armed forces of the United States other than for training in a reserve or national guard unit.	409 410 411
(iii) The individual is a nonimmigrant alien lawfully in the United States in accordance with section 101 (a) (15) of the "Immigration and Nationality Act," 8 U.S.C. 1101, as amended.	412 413 414
(iv) The individual is not a citizen of the United States and is a permanent resident of the Trust Territory of the Pacific Islands or the Northern Mariana Islands.	415 416 417
(4) "Institution of higher education" means any eligible institution approved by the United States department of education pursuant to the "Higher Education Act of 1965," 79 Stat. 1219, as	418 419 420

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 452
statement of selective service status with that person's 453
institution of higher education. 454

(E) If an institution of higher education receives a 455
statement from an individual certifying that the individual has 456
registered with the selective service system in accordance with 457
the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 458
453, as amended, or that the individual is exempt from 459
registration for a reason other than that the individual is under 460
eighteen years of age, the institution shall not require the 461
individual to file any further statements. If it receives a 462
statement certifying that the individual is not required to 463
register because the individual is under eighteen years of age, 464
the institution shall require the individual to file a new 465
statement of selective service status each time the individual 466
seeks to enroll for a new academic term or makes application for a 467
new loan or loan guarantee or for any form of financial assistance 468
for educational expenses, until it receives a statement certifying 469
that the individual has registered with the selective service 470
system or is exempt from registration for a reason other than that 471
the individual is under eighteen years of age." 472

In line 100477, delete "5111.085" and insert "5111.086" 473

In line 329 of the title, delete "5111.085," and insert 474
"5111.086," 475

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 142
 megawatts or greater, a board of county commissioners of at least 143
 one county in which the project is located has adopted a 144
 resolution approving the application under division (E) (1) (b) or 145
 (c) of this section. 146

(c) No portion of the project's facility was used to supply 147
 electricity before December 31, 2009. 148

(3) The director shall deny a certification application if 149
 the director determines the person has failed to comply with any 150
 requirement under this section. The director may revoke a 151
 certification if the director determines the person, or subsequent 152
 owner or lessee pursuant to a sale and leaseback transaction of 153
 the qualified energy project, has failed to comply with any 154
 requirement under this section. Upon certification or revocation, 155
 the director shall notify the person, owner, or lessee, the tax 156
 commissioner, and the county auditor of a county in which the 157
 project is located of the certification or revocation. Notice 158
 shall be provided in a manner convenient to the director. 159

(F) The owner or a lessee pursuant to a sale and leaseback 160
 transaction of a qualified energy project shall do each of the 161
 following: 162

(1) Comply with all applicable regulations; 163

(2) File with the director of development a certified 164
 construction progress report before the first day of March of each 165
 year during the energy facility's construction or installation 166
 indicating the percentage of the project completed, and the 167
 project's nameplate capacity, as of the preceding thirty-first day 168
 of December. Unless otherwise instructed by the director of 169
 development, the owner or lessee of an energy project shall file a 170
 report with the director on or before the first day of March each 171
 year after completion of the energy facility's construction or 172

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.

(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.

(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.

(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.

(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:

(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,

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

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

Limited Home Rule Township Law Enforcement	4
R.C. 504.16	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

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

Cleveland Scholarship Amounts	167
R.C. 3313.976, 3313.978, and 3313.979	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

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 the firefighter employers' contribution	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.

SYNOPSIS

25

26

Medicaid Aide and Nursing Services Prices

27

R.C. 5111.0213

28

29 Effective October 1, 2011, requires the Department of Job
30 and Family Services to do both of the following under the
31 Medicaid program:

32

33 (1) Reduce the first-hour-unit price it pays for aide
34 services to 97% of the June 30, 2011, price and for nursing
35 services to 95% of the June 30, 2011, price;

36

37 (2) Pay independent providers of aide and nursing services
38 80% of the price paid providers that are not independent
39 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.

19

(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. 79

(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. 80
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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." 90
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In line 303 of the title, after "306.551," insert "307.093," 96

In line 322 of the title, after "3345.023," insert "3345.54," 97

The motion was _____ agreed to.

SYNOPSIS

Lease-Leaseback of State Higher Education Institutions' Facilities 98
99

R.C. 3345.54 100

Permits the board of trustees of a state institution of higher education to enter into an agreement to convey "auxiliary" 101
102

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.