

Part 1

Sub. H.B. 153
As Pending in H. Finance and Appropriations
LSC 129 1066-4
HC-2371

_____ moved to amend as follows:

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

INDEX

The following amendments are attached hereto:

Amendment No.	Subject
HC-1605-1	Liquor permits for certain parks
HC-1606-2	Transfer of manufactured homes oversight to Health
HC-1608-1	Reduce local government cut/take from GRF
HC-1612	Certificate of revenue required for school district expenditures
HC-1613	Extension of skilled nursing services in assisted living
HC-1614	OCC advocacy positions

Amendment No.	Subject
HC-1617-1	Municipal corporation retirement system securities
HC-1621-1	Remedial driving course 100% online
HC-1622	Educational Computer Network earmark
HC-1628	Reduce rehospitalizations
HC-1629	Child care licensing enforcement
HC-1630	Child care provider licensing
HC-1632	Nursing facility changes for religiously operated facilities
HC-1634	Nursing facility capacity commission
HC-1635	Skilled nursing facility report fine
HC-1636	Skilled nursing facility temporary manager
HC-1639	Patient centered medical care
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HC-1643	Land conveyance - fire station, KSU
HC-1647	Disposal of school district property

Amendment No.	Subject
HC-1655	Sick leave changes
HC-1696	RECLAIM changes
HC-1705	Eliminate the requirement that county prosecutor review court cost bills
HC-1715	LSC corrective amendment
HC-1716-1	LSC technical amendment
HC-1762	LSC conforming amendment
HC-1763	Restore the Commission on Dispute Resolution and Conflict
HC-1771	Guide for type B providers
HC-1806-1	Miami University earmark
HC-1828	Allocate funds to entities other than child abuse and child neglect prevention advisory boards
HC-1876	Higher ed shared services changes - prescription drug benefits
HC-1877-1	NEOUCOM "campus"
HC-1899	TPP and PUTPP phase out
HC-1900	Insurance companies to receive Ohio Historic Preservation Tax Credit

Amendment No.	Subject
HC-1906	School district fiscal emergency
HC-1916	Remove hybrid community school language
HC-1917	E school moratorium application
HC-1918	E school moratorium - restore
HC-1921-1	Amendment to Temporary Law Section 309.30.30
HC-1923	General Assembly intent to appropriate certain items
HC-1929	Queensgate
HC-1934	Teacher qualifications in chartered nonpublic schools
HC-1935-1	Local government - modify joinder/merger requirements
HC-1936-1	Local government - fiscal distress changes
HC-1945-1	DOLC funding
HC-1962	Community schools - eliminate profit requirements
HC-1963	Higher education shared services
HC-1972	LEAP funding

Amendment No.	Subject
HC-1992	County jail privatization
HC-1993	Allow schools to rent out space to colleges
HC-1997	Prevailing wage law - port authority definition cross reference
HC-2018	Oversight of new category of community schools
HC-2043	Eliminate School Employees Health Care Board
HC-2071	Incentivize quality child-care experiences
HC-2102	Parent trigger
HC-2111	Local government integrating and innovation fund payment
HC-2113	County centralized purchasing - remove IT
HC-2123	Sports Incentive Grant
HC-2125-1	OCOG Amendment
HC-2126	Providing materials to nonpublic schools
HC-2154-1	Pediatric ACO framework
HC-2155	MCO capitation rate

Amendment No.	Subject
HC-2158-1	Cincinnati Museum Center
HC-2182	JobsOhio - contract - division of liquor control of spirituous liquor distribution and merchandising
HC-2183	Credit Union Share Guaranty Corporations Annual Fee
HC-2223	New community authority changes - taxing
HC-2224	Foster changes
HC-2225	Liquor GRF transfers
HC-2242	Community schools - one computer per household
HC-2243	Removal of sponge provisions
HC-2249	Child Care Education
HC-2255	RSC admin fee
HC-2263	Seasonal employment and unemployment
HC-2308	Mental health drugs in Medicaid - FDA-approved uses
HC-2366	Grandfathered sponsors - authority to sponsor new schools
HC-2367	Funds paid to community school operators - not public funds

Amendment No.	Subject
HC-2368	Cost Containment for Ohio Pharmacy Service Center
HC-2369	Turnpike privatization
HC-2370	Prison privatization changes

11 Various line item changes, attached

12 The motion was _____ agreed to.

Sub. H.B. 153

As Pending in H. Finance

and Appropriations

LSC 129 1066-4

HC-1605-1

_____ moved to amend as follows:

In line 388, after "4301.43," insert "4301.62,"; delete
"4303.208,"

In line 472, after "3903.301," insert "4303.209,"

Between lines 63815 and 63816, insert:

"Sec. 4301.62. (A) As used in this section:

(1) "Chauffeured limousine" means a vehicle registered under
section 4503.24 of the Revised Code.

(2) "Street," "highway," and "motor vehicle" have the same
meanings as in section 4511.01 of the Revised Code.

(B) No person shall have in the person's possession an opened
container of beer or intoxicating liquor in any of the following
circumstances:

(1) In a state liquor store;

(2) Except as provided in division (C) of this section, on
the premises of the holder of any permit issued by the division of
liquor control;

(3) In any other public place;

(4) Except as provided in division (D) or (E) of this 18
section, while operating or being a passenger in or on a motor 19
vehicle on any street, highway, or other public or private 20
property open to the public for purposes of vehicular travel or 21
parking; 22

(5) Except as provided in division (D) or (E) of this 23
section, while being in or on a stationary motor vehicle on any 24
street, highway, or other public or private property open to the 25
public for purposes of vehicular travel or parking. 26

(C) (1) A person may have in the person's possession an opened 27
container of any of the following: 28

(a) Beer or intoxicating liquor that has been lawfully 29
purchased for consumption on the premises where bought from the 30
holder of an A-1-A, A-2, A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, 31
D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, 32
D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F-7, or 33
F-8 permit; 34

(b) Beer, wine, or mixed beverages served for consumption on 35
the premises by the holder of an F-3 permit or wine served for 36
consumption on the premises by the holder of an F-4 or F-6 permit; 37

(c) Beer or intoxicating liquor consumed on the premises of a 38
convention facility as provided in section 4303.201 of the Revised 39
Code; 40

(d) Beer or intoxicating liquor to be consumed during 41
tastings and samplings approved by rule of the liquor control 42
commission. 43

(2) A person may have in the person's possession on an F 44
liquor permit premises an opened container of beer or intoxicating 45
liquor that was not purchased from the holder of the F permit if 46
the premises for which the F permit is issued is a music festival 47

and the holder of the F permit grants permission for that
possession on the premises during the period for which the F
permit is issued. As used in this division, "music festival" means
a series of outdoor live musical performances, extending for a
period of at least three consecutive days and located on an area
of land of at least forty acres.

(3) (a) A person may have in the person's possession on a D-2
liquor permit premises an opened or unopened container of wine
that was not purchased from the holder of the D-2 permit if the
premises for which the D-2 permit is issued is an outdoor
performing arts center, the person is attending an orchestral
performance, and the holder of the D-2 permit grants permission
for the possession and consumption of wine in certain
predesignated areas of the premises during the period for which
the D-2 permit is issued.

(b) As used in division (C) (3) (a) of this section:

(i) "Orchestral performance" means a concert comprised of a
group of not fewer than forty musicians playing various musical
instruments.

(ii) "Outdoor performing arts center" means an outdoor
performing arts center that is located on not less than one
hundred fifty acres of land and that is open for performances from
the first day of April to the last day of October of each year.

(4) A person may have in the person's possession an opened or
unopened container of beer or intoxicating liquor at an outdoor
location at which the person is attending an orchestral
performance as defined in division (C) (3) (b) (i) of this section if
the person with supervision and control over the performance
grants permission for the possession and consumption of beer or
intoxicating liquor in certain predesignated areas of that outdoor
location.

(5) A person may have in the person's possession on an F-9 liquor permit premises an opened or unopened container of beer or intoxicating liquor that was not purchased from the holder of the F-9 permit if the person is attending an orchestral performance and the holder of the F-9 permit grants permission for the possession and consumption of beer or intoxicating liquor in certain predesignated areas of the premises during the period for which the F-9 permit is issued.

As used in division (C) (5) of this section, "orchestral performance" has the same meaning as in division (C) (3) (b) of this section.

(D) This section does not apply to a person who pays all or a portion of the fee imposed for the use of a chauffeured limousine pursuant to a prearranged contract, or the guest of the person, when all of the following apply:

(1) The person or guest is a passenger in the limousine.

(2) The person or guest is located in the limousine, but is not occupying a seat in the front compartment of the limousine where the operator of the limousine is located.

(3) The limousine is located on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.

(E) An opened bottle of wine that was purchased from the holder of a permit that authorizes the sale of wine for consumption on the premises where sold is not an opened container for the purposes of this section if both of the following apply:

(1) The opened bottle of wine is securely resealed by the permit holder or an employee of the permit holder before the bottle is removed from the premises. The bottle shall be secured in such a manner that it is visibly apparent if the bottle has

been subsequently opened or tampered with.

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(2) The opened bottle of wine that is resealed in accordance with division (E)(1) of this section is stored in the trunk of a motor vehicle or, if the motor vehicle does not have a trunk, behind the last upright seat or in an area not normally occupied by the driver or passengers and not easily accessible by the driver."

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Delete lines 63825 through 63876 and insert:

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"Sec. 4303.209. (A)(1) The division of liquor control may issue an F-9 permit to a nonprofit corporation that operates a park on property leased from a municipal corporation or a nonprofit corporation that provides or manages entertainment programming pursuant to an agreement with a nonprofit corporation that operates a park on property leased from a municipal corporation to sell beer or intoxicating liquor by the individual drink at specific events conducted within the park property and appurtenant streets, but only if, and only at times at which, the sale of beer and intoxicating liquor on the premises is otherwise permitted by law. Additionally, an F-9 permit may be issued only if the park property is located in a county that has a population of between one million one hundred thousand and one million two hundred thousand on the effective date of this section.

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(2) The division may issue separate F-9 permits to a nonprofit corporation that operates a park on property leased from a municipal corporation and a nonprofit corporation that provides or manages entertainment programming pursuant to an agreement with a nonprofit corporation that operates a park on property leased from a municipal corporation to be effective during the same time period. However, the permit privileges may be exercised by only one of the holders of an F-9 permit at specific events. The other

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holder of an F-9 permit shall certify to the division that it will not exercise its permit privileges during that specific event.

(3) The premises on which an F-9 permit will be used shall be clearly defined and sufficiently restricted to allow proper supervision of the permit's use by state and local law enforcement officers. Sales under an F-9 permit shall be confined to the same hours permitted to the holder of a D-3 permit.

(4) The fee for an F-9 permit is one thousand seven hundred dollars. An F-9 permit is effective for a period not to exceed nine months as specified in the permit. An F-9 permit is not transferable or renewable. However, the holder of an F-9 permit may apply for a new F-9 permit at any time. The holder of an F-9 permit shall make sales only at those specific events about which the permit holder has notified in advance the division of liquor control, the department of public safety, and the chief, sheriff, or other principal peace officer of the local law enforcement agencies having jurisdiction over the premises.

(B) (1) An application for the issuance of an F-9 permit is subject to the notice and hearing requirements established in division (A) of section 4303.26 of the Revised Code.

(2) The liquor control commission shall adopt rules under Chapter 119. of the Revised Code necessary to administer this section.

(C) No F-9 permit holder shall sell beer or intoxicating liquor beyond the hours of sale allowed by the permit. This division imposes strict liability on the holder of an F-9 permit and on any officer, agent, or employee of that permit holder."

In line 94745, after "4301.43," insert "4301.62,"

In line 94746, delete "4303.208,"

In line 130 of the title, after "4301.43," insert "4301.62,";

delete "4303.208," 169

In line 238 of the title, after "3903.301," insert 170

"4303.209," 171

The motion was _____ agreed to.

SYNOPSIS

Issuance of F-9 Liquor Permits to Certain City Parks 172

R.C. 4303.209, 4303.208 (removed), and 4301.62 173

Replaces the bill's provisions that allow the existing F-8 174
 liquor permit authorizing the sale of beer and intoxicating liquor 175
 by the individual drink to be issued to a nonprofit corporation 176
 that operates a city park or provides or manages entertainment for 177
 a nonprofit corporation that operates a city park with a provision 178
 under which a new F-9 liquor permit may be issued for those 179
 purposes and to those nonprofit corporations; establishes 180
 requirements regarding the issuance of F-9 permits; and, as in the 181
 bill for the F-8 permit, specifies that the F-9 permit may be 182
 issued only in a park that is located in a county with a 183
 population of between 1.1 million and 1.2 million on the 184
 amendment's effective date. 185

Allows a person to have in the person's possession on an F-9 186
 liquor permit premises an opened or unopened container of beer or 187
 intoxicating liquor that was not purchased from the holder of the 188
 F-9 permit if certain conditions are met. 189

Sub. H.B. 153

As Pending in H. Finance
and Appropriations
LSC 129 1066-4
HC-1606-2

_____ moved to amend as follows:

In line 393, after "4736.12," insert "4743.05,"

In line 472, after "4781.121," insert "4781.54,"

Between lines 66682 and 66683, insert:

"Sec. 4743.05. Except as otherwise provided in sections
4701.20, 4723.062, 4723.082, ~~and 4729.65, 4781.121, and 4781.28~~ of
the Revised Code, all money collected under Chapters 3773., 4701.,
4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 4732.,
4733., 4734., 4736., 4741., 4753., 4755., 4757., 4758., 4759.,
4761., 4766., 4771., 4775., 4779., and 4781. of the Revised Code
shall be paid into the state treasury to the credit of the
occupational licensing and regulatory fund, which is hereby
created for use in administering such chapters.

At the end of each quarter, the director of budget and
management shall transfer from the occupational licensing and
regulatory fund to the nurse education assistance fund created in
section 3333.28 of the Revised Code the amount certified to the
director under division (B) of section 4723.08 of the Revised
Code.

At the end of each quarter, the director shall transfer from
the occupational licensing and regulatory fund to the certified
public accountant education assistance fund created in section
4701.26 of the Revised Code the amount certified to the director
under division (H) (2) of section 4701.10 of the Revised Code."

In line 67064, reinsert "an"; delete "a manufactured home
installer"

In line 67204, after the underlined period insert "Any fees
collected pursuant to this section shall be transmitted to the
treasurer of state and shall be credited to the manufactured homes
commission regulatory fund created in section 4781.54 of the
Revised Code; the fees shall be used only for the purpose of
administering and enforcing sections 4781.26 to 4781.35 of the
Revised Code and the rules adopted thereunder."

Between lines 67293 and 67294, insert:

"(D) The manufactured homes commission may enter into
contracts for the purpose of fulfilling the commission's annual
inspection responsibilities for manufactured home parks under this
chapter. Boards of health of city or general health districts
shall have the right of first refusal for those contracts."

In line 67340, delete "occupational licensing and" and insert
"manufactured homes commission"

In line 67341, delete "4743.05" and insert "4781.54"

In line 67489, after the period insert "The board of health
shall issue a report of the inspection to the commission within
ten days after the inspection is completed."

In line 67833, reinsert "Chapter 4735. of the Revised Code";
delete "this chapter"

Between lines 68116 and 68117 insert:

"Sec. 4781.54. There is hereby created in the state treasury
the manufactured homes commission regulatory fund. The fund shall
consist of fees collected under section 4781.121 of the Revised
Code and fees paid under section 4781.28 of the Revised Code and
shall be used for the purposes described in those sections."

In line 94750, after "4736.12," insert "4743.05,"

Delete lines 105581 through 105588 and insert "Any
 manufactured home park license and inspection fees collected
 pursuant to section 3733.04 of the Revised Code by a board of
 health prior to the transition of the annual license and
 inspection program to the Manufactured Homes Commission as
 required under this act in the amount of two thousand dollars or
 less may be transferred to the health fund of the city or general
 health district. Any of those funds in excess of two thousand
 dollars shall be transferred to the Manufactured Homes Commission
 and deposited in the Manufactured Homes Commission Regulatory Fund
 created in section 4781.54 of the Revised Code as enacted by this
 act."

In line 137 of the title, after "4736.12," insert "4743.05,"

In line 239 of the title, after "4781.121," insert "4781.54,"

The motion was _____ agreed to.

SYNOPSIS

Manufactured Homes Commission
 R.C. 4743.05, 4781.04, 4781.121, 4781.26, 4781.28, 4781.33,
 and 4781.54
 Creates the Manufactured Homes Commission Regulatory Fund and

requires licensing fees and certain other fees to be deposited in 72
that fund rather than the Occupational Licensing and Regulatory 73
Fund as required under the bill. 74

Allows boards of health to transfer prior manufactured home 75
park licensing and inspection fees in the amount of \$2000 or less 76
to the general fund of the local board of health and requires 77
funds in excess of \$2000 to be transferred to the Manufactured 78
Homes Commission Regulatory Fund. 79

Allows the Commission to enter into contracts for the 80
inspections of manufactured home parks and gives the boards of 81
health of city or general health districts the right of first 82
refusal for those contracts. 83

Requires a Board of health to issue to the Commission a 84
report of an inspection of a manufactured home park that was 85
completed in response to a flood event within ten days after the 86
inspection is completed. 87

6 _____ moved to amend as follows:

7 In line 103564, delete "\$526,000,000 \$339,000,000" and
8 insert "\$527,000,000 \$341,000,000"

9 In lines 103569 and 103570, add \$1,000,000 to FY 2012 and
10 add \$2,000,000 to FY 2013

11 In line 106414, delete "according to the schedule" and
12 insert "as provided"

13 In line 106422, after "(1)" insert "(a)"

14 In line 106425, delete "(2)" and insert "(b)"

15 In line 106428, delete "(3)" and insert "(c)"

16 In line 106431, delete "(4)" and insert "(d)"

17 In line 106434, delete "(5)" and insert "(e)"

18 In line 106437, delete "(6)" and insert "(f)"

19 In line 106440, delete "(7)" and insert "(g)"

20 In line 106443, delete "(8)" and insert "(h)"

21 In line 106446, delete "(9)" and insert "(i)"

22 In line 106449, delete "(10)" and insert "(j)"

23 In line 106452, delete "(11)" and insert "(k)"

24 In line 106455, delete "(12)" and insert "(l)"

25 Between lines 106456 and 106457, insert:

"(2) For each month in the period beginning August 1, 2011, and ending June 30, 2013, an amount sufficient to make the distributions required for that month under divisions (E)(2)(a), (b), and (c) of this section."

In line 106490, after "(1)" insert "The total amount credited to the Local Government Fund in each month pursuant to division (C)(1) of this section shall be distributed as follows:

(a)"

In line 106497, delete "(2)" and insert "(b)"

Between lines 106503 and 106504, insert:

"(2) The total amount credited to the Local Government Fund in each month pursuant to division (C)(2) of this section shall be distributed as follows:

(a) If a county undivided local government fund's total distribution in fiscal year 2011 was equal to or less than five hundred thousand dollars, the fund shall receive a distribution equal to the difference between the amount distributed to the fund in that respective month in fiscal year 2011 and the amount allocated to the fund for the month under division (E)(1)(a) of this section.

(b) For each month in the period beginning August 1, 2011, and ending June 30, 2012, if a county undivided local government fund's total distribution in fiscal year 2011 exceeded five hundred thousand dollars and if the sum of the amount allocated to the fund in July 2011 and the amounts to be allocated to the

51 fund between August 1, 2011, and June 30, 2012, under division
52 (E)(1)(a) of this section is less than five hundred thousand
53 dollars, the fund shall receive a distribution equal to one-
54 eleventh of the difference between five hundred thousand dollars
55 and that sum.

56 (c) For each month in the period beginning July 1, 2012,
57 and ending June 30, 2013, if a county undivided local government
58 fund's total distribution in fiscal year 2011 exceeded five
59 hundred thousand dollars and if the total amount to be allocated
60 to the fund in fiscal year 2013 under division (E)(1)(a) of this
61 section is less than five hundred thousand dollars, the fund
62 shall receive a distribution equal to one-twelfth of the
63 difference between five hundred thousand dollars and the total
64 amount to be allocated to the fund in fiscal year 2013 under
65 division (E)(1)(a) of this section."

66 The motion was _____ agreed to.

67 SYNOPSIS

68 **Local Government Fund Distributions**

69 **Sections 371.10, 371.20.60, and 757.10**

70 Guarantees that any county undivided LGF that received less
71 than \$500,000 in FY 2011 will have no reduction made in monthly
72 distribution amounts in FY 2012 and 2013.

73 Guarantees that any county undivided LGF that received over
74 \$500,000 in FY 2011 must receive at least \$500,000 in FY 2012

75 and 2013, regardless of the pending bill's proposed reductions
76 in LGF distributions.

77 **Revenue Distribution Funds**

78 **Section 379.10**

79 Adds \$1,000,000 to FY 2012 and \$2,000,000 to FY 2013 to
80 appropriation item 110969, Local Government Fund, to cover the
81 additional costs of setting the floor of \$500,000 per fiscal
82 year under distributions to a county undivided local government
83 fund.

Sub. H.B. 153

As Pending in H. Finance
and Appropriations
LSC 129 1066-4
HC-1612

_____ moved to amend as follows:

In line 421, after "5705.392," insert "5705.412,"

Between lines 87079 and 87080, insert:

"Sec. 5705.412. (A) As used in this section, "qualifying contract" means any agreement for the expenditure of money under which aggregate payments from the funds included in the school district's five-year forecast under section 5705.391 of the Revised Code will exceed the lesser of the following amounts:

(1) Five hundred thousand dollars;

(2) One per cent of the total revenue to be credited in the current fiscal year to the district's general fund, as specified in the district's most recent certificate of estimated resources certified under section 5705.36 of the Revised Code.

(B) (1) Notwithstanding section 5705.41 of the Revised Code, no school district shall adopt any appropriation measure, make any qualifying contract, or increase during any school year any wage or salary schedule unless there is attached thereto a certificate, signed as required by this section, that the school district has in effect the authorization to levy taxes including the renewal or replacement of existing levies which, when combined with the

estimated revenue from all other sources available to the district 20
at the time of certification, are sufficient to provide the 21
operating revenues necessary to enable the district to maintain 22
all personnel and programs for all the days set forth in its 23
adopted school calendars for the current fiscal year and for a 24
number of days in succeeding fiscal years equal to the number of 25
days instruction was held or is scheduled for the current fiscal 26
year, as follows: 27

~~(1)~~(a) A certificate attached to an appropriation measure 28
under this section shall cover only the fiscal year in which the 29
appropriation measure is effective and shall not consider the 30
renewal or replacement of an existing levy as the authority to 31
levy taxes that are subject to appropriation in the current fiscal 32
year unless the renewal or replacement levy has been approved by 33
the electors and is subject to appropriation in the current fiscal 34
year. 35

~~(2)~~(b) A certificate attached, in accordance with this 36
section, to any qualifying contract shall cover the term of the 37
contract. 38

~~(3)~~(c) A certificate attached under this section to a wage or 39
salary schedule shall cover the term of the schedule. 40

If the board of education has not adopted a school calendar 41
for the school year beginning on the first day of the fiscal year 42
in which a certificate is required, the certificate attached to an 43
appropriation measure shall include the number of days on which 44
instruction was held in the preceding fiscal year and other 45
certificates required under this section shall include that number 46
of days for the fiscal year in which the certificate is required 47
and any succeeding fiscal years that the certificate must cover. 48

The certificate shall be signed by the treasurer and 49
president of the board of education and the superintendent of the 50

school district, unless the district is in a state of fiscal
emergency declared under Chapter 3316. of the Revised Code. In
that case, the certificate shall be signed by a member of the
district's financial planning and supervision commission who is
designated by the commission for this purpose.

(2) In lieu of the certificate required under division (B) of
this section, an alternative certificate stating the following may
be attached:

(a) The contract is a multi-year contract for materials,
equipment, or nonpayroll services essential to the education
program of the district;

(b) The multi-year contract demonstrates savings over the
duration of the contract as compared to costs that otherwise would
have been demonstrated in a single year contract, and the terms
will allow the district to reduce the deficit it is currently
facing in future years as demonstrated in its five-year forecast
adopted in accordance with section 5705.391 of the Revised Code.

The certificate shall be signed by the treasurer and
president of the board of education and the superintendent of the
school district, unless the district is in a state of fiscal
emergency declared under Chapter 3316. of the Revised Code. In
that case, the certificate shall be signed by a member of the
district's financial planning and supervision commission who is
designated by the commission for this purpose.

(C) Every qualifying contract made or wage or salary schedule
adopted or put into effect without such a certificate shall be
void, and no payment of any amount due thereon shall be made.

(D) The department of education and the auditor of state
jointly shall adopt rules governing the methods by which
treasurers, presidents of boards of education, superintendents,

and members of financial planning and supervision commissions
shall estimate revenue and determine whether such revenue is
sufficient to provide necessary operating revenue for the purpose
of making certifications required by this section.

(E) The auditor of state shall be responsible for determining
whether school districts are in compliance with this section. At
the time a school district is audited pursuant to section 117.11
of the Revised Code, the auditor of state shall review each
certificate issued under this section since the district's last
audit, and the appropriation measure, contract, or wage and salary
schedule to which such certificate was attached. If the auditor of
state determines that a school district has not complied with this
section with respect to any qualifying contract or wage or salary
schedule, the auditor of state shall notify the prosecuting
attorney for the county, the city director of law, or other chief
law officer of the school district. That officer may file a civil
action in any court of appropriate jurisdiction to seek a
declaration that the contract or wage or salary schedule is void,
to recover for the school district from the payee the amount of
payments already made under it, or both, except that the officer
shall not seek to recover payments made under any collective
bargaining agreement entered into under Chapter 4117. of the
Revised Code. If the officer does not file such an action within
one hundred twenty days after receiving notice of noncompliance
from the auditor of state, any taxpayer may institute the action
in the taxpayer's own name on behalf of the school district.

(F) This section does not apply to any contract or increase
in any wage or salary schedule that is necessary in order to
enable a board of education to comply with division (B) of section
3317.13 of the Revised Code, provided the contract or increase
does not exceed the amount required to be paid to be in compliance

with such division. 112

(G) Any officer, employee, or other person who expends or 113
authorizes the expenditure of any public funds or authorizes or 114
executes any contract or schedule contrary to this section, 115
expends or authorizes the expenditure of any public funds on the 116
void contract or schedule, or issues a certificate under this 117
section which contains any false statements is liable to the 118
school district for the full amount paid from the district's funds 119
on the contract or schedule. The officer, employee, or other 120
person is jointly and severally liable in person and upon any 121
official bond that the officer, employee, or other person has 122
given to the school district to the extent of any payments on the 123
void claim, not to exceed ten thousand dollars. However, no 124
officer, employee, or other person shall be liable for a mistaken 125
estimate of available resources made in good faith and based upon 126
reasonable grounds. If an officer, employee, or other person is 127
found to have complied with rules jointly adopted by the 128
department of education and the auditor of state under this 129
section governing methods by which revenue shall be estimated and 130
determined sufficient to provide necessary operating revenue for 131
the purpose of making certifications required by this section, the 132
officer, employee, or other person shall not be liable under this 133
section if the estimates and determinations made according to 134
those rules do not, in fact, conform with actual revenue. The 135
prosecuting attorney of the county, the city director of law, or 136
other chief law officer of the district shall enforce this 137
liability by civil action brought in any court of appropriate 138
jurisdiction in the name of and on behalf of the school district. 139
If the prosecuting attorney, city director of law, or other chief 140
law officer of the district fails, upon the written request of any 141
taxpayer, to institute action for the enforcement of the 142
liability, the attorney general, or the taxpayer in the taxpayer's 143

own name, may institute the action on behalf of the subdivision. 144

(H) This section does not require the attachment of an 145
 additional certificate beyond that required by section 5705.41 of 146
 the Revised Code for current payrolls of, or contracts of 147
 employment with, any employees or officers of the school district. 148

This section does not require the attachment of a certificate 149
 to a temporary appropriation measure if all of the following 150
 apply: 151

(1) The amount appropriated does not exceed twenty-five per 152
 cent of the total amount from all sources available for 153
 expenditure from any fund during the preceding fiscal year; 154

(2) The measure will not be in effect on or after the 155
 thirtieth day following the earliest date on which the district 156
 may pass an annual appropriation measure; 157

(3) An amended official certificate of estimated resources 158
 for the current year, if required, has not been certified to the 159
 board of education under division (B) of section 5705.36 of the 160
 Revised Code." 161

In line 94779, after "5705.392," insert "5705.412," 162

In line 174 of the title, after "5705.392," insert 163
 "5705.412," 164

The motion was _____ agreed to.

SYNOPSIS

School District Expenditure Certification 165

R.C. 5705.412 166

Authorizes a school district to enter into a contract without 167
attaching the certificate required under current law if an 168
alternative certificate is attached certifying the following: 169

--The contract is a multi-year contract for materials, 170
equipment, or non-payroll services "essential to the education 171
program of the district"; 172

--The multi-year contract demonstrates savings over the 173
duration of the contract as compared to costs that otherwise would 174
have been demonstrated in a single year contract and the terms 175
will allow the district to reduce the deficit it is currently 176
facing in future years as demonstrated in its five-year forecast. 177

(Currently, school districts are generally required to attach 178
a certificate to every contract the cost of which exceeds the 179
lesser of \$500,000 or 1% of the total revenue for the current 180
fiscal year that will be credited to the district's general 181
revenue fund. The certificate must indicate that the district has 182
or will have adequate revenue in approved tax levies, state 183
funding, and other resources to cover the amount of the contract 184
for the entire term of the contract. A contract that lacks the 185
required certificate of available resources is void, and the law 186
provides for a civil action to recover the funds illegally spent 187
and to levy a fine against any district officer who in absence of 188
good faith violated the requirement.) 189

Sub. H.B. 153

As Pending in H. Finance
and Appropriations

LSC 129 1066-4

HC-1613

_____ moved to amend as follows:

In line 370, after "3721.01," insert "3721.011,"; after
"3721.02," insert "3721.04,"

Between lines 54480 and 54481, insert:

"Sec. 3721.011. (A) In addition to providing accommodations,
supervision, and personal care services to its residents, a
residential care facility may ~~provide~~ do the following:

(1) Provide the following skilled nursing care to its
residents ~~as follows~~:

~~(1)(a)~~ Supervision of special diets;

~~(2)(b)~~ Application of dressings, in accordance with rules
adopted under section 3721.04 of the Revised Code;

~~(3)(c)~~ Subject to division (B) (1) of this section,
administration of medication;

~~(4)~~.

(2) Subject to division (C) of this section, provide other
skilled nursing care ~~provided~~ on a part-time, intermittent basis
for not more than a total of one hundred twenty days in a
twelve-month period;

~~(5) Subject to division (D) of this section, (3) Provide~~ 19
skilled nursing care ~~provided~~ for more than one hundred twenty 20
days in a twelve-month period to a ~~hospice patient, as defined in~~ 21
~~section 3712.01 of the Revised Code~~ resident when the requirements 22
of division (D) of this section are met. 23

A residential care facility may not admit or retain an 24
individual requiring skilled nursing care that is not authorized 25
by this section. A residential care facility may not provide 26
skilled nursing care beyond the limits established by this 27
section. 28

(B) (1) A residential care facility may admit or retain an 29
individual requiring medication, including biologicals, only if 30
the individual's personal physician has determined in writing that 31
the individual is capable of self-administering the medication or 32
the facility provides for the medication to be administered to the 33
individual by a home health agency certified under Title XVIII of 34
the "Social Security Act," 79 Stat. 620 (1965), 42 U.S.C.A. 1395, 35
as amended; a hospice care program licensed under Chapter 3712. of 36
the Revised Code; or a member of the staff of the residential care 37
facility who is qualified to perform medication administration. 38
Medication may be administered in a residential care facility only 39
by the following persons authorized by law to administer 40
medication: 41

(a) A registered nurse licensed under Chapter 4723. of the 42
Revised Code; 43

(b) A licensed practical nurse licensed under Chapter 4723. 44
of the Revised Code who holds proof of successful completion of a 45
course in medication administration approved by the board of 46
nursing and who administers the medication only at the direction 47
of a registered nurse or a physician authorized under Chapter 48
4731. of the Revised Code to practice medicine and surgery or 49

osteopathic medicine and surgery; 50

(c) A medication aide certified under Chapter 4723. of the 51
Revised Code; 52

(d) A physician authorized under Chapter 4731. of the Revised 53
Code to practice medicine and surgery or osteopathic medicine and 54
surgery. 55

(2) In assisting a resident with self-administration of 56
medication, any member of the staff of a residential care facility 57
may do the following: 58

(a) Remind a resident when to take medication and watch to 59
ensure that the resident follows the directions on the container; 60

(b) Assist a resident by taking the medication from the 61
locked area where it is stored, in accordance with rules adopted 62
pursuant to section 3721.04 of the Revised Code, and handing it to 63
the resident. If the resident is physically unable to open the 64
container, a staff member may open the container for the resident. 65

(c) Assist a physically impaired but mentally alert resident, 66
such as a resident with arthritis, cerebral palsy, or Parkinson's 67
disease, in removing oral or topical medication from containers 68
and in consuming or applying the medication, upon request by or 69
with the consent of the resident. If a resident is physically 70
unable to place a dose of medicine to the resident's mouth without 71
spilling it, a staff member may place the dose in a container and 72
place the container to the mouth of the resident. 73

(C) A Except as provided in division (D) of this section, a 74
residential care facility may admit or retain individuals who 75
require skilled nursing care beyond the supervision of special 76
diets, application of dressings, or administration of medication, 77
only if the care will be provided on a part-time, intermittent 78
basis for not more than a total of one hundred twenty days in any 79

twelve-month period. In accordance with Chapter 119. of the 80
Revised Code, the public health council shall adopt rules 81
specifying what constitutes the need for skilled nursing care on a 82
part-time, intermittent basis. The council shall adopt rules that 83
are consistent with rules pertaining to home health care adopted 84
by the director of job and family services for the ~~medical~~ 85
~~assistance~~ medicaid program established under Chapter 5111. of the 86
Revised Code. Skilled nursing care provided pursuant to this 87
division may be provided by a home health agency certified under 88
Title XVIII of the "Social Security Act," a hospice care program 89
licensed under Chapter 3712. of the Revised Code, or a member of 90
the staff of a residential care facility who is qualified to 91
perform skilled nursing care. 92

A residential care facility that provides skilled nursing 93
care pursuant to this division shall do both of the following: 94

(1) Evaluate each resident receiving the skilled nursing care 95
at least once every seven days to determine whether the resident 96
should be transferred to a nursing home; 97

(2) Meet the skilled nursing care needs of each resident 98
receiving the care. 99

(D) (1) A residential care facility may admit or retain a 100
~~hospice patient~~ an individual who requires skilled nursing care 101
for more than one hundred twenty days in any twelve-month period 102
only if the facility has entered into a written agreement with 103
each of the following: 104

(a) The individual or individual's sponsor; 105

(b) The individual's personal physician; 106

(c) Unless the individual's personal physician oversees the 107
skilled nursing care, the provider of the skilled nursing care; 108

(d) If the individual is a hospice patient as defined in 109

section 3712.01 of the Revised Code, a hospice care program 110
 licensed under Chapter 3712. of the Revised Code. The 111

~~(2) The agreement between the residential care facility and~~ 112
~~hospice program required by division (D)(1) of this section~~ shall 113
 include all of the following provisions: 114

~~(1)(a)~~ That the ~~hospice patient~~ individual will be provided 115
 skilled nursing care in the facility only if a determination has 116
 been made that the ~~patient's~~ individual's needs can be met at the 117
 facility; 118

~~(2)(b)~~ That the ~~hospice patient~~ individual will be retained 119
 in the facility only if periodic redeterminations are made that 120
 the ~~patient's~~ individual's needs are being met at the facility; 121

~~(3)(c)~~ That the redeterminations will be made according to a 122
 schedule specified in the agreement; 123

~~(4) That the~~ (d) If the individual is a hospice patient, that 124
the individual has been given an opportunity to choose the hospice 125
 care program that best meets the ~~patient's~~ individual's needs; 126

(e) Unless the individual is a hospice patient, that the 127
individual's personal physician has determined that the skilled 128
nursing care the individual needs is routine. 129

(E) Notwithstanding any other provision of this chapter, a 130
 residential care facility in which residents receive skilled 131
 nursing care pursuant to this section is not a nursing home." 132

Between lines 54572 and 54573, insert: 133

"Sec. 3721.04. (A) The public health council shall adopt and 134
 publish rules governing the operation of homes, which shall have 135
 uniform application throughout the state, and shall prescribe 136
 standards for homes with respect to, but not limited to, the 137
 following matters: 138

(1) The minimum space requirements for occupants and	139
equipping of the buildings in which homes are housed so as to	140
ensure healthful, safe, sanitary, and comfortable conditions for	141
all residents, so long as they are not inconsistent with Chapters	142
3781. and 3791. of the Revised Code or with any rules adopted by	143
the board of building standards and by the state fire marshal;	144
(2) The number and qualifications of personnel, including	145
management and nursing staff, for each class of home, and the	146
qualifications of nurse aides, as defined in section 3721.21 of	147
the Revised Code, used by long-term care facilities, as defined in	148
that section;	149
(3) The medical, rehabilitative, and recreational services to	150
be provided by each class of home;	151
(4) Dietetic services, including but not limited to	152
sanitation, nutritional adequacy, and palatability of food;	153
(5) The personal and social services to be provided by each	154
class of home;	155
(6) The business and accounting practices to be followed and	156
the type of patient and business records to be kept by such homes;	157
(7) The operation of adult day-care programs provided by and	158
on the same site as homes licensed under this chapter;	159
(8) The standards and procedures to be followed by	160
residential care facilities in admitting and retaining a resident	161
who requires the application of dressings, including requirements	162
for charting and evaluating on a weekly basis;	163
(9) The requirements for conducting weekly evaluations of	164
residents receiving skilled nursing care in residential care	165
facilities.	166
(B) The public health council may adopt whatever additional	167

rules are necessary to carry out or enforce the provisions of 168
sections 3721.01 to 3721.09 and 3721.99 of the Revised Code. 169

(C) The following apply to the public health council when 170
adopting rules under division (A)(2) of this section regarding the 171
number and qualifications of personnel in homes: 172

(1) When adopting rules applicable to residential care 173
facilities, the public health council shall take into 174
consideration the effect that the following may have on the number 175
of personnel needed: 176

(a) Provision of personal care services; 177

(b) Provision of part-time, intermittent skilled nursing care 178
pursuant to division (C) of section 3721.011 of the Revised Code; 179

(c) Provision of skilled nursing care to ~~hospice patients~~ 180
residents pursuant to division (D) of section 3721.011 of the 181
Revised Code. 182

(2) The rules prescribing qualifications of nurse aides used 183
by long-term care facilities, as those terms are defined in 184
section 3721.21 of the Revised Code, shall be no less stringent 185
than the requirements, guidelines, and procedures established by 186
the United States secretary of health and human services under 187
sections 1819 and 1919 of the "Social Security Act," 49 Stat. 620 188
(1935), 42 U.S.C.A. 301, as amended." 189

In line 94727, after "3721.01," insert "3721.011,"; after 190
"3721.02," insert "3721.04," 191

In line 105 of the title, after "3721.01," insert 192
"3721.011,"; after "3721.02," insert "3721.04," 193

The motion was _____ agreed to.

SYNOPSIS

Skilled Nursing Care in Residential Care Facilities	194
R.C. 3721.011 and 3721.04	195
Revises current law that permits a residential care facility	196
to admit or retain a hospice patient who requires skilled nursing	197
care for more than 120 days in a 12-month period as follows:	198
(1) Permits a residential care facility to admit or retain	199
any individual who requires such skilled nursing care if the	200
facility enters into a written agreement with (a) the individual	201
or individual's sponsor, (b) the individual's personal physician,	202
(c) unless the individual's personal physician oversees the	203
skilled nursing care, the provider of the skilled nursing care,	204
and (d) if the individual is a hospice patient, a hospice care	205
program;	206
(2) Provides for the agreement to include the same provisions	207
that current law requires an agreement between a residential care	208
facility and hospice care program to include, except that an	209
agreement regarding an individual who is not a hospice patient	210
must also include a provision that the individual's personal	211
physician has determined that the skilled nursing care the	212
individual needs is routine.	213

2 Sub. H.B. 153
3 As Pending in H. Finance and Appropriations
4 LSC 129 1066-4
5 HC-1614

6 _____ moved to amend as follows:

7 In line 68468, after "including" insert "any position
8 contrary to natural gas retail auctions, merchant-function exit,
9 or"; after "state" insert "relating to competitive natural gas
10 markets"

11 The motion was _____ agreed to.

12 SYNOPSIS

13 **Prohibition of OCC Advocacy Against Competitive Markets**

14 **R.C. 4911.02**

15 Includes, in the bill's prohibition of OCC advocacy against
16 development of competitive markets, a prohibition of advocacy
17 against (1) natural gas retail auctions and (2) merchant-
18 function exit.