

OHIO

House

of

Representatives

JOURNAL

CORRECTED VERSION
WEDNESDAY, OCTOBER 21, 2009

NINETY-SEVENTH DAY
Hall of the House of Representatives, Columbus, Ohio
Wednesday, October 21, 2009, 1:30 p.m.

The House met pursuant to adjournment.

Prayer was offered by Representative Jeff McClain-82nd district, followed by the Pledge of Allegiance to the Flag.

The journal of yesterday was read and approved.

The following guests of the House of Representatives were recognized by Speaker Budish prior to the commencement of business:

The family of Rob Stoneberger received H. R. 157, presented by Representative Pillich-28th district.

Mitch Rooks, received H. R. 87, presented by Representative Ruhl-90th district.

Jacob Dawson, a guest of Representative Combs-54th district.

Former Representative Chuck Calvert and Marilyn Jacobik, guests of Representative Batchelder-69th district.

Stacy Leeper, Jessica Mitchell, Cindy Polchek, Nancy Benson and Dewanda Williams, guests of Representatives Fende-62nd district and Oelslager-86th district.

Jack Frech a guest of Representatives Harwood-65th district and Phillips-92nd district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 323-Representative Murray.

Cosponsors: Representatives Chandler, Letson, Okey, Phillips, Koziura, Yuko, Domenick, Foley, Pillich, Driehaus.

To amend sections 2323.07, 2329.01, 2329.02, 2329.07, 2329.33, and 3767.41 and to enact sections 2308.01 to 2308.06 of the Revised Code relative to foreclosure actions and certain related nuisance abatement actions.

H. B. No. 324-Representative Yates.

To amend section 3745.05 of the Revised Code and to amend Section 279.10 of Am. Sub. H.B. 1 of the 128th General Assembly to eliminate the schedule in accordance with which the Environmental Review Appeals Commission must issue written orders concerning certain actions that were filed with the Commission and to make an appropriation.

H. B. No. 325-Representative Yates.

To amend sections 109.572, 135.68, 1181.21, 1181.25, 1321.02, 1321.12, 1321.53, 1321.59, 1321.99, 1343.01, 1345.01, 2307.61, and 4712.01, and to repeal sections 1321.35 to 1321.42, 1321.421, 1321.422, 1321.43 to 1321.46, 1321.461, 1321.47, and 1321.48 of the Revised Code to repeal the Short-Term Loan Act and to prohibit payday lending by entities other than traditional financial institutions.

H. B. No. 326-Representatives Hottinger, Grossman.

Cosponsors: Representatives Blair, Boose, Morgan, Adams, J., Jordan, Combs, Amstutz, Uecker, Wagner, Wachtmann, Hackett, Bulp.

To amend sections 5731.02, 5731.21, and 5731.48 and to enact sections 5731.55 and 5731.56 of the Revised Code to reduce the estate tax, to authorize townships and municipal corporations, or electors thereof by initiative, to exempt from the estate tax any estate property located in the township or municipal corporation, and to distribute all estate tax revenue originating in a township or municipal corporation that does not exempt property from the tax to the township or municipal corporation.

H. B. No. 327-Representative Combs.

Cosponsors: Representatives Grossman, Domenick.

To amend section 149.43 and to enact sections 2921.06, 2921.07, and 2921.08 of the Revised Code to prohibit jury tampering, to exclude jury questionnaires and similar documents from public records requests, to require all attorneys and parties to legal proceedings to return all jury questionnaires and other records or notations containing jurors' names, addresses, and phone numbers to the court at the conclusion of a trial, and to prohibit juror harassment.

Said bills were considered the first time.

The following joint resolution was introduced:

H. J. R. No. 5-Representative Yates.

Proposing to amend Section 6 of Article XV of the Constitution of the State of Ohio to allow the General Assembly to provide for and regulate the operation of certain lotteries and other forms of gambling.

Said joint resolution was considered the first time.

**REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS
FOR SECOND CONSIDERATION**

Representative Combs submitted the following report:

The standing committee on Transportation and Infrastructure to which was referred **H. B. No. 27**-Representative Gerberry, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: KOREAN WAR VETERANS MEMORIAL HIGHWAY -
INTERSTATE 680

Representative Hagan moved to amend the title as follows:

Add the names: "Bolon, Carney, Domenick, Foley, Yuko, Combs, Balderson, McClain, Ruhl, Zehringer."

ROBERT F. HAGAN	DALE MALLORY
LINDA S. BOLON	JOHN PATRICK CARNEY
JOHN DOMENICK	MIKE FOLEY
KENNY YUKO	COURTNEY COMBS
TROY BALDERSON	JEFFREY MCCLAIN
MARGARET RUHL	JOSEPH W. UECKER
JAMES ZEHRINGER	

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Combs submitted the following report:

The standing committee on Transportation and Infrastructure to which was re-referred **Sub. H. B. No. 38**-Representative Brown, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: CREATE CERTAIN SPECIAL LICENSE PLATES

Representative Hagan moved to amend the title as follows:

Add the names: "Bolon, Domenick, Combs, Balderson, McClain, Ruhl, Zehringer."

ROBERT F. HAGAN	DALE MALLORY
LINDA S. BOLON	JOHN PATRICK CARNEY
JOHN DOMENICK	MIKE FOLEY
KENNY YUKO	COURTNEY COMBS
TROY BALDERSON	JEFFREY MCCLAIN
MARGARET RUHL	JOSEPH W. UECKER
JAMES ZEHRINGER	

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

MOTIONS AND RESOLUTIONS

Representative Goyal moved that majority party members asking leave to be absent or absent the week of Wednesday, October 21, 2009, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Adams, J. moved that minority party members asking leave to be absent or absent the week of Wednesday, October 21, 2009, be excused, so long as a written request is on file in the minority leadership offices.

The motion was agreed to.

Representative Szollosi moved that the following resolution be brought up for immediate adoption, read by title only, and spread upon the pages of the journal.

The motion was agreed to.

The question being on the adoption of the resolution, reading as follows:

H. R. No. 160-Speaker Budish, Representative Batchelder.

Relative to Travel Allowance.

WHEREAS, Section 101.27 of the Revised Code provides that each member receive a travel reimbursement based upon the mileage from and to the member's place of residence, by the most direct highway route of public travel to and from the seat of government; therefore be it

RESOLVED, That the Clerk or Deputy Clerk of the House of Representatives is hereby authorized to pay members whose mileage was not paid for the last quarter of the second year of the 127th General Assembly; and be it further

RESOLVED, That the Clerk or Deputy Clerk of the House of Representatives is hereby authorized to pay the following members travel allowance based upon their round trip mileage as set opposite their names and district numbers:

Member's Name	District Number	Round Trip Mileage
Peter A. Beck	67	175.4

The motion was agreed to without objection.

The question being, "Shall the resolution be adopted?"

The yeas and nays were taken and resulted - yeas 99, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	Beck
Belcher	Blair	Blessing	Bolon
Book	Boose	Boyd	Brown
Bubp	Burke	Carney	Celeste
Chandler	Coley	Combs	Daniels
DeBose	DeGeeter	Derickson	Dodd
Dolan	Domenick	Driehaus	Dyer
Evans	Fende	Foley	Gardner
Garland	Garrison	Gerberry	Goodwin
Goyal	Grossman	Hackett	Hagan
Hall	Harris	Harwood	Heard
Hite	Hottinger	Huffman	Jordan
Koziura	Lehner	Letson	Luckie
Lundy	Maag	Mallory	Mandel
Martin	McClain	McGregor	Mecklenborg
Moran	Morgan	Murray	Newcomb
Oelslager	Okey	Otterman	Patten
Phillips	Pillich	Pryor	Ruhl
Sayre	Schneider	Sears	Skindell
Slesnick	Snitchler	Stautberg	Stebelton
Stewart	Sykes	Szollosi	Uecker
Ujvagi	Wachtmann	Wagner	Weddington
Williams B.	Williams S.	Winburn	Yates
Yuko	Zehringer		Budish-99.

The resolution was adopted.

Representative Szollosi moved that the following resolution be brought up for immediate adoption, read by title only, and spread upon the pages of the journal.

The motion was agreed to.

The question being on the adoption of the resolution, reading as follows:

H. R. No. 161-Speaker Budish.

Relative to the election of the majority floor leader, the assistant majority floor leader, and the assistant majority whip for the 128th General Assembly of Ohio.

WHEREAS, Jennifer Garrison of the 93rd House District has resigned as majority floor leader of the House of Representatives of the 128th General Assembly, thus creating a vacancy in the position of majority floor leader of the

House of Representatives; and

WHEREAS, Tracy Maxwell Heard of the 26th House District has resigned as assistant majority floor leader of the House of Representatives of the 128th General Assembly, thus creating a vacancy in the position of assistant majority floor leader of the House of Representatives; and

WHEREAS, Allan R. Sayre of the 96th House District has resigned as assistant majority whip of the House of Representatives of the 128th General Assembly, thus creating a vacancy in the position of assistant majority whip of the House of Representatives; and

WHEREAS, the members of the House of Representatives of the 128th General Assembly of Ohio have been advised that the caucus of Democrat members have chosen Tracy Maxwell Heard of House District #26 as majority floor leader; and

WHEREAS, the members of the House of Representatives of the 128th General Assembly of Ohio have been advised that the caucus of Democrat members have chosen Allan R. Sayre of House District #96 as assistant majority floor leader; and

WHEREAS, the members of the House of Representatives of the 128th General Assembly of Ohio have been advised that the caucus of Democrat members have chosen Linda S. Bolon of House District #1 as assistant majority whip; therefore be it

RESOLVED, By the members of the House of Representatives of the 128th General Assembly that Tracy Maxwell Heard be, and upon adoption of this resolution is, hereby elected to the office of majority floor leader; that Allan R. Sayre be, and upon adoption of this resolution is, hereby elected to the office of assistant majority floor leader; and that Linda S. Bolon be, and upon adoption of this resolution is, hereby elected to the office of assistant majority whip.

The motion was agreed to without objection.

The question being, "Shall the resolution be adopted?"

The yeas and nays were taken and resulted - yeas 99, nays 0, as follows:

Those who voted in the affirmative were: Representatives

- | | | | |
|----------|-----------|------------|---------|
| Adams J. | Adams R. | Amstutz | Bacon |
| Baker | Balderson | Batchelder | Beck |
| Belcher | Blair | Blessing | Bolon |
| Book | Boose | Boyd | Brown |
| Bubp | Burke | Carney | Celeste |
| Chandler | Coley | Combs | Daniels |
| DeBose | DeGeeter | Derickson | Dodd |
| Dolan | Domenick | Driehaus | Dyer |
| Evans | Fende | Foley | Gardner |
| Garland | Garrison | Gerberry | Goodwin |
| Goyal | Grossman | Hackett | Hagan |
| Hall | Harris | Harwood | Heard |

Hite	Hottinger	Huffman	Jordan
Koziura	Lehner	Letson	Luckie
Lundy	Maag	Mallory	Mandel
Martin	McClain	McGregor	Mecklenborg
Moran	Morgan	Murray	Newcomb
Oelslager	Okey	Otterman	Patten
Phillips	Pillich	Pryor	Ruhl
Sayre	Schneider	Sears	Skindell
Slesnick	Snitchler	Stautberg	Stebelton
Stewart	Sykes	Szollosi	Uecker
Ujvagi	Wachtmann	Wagner	Weddington
Williams B.	Williams S.	Winburn	Yates
Yuko	Zehringer		Budish-99.

The resolution was adopted.

State of Ohio
County of Franklin

I, Tracy Maxwell Heard, Allan R. Sayre and Linda S. Bolon, do solemnly swear to support the Constitution of the United States and the Constitution of the State of Ohio, and faithfully to discharge and perform all duties incumbent upon me as a member of the majority leadership of the Ohio House of Representatives, according to the best of my ability and understanding; and this I do as I shall answer unto God.

/s/ TRACY MAXWELL HEARD
Tracy Maxwell Heard

/s/ ALLAN R. SAYRE
Allan R. Sayre

/s/ LINDA S. BOLON
Linda S. Bolon

Sworn to and subscribed before me this 21st day of October, 2009.

/s/ ARMOND BUDISH
Armond Budish
Speaker
Ohio House of Representatives

BILLS FOR THIRD CONSIDERATION

H. B. No. 185-Representatives DeGeeter, Book.

Cosponsors: Representatives Garland, Murray, Lundy, Huffman, Domenick, Chandler, Letson, Slesnick, Yuko, Okey, Oelslager, Snitchler, Foley, Goyal, Combs, Gardner, Moran, Blair, Fende, Heard, Amstutz, Lehner, Stebelton, Batchelder, Koziura.

To amend section 3963.04 of the Revised Code to specify that a material amendment to a health care contract does not become part of the contract unless agreed upon by both parties, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 85, nays 14, as follows:

Those who voted in the affirmative were: Representatives

Adams R.	Amstutz	Bacon	Baker
Balderson	Batchelder	Belcher	Blair
Blessing	Bolon	Book	Boose
Boyd	Brown	Bubp	Carney
Celeste	Chandler	Combs	Daniels
DeBose	DeGeeter	Derickson	Dodd
Domenick	Driehaus	Dyer	Evans
Fende	Foley	Gardner	Garland
Garrison	Gerberry	Goodwin	Goyal
Grossman	Hagan	Harris	Harwood
Heard	Hite	Huffman	Koziura
Lehner	Letson	Luckie	Lundy
Mallory	Mandel	Martin	McClain
Moran	Morgan	Murray	Newcomb
Oelslager	Okey	Otterman	Patten
Phillips	Pillich	Pryor	Ruhl
Sayre	Schneider	Skindell	Slesnick
Snitchler	Stautberg	Stebelton	Stewart
Sykes	Szollosi	Uecker	Ujvagi
Wagner	Weddington	Williams B.	Williams S.
Winburn	Yates	Yuko	Zehringer Budish-85.

Those who voted in the negative were: Representatives

Adams J.	Beck	Burke	Coley
Dolan	Hackett	Hall	Hottinger
Jordan	Maag	McGregor	Mecklenborg
Sears			Wachtmann-14.

The bill passed.

Representative DeGeeter moved to amend the title as follows:

Add the names: "Bolon, Boyd, Carney, Celeste, DeBose, Dyer, Evans, Garrison, Grossman, Harris, Harwood, Luckie, Mallory, Patten, Pillich, Pryor, Weddington, Williams, B., Winburn, Yates."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 280-Representatives Stautberg, Driehaus.

To temporarily authorize a special election on December 10, 2009, exclusively for the purpose of allowing certain municipal corporation property tax levies to appear on the ballot, to repeal Section 1 of this act effective December 30, 2009, and to declare an emergency, was taken up for consideration the third time.

The question being, "Shall the emergency clause stand as part of the bill?"

The yeas and nays were taken and resulted - yeas 94, nays 5, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Baker
Balderson	Batchelder	Beck	Belcher
Blair	Blessing	Bolon	Book
Boose	Boyd	Brown	Bubp
Burke	Carney	Celeste	Chandler
Coley	Combs	DeBose	DeGeeter
Derickson	Dodd	Dolan	Domenick
Driehaus	Dyer	Evans	Fende
Foley	Gardner	Garland	Garrison
Gerberry	Goyal	Grossman	Hackett
Hagan	Hall	Harris	Harwood
Heard	Hite	Hottinger	Huffman
Koziura	Lehner	Letson	Luckie
Lundy	Maag	Mallory	Mandel
Martin	McClain	McGregor	Mecklenborg
Moran	Morgan	Murray	Newcomb
Oelslager	Okey	Otterman	Patten
Phillips	Pillich	Pryor	Ruhl
Sayre	Schneider	Sears	Skindell
Slesnick	Snitchler	Stautberg	Stebelton
Stewart	Sykes	Szollosi	Uecker
Ujvagi	Wagner	Weddington	Williams B.
Williams S.	Winburn	Yates	Yuko
Zehringer			Budish-94.

Representatives Bacon, Daniels, Goodwin, Jordan, and Wachtmann voted in the negative-5.

Having received a constitutional majority, the emergency clause stood as part of the bill.

The question being, "Shall the bill pass as an emergency measure?"

The yeas and nays were taken and resulted - yeas 93, nays 6, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Baker
Balderson	Batchelder	Beck	Belcher
Blair	Blessing	Bolon	Book
Boyd	Brown	Bubp	Burke
Carney	Celeste	Chandler	Coley

Combs	DeBose	DeGeeter	Derickson
Dodd	Dolan	Domenick	Driehaus
Dyer	Evans	Fende	Foley
Gardner	Garland	Garrison	Gerberry
Goyal	Grossman	Hackett	Hagan
Hall	Harris	Harwood	Heard
Hite	Hottinger	Huffman	Jordan
Koziura	Lehner	Letson	Luckie
Lundy	Maag	Mallory	Mandel
Martin	McClain	McGregor	Mecklenborg
Moran	Morgan	Murray	Newcomb
Oelslager	Okey	Otterman	Patten
Phillips	Pillich	Pryor	Sayre
Schneider	Sears	Skindell	Slesnick
Snitchler	Stautberg	Stebelton	Stewart
Sykes	Szollosi	Uecker	Ujvagi
Wagner	Weddington	Williams B.	Williams S.
Winburn	Yates	Yuko	Zehringer Budish-93.

Representatives Bacon, Boose, Daniels, Goodwin, Ruhl, and Wachtmann voted in the negative-6.

Having received the required constitutional majority, the bill passed as an emergency measure.

Representative Stautberg moved to amend the title as follows:

Add the names: "Blessing, Book, Brown, Gerberry, Letson, Luckie, Maag, Mallory, Mecklenborg, Pillich, Stewart, Uecker, Yates, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

H. B. No. 318-Representative Sykes.
Cosponsor: Representative Bolon.

To amend sections 101.27, 5747.02, and 5747.056 of the Revised Code and to amend Section 265.10 of Am. Sub. H.B. 1 of the 128th General Assembly to postpone for two years the last of five scheduled income tax rate reductions, to reduce salaries of General Assembly members by five per cent, and to make conforming amendments, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Szollosi moved to amend as follows:

In line 14, strike through "fifty-one thousand six hundred"

In line 15, strike through "seventy-four" and insert "sixty thousand five hundred eighty-four"

In line 21, strike through "fifty-one thousand six hundred seventy-four"

and insert " sixty thousand five hundred eighty-four"

In line 32, after "at" insert " up to"

In line 40, after the period insert " The mileage rate of reimbursement shall be at the discretion of the senate president and speaker of the house of representatives."

In line 43, strike through "eighty thousand five hundred"

In line 44, strike through "forty-nine" and insert " ninety-four thousand four hundred thirty-seven"

In line 50, strike through "seventy-three"

In line 51, strike through "thousand four hundred ninety-three" and insert " eighty-six thousand one hundred sixty-five"

In line 55, strike through "sixty-nine thousand two"

In line 56, strike through "hundred twenty-seven" and insert " eighty-one thousand one hundred sixty-three"

In line 60, strike through "sixty-seven thousand ninety-nine" and insert " seventy-eight thousand six hundred sixty-eight"

In line 64, strike through "sixty-four thousand nine hundred sixty-seven" and insert " seventy-six thousand one hundred sixty-nine"

In line 69, strike through "sixty thousand seven hundred six" and insert " seventy-one thousand one hundred seventy-three"

In line 72, strike through "fifty-six thousand four hundred"

In line 73, strike through "forty-three" and insert " sixty-six thousand one hundred seventy-five"

In line 76, strike through "fifty-four thousand sixty" and insert " sixty-three thousand three hundred eighty-one"

In line 78, after "(4)" insert " The member of the house of representatives elected speaker and the member of the house of representatives elected speaker pro tempore shall not receive any additional sum specified in this division for serving as the chairperson or vice-chairperson of any committee described in that division."

In line 110, strike through "twenty" and insert " up to one hundred"; after "absence" insert " , at the discretion of the senate president or speaker of the house of representatives"

In line 111, strike through everything after "(B)"

Strike through lines 112 through 118

In line 119, strike through "(C)"

In line 120, delete " as they have been increased under division (B) of"

In line 121, delete " this section"

In line 122, after the underlined period, insert " The changes to salary and other compensation made in this division apply only to members whose terms commence on or after January 1, 2011."

In line 123, delete " (D)" and insert " (C)"; delete the colon and insert an underlined comma

Strike through lines 124 through 128

In line 129, strike through "(2) "Finance" and insert " finance"

In line 6 of the title, after the comma insert "to eliminate the additional compensation paid to the House Speaker and House Speaker Pro Tempore for serving as chairperson or vice-chairperson of a standing committee,"

The question being, "Shall the motion to amend be agreed to?"

The yeas and nays were taken and resulted - yeas 99, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	Beck
Belcher	Blair	Blessing	Bolon
Book	Boose	Boyd	Brown
Bubp	Burke	Carney	Celeste
Chandler	Coley	Combs	Daniels
DeBose	DeGeeter	Derickson	Dodd
Dolan	Domenick	Driehaus	Dyer
Evans	Fende	Foley	Gardner
Garland	Garrison	Gerberry	Goodwin
Goyal	Grossman	Hackett	Hagan
Hall	Harris	Harwood	Heard
Hite	Hottinger	Huffman	Jordan
Koziura	Lehner	Letson	Luckie
Lundy	Maag	Mallory	Mandel
Martin	McClain	McGregor	Mecklenborg
Moran	Morgan	Murray	Newcomb
Oelslager	Okey	Otterman	Patten
Phillips	Pillich	Pryor	Ruhl
Sayre	Schneider	Sears	Skindell
Slesnick	Snitchler	Stautberg	Stebelton
Stewart	Sykes	Szollosi	Uecker
Ujvagi	Wachtmann	Wagner	Weddington
Williams B.	Williams S.	Winburn	Yates
Yuko	Zehringer		Budish-99.

The motion was agreed to and the bill so amended.

The question being, "Shall the bill as amended pass?"

Representative Bolon moved to amend as follows:

In line 444, after "5." insert "For a taxpayer's taxable year ending in 2009, any underpayment of estimated tax due under section 5747.09 of the Revised Code before the effective date of this section shall be considered to be due to reasonable cause, and the interest penalty imposed by that section shall not apply, if the underpayment would have met any of the requirements for reasonable cause enumerated in division (E) of that section if not for the delay in the reduction of the rates in section 5747.02 of the Revised Code by this act.

Section 6."

In line 450, delete "6" and insert "7"

The question being, "Shall the motion to amend be agreed to?"

The yeas and nays were taken and resulted - yeas 99, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	Beck
Belcher	Blair	Blessing	Bolon
Book	Boose	Boyd	Brown
Bubp	Burke	Carney	Celeste
Chandler	Coley	Combs	Daniels
DeBose	DeGeeter	Derickson	Dodd
Dolan	Domenick	Driehaus	Dyer
Evans	Fende	Foley	Gardner
Garland	Garrison	Gerberry	Goodwin
Goyal	Grossman	Hackett	Hagan
Hall	Harris	Harwood	Heard
Hite	Hottinger	Huffman	Jordan
Koziura	Lehner	Letson	Luckie
Lundy	Maag	Mallory	Mandel
Martin	McClain	McGregor	Mecklenborg
Moran	Morgan	Murray	Newcomb
Oelslager	Okey	Otterman	Patten
Phillips	Pillich	Pryor	Ruhl
Sayre	Schneider	Sears	Skindell
Slesnick	Snitchler	Stautberg	Stebelton
Stewart	Sykes	Szollosi	Uecker
Ujvagi	Wachtmann	Wagner	Weddington
Williams B.	Williams S.	Winburn	Yates
Yuko	Zehringer		Budish-99.

The motion was agreed to and the bill so amended.

The question recurring, "Shall the bill as amended pass?"

Representative Morgan moved to amend as follows:

In line 8, delete "sections" and insert "section"; delete ", 5747.02, and 5747.056"

Delete lines 132 through 327

In line 328, delete "sections" and insert "section"; delete ", 5747.02, and"

In line 329, delete "5747.056"

In line 329, delete "are" and insert "is"

In line 444, delete all after "5."

Delete lines 445 through 449

In line 450, delete "Section 6."

In line 1 of the title, delete "sections" and insert "section"; delete ", 5747.02, and 5747.056"

In line 3 of the title, delete "to"

Delete line 4 of the title

In line 5 of the title, delete everything before "to"

In line 6 of the title, delete the comma

In line 7 of the title, delete "conforming amendments" and insert "education funding changes"

The question being, "Shall the motion to amend be agreed to?"

Representative Heard moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 55, nays 44, as follows:

Those who voted in the affirmative were: Representatives

Belcher	Bolon	Book	Boyd
Brown	Carney	Celeste	Chandler
DeBose	DeGeeter	Dodd	Dolan
Domenick	Driehaus	Dyer	Evans
Fende	Foley	Garland	Garrison
Gerberry	Goyal	Hagan	Harris
Harwood	Heard	Koziura	Lehner
Letson	Luckie	Lundy	Mallory
Moran	Murray	Newcomb	Okey
Otterman	Patten	Phillips	Pillich
Pryor	Sayre	Schneider	Skindell
Slesnick	Stewart	Sykes	Szollosi
Ujvagi	Williams B.	Williams S.	Winburn
Yates	Yuko		Budish-55.

Those who voted in the negative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	Beck
Blair	Blessing	Boose	Bubp
Burke	Coley	Combs	Daniels

Derickson	Gardner	Goodwin	Grossman
Hackett	Hall	Hite	Hottinger
Huffman	Jordan	Maag	Mandel
Martin	McClain	McGregor	Mecklenborg
Morgan	Oelslager	Ruhl	Sears
Snitchler	Stautberg	Stebelton	Uecker
Wachtmann	Wagner	Weddington	Zehringer-44.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

Representative Adams, J. moved to amend as follows:

In line 8, after "101.27," insert "121.02, 121.03, 121.05, 121.06, 121.07, 121.11, 121.13, 121.15, 121.17,"; delete "of the"

In line 9, delete "Revised Code"; after "amended" insert "and new section 121.04 and sections 117.103, 121.041, 121.042, 121.043, 121.044, 121.045, 121.046, 121.047, 121.048, and 121.049 of the Revised Code be enacted"

Between lines 131 and 132, insert:

" Sec. 117.103. The auditor of state shall conduct performance audits to facilitate the effective and efficient operation of the departments established under section 121.02, and their divisions established under section 121.04 and 121.041 to 121.049, of the Revised Code.

Sec. 121.02. (A) The following administrative departments and their respective executive directors are hereby created:

~~(A)~~ (1) The office of ~~budget finance~~ and management operations, which shall be administered by the executive director of ~~budget finance~~ and management operations;

~~(B)~~ (2) The department of ~~commerce~~ business, which shall be administered by the executive director of ~~commerce~~ business;

~~(C)~~ The department of administrative services, which shall be administered by the director of administrative services;

~~(D)~~ (3) The department of transportation and infrastructure, which shall be administered by the executive director of transportation and infrastructure;

~~(E)~~ The department of agriculture, which shall be administered by the director of agriculture;

~~(F)~~ (4) The department of ~~natural resources~~ resource protection, which shall be administered by the executive director of ~~natural resources~~ resource protection;

~~(G)~~ (5) The department of public health, which shall be administered by the executive director of public health;

~~(H)~~ (6) The department of ~~job and family services~~ human resource

development, which shall be administered by the executive director of ~~job and family services~~ human resource development;

(I) ~~Until July 1, 1997, the department of liquor control, which shall be administered by the director of liquor control;~~

(J) (7) The department of public safety, which shall be administered by the executive director of public safety;

(K) ~~The department of mental health, which shall be administered by the director of mental health;~~

(L) ~~The department of mental retardation and developmental disabilities, which shall be administered by the director of mental retardation and developmental disabilities;~~

(M) ~~The department of insurance, which shall be administered by the superintendent of insurance as director thereof;~~

(N) (8) The department of development, which shall be administered by the executive director of development;

(O) ~~The department of youth services, which shall be administered by the director of youth services;~~

(P) (9) The department of community and institutional rehabilitation ~~and correction~~, which shall be administered by the executive director of community and institutional rehabilitation ~~and correction~~;

(Q) ~~The environmental protection agency, which shall be administered by the director of environmental protection;~~

(R) ~~The department of aging, which shall be administered by the director of aging;~~

(S) (10) The department of ~~alcohol and drug addiction services~~ education, which shall be administered by the executive director of ~~alcohol and drug addiction services~~;

(T) (11) The department of veterans services, which shall be administered by the executive director of veterans services.

(B) The executive director of each department shall exercise the powers and perform the duties vested by law in ~~such~~ that department.

Sec. 121.03. The following administrative department heads shall be appointed by the governor, with the advice and consent of the senate, ~~and~~ shall hold their offices during the term of the appointing governor, and are subject to removal at the pleasure of the governor.

(A) The executive director of ~~budget~~ finance and ~~management~~ operations;

(B) The executive director of ~~eommeree~~ business;

- (C) The executive director of transportation and infrastructure;
- (D) ~~The director of agriculture~~;
- (E) The executive director of ~~job and family services~~ human resource development;
- (F) ~~Until July 1, 1997, the director of liquor control~~;
- (G) (E) The executive director of public safety;
- (H) ~~The superintendent of insurance~~;
- (I) (F) The executive director of development;
- (J) ~~The tax commissioner~~;
- (K) ~~The director of administrative services~~;
- (L) (G) The executive director of ~~natural resources~~ resource protection;
- (M) ~~The director of mental health~~;
- (N) ~~The director of mental retardation and developmental disabilities~~;
- (O) (H) The executive director of public health;
- (P) ~~The director of youth services~~;
- (Q) (I) The executive director of community and institutional rehabilitation and correction;
- (R) ~~The director of environmental protection~~;
- (S) ~~The director of aging~~;
- (T) ~~The director of alcohol and drug addiction services~~;
- (U) ~~The administrator of workers' compensation who meets the qualifications required under division (A) of section 4121.121 of the Revised Code~~;
- (V) (J) The executive director of veterans services who meets the qualifications required under section 5902.01 of the Revised Code.

Sec. 121.04. The department of education consists of the following divisions, with each headed by the chief of that division:

(A) A division of primary and secondary education responsible for all of the following:

- (1) Curriculum and assessment;
- (2) Teacher development, and student, family, and community programs;
- (3) Nonpublic and alternative schools;
- (4) Policy and accountability; and

(5) Coordination of lifelong learning.

(B) A division of higher education for four-year colleges and universities responsible for all of the following:

(1) Curriculum and assessment;

(2) Professor development, and student, family, and community programs;

(3) Policy and higher education development;

(4) Investigations and school compliance; and

(5) The higher education-Ohio business compact as it relates to four-year colleges and universities.

(C) A division of higher education for two-year colleges responsible for all of the following:

(1) Curriculum and assessment;

(2) Professor development, and student, family, and community programs;

(3) Policy and higher education development;

(4) Investigations and school compliance;

(5) The higher education-Ohio business compact as it relates to two-year colleges; and

(6) Adult education.

(D) A division of education finance responsible for all of the following:

(1) Public school and higher education finance and fiscal planning;

(2) Student financial assistance programs;

(3) The Ohio tuition trust authority; and

(4) Federal programs and grant management.

(E) A division of education technology responsible for all of the following:

(1) Educational telecommunications programming and facility management;

(2) Network operations; and

(3) Technology applications.

(F) A division of cultural resources responsible for all of the following:

(1) The state library of Ohio and the archives of the Ohio historical society;

(2) The state historic preservation office;

(3) Historical site and facility maintenance; and

(4) Arts programs and grants.

Sec. 121.041. The department of public safety consists of the following divisions, with each headed by the chief of that division:

(A) A division of uniformed services responsible for all of the following:

(1) The state highway patrol;

(2) The office of the state fire marshal;

(3) Executive security;

(4) Training programs for the uniformed services;

(5) The multi-agency radio communications system; and

(6) Hazardous materials programs.

(B) A division of public safety services responsible for all of the following:

(1) The bureau of motor vehicles;

(2) Certification and continuing education of emergency medical service professionals;

(3) Fire and liquor control research laboratories;

(4) Crash repair investigation;

(5) Criminal justice services;

(6) Youth safety programs;

(7) The Ohio emergency management agency;

(8) Security guard and private investigator licensing; and

(9) Policy and technology.

(C) A division of homeland security and emergency management responsible for all of the following:

(1) The Ohio national guard;

(2) Homeland security;

(3) Capitol square, as defined in section 105.41 of the Revised Code, and other building security;

(4) Aircraft security;

(5) Disaster response planning;

(6) First responder oversight and protection;

(7) Terrorist awareness and prevention;

(8) Family and innovative readiness training; and

(9) Agriculture resource and public water protection.

(D) A division of grants and disbursements responsible for both of the following:

(1) Homeland security and criminal justice services grant management;
and

(2) Administration of all safety-related disbursements.

(E) A division of prevention and enforcement responsible for all of the following:

(1) Enforcement and investigation of violations of liquor control, tobacco, insurance, and food stamp fraud laws;

(2) A vice unit;

(3) Criminal activity prevention; and

(4) Drug force task management.

Sec. 121.042. The department of public health consists of the following divisions, with each headed by the chief of that division:

(A) A division of health and well-being responsible for all of the following:

(1) Family and community health services and programs;

(2) Disease prevention;

(3) State employee health services;

(4) Minority health affairs;

(5) Alcohol and drug addiction treatment and rehabilitation services;

(6) Addiction prevention and intervention services;

(7) State-operated hospital services;

(8) Mental health inpatient services;

(9) Health support services; and

(10) Health policy and accountability.

(B) A division of community care support services responsible for all of the following:

(1) Local mental health and mental retardation and developmental disabilities programs;

(2) Support for mental retardation and developmental disabilities

developmental centers; and

(3) Elder community care, including PASSPORT.

(C) A division of medicaid services responsible for all of the following:

(1) Medicaid disbursements;

(2) Medicaid provider services;

(3) Medicaid revenue administration;

(4) Medicaid fraud, waste, and abuse prevention; and

(5) Federal-state matching.

(D) A division of medical professional and state healthcare system regulation responsible for certification, licensing, investigations, inspections, enforcement, adjudications, continuing education, training, and examinations relating to all of the following bodies or facilities:

(1) Ohio medical transportation board;

(2) Ohio board of dietetics;

(3) State medical board;

(4) Board of nursing;

(5) Ohio optical dispensers board;

(6) State board of optometry;

(7) State board of pharmacy;

(8) State board of psychology;

(9) Chemical dependency professionals board;

(10) Counselor, social worker, and marriage and family therapist counselors board;

(11) Ohio occupational therapy, physical therapy, and athletic trainers board;

(12) State board of orthotics, prosthetics, and pedorthics;

(13) State veterinary medical licensing board;

(14) State chiropractic board;

(15) State dental board;

(16) Board of speech-language pathology and audiology;

(17) Hearing aid dealers and fitters licensing board;

(18) Board of examiners of nursing home administrators;

(19) Ohio respiratory care board; and

(20) Public health facilities, addiction treatment facilities, and mental health facilities.

Sec. 121.043. The department of transportation and infrastructure consists of the following divisions, with each headed by the chief of that division:

(A) A division of system maintenance responsible for all activities related to the general maintenance and upkeep of the state's transportation system, and materials management.

(B) A division of system regulation responsible for all transportation system regulatory activities.

(C) A division of system design and construction responsible for all of the following:

(1) Roadway and traffic, geotechnical, and structural engineering;

(2) System design and construction;

(3) Transportation planning and research;

(4) Local transportation improvement programs;

(5) Service procurement; and

(6) Contract administration.

(D) A division of public transportation responsible for all of the following:

(1) State transit authorities;

(2) Rail transportation and the Ohio rail development commission;

(3) Aviation activities; and

(4) Turnpike activities.

(E) A division of infrastructure financing and revenue distribution responsible for all of the following:

(1) Financing of state building improvements and acquisitions;

(2) Financing of public improvements relating to water and sewer construction, transportation systems, primary and secondary education, higher education, and underground storage facilities;

(3) Other infrastructure revenue distribution.

Sec. 121.044. The department of finance and operations consists of the following divisions, with each headed by the chief of that division:

(A) A general services division responsible for all of the following:

(1) Procurement services;

(2) Fleet and mail services;

(3) Risk management services;

(4) Contract compliance; and

(5) Telecommunications.

(B) A human resources division responsible for all of the following relating to state employees:

(1) Classification and compensation;

(2) Benefits administration, including benefits for members of the Ohio national guard;

(3) Professional development and training;

(4) Equal opportunity services;

(5) Quality service programs;

(6) Collective bargaining management;

(7) The state personnel board of review; and

(8) The state employment relations board.

(C) A facilities and maintenance division responsible for all of the following:

(1) State property and facility maintenance;

(2) Real estate leasing;

(3) Building operations permitting;

(4) Architecture and engineering services; and

(5) The operation of capitol square, the Ohio expositions center, and the Ohio state fair.

(D) An information technology division responsible for all of the following:

(1) Enterprise network security;

(2) Ohio data networks;

(3) Veterans' affairs records systems;

(4) A state technology program; and

(5) The Ohio business gateway, as defined in section 718.051 of the Revised Code.

(E) A division of financial operations responsible for all of the following:

(1) Accounting operations and processing;

(2) Budget analysis;

(3) Economic forecasting and revenue estimation;

(4) A statewide cost allocation plan;

(5) Financial planning;

(6) State debt issuance and debt service management; and

(7) The state controlling board.

(F) A division of revenue administration responsible for all of the following:

(1) Tax collection, administration, and processing;

(2) Tax policy development;

(3) Revenue distribution, including property tax relief distribution;

(4) Unemployment tax administration;

(5) The state lottery commission;

(6) The board of tax appeals; and

(7) Unclaimed funds.

Sec. 121.045. The department of human resource development consists of the following divisions, with each headed by the chief of that division:

(A) An employment services division responsible for all of the following:

(1) All state and federal employee training programs;

(2) Workforce development programs;

(3) Job placement services;

(4) Employer services;

(5) Labor market projections;

(6) Unemployment compensation programs;

(7) Worker safety programs; and

(8) Wage and hour compliance.

(B) A rehabilitation services division responsible for all of the following:

(1) Vocational rehabilitation programs;

(2) Job placement programs for the mentally retarded and developmentally disabled;

(3) Services for the visually impaired;

(4) Disabled employee training programs;

(5) Compliance and assistance programs under the federal Americans with Disabilities Act; and

(6) Other disability determination and assistance programs.

(C) A children and family services division responsible for all of the following:

(1) Child services programs, including adoption, child care, child support, foster care, healthy-start, healthy families, child protection services, kinship, and child care service provider programs;

(2) Housing services;

(3) Family services, including family violence prevention;

(4) Elder rights programs, including counseling on legal rights and end-of-life decisions; and

(5) Children first and family first programs.

(D) A human rights division responsible for all of the following bodies:

(1) Commission on African-American males;

(2) Commission on Hispanic-Latino affairs;

(3) Ohio civil rights commission;

(4) Legal rights service commission; and

(5) Ohio ethics commission.

Sec. 121.046. The department of community and institutional rehabilitation consists of the following divisions, with each headed by the chief of that division:

(A) A division of corrections officer administration responsible for all of the following:

(1) Adult correction and youth correction officers;

(2) Wardens;

(3) Employee relations and labor relations programs;

(4) Equal employment opportunity compliance programs;

(5) Training and assessment;

(6) Classification;

(7) Professional education;

(8) Security threat groups; and

(9) Special tactics and response teams.

(B) A division of correctional support services responsible for all of the

following:

(1) Health, safety, and religious services;

(2) Correctional health care and a corrections medical center;

(3) Recovery and psychiatric treatment services;

(4) Food and library services;

(5) An office of mental health forensic services;

(6) The Ohio penal industries program and the agriculture program related to it;

(7) Records management;

(8) Business operations; and

(9) Youth and continuing education programs.

(C) A division of correctional facilities maintenance responsible for facilities construction, activation, and maintenance activities.

(D) A division of parole and community services responsible for all of the following:

(1) Adult detention services;

(2) A bureau of community sanctions;

(3) An office of victim services;

(4) Offender re-entry programs;

(5) Quality and community partnerships;

(6) A best practices institute;

(7) Interstate compact investigations;

(8) Offender supervision special services;

(9) Youth volunteer programs;

(10) Alcohol and drug addiction alternative treatment programs; and

(11) Therapeutic community programs.

Sec. 121.047. The department of business consists of the following divisions, with each headed by the chief of that division:

(A) A division of licensing responsible for licensing, enforcement, adjudication, investigations, continuing education, and examinations relating to all of the following bodies:

(1) Accountancy board;

(2) Ohio athletic commission;

(3) State board of examiners of architects;

(4) Barber board;

(5) State board of cosmetology;

(6) Board of embalmers and funeral directors;

(7) State board of registration for professional engineers and surveyors;

(8) Liquor control commission;

(9) Board of motor vehicle collision repair registration; and

(10) State racing commission.

(B) A division of financial institutions and securities coordination responsible for both of the following:

(1) Chartering, licensing, and regulating financial institutions; and

(2) Licensing and regulation relating to securities.

(C) A division of building and real estate coordination responsible for all of the following:

(1) Licenses, permits, and inspections relating to building and real estate, including amusement rides;

(2) Compliance with building codes; and

(3) The state board of building appeals.

(D) A division of insurance responsible for all of the following:

(1) Consumer services;

(2) Financial regulation services;

(3) Life and health insurance and property and casualty insurance;

(4) Liquidation of insurance companies;

(5) Licensing of insurance agents;

(6) Regulation and enforcement of insurance laws; and

(7) Strategic planning and market forecasting.

Sec. 121.048. The department of resource protection consists of the following divisions, with each headed by the chief of that division:

(A) A division of land responsible for all of the following:

(1) Mineral resources management;

(2) Parks and recreation;

(3) Off-road trails;

(4) Forestry;

(5) Natural areas and preserves;

(6) Wildlife;

(7) Farmland preservation;

(8) Specialty crop support;

(9) County agricultural societies and awards; and

(10) The plant industry.

(B) A waste and water division responsible for all of the following:

(1) Shoreline preservation;

(2) Coastal management;

(3) Submerged lands;

(4) Hazardous waste management and cleanup;

(5) Solid waste management;

(6) The Ohio Lake Erie commission; and

(7) The burr oak water plant.

(C) A resource quality assurance division responsible for all of the following:

(1) Licensing and permitting;

(2) Inspection and investigation;

(3) Enforcement and adjudication;

(4) Food and drug safety;

(5) Consumer analytical laboratories;

(6) Emergency and remedial response activities;

(7) Utility radiological safety;

(8) Engineering activities;

(9) Wildlife and watercraft officers;

(10) The Ohio air quality development authority;

(11) The Ohio water development authority; and

(12) The environmental review appeals commission.

(D) A division of public awareness responsible for all of the following:

(1) Resource conservation activities;

(2) Science advisory programs;

(3) Recycling and litter prevention programs;

(4) Pollution prevention programs;

(5) Natural resources publications;

(6) Resource information services;

(7) Geologic information services; and

(8) Clean Ohio operating programs.

(E) A division of grants and disbursements responsible for administering and disbursing federal and state environmental and agricultural grants.

Sec. 121.049. The department of development consists of the following divisions, with each headed by the chief of that division:

(A) A division of small business development;

(B) A division of job ready sites;

(C) A division of film, travel, and tourism;

(D) A division of international trade; and

(E) A division of grants and disbursements.

Sec. 121.05. ~~Except as otherwise provided in this section, in each department, there~~ (A) There shall be an assistant executive director for each department who is designated by the executive director of that department. In the department of health, there shall be two assistant directors, each of whom shall be designated by the director of health. In the department of transportation, there shall be an assistant director for business management, an assistant director for field operations, and an assistant director for transportation policy, each of whom shall be designated by the director of transportation. In the department of insurance, the deputy superintendent of insurance shall be the assistant director. In the department of administrative services, there shall be two assistant directors, each of whom shall be designated by the director of administrative services. In the department of commerce, there shall be two assistant directors, each of whom shall be designated by the director of commerce. In the department of job and family services, there may be up to two assistant directors, each of whom shall be designated by the director of job and family services. In each department with an assistant director, the ~~The~~ assistant executive director shall act as executive director in the absence or disability of the executive director and also shall act as executive director when the position of executive director is vacant ; except that in the department of transportation, the department of health, the department of commerce, the department of administrative services, and the department of job and family services, the director shall designate which assistant director shall act as director in the director's absence. In each department without an assistant director, the director

~~shall designate a deputy director to act as director in the absence or disability of the director.~~

~~A~~ (B) An executive director may designate any of the executive director's assistant executive directors or a deputy executive director to serve in the executive director's place as a member of any board, committee, authority, or commission of which the executive director is, by law, a member. The designee, when present, shall be counted in determining whether a quorum is present at any meeting. The designee may vote and participate in all proceedings and actions of the board, committee, authority, or commission, provided that the designee shall not execute or cause a facsimile of the designee's signature to be placed on any obligation, or execute any trust agreement or indenture. The designation shall be in writing, executed by the designating executive director, filed with the secretary of the board, committee, authority, or commission, and ~~shall~~ be in effect until withdrawn or superseded by a new designation.

Sec. 121.06. The officers mentioned in sections 121.04, 121.041 to 121.049, and 121.05 of the Revised Code shall be appointed by the executive director of the department in which their offices or divisions are respectively created; and shall hold office during the pleasure of ~~such~~ the executive director.

Sec. 121.07. (A) ~~Except as otherwise provided in this division, the~~ The officers mentioned in sections 121.04, 121.041 to 121.049, and 121.05 of the Revised Code and the offices and divisions they administer shall be under the direction, supervision, and control of the executive directors of their respective departments, and those officers shall perform such the duties as ~~the~~ their respective executive directors prescribe. ~~In performing or exercising any of the examination or regulatory functions, powers, or duties vested by Title XI, Chapters 1733. and 1761., and sections 1315.01 to 1315.18 of the Revised Code in the superintendent of financial institutions, the superintendent of financial institutions and the division of financial institutions are independent of and are not subject to the control of the department or the director of commerce.~~

(B) ~~With the approval of the governor, the~~ The executive director of each department shall ~~establish divisions within the department, and~~ distribute the work of the department among such the divisions. ~~Each officer created by section 121.04 of the Revised Code shall be the head of such a division.~~

~~With the approval of the governor, the director of each department may consolidate any two or more of the offices created in the department by section 121.04 of the Revised Code, or reduce the number of or create new divisions therein.~~

~~The~~ listed in sections 121.04 and 121.041 to 121.049 of the Revised Code in accordance with those sections and any other applicable provision of law. The executive director of each department may prescribe rules for the government of the department, the conduct of its employees, the performance of its business, and the custody, use, and preservation of the records, papers, books, documents, and property pertaining ~~thereto~~ to the department.

Sec. 121.11. (A) Each officer whose executive director position or whose office or division is created by sections 121.02, 121.04, 121.041 to 121.049, and 121.05 of the Revised Code, before entering upon the officer's duties of office, shall take and subscribe an oath of office as provided by law and give bond, conditioned according to law, with security to be approved by the governor in the penal sum, not less than ten thousand dollars, fixed by the governor. The department of ~~administrative services~~ finance and operations may procure from any duly authorized corporate surety a blanket bond covering the officers described in those sections and any other officers the governor designates. The bond and oath of the officers described in those sections shall be filed in the office of the secretary of state.

(B) The executive director of each department, with the approval of the governor, may require any ~~chief of a division, or any~~ officer or employee in the executive director's department ; to give bond in the amount the governor prescribes. The bond or bonds may, in the discretion of the executive director, be individual, schedule, or blanket bonds.

(C) The premium on any bond required or authorized by this section may be paid from the state treasury.

Sec. 121.13. The executive director of each department ~~may~~, with the approval of the governor, may establish and appoint advisory boards to aid in the conduct of the work of ~~his~~ the executive director's department or any division ~~thereof of the department~~. ~~Such~~ The advisory boards shall exercise no administrative function, and their members shall receive no compensation ; but may receive their actual and necessary expenses.

Sec. 121.15. The executive director of each department ~~shall~~, with the approval of the governor, shall maintain a central office at a location in the state that the executive director finds necessary for the efficient performance of the department. The central office of a department shall not be relocated from Columbus to another location in this state until the executive director of the department has conducted a cost-benefit analysis of the relocation and provided a copy of the analysis to the governor, the speaker of the house of representatives, and the president of the senate and the relocation has been approved by an act of the general assembly.

The executive director of each department ~~may~~, with the approval of the governor, may establish and maintain, at places other than the location of the central office, branch offices for the conduct of any one or more functions of the department.

No relocation of departments or employees of departments from one location in this state to another shall be carried out that will result in an increase in the total number of employees of all departments or an increase in the total number of employees in any department that is relocated. This section does not prevent a department from increasing the number of its employees to meet the demands of its workload or for any other reason arising from circumstances

unrelated to the department's relocation.

Sec. 121.17. Under the direction of the governor, the executive directors of departments shall devise a practical and working basis for ~~co-operation~~ cooperation and ~~co-ordination~~ coordination of work and for the elimination of duplication and overlapping functions. They shall ~~co-operate~~ cooperate with each other in the employment of services and the use of quarters and equipment. The executive director of any department may empower or require an employee of another department, subject to the consent of the superior officer of the employee, to perform any duty ~~which he~~ that the executive director might require of ~~his~~ the director's own subordinates."

In line 328, after "That" insert "section 121.04 and"; after "101.27," insert "121.02, 121.03, 121.05, 121.06, 121.07, 121.11, 121.13, 121.15, 121.17,"

In line 444, after "5" insert:

"The amendment, enactment, or repeal of sections 117.103, 121.02, 121.03, 121.04, 121.041, 121.042, 121.043, 121.044, 121.045, 121.046, 121.047, 121.048, 121.049, 121.05, 121.06, 121.07, 121.11, 121.13, 121.15, and 121.17 of the Revised Code by this act take effect on January 1, 2011. Prior to that effective date, the General Assembly shall enact legislation that amends, repeals, and enacts the sections of the Revised Code that are necessary to implement this act and to provide for orderly transfer of the duties and functions of the several executive departments and public bodies of state government to the departments that are created by the amendment of this act to section 121.02 of the Revised Code and whose responsibilities are delineated by the enactment by this act of sections 121.04 and 121.041 to 121.049 of the Revised Code, as enacted by this act.

Section 6."

In line 450, delete "6" and insert "7"

In line 1 of the title, after "101.27," insert "121.02, 121.03, 121.05, 121.06, 121.07, 121.11, 121.13, 121.15, 121.17,"; after "5747.056," insert "; to enact new section 121.04 and sections 117.103, 121.041, 121.042, 121.043, 121.044, 121.045, 121.046, 121.047, 121.048, and 121.049; to repeal section 121.04"

In line 2 of the title, after "Code" insert a semicolon

In line 6 of the title, after the comma insert "to reorganize the executive branch of state government,"

The question being, "Shall the motion to amend be agreed to?"

Representative Heard moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 54, nays 45, as follows:

Those who voted in the affirmative were: Representatives

Belcher	Bolon	Book	Boyd
Brown	Carney	Celeste	Chandler
DeBose	DeGeeter	Dodd	Domenick
Driehaus	Dyer	Fende	Foley
Garland	Garrison	Gerberry	Goyal
Hagan	Harris	Harwood	Heard
Koziura	Letson	Luckie	Lundy
Mallory	Moran	Murray	Newcomb
Oelslager	Okey	Otterman	Patten
Phillips	Pillich	Pryor	Sayre
Schneider	Skindell	Slesnick	Stewart
Sykes	Szollosi	Ujvagi	Weddington
Williams B.	Williams S.	Winburn	Yates
Yuko			Budish-54.

Those who voted in the negative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	Beck
Blair	Blessing	Boose	Bubp
Burke	Coley	Combs	Daniels
Derickson	Dolan	Evans	Gardner
Goodwin	Grossman	Hackett	Hall
Hite	Hottinger	Huffman	Jordan
Lehner	Maag	Mandel	Martin
McClain	McGregor	Mecklenborg	Morgan
Ruhl	Sears	Snitchler	Stautberg
Stebelton	Uecker	Wachtmann	Wagner
			Zehringer-45.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

Representative Burke moved to amend as follows:

In line 8, after "101.27," insert "5111.083,"; delete "of the"

In line 9, delete "Revised Code"; after "amended" insert "and sections 5111.035, 5111.093, 5111.094, 5111.141, 5111.142, and 5111.165 of the Revised Code be enacted"

Between lines 131 and 132, insert:

" **Sec. 5111.035.** (A) Each medicaid provider selected by the department of job and family services shall give bond with surety to the department, in the amount the department determines and to the satisfaction of the department, for the faithful adherence by the provider to the requirements of section 5111.03 of the Revised Code.

(B) The department shall determine which providers are subject to division (A) of this section, but at a minimum shall apply the bond requirement to each provider who has been investigated for any criminal offense of fraud, as defined in Chapter 2913. of the Revised Code. The department shall set the

amount of the bond at a level that reflects, as determined by the director of job and family services, the level of risk of fraud by the provider.

Sec. 5111.083. (A) As used in this section, "licensed health professional authorized to prescribe drugs" has the same meaning as in section 4729.01 of the Revised Code.

(B) The director of job and family services ~~may~~ **shall** establish an e-prescribing system for the medicaid program under which a medicaid provider who is a licensed health professional authorized to prescribe drugs shall use an electronic system to prescribe a drug for a medicaid recipient when required to do so by division (C) of this section. The e-prescribing system shall eliminate the need for such medicaid providers to make prescriptions for medicaid recipients by handwriting or telephone. The e-prescribing system also shall provide such medicaid providers with an up-to-date, clinically relevant drug information database and a system of electronically monitoring medicaid recipients' medical history, drug regimen compliance, and fraud and abuse.

(C) ~~If the director establishes~~ **In establishing** an e-prescribing system under division (B) of this section, the director shall do all of the following:

(1) Require that a medicaid provider who is a licensed health professional authorized to prescribe drugs use the e-prescribing system during a fiscal year if the medicaid provider was one of the ten medicaid providers who, during the calendar year that precedes that fiscal year, issued the most prescriptions for medicaid recipients receiving hospital services;

(2) Before the beginning of each fiscal year, determine the ten medicaid providers that issued the most prescriptions for medicaid recipients receiving hospital services during the calendar year that precedes the upcoming fiscal year and notify those medicaid providers that they must use the e-prescribing system for the upcoming fiscal year;

(3) Seek the most federal financial participation available for the development and implementation of the e-prescribing system.

Sec. 5111.093. (A) Not later than January 1, 2010, and each year thereafter, the department of job and family services shall prepare a report on the department's efforts to minimize fraud, waste, and abuse in the medicaid program. In preparing the report, the department shall collaborate with other medicaid program fraud, waste, and abuse personnel from all of the following:

(1) The medicaid fraud control unit of the office of the attorney general;

(2) The fraud and investigative audit group of the auditor of state;

(3) State agencies with which the department contracts under section 5111.91 of the Revised Code to administer one or more components of the medicaid program or one or more aspects of a component;

(4) County departments of job and family services.

(B) Each report shall include at least both of the following with regard to minimizing fraud, waste, and abuse in the medicaid program:

(1) Goals and objectives that are mutually agreed upon by the department and the entities with which it collaborates under division (A) of this section;

(2) Performance measures for monitoring all state and local activities.

(C) Each report shall be made available on the department's web site. Copies of the report shall be made available to the public on request.

Sec. 5111.094. (A) As used in this section, "local medicaid administrative agency" means all of the following:

(1) A county department of job and family services;

(2) A county board of mental retardation and developmental disabilities;

(3) A board of alcohol, drug addiction, and mental health services;

(4) A PASSPORT administrative agency;

(5) A board of education of a city, local, or exempted village school district;

(6) The governing authority of a community school established under Chapter 3314. of the Revised Code.

(B) Each local medicaid administrative agency shall report annually to the department of job and family services and office of budget and management all of the following information regarding the previous calendar year:

(1) The total amount of local government funds the local medicaid administrative agency expended for the medicaid program;

(2) The portion of the total reported under division (B)(1) of this section that represents funds raised by local property tax levies;

(3) The local medicaid administrative agency's total administrative costs for the medicaid program;

(4) The local medicaid administrative agency's administrative costs for the medicaid program for which the agency receives no federal financial participation;

(5) The total amount of state funds provided to the local medicaid administrative agency for the medicaid program.

Sec. 5111.141. (A) The department of job and family services shall implement a disease management component of the medicaid program. Medicaid recipients participating in the care management system established under section 5111.16 of the Revised Code shall be excluded from the disease management component. The department may implement the disease management component as part of the alternative care management program established under section 5111.165 of the Revised Code.

(B) The disease management component shall consist of a system of coordinated health care interventions and patient communications for groups of medicaid recipients who have medical conditions for which the department determines patient self-care efforts are significant. The disease management component shall do all of the following:

(1) Support physicians, the professional relationship between patients and their medical caregivers, and patients' plans of care;

(2) Emphasize prevention of exacerbations and complications of medical conditions using evidence-based practice guidelines and patient empowerment strategies;

(3) Evaluate clinical, humanistic, and economic outcomes on an ongoing basis with the goal of improving overall health.

(C) To the extent the department considers appropriate, contracts that the department enters into with other state agencies under section 5111.91 of the Revised Code shall provide for the other state agencies to include the disease management component in the component of the medicaid program that the other state agency administers pursuant to the contract.

Sec. 5111.142. (A) The department of job and family services shall conduct a review of case management services provided under the fee-for-service component of the medicaid program. In conducting the review, the department shall identify which groups of medicaid recipients not participating in the care management system established under section 5111.16 of the Revised Code or enrolled in a medicaid waiver component as defined in section 5111.85 of the Revised Code do not receive case management services and which groups of such medicaid recipients receive case management services as part of two or more components of the medicaid program or from two or more providers.

After completing the review, the department shall implement a case management component of the medicaid program. The department shall model the case management component on the former enhanced care management program that the department created as part of the care management system established under section 5111.16 of the Revised Code. The department shall make adjustments to the former enhanced care management program as are necessary to accommodate the groups the case management component is to serve.

(B) At a minimum, the case management component shall serve medicaid recipients who are members of the groups identified in the review conducted under this section and have been diagnosed by a physician as having any of the following medical conditions:

(1) A high-risk pregnancy;

(2) Diabetes;

- (3) Asthma;
- (4) Lung disease;
- (5) Congestive heart failure;
- (6) Coronary artery disease;
- (7) Hypertension;
- (8) Hyperlipidemia;
- (9) Infection with the human immunodeficiency virus;
- (10) Acquired immunodeficiency syndrome;
- (11) Chronic obstructive pulmonary disease.

Sec. 5111.165. (A) The department of job and family services shall develop and implement an alternative care management program for medicaid recipients that is separate from the care management program established under section 5111.16 of the Revised Code. The purpose of the program shall be to test and evaluate multiple alternative care management models for providing health care services to medicaid recipients designated under this section as participants in the program.

(B) The program shall be implemented not later than October 1, 2009, or, if by that date the department has not received any necessary federal approval to implement the program, as soon as practicable after receiving the approval. From among the medicaid recipients who are not participants in the care management system established under section 5111.16 of the Revised Code, the department shall designate the medicaid recipients who are required to participate in the alternative care management program established under this section.

(C) The department shall ensure that each alternative care management model included in the program is operated in at least three counties. The department shall select the counties in which each model is to be operated. The department may extend the operation of a model into other counties if the department determines that such an expansion is necessary to evaluate the effectiveness of the model.

The department may periodically alter the requirements, design, or eligible participants in the program in order to test and evaluate the effectiveness of varying care management models for providing medicaid services, except that each model included in the program shall be in effect for a period sufficient in length to evaluate the effectiveness of the model.

(D) The department shall conduct an evaluation of each alternative care management model included in the program. As part of the evaluation, the department shall maintain statistics on physician expenditures, hospital expenditures, preventable hospitalizations, costs for each participant, effectiveness, and health outcomes for participants.

(E) The department shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement this section. The rules shall specify standards and procedures to be used in designating participants of the program."

In line 328, after "101.27," insert "5111.083,"

In line 444, after "5." insert:

"THIRD PARTY LIABILITY - PILOT PROGRAM

(A) As used in this section:

(1) "Medicaid program" means the medical assistance program established under Chapter 5111. of the Revised Code.

(2) "Third party" has the same meaning as in section 5101.571 of the Revised Code.

(B)(1) Except as provided in division (C) of this section and using technology designed to identify all persons liable to pay a claim for a medical item or service, the Director of Job and Family Services shall establish and administer a pilot program for the purpose of identifying third parties that are liable for paying all or a portion of a claim for a medical item or service provided to a Medicaid recipient before the claim is submitted to, or paid by, the Medicaid program. The Director shall determine the duration of the pilot program, except that the Director shall not terminate the program less than eighteen months after it is established.

(2) In administering the pilot program, the Director shall, subject to division (B)(3) of this section, ensure that all aspects of the program comply with Ohio and federal law, including the "Health Insurance Portability and Accountability Act of 1996," Pub. L. No. 104-191, as amended, and regulations promulgated by the United States Department of Health and Human Services to implement the Act.

(3) The Director's duty to ensure compliance with the laws described in division (B)(2) of this section does not prohibit either of the following:

(a) A third party from providing information to the Department of Job and Family Services or disclosing or making use of information as permitted under section 5101.572 of the Revised Code or when required by any other provision of Ohio or federal law;

(b) The Department from using information provided by a third party as permitted in section 5101.572 of the Revised Code or when required by any other provision of Ohio or federal law.

(C)(1) The Director may enter into a contract with any person under which the person serves as the administrator of the pilot program. Before entering into a contract for a pilot program administrator, the Department shall issue a request for proposals from persons seeking to be considered. The Department shall develop a process to be used in issuing the request for

proposals, receiving responses to the request, and evaluating the responses on a competitive basis. In accordance with that process, the Department shall select the person to be awarded the contract.

(2) The Director may delegate to the person awarded the contract any of the Director's powers or duties specified in this section. The terms of the contract shall specify the extent to which the powers or duties are delegated to the pilot program administrator.

(3) In exercising powers or performing duties delegated under the contract, the pilot program administrator is subject to the same provisions of this section that grant the powers or duties to the Director, as well as any limitations or restrictions that are applicable to or associated with those powers or duties.

(4) The terms of a contract for a pilot program administrator shall include a provision that specifies that the Director or any agent of the Director is not liable for the failure of the administrator to comply with a term of the contract, including any term that specifies the administrator's duty to ensure compliance with the laws described in division (B)(1) of this section.

(D) Twelve months after the pilot program is established, the Director shall evaluate the program's effectiveness. As part of this evaluation, the Director shall determine both of the following:

(1) For the twelve months immediately preceding the establishment of the pilot program, all of the following:

(a) The amount of money paid for each Medicaid claim in which no third party liability was indicated by the Medicaid recipient but for which at least one third party was liable to pay all or a portion of the claim, and the amount attributable to each liable party;

(b) The portions of the amounts attributable to each liable third party, described in division (D)(1)(a) of this section, that were recovered by the Director or a person with which the Director has contracted to manage the recovery of money due from liable third parties;

(c) The portions of the amounts attributable to each liable third party, described in division (D)(1)(a) of this section, that would have been identified by the technology used by the pilot program had the technology been used in those twelve months.

(2) For the first twelve months of the pilot program, both of the following:

(a) The items described in divisions (D)(1)(a) and (b) of this section;

(b) The portions of the amounts attributable to each liable third party, described in division (D)(1)(a) of this section, that were identified by the technology used by the pilot program.

(E) Not later than three months after the evaluation required by division

(D) of this section is initiated, the Director shall prepare and submit to the Governor, the Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate a report that summarizes the results of the Director's evaluation of the pilot program. At a minimum, the report shall summarize and compare the determinations made under division (D) of this section, conclude whether the program achieved savings for the Medicaid program, and make a recommendation as to whether the pilot program should be extended or be made permanent.

(F) The Director may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement this section.

Section 6. (A) As used in this section, "community behavioral health services" means both of the following:

(1) Community mental health services certified by the Director of Mental Health under section 5119.611 of the Revised Code;

(2) Services provided by an alcohol and drug addiction program certified by the Department of Alcohol and Drug Addiction Services under section 3793.06 of the Revised Code.

(B) There is hereby created the Medicaid Community Behavioral Health Administration Examination Group. The Examination Group shall consist of all of the following:

(1) The Director of Mental Health or the Director's designee;

(2) The Director of Alcohol and Drug Addiction Services or the Director's designee;

(3) The Director of Job and Family Services or the Director's designee;

(4) Two members of the House of Representatives from different political parties appointed by the Speaker of the House of Representatives;

(5) Two members of the Senate from different political parties appointed by the President of the Senate.

(C) The Directors of Mental Health and Alcohol and Drug Addiction Services, or their designees, shall serve as co-chairpersons of the Examination Group. The Departments of Mental Health and Alcohol and Drug Addiction Services shall provide administrative services to the Examination Group.

(D) Members of the Examination Group shall serve without compensation, except to the extent that serving as members is considered part of their regular employment duties.

(E) The Examination Group shall study the administration and management of Medicaid-covered community behavioral health services. Not later than one year after the effective date of this act, the Examination Group shall submit a report regarding its study to the Governor and, in accordance with section 101.68 of the Revised Code, the General Assembly. The report shall

include all of the following:

(1) Recommendations for system changes needed for the effective administration and management of Medicaid-covered community behavioral health services. The recommendations shall focus on increasing efficiencies, transparency, and accountability in order to improve the delivery of community behavioral health services.

(2) An evaluation of merging the Departments of Mental Health and Alcohol and Drug Addiction Services or of other options to improve the organizational structure used to provide Medicaid-covered community behavioral health services;

(3) An examination of the best practices for providing Medicaid-covered community behavioral health services, using as a reference other state's best practices for providing such services;

(4) An analysis of using a case management program for Medicaid-covered community behavioral health services.

(F) The Examination Group shall cease to exist on submission of its report.

Section 7. "

In line 450, delete "6" and insert "8"

In line 1 of the title, after "101.27," insert "5111.083,"; after "5747.056" insert "and to enact sections 5111.035, 5111.093, 5111.094, 5111.141, 5111.142, and 5111.165"

In line 6 of the title, after the comma, insert "to modify the Medicaid program,"

The question being, "Shall the motion to amend be agreed to?"

Representative Heard moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 54, nays 45, as follows:

Those who voted in the affirmative were: Representatives

Belcher	Bolon	Book	Boyd
Brown	Carney	Celeste	Chandler
DeBose	DeGeeter	Dodd	Domenick
Driehaus	Dyer	Fende	Foley
Garland	Garrison	Gerberry	Goyal
Hagan	Harris	Harwood	Heard
Koziura	Letson	Luckie	Lundy
Mallory	Moran	Murray	Newcomb
Oelslager	Okey	Otterman	Patten
Phillips	Pillich	Pryor	Sayre
Schneider	Skindell	Slesnick	Stewart
Sykes	Szollosi	Ujvagi	Weddington

Williams B. Yuko	Williams S.	Winburn	Yates Budish-54.
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Those who voted in the negative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	Beck
Blair	Blessing	Boose	Bubp
Burke	Coley	Combs	Daniels
Derickson	Dolan	Evans	Gardner
Goodwin	Grossman	Hackett	Hall
Hite	Hottinger	Huffman	Jordan
Lehner	Maag	Mandel	Martin
McClain	McGregor	Mecklenborg	Morgan
Ruhl	Sears	Snitchler	Stautberg
Stebelton	Uecker	Wachtmann	Wagner Zehringer-45.

The motion to amend was laid on the table.
 The question recurring, "Shall the bill as amended pass?"
 Representative Gardner moved to amend as follows:

In line 8, after "101.27," insert "3306.25, 3321.05,"
 Between lines 131 and 132, insert:

"Sec. 3306.25. (A) The superintendent of public instruction shall adopt rules, in accordance with Chapter 119. of the Revised Code, prescribing standards for the expenditure of funds calculated under this chapter and for the reporting of expenditures of those funds for particular funded components, as determined by the superintendent, so that those funds are directed toward the purposes for which they were calculated.

The superintendent shall classify the components into the following categories:

- (1) Core academic strategy components, which shall be considered those components that are fundamental to successful education practices in the twenty-first century for all students;
- (2) Academic improvement components, which shall be considered those components that have been demonstrated to make the greatest improvement in the academic achievement of underperforming students;
- (3) Other components.

The superintendent shall determine the funded components included in each category.

(B) The rules adopted for core academic strategy components under division (A)(1) of this section shall prescribe standards for expenditure and reporting. The rules shall afford districts degrees of flexibility in determining

how to spend funds calculated for the components included in that category depending on the district's current performance rating under section 3302.03 of the Revised Code. The higher the rating, the greater flexibility the rules shall provide. Districts rated excellent shall not be subject to the expenditure standards, but shall comply with the reporting standards.

(C) The rules adopted for academic improvement components under division (A)(2) of this section shall prescribe standards for expenditure and reporting and shall apply only to school districts that have been declared to be in academic emergency or academic watch, under section 3302.03 of the Revised Code, for two or more consecutive years, beginning with the ratings of districts issued under that section in the fiscal year that begins two years prior to the effective date of rules adopted under division (A)(2) of this section.

(D) The rules adopted under division (A)(3) of this section shall prescribe only reporting standards and shall not prescribe spending requirements or standards. The rules shall apply to all school districts.

(E) The rules shall take effect pursuant to a schedule determined by the superintendent. However:

(1) The rules adopted under division (A)(1) of this section prescribing reporting standards for core academic strategy components shall not take effect before July 1, 2010.

(2) The rules adopted under division (A)(1) of this section prescribing expenditure standards for core academic strategy components shall not take effect before July 1, 2011.

(3) The rules adopted under division (A)(2) of this section prescribing reporting standards for academic improvement components shall not take effect before July 1, 2010.

(4) The rules adopted under division (A)(2) of this section prescribing expenditure standards for academic improvement components shall not take effect before July 1, 2011.

(5) The rules adopted under division (A)(3) of this section prescribing reporting standards for other components shall not take effect before July 1, 2010.

(F) ~~Each~~ (1) Except as provided in division (F)(2) of this section, each school district shall comply with each applicable rule adopted under this section beginning on the effective date of that rule.

(2) A district board of education, by a majority vote, may adopt a resolution exempting the district from any applicable rule regarding the expenditure of funds calculated for the core teacher factor and the specialist teacher factor under section 3306.05 of the Revised Code. The resolution shall include a statement identifying cost or space concerns as the basis for adopting the resolution. If a board adopts such a resolution, the board shall not be required

to apply for a waiver under section 3306.40 of the Revised Code to receive an exemption from the rule. The board shall adopt a new resolution in each fiscal year that the board seeks an exemption from the rule.

Sec. 3321.05. (A) As used in this section, "all-day kindergarten" means a kindergarten class that is in session five days per week for not less than the same number of clock hours each day as for students in grades one through six.

(B) Any school district may operate all-day kindergarten or extended kindergarten, but beginning in fiscal year 2011, each city, local, and exempted village school district shall provide all-day kindergarten to each student enrolled in kindergarten, except as specified in divisions (C) and (D) of this section.

(C) The board of education of a school district , by a majority vote, may apply to the superintendent of public instruction for a waiver of adopt a resolution exempting the district from the requirement to provide all-day kindergarten for all kindergarten students. ~~In making the determination to grant or deny the waiver, the state superintendent may consider space concerns or alternative delivery approaches used by the school district~~ The board shall adopt a new resolution in each fiscal year that the board seeks an exemption from the requirement. The resolution shall include a statement identifying cost or space concerns as the basis for adopting the resolution.

(D) No district shall require any student to attend kindergarten for more than one-half of the number of clock hours required each day for grades one through six by the minimum standards adopted under division (D) of section 3301.07 of the Revised Code. Each school district shall accommodate kindergarten students whose parents or guardians elect to enroll them for one-half of the minimum number of hours required each day for grades one through six.

(E) A school district may use space in child day-care centers licensed under Chapter 5104. of the Revised Code to provide all-day kindergarten under this section."

In line 328, after "101.27," insert "3306.25, 3321.05,"

In line 444, after "5." insert:

"The Ohio School Funding Advisory Council established in section 3306.29 of the Revised Code shall identify unfunded or underfunded school funding mandates enacted in Am. Sub. H.B. 1 of the 128th General Assembly and imposed on local schools, community schools, chartered nonpublic schools, and the Department of Education. Following an evaluation of these provisions, the Council shall identify the costs of the mandates and recommend to the Governor and the General Assembly what action the Council deems appropriate, if any, to amend or repeal the mandates. The Council shall convene a meeting for these purposes as soon as practicable following the effective date of this act.

Section 6."

In line 450, delete "6" and insert "7"

In line 1 of the title, after "101.27," insert "3306.25, 3321.05,"

In line 6 of the title, after the comma insert "to allow school district boards of education to adopt a resolution exempting the district from certain spending rules and the requirement to provide all-day kindergarten, to change the duties of the Ohio School Funding Advisory Council,"

The question being, "Shall the motion to amend be agreed to?"

Representative Heard moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 54, nays 45, as follows:

Those who voted in the affirmative were: Representatives

Belcher	Bolon	Book	Boyd
Brown	Carney	Celeste	Chandler
DeBose	DeGeeter	Dodd	Domenick
Driehaus	Dyer	Fende	Foley
Garland	Garrison	Gerberry	Goyal
Hagan	Harris	Harwood	Heard
Koziura	Letson	Luckie	Lundy
Mallory	Moran	Murray	Newcomb
Oelslager	Okey	Otterman	Patten
Phillips	Pillich	Pryor	Sayre
Schneider	Skindell	Slesnick	Stewart
Sykes	Szollosi	Ujvagi	Weddington
Williams B.	Williams S.	Winburn	Yates
Yuko			Budish-54.

Those who voted in the negative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	Beck
Blair	Blessing	Boose	Bubp
Burke	Coley	Combs	Daniels
Derickson	Dolan	Evans	Gardner
Goodwin	Grossman	Hackett	Hall
Hite	Hottinger	Huffman	Jordan
Lehner	Maag	Mandel	Martin
McClain	McGregor	Mecklenborg	Morgan
Ruhl	Sears	Snitchler	Stautberg
Stebelton	Uecker	Wachtmann	Wagner
			Zehringer-45.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

Representative Balderson moved to amend as follows:

In line 444, after "5." insert:

"(A) There is hereby created the Joint Legislative Committee on Ohio Hospital Employment and Sustainability. The Committee shall hold its initial meeting not later than thirty days after the effective date of this section. At the initial meeting, the Committee shall organize by electing either a chairperson or co-chairpersons, whichever the Committee considers appropriate.

(B) The Committee members shall consist of all of the following:

- (1) The chairperson of the House Health Committee;
- (2) The chairperson of the Senate Health, Human Services, and Aging Committee;
- (3) The ranking minority member of the House Health Committee;
- (4) The ranking minority member of the Senate Health, Human Services, and Aging Committee;
- (5) One additional member of the House of Representatives appointed by the Speaker of the House of Representatives;
- (6) One additional member of the Senate appointed by the President of the Senate.

(C) The Committee shall do all of the following:

- (1) Study the impact of the relevant provisions of Am. Sub. H.B. 1 of the 128th General Assembly on the ability of hospitals in Ohio to employ the number of health care personnel and other staff necessary to provide quality health care;
- (2) Consult with the Ohio Hospital Association and hear testimony from the Association regarding the impact of Am. Sub. H.B. 1 of the 128th General Assembly on its member hospitals;
- (3) Report its findings and any recommendations regarding divisions (C)(1) and (C)(2) of this section to the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, President of the Senate, Minority Leader of the Senate, and Governor not later than ninety days following the Committee's initial meeting.

(D) The Committee shall meet as often as necessary to fulfill its duties under this section.

(E) The Committee members shall serve without receiving additional compensation in any manner for serving on the Committee. The Committee shall not incur expenses for materials or staff assistance beyond the expenses for which appropriations were made in Am. Sub. H.B. 1 of the 128th General Assembly.

(F) On submission of the report required under division (C)(3) of this section, the Committee shall cease to exist.

Section 6."

In line 450, delete "6" and insert "7"

The question being, "Shall the motion to amend be agreed to?"

Representative Heard moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 53, nays 46, as follows:

Those who voted in the affirmative were: Representatives

Belcher	Bolon	Book	Boyd
Brown	Carney	Celeste	Chandler
DeBose	DeGeeter	Dodd	Domenick
Driehaus	Dyer	Fende	Foley
Garland	Garrison	Gerberry	Goyal
Hagan	Harris	Harwood	Heard
Koziura	Letson	Luckie	Lundy
Mallory	Moran	Murray	Newcomb
Okey	Otterman	Patten	Phillips
Pillich	Pryor	Sayre	Schneider
Skindell	Slesnick	Stewart	Sykes
Szollosi	Ujvagi	Weddington	Williams B.
Williams S.	Winburn	Yates	Yuko
			Budish-53.

Those who voted in the negative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	Beck
Blair	Blessing	Boose	Bubp
Burke	Coley	Combs	Daniels
Derickson	Dolan	Evans	Gardner
Goodwin	Grossman	Hackett	Hall
Hite	Hottinger	Huffman	Jordan
Lehner	Maag	Mandel	Martin
McClain	McGregor	Mecklenborg	Morgan
Oelslager	Ruhl	Sears	Snitchler
Stautberg	Stebelton	Uecker	Wachtmann
Wagner			Zehringer-46.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

The yeas and nays were taken and resulted - yeas 55, nays 44, as follows:

Those who voted in the affirmative were: Representatives

Belcher	Bolon	Book	Boyd
Brown	Carney	Celeste	Chandler
DeBose	DeGeeter	Dodd	Dolan
Domenick	Driehaus	Dyer	Fende
Foley	Garland	Garrison	Gerberry
Goyal	Hagan	Harris	Harwood
Heard	Koziura	Letson	Luckie
Lundy	Mallory	McGregor	Moran

Murray	Newcomb	Okey	Otterman
Patten	Phillips	Pillich	Pryor
Sayre	Schneider	Skindell	Slesnick
Stewart	Sykes	Szollosi	Ujvagi
Weddington	Williams B.	Williams S.	Winburn
Yates	Yuko		Budish-55.

Those who voted in the negative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	Beck
Blair	Blessing	Boose	Bubp
Burke	Coley	Combs	Daniels
Derickson	Evans	Gardner	Goodwin
Grossman	Hackett	Hall	Hite
Hottinger	Huffman	Jordan	Lehner
Maag	Mandel	Martin	McClain
Mecklenborg	Morgan	Oelslager	Ruhl
Sears	Snitchler	Stautberg	Stebelton
Uecker	Wachtmann	Wagner	Zehringer-44.

The bill passed.

Representative Sykes moved to amend the title as follows:

Add the names: "Chandler, DeBose, Foley, Hagan, Harris, Koziura, Letson, Luckie, Stewart, Szollosi, Ujvagi, Williams, B., Winburn, Yates, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

On motion of Representative Szollosi, the House adjourned until Thursday, October 22, 2009 at 9:00 o'clock a.m.

Attest:

THOMAS L. SHERMAN,
Clerk.