

OHIO

House

of

Representatives

JOURNAL

THURSDAY, APRIL 18, 2013

THIRTY-SECOND DAY

Hall of the House of Representatives, Columbus, Ohio
Thursday, April 18, 2013, 11:00 o'clock a.m.

The House met pursuant to adjournment.

The journal of yesterday was read and approved.

On motion of Representative Buchy, the House recessed.

The House met pursuant to recess.

Prayer was offered by Pastor Jim Case of the Stow Community United Church of Christ in Stow, Ohio, followed by the Pledge of Allegiance to the Flag.

The following guest of the House of Representatives was recognized by Speaker Batchelder prior to the commencement of business:

Scott Howard, a guest of Representative Johnson-90th district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 136-Representative Schuring.

Cosponsors: Representatives Grossman, Cera, Duffey, Fedor, Lynch, Henne, Clyde, Stinziano, Adams, J., Smith, Antonio, Rosenberger, Hagan, C., Gonzales, O'Brien, Butler, Romanchuk, Celebrezze.

To amend sections 184.19 and 5727.81 and to enact section 184.05 of the Revised Code to authorize the Third Frontier Commission to award grants related to the establishment and operation of data centers and the development of a high speed fiber optic network in the state, and to authorize a kilowatt-hour excise tax reduction for electric distribution companies supplying such centers at a discounted rate.

H. B. No. 137-Representative Patmon.

Cosponsors: Representatives Foley, Antonio, Hagan, R., Driehaus, Williams, Recee.

To enact section 2923.26 of the Revised Code to prohibit any transfer of a firearm from a person who is not a federally licensed firearms dealer to a person who is not a federally licensed firearms dealer unless the firearm is transferred through a federally licensed firearms dealer, through a state or local law enforcement agency, or pursuant to a specified exception; to require that background checks be conducted when a firearm is transferred through a federally licensed firearms dealer or through a state or local law enforcement

agency; and to provide for recordkeeping with respect to information obtained pursuant to such a background check.

Said bills were considered the first time.

MOTIONS AND RESOLUTIONS

Representative Grossman moved that majority party members asking leave to be absent or absent the week of Wednesday, April 17, 2013, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Heard moved that minority party members asking leave to be absent or absent the week of Wednesday, April 17, 2013, be excused, so long as a written request is on file in the minority leadership offices.

The motion was agreed to.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 59-Representative Amstutz.

To amend sections 9.03, 9.15, 9.231, 9.239, 9.24, 9.833, 9.90, 9.901, 101.39, 101.391, 103.144, 105.41, 107.033, 107.12, 109.06, 109.36, 109.57, 109.572, 109.71, 109.746, 109.77, 109.85, 109.86, 109.90, 111.02, 111.15, 111.28, 113.02, 113.061, 117.03, 117.10, 117.20, 119.01, 120.06, 121.02, 121.03, 121.11, 121.22, 121.35, 121.37, 121.372, 122.075, 122.083, 122.17, 122.28, 122.30, 122.31, 122.32, 122.33, 122.34, 122.35, 122.36, 122.657, 122.658, 122.66, 122.67, 122.68, 122.69, 122.70, 122.701, 122.76, 122.861, 123.01, 123.10, 123.11, 123.201, 123.21, 123.27, 124.11, 124.14, 124.18, 124.30, 124.341, 124.381, 124.57, 125.05, 125.21, 125.212, 125.28, 125.602, 125.603, 125.832, 125.836, 126.07, 126.14, 126.32, 126.35, 126.45, 126.46, 126.47, 126.48, 127.14, 127.16, 133.01, 133.06, 135.80, 140.01, 140.03, 140.05, 145.01, 145.012, 145.22, 149.01, 149.311, 149.43, 151.11, 152.09, 153.692, 154.01, 154.17, 154.20, 154.22, 154.23, 154.25, 156.02, 156.03, 156.04, 156.05, 164.27, 166.02, 166.03, 166.04, 166.08, 166.25, 169.02, 173.03, 173.14, 173.17, 173.19, 173.20, 173.21, 173.23, 173.25, 173.26, 173.27, 173.28, 173.39, 173.391, 173.392, 173.394, 173.40, 173.401, 173.402, 173.403, 173.404, 173.42, 173.43, 173.431, 173.432, 173.434, 173.45, 173.47, 173.48, 173.50, 173.501, 173.99, 189.04, 189.06, 191.01, 191.02, 191.04, 191.06, 301.28, 305.23, 307.07, 307.673, 307.674, 307.86, 309.09, 317.08, 317.32, 317.321, 317.36, 321.35, 321.44, 329.04, 329.051, 329.06, 329.14, 339.02, 339.05, 339.06, 339.07, 340.01, 340.011, 340.02, 340.021, 340.03, 340.031, 340.032, 340.04, 340.05, 340.07, 340.09, 340.091, 340.10, 340.11, 340.12, 340.13, 340.15, 340.16, 341.192, 351.021, 715.691, 718.01, 718.03, 721.01, 721.03, 731.091, 737.41, 742.14, 755.06, 901.21, 901.22, 901.23, 903.11, 903.99, 905.06, 909.15, 924.06, 927.54, 955.201, 956.07, 956.18,

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(5162.23), 5111.121 (5162.24), 5111.13 (5164.85), 5111.14 (5164.88), 5111.141 (5164.89), 5111.15 (5163.20), 5111.151 (5163.21), 5111.16 (5167.03), 5111.161 (5167.031), 5111.162 (5167.20), 5111.163 (5167.201), 5111.17 (5167.10), 5111.1710 (5167.14), 5111.171 (5167.31), 5111.1711 (5167.30), 5111.172 (5167.12), 5111.173 (5167.40), 5111.174 (5167.41), 5111.175 (5167.26), 5111.177 (5167.11), 5111.178 (5167.25), 5111.179 (5167.13), 5111.18 (5164.86), 5111.181 (5163.22), 5111.19 (5164.74), 5111.191 (5164.741), 5111.20 (5165.01), 5111.201 (5165.011), 5111.202 (5165.03), 5111.203 (5165.031), 5111.204 (5165.04), 5111.21 (5165.06), 5111.212 (5165.35), 5111.22 (5165.07), 5111.221 (5165.37), 5111.222 (5165.15), 5111.223 (5165.071), 5111.224 (5124.15), 5111.225 (5165.155), 5111.226 (5124.02), 5111.23 (5124.19), 5111.231 (5165.19), 5111.232 (5165.192), 5111.233 (5124.194), 5111.235 (5124.23), 5111.24 (5165.16), 5111.241 (5124.21), 5111.242 (5165.21), 5111.244 (5165.25), 5111.245 (5165.26), 5111.246 (5165.23), 5111.25 (5165.17), 5111.251 (5124.17), 5111.254 (5165.151), 5111.255 (5124.151), 5111.257 (5165.28), 5111.258 (5165.153), 5111.259 (5165.156), 5111.26 (5165.10), 5111.261 (5165.107), 5111.262 (5165.47), 5111.263 (5124.29), 5111.264 (5165.30), 5111.265 (5165.29), 5111.266 (5165.101), 5111.27 (5165.108), 5111.271 (5165.1010), 5111.28 (5165.40), 5111.29 (5165.38), 5111.291 (5124.155), 5111.30 (5165.073), 5111.31 (5165.08), 5111.32 (5165.081), 5111.33 (5124.34), 5111.331 (5165.34), 5111.35 (5165.60), 5111.36 (5165.61), 5111.37 (5165.62), 5111.38 (5165.63), 5111.39 (5165.64), 5111.40 (5165.65), 5111.41 (5165.66), 5111.411 (5165.67), 5111.42 (5165.68), 5111.43 (5165.69), 5111.44 (5165.70), 5111.45 (5165.71), 5111.46 (5165.72), 5111.47 (5165.73), 5111.48 (5165.74), 5111.49 (5165.75), 5111.50 (5165.76), 5111.51 (5165.77), 5111.511 (5165.78), 5111.52 (5165.79), 5111.53 (5165.80), 5111.54 (5165.81), 5111.55 (5165.82), 5111.56 (5165.83), 5111.57 (5165.84), 5111.58 (5165.85), 5111.59 (5165.86), 5111.60 (5165.87), 5111.61 (5165.88), 5111.62 (5162.66), 5111.63 (5165.89), 5111.66 (5165.50), 5111.661 (5165.501), 5111.67 (5165.51), 5111.671 (5165.511), 5111.672 (5165.512), 5111.673 (5165.513), 5111.674 (5165.514), 5111.675 (5165.515), 5111.676 (5165.516), 5111.677 (5165.517), 5111.68 (5165.52), 5111.681 (5165.521), 5111.682 (5165.522), 5111.683 (5165.523), 5111.684 (5165.524), 5111.685 (5165.525), 5111.686 (5165.526), 5111.687 (5165.527), 5111.688 (5165.528), 5111.689 (5165.53), 5111.71 (5162.36), 5111.711 (5162.361), 5111.712 (5162.362), 5111.713 (5162.363), 5111.714 (5162.64), 5111.715 (5162.364), 5111.84 (5166.03), 5111.85 (5166.02), 5111.851 (5166.04), 5111.852 (5166.05), 5111.853 (5166.06), 5111.854 (5166.07), 5111.855 (5166.08), 5111.856 (5166.10), 5111.86 (5166.11), 5111.861 (5166.12), 5111.862 (5166.121), 5111.863 (5166.13), 5111.864 (5166.14), 5111.865 (5166.141), 5111.87 (5166.20), 5111.871 (5166.21), 5111.872 (5166.22), 5111.873 (5166.23), 5111.874 (5124.60), 5111.875 (5124.61), 5111.876 (5124.62), 5111.877 (5124.63), 5111.878 (5124.64), 5111.879 (5124.65), 5111.88 (5166.30), 5111.881 (5166.301), 5111.882 (5166.302), 5111.883 (5166.303), 5111.884 (5166.304), 5111.885 (5166.305), 5111.886 (5166.306), 5111.887 (5166.307),

5111.888 (5166.308), 5111.889 (5166.309), 5111.8810 (5166.3010), 5111.89 (173.54), 5111.891 (173.541), 5111.892 (173.544), 5111.893 (173.547), 5111.894 (173.542), 5111.90 (5162.32), 5111.91 (5162.35), 5111.911 (5162.37), 5111.912 (5162.371), 5111.914 (5164.58), 5111.915 (5162.11), 5111.92 (5162.40), 5111.93 (5162.41), 5111.94 (5162.54), 5111.941 (5162.52), 5111.943 (5162.50), 5111.944 (5162.58), 5111.945 (5162.56), 5111.96 (5164.90), 5111.97 (5166.35), 5111.98 (5162.031), 5111.981 (5164.91), 5111.982 (5167.21), 5111.99 (5165.99), 5112.01 (5168.01), 5112.03 (5168.02), 5112.04 (5168.05), 5112.05 (5168.03), 5112.06 (5168.06), 5112.07 (5168.07), 5112.08 (5168.09), 5112.09 (5168.08), 5112.10 (5168.04), 5112.11 (5168.10), 5112.17 (5168.14), 5112.18 (5168.11), 5112.19 (5168.12), 5112.21 (5168.13), 5112.30 (5168.60), 5112.31 (5168.61), 5112.32 (5168.62), 5112.33 (5168.63), 5112.331 (5168.64), 5112.34 (5168.65), 5112.341 (5168.66), 5112.35 (5168.67), 5112.37 (5168.68), 5112.371 (5168.69), 5112.38 (5168.70), 5112.39 (5168.71), 5112.40 (5168.20), 5112.41 (5168.21), 5112.42 (5168.22), 5112.43 (5168.23), 5112.44 (5168.24), 5112.45 (5168.25), 5112.46 (5168.26), 5112.47 (5168.27), 5112.48 (5168.28), 5112.99 (5168.99), 5112.991 (5168.991), 5119.01 (5119.10), 5119.012 (5119.141), 5119.02 (5119.14), 5119.06 (5119.21), 5119.061 (5119.40), 5119.07 (5119.11), 5119.071 (5119.18), 5119.072 (5119.181), 5119.08 (5119.182), 5119.10 (5119.184), 5119.101 (5191.185), 5119.11 (5119.186), 5119.12 (5119.187), 5119.14 (5119.08), 5119.16 (5119.44), 5119.161 (5119.45), 5119.17 (5119.51), 5119.18 (5119.46), 5119.20 (5119.33), 5119.201 (5119.331), 5119.202 (5119.332), 5119.21 (5119.333), 5119.22 (5119.34), 5119.221 (5119.342), 5119.23 (5119.31), 5119.24 (5119.15), 5119.27 (5119.05), 5119.30 (5119.09), 5119.33 (5119.54), 5119.34 (5119.50), 5119.35 (5119.56), 5119.351 (5119.55), 5119.36 (5119.52), 5119.42 (5119.07), 5119.43 (5119.06), 5119.44 (5119.051), 5119.46 (5119.60), 5119.50 (5119.70), 5119.51 (5119.71), 5119.52 (5119.72), 5119.53 (5119.73), 5119.57 (5119.29), 5119.60 (5119.32), 5119.61 (5119.22), 5119.611 (5119.36), 5119.612 (5119.37), 5119.613 (5119.361), 5119.62 (5119.23), 5119.621 (5119.24), 5119.622 (5119.25), 5119.63 (5119.42), 5119.631 (5119.421), 5119.69 (5119.41), and 5119.691 (5119.411); to enact new sections 3313.481, 3317.014, 3317.02, 3317.022, 3317.0217, 3317.051, 3317.16, 3327.02, 3345.81, and 3737.883, and sections 1.611, 101.392, 121.483, 122.681, 123.19, 125.27, 149.60, 149.63, 151.50, 173.51, 173.522, 173.523, 173.543, 173.545, 173.546, 173.56, 173.60, 191.061, 340.08, 353.01 to 353.16, 511.261, 517.271, 721.29, 903.30, 991.041, 1545.23, 2329.192, 3301.80, 3302.26, 3310.032, 3310.035, 3313.5311, 3313.5312, 3313.848, 3314.042, 3314.082, 3314.086, 3314.092, 3314.29, 3317.016, 3317.017, 3317.0213, 3317.0214, 3317.161, 3317.40, 3319.031, 3326.112, 3327.07, 3328.27, 3333.049, 3333.124, 3333.342, 3333.613, 3345.48, 3350.15, 3365.022, 3701.033, 3701.5010, 3701.541, 3701.94, 3701.941, 3701.942, 3701.943, 3701.944, 3701.95, 3702.302, 3702.303, 3702.304, 3702.305, 3702.306, 3702.307, 3714.074, 3721.072, 3735.661, 3772.092, 3772.36, 4143.01, 4143.02, 4143.03, 4143.04, 4143.05, 4143.06, 4143.07, 4143.08, 4143.09,

4143.99, 4503.524, 4503.732, 4507.021, 4729.542, 4751.042, 4751.14, 5101.101, 5101.804, 5119.28, 5119.341, 5123.023, 5124.01, 5124.03, 5124.05, 5124.06, 5124.07, 5124.071, 5124.072, 5124.08, 5124.081, 5124.10, 5124.101, 5124.102, 5124.103, 5124.104, 5124.105, 5124.106, 5124.107, 5124.108, 5124.109, 5124.152, 5124.153, 5124.154, 5124.191, 5124.192, 5124.193, 5124.25, 5124.28, 5124.30, 5124.31, 5124.32, 5124.33, 5124.35, 5124.37, 5124.38, 5124.40, 5124.41, 5124.42, 5124.43, 5124.44, 5124.45, 5124.46, 5124.50, 5124.51, 5124.511, 5124.512, 5124.513, 5124.514, 5124.515, 5124.516, 5124.517, 5124.52, 5124.521, 5124.522, 5124.523, 5124.524, 5124.525, 5124.526, 5124.527, 5124.528, 5124.53, 5124.99, 5126.131, 5160.01, 5160.011, 5160.02, 5160.021, 5160.03, 5160.04, 5160.05, 5160.051, 5160.052, 5160.06, 5160.10, 5160.11, 5160.12, 5160.13, 5160.16, 5160.20, 5160.21, 5160.22, 5160.23, 5160.30, 5160.31, 5160.36, 5160.371, 5160.46, 5160.47, 5160.48, 5160.481, 5160.50, 5160.52, 5160.99, 5161.01, 5162.01, 5162.02, 5162.021, 5162.022, 5162.05, 5162.06, 5162.07, 5162.12, 5162.31, 5162.60, 5162.62, 5163.01, 5163.03, 5163.04, 5163.05, 5163.06, 5163.061, 5163.07, 5163.08, 5164.01, 5164.03, 5164.30, 5164.33, 5164.55, 5164.59, 5164.60, 5164.61, 5164.71, 5164.72, 5164.73, 5164.83, 5165.02, 5165.072, 5165.082, 5165.102, 5165.103, 5165.104, 5165.105, 5165.106, 5165.109, 5165.152, 5165.154, 5165.191, 5165.193, 5165.32, 5165.33, 5165.41, 5165.42, 5165.43, 5165.44, 5165.45, 5165.46, 5165.49, 5165.771, 5166.01, 5166.16, 5167.01, 5167.02, 5167.032, 5167.121, 5168.41, 5703.75, 5703.76, 5703.90, 5705.55, 5735.013, 5739.081, 5741.032, 5910.08, and 5919.342; and to repeal sections 122.076, 122.15, 122.151, 122.152, 122.153, 122.154, 122.29, 122.97, 123.23, 125.837, 125.838, 166.22, 166.28, 173.425, 173.433, 183.28, 184.04, 340.022, 340.033, 340.06, 340.14, 1513.371, 1531.34, 1547.721, 1547.722, 1547.723, 1547.724, 1547.725, 1547.726, 3302.043, 3313.481, 3313.482, 3313.4811, 3314.088, 3314.13, 3317.012, 3317.014, 3317.018, 3317.02, 3317.022, 3317.029, 3317.0217, 3317.051, 3317.052, 3317.053, 3317.11, 3317.13, 3317.16, 3317.62, 3317.63, 3317.64, 3318.023, 3323.16, 3326.39, 3327.02, 3345.81, 3353.09, 3353.15, 3353.20, 3383.02, 3383.03, 3383.04, 3383.05, 3383.06, 3383.08, 3383.09, 3701.072, 3701.263, 3701.343, 3701.90, 3701.901, 3701.902, 3701.903, 3701.904, 3701.905, 3701.906, 3701.907, 3721.026, 3793.02, 3793.03, 3793.04, 3793.041, 3793.05, 3793.06, 3793.061, 3793.08, 3793.09, 3793.19, 3793.20, 3793.21, 3793.99, 5101.503, 5101.514, 5101.515, 5101.518, 5101.523, 5101.525, 5101.526, 5101.528, 5101.529, 5111.012, 5111.014, 5111.015, 5111.0110, 5111.0111, 5111.0113, 5111.0115, 5111.0120, 5111.0121, 5111.0122, 5111.0123, 5111.0124, 5111.0125, 5111.176, 5111.211, 5111.236, 5111.65, 5111.70, 5111.701, 5111.702, 5111.703, 5111.704, 5111.705, 5111.706, 5111.707, 5111.708, 5111.709, 5111.7011, 5111.83, 5111.8710, 5111.8811, 5111.913, 5111.942, 5111.946, 5119.011, 5119.013, 5119.03, 5119.05, 5119.47, 5119.623, 5119.64, 5119.65, 5119.66, 5119.67, 5119.68, 5707.05, 5727.41, 5733.35, 5747.211, 5747.33, 6101.451, and 6111.029 of the Revised Code; to amend Section 205.10 of Am. Sub. H.B. 51 of the 130th General Assembly; to amend Sections 201.80 and 509.40 of Sub. H.B. 482 of

the 129th General Assembly; to amend Section 4 of Sub. S.B. 171 of the 129th General Assembly, as subsequently amended; to amend Section 105.05 of Am. Sub. H.B. 2 of the 128th General Assembly; to repeal Section 267.60.31 of Am. Sub. H.B. 153 of the 129th General Assembly; to repeal Section 125.10 of Am. Sub. H.B. 1 of the 128th General Assembly as subsequently amended; to repeal Section 153 of Am. Sub. H.B. 117 of the 121st General Assembly as subsequently amended; to amend Sections 203.90.10 and 203.90.20 of Sub. S.B. 312 of the 129th General Assembly; to amend the versions of sections 109.57, 2151.011, 2923.126, 5104.012, 5104.013, 5104.03, 5104.08, and 5104.32 of the Revised Code that are scheduled to take effect January 1, 2014, to continue the provisions of this act on and after that effective date; to amend the versions of sections 4501.01 and 4507.06 of the Revised Code that are scheduled to take effect January 1, 2017, to continue the provisions of this act on and after that effective date; to amend section 3313.88 of the Revised Code as it results from Section 101.01 of this act for the purpose of adopting new section number 3313.482 on July 1, 2014; to make operating appropriations for the biennium beginning July 1, 2013, and ending June 30, 2015; to provide authorization and conditions for the operation of state programs; to repeal sections 5168.20, 5168.21, 5168.22, 5168.23, 5168.24, 5168.25, 5168.26, 5168.27, and 5168.28 of the Revised Code on October 1, 2015, to terminate the operation of those sections on that date; and to repeal sections 5168.01, 5168.02, 5168.03, 5168.04, 5168.05, 5168.06, 5168.07, 5168.08, 5168.09, 5168.10, 5168.11, 5168.12, 5168.13, 5168.99, and 5168.991 of the Revised Code on October 16, 2015, to terminate the operation of those sections on that date, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Antonio moved to amend as follows:

In line 925, after "5162.12," insert "5162.201,"

In line 926, after "5163.04," insert "5163.041,"

Between lines 94186 and 94187, insert:

" **Sec. 5162.201.** (A) If the medicaid program covers the group, or any subgroup of the group, specified in section 5163.04 of the Revised Code, the cost-sharing requirements instituted under section 5162.20 of the Revised Code do not apply to any member of the group or subgroup who has countable income exceeding one hundred per cent of the federal poverty line. Instead, the department of medicaid shall institute cost-sharing requirements for such members of the group or subgroup in accordance with this section.

(B) In instituting cost-sharing requirements under this section, all of the following apply:

(1) The requirements shall not apply to any individual exempt from the

requirements pursuant to the "Social Security Act," sections 1916 and 1916A, 42 U.S.C. 1396o and 1396o-1.

(2) The copayment amounts for drugs shall be not less than the copayment amounts for drugs established under the cost-sharing requirements instituted under section 5162.20 of the Revised Code.

(3) The copayment amount for nonemergency emergency department services shall be higher than the copayment amount for nonemergency emergency department services established under the cost-sharing requirements instituted under section 5162.20 of the Revised Code;

(4) Copayments shall be established for at least all other types of medicaid services that are subject to copayments included in the cost-sharing requirements instituted under section 5162.20 of the Revised Code and the copayment amounts for those services may be higher than the copayment amounts for those services under the cost-sharing requirements established under that section.

(C) All of the following apply to the cost-sharing requirements instituted under this section:

(1) Subject to division (C)(2) of this section, a medicaid provider may refuse to provide a medicaid service to a medicaid recipient who fails to pay the copayment for the service if the recipient is subject to the copayment requirement;

(2) Before refusing to provide a medicaid service under division (C)(1) of this section, a medicaid provider shall inform the medicaid recipient whether an alternative medicaid service for which there is no copayment is available;

(3) A medicaid provider may attempt to collect unpaid copayments;

(4) A medicaid provider shall not waive a medicaid recipient's obligation to pay a copayment;

(5) In the case of a medicaid provider that is a hospital, the provider may take action to collect a copayment by providing, at the time the provider provides hospital services to a medicaid recipient subject to the copayment requirement, notice that a copayment may be owed."

In line 95041, after "**5163.04.**" delete the balance of the line

Delete lines 95042 through 95045

In line 95046, delete " waiver component on or after February 5, 2013" and insert " Subject to section 5163.041 of the Revised Code, the medicaid program may cover the group, or one or more subgroups of the group, described in the "Social Security Act," section 1902(a)(10)(A)(i)(VIII), 42 U.S.C. 1396a(a)(10)(A)(i)(VIII), if the federal medical assistance percentage for expenditures for medicaid services provided to the group or subgroup is at least the amount specified in the "Social Security Act," section 1905(y), 42 U.S.C.

1396d(y), as of March 30, 2010"

Between lines 95046 and 95047, insert:

" **Sec. 5163.041.** (A) The medicaid program shall cease to cover the group, and any subgroup of the group, specified in section 5163.04 of the Revised Code if the federal medical assistance percentage for expenditures for medicaid services provided to the group or subgroup is lowered to an amount below the amount specified in the "Social Security Act," section 1905(y), 42 U.S.C. 1396d(y), as of March 30, 2010. If the medicaid program ceases to cover the group, or any subgroup of the group pursuant to this division, each individual enrolled in medicaid as part of the group or subgroup shall be disenrolled from medicaid on the first day of the month following the effective date of the federal medical assistance percentage's reduction unless the individual meets the eligibility requirements for another eligibility group or subgroup.

(B)(1) If federal law or the United States department of health and human services requires the state to reduce or eliminate any tax, the medicaid director may do either of the following regarding the eligibility group, and any subgroup of the group, specified in section 5163.04 of the Revised Code:

(a) Terminate the medicaid program's coverage of the eligibility group or subgroup;

(b) Alter the eligibility requirements for the group or subgroup in a manner that causes fewer individuals to meet the eligibility requirements.

(2) If the medicaid director terminates the medicaid program's coverage of the group or subgroup pursuant to division (B)(1)(a) of this section, each individual enrolled in medicaid as part of the group or subgroup shall be disenrolled from medicaid on a date the director specifies unless the individual meets the eligibility requirements for another eligibility group or subgroup.

(3) If the medicaid director alters the group's or subgroup's eligibility requirements pursuant to division (B)(1)(b) of this section, each individual enrolled in medicaid as part of the group or subgroup shall be disenrolled from medicaid on a date the director specifies unless the individual meets the altered eligibility requirements or meets the eligibility requirements for another eligibility group or subgroup.

(C) Notwithstanding section 5160.31 of the Revised Code, an individual's disenrollment from medicaid pursuant to this section is not subject to appeal under that section."

In line 131523, delete "\$4,746,891,777 \$4,990,922,135" and insert "\$4,661,096,857 \$4,816,620,085"

In line 131524, delete "\$8,999,112,239 \$9,313,588,718" and insert "\$9,410,231,726 \$11,002,703,968"

In line 131525, delete "\$13,746,004,016 \$14,304,510,853" and insert "\$14,071,328,583 \$15,819,324,053"

In line 131528, delete "\$5,205,573,218 \$5,472,357,289" and insert "\$5,119,778,298 \$5,298,055,239"

In line 131529, delete "\$8,999,112,239 \$9,313,588,718" and insert "\$9,410,231,726 \$11,002,703,968"

In line 131530, delete "\$14,204,685,457 \$14,785,946,007" and insert "\$14,530,010,024 \$16,300,759,207"

In line 131554, delete "\$21,120,538,947 \$22,171,888,497" and insert "\$21,445,863,514 \$23,686,701,697"

In line 135911, delete "\$243,289,774 \$254,139,452" and insert "\$234,289,774 \$236,139,452"

In line 135913, delete "\$1,496,839,928 \$1,497,794,707" and insert "\$1,487,839,928 \$1,479,794,707"

In line 135932, delete "\$1,581,403,588 \$1,577,868,556" and insert "\$1,572,403,588 \$1,559,868,556"

In line 475 of the title, after "5162.12," insert "5162.201,"

In line 477 of the title, after "5163.04," insert "5163.041,"

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

Representative Huffman 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 58, nays 39, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Beck	Becker	Blair
Blessing	Boose	Brenner	Brown
Buchy	Burkley	Butler	Conditt
Damschroder	DeVitis	Derickson	Dovilla
Duffey	Gonzales	Green	Grossman
Hackett	Hagan, C.	Hall	Hayes
Henne	Hill	Hood	Hottinger
Huffman	Kunze	Landis	Lynch
Maag	McClain	McGregor	Pelanda
Perales	Retherford	Roegner	Romanchuk
Rosenberger	Ruhl	Scherer	Schuring
Sears	Slaby	Smith	Sprague
Stautberg	Stebelton	Thompson	Wachtmann
Young			Batchelder-58.

Those who voted in the negative were: Representatives

Antonio	Ashford	Barborak	Barnes
Bishoff	Boyce	Budish	Carney
Celebrezze	Cera	Clyde	Curtin
Driehaus	Fedor	Foley	Gerberry

Hagan, R.	Heard	Johnson	Letson
Lundy	Mallory	Milkovich	O'Brien
Patmon	Patterson	Phillips	Pillich
Ramos	Redfern	Reece	Rogers
Slesnick	Stinziano	Strahorn	Sykes
Szollosi	Williams		Winburn-39.

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

Representative Amstutz moved to amend as follows:

In line 610, delete "3313.6011,"

In line 648, delete "4112.01,"

Delete lines 43887 through 43980

Delete lines 66419 through 66572

Between lines 67115 and 67116, insert:

" (R) This section does not apply to a religious corporation, association, educational institution, or society with respect to the employment of an individual of a particular religion to perform work connected with the carrying on by that religious corporation, association, educational institution, or society of its activities."

In line 122735, delete "3313.6011,"

In line 122773, delete "4112.01,"

In line 128320, delete everything after "plan"

Delete lines 128321 and 128322

In line 128323, delete "College and Careers and other" and insert "to facilitate"

In line 137484, after "201.80" insert ", 205.83,"

Between lines 137513 and 137514, insert:

"Sec. 205.83. The Ohio Public Facilities Commission is hereby authorized to issue and sell, in accordance with Section 2o and 2q of Article VIII, Ohio Constitution, and pursuant to sections 151.01 and 151.09 of the Revised Code, original obligations of the state in an aggregate principal amount not to exceed \$ ~~6,000,000~~ 9,250,000 in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued and sold from time to time, subject to applicable constitutional and statutory limitations, as needed to ensure sufficient moneys to the credit of the Clean Ohio Trail Fund (Fund 7061) to pay costs of conservation projects."

In line 137544, after "201.80" insert ", 205.83,"

Between lines 137545 and 137546, insert:

"**Section 610.14.** That Sections 301.11, 301.12, and 301.13 of Am. Sub. H.B. 487 of the 129th General Assembly be amended to read as follows:

Sec. 301.11. The items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Clean Ohio Conservation Fund (Fund 7056) that are not otherwise appropriated.

Appropriations

PWC PUBLIC WORKS COMMISSION

C15060	Clean Ohio Conservation	\$	36,000,000 <u>55,500,000</u>
	Total Public Works Commission	\$	36,000,000 <u>55,500,000</u>
	TOTAL Clean Ohio Conservation Fund	\$	36,000,000 <u>55,500,000</u>

The foregoing appropriation item C15060, Clean Ohio Conservation, shall be used in accordance with sections 164.20 to 164.27 of the Revised Code. If the Public Works Commission receives refunds due to project overpayments that are discovered during the post-project audit, the Director of the Public Works Commission may certify to the Director of Budget and Management that refunds have been received. If the Director of Budget and Management determines that the project refunds are available to support additional appropriations, such amounts are hereby appropriated.

Sec. 301.12. The items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Clean Ohio Agricultural Easement Fund (Fund 7057) that are not otherwise appropriated.

Appropriations

AGR DEPARTMENT OF AGRICULTURE

C70009	Clean Ohio Agricultural Easements	\$	6,000,000 <u>9,250,000</u>
	Total Department of Agriculture	\$	6,000,000 <u>9,250,000</u>
	TOTAL Clean Ohio Agricultural Easement Fund	\$	6,000,000 <u>9,250,000</u>

Sec. 301.13. (A) The Ohio Public Facilities Commission is hereby authorized to issue and sell, in accordance with Section 2o and 2q of Article VIII, Ohio Constitution, and pursuant to sections 151.01 and 151.09 of the Revised Code, original obligations of the state in an aggregate principal amount not to exceed \$ ~~36,000,000~~ 55,500,000 in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued and sold from time to time, subject to applicable constitutional and statutory limitations, as needed to ensure sufficient moneys to the credit of the Clean Ohio Conservation Fund (Fund 7056) to pay costs of conservation projects.

(B) The Ohio Public Facilities Commission is hereby authorized to issue and sell, in accordance with Section 2o and 2q of Article VIII, Ohio

Constitution, and pursuant to sections 151.01 and 151.09 of the Revised Code, original obligations of the state in an aggregate principal amount not to exceed \$ ~~6,000,000~~ 9,250,000 in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued and sold from time to time, subject to applicable constitutional and statutory limitations, as needed to ensure sufficient moneys to the credit of the Clean Ohio Agricultural Easement Fund (Fund 7057) to pay costs of conservation projects.

Section 610.15. That existing Sections 301.11, 301.12, and 301.13 of Am. Sub. H.B. 487 of the 129th General Assembly are hereby repealed.

Section 610.16. That Section 205.80 of Sub. H.B. 482 of the 129th General Assembly, as amended by Am. Sub. H.B. 487 of the 129th General Assembly, be amended to read as follows:

Sec. 205.80. The items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Clean Ohio Trail Fund (Fund 7061) that are not otherwise appropriated.

DNR DEPARTMENT OF NATURAL RESOURCES

Appropriations

C72514	Clean Ohio Local Grants	\$	6,000,000 <u>9,250,000</u>
	Total Department of Natural Resources	\$	6,000,000 <u>9,250,000</u>
	TOTAL Clean Ohio Trail Fund	\$	6,000,000 <u>9,250,000</u>

Section 610.17. That existing Section 205.80 of Sub. H.B. 482 of the 129th General Assembly, as amended by Am. Sub. H.B. 487 of the 129th General Assembly, is hereby repealed."

In line 68 of the title, delete "3313.6011,"

In line 119 of the title, delete "4112.01,"

In line 522 of the title, after "201.80" insert ", 205.83,"

In line 523 of the title, after the semicolon insert "to amend Sections 301.11, 301.12, and 301.13 of Am. Sub. H.B. 487 of the 129th General Assembly; to amend Section 205.80 of Sub. H.B. 482 of the 129th General Assembly, as subsequently amended;"

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

The yeas and nays were taken and resulted - yeas 76, nays 19, as follows:

Those who voted in the affirmative were: Representatives

- | | | | |
|----------|----------|----------|----------|
| Adams J. | Adams R. | Amstutz | Anielski |
| Ashford | Baker | Barborak | Barnes |
| Beck | Becker | Bishoff | Blair |
| Blessing | Boose | Brenner | Brown |
| Buchy | Burkley | Butler | Carney |
| Cera | Clyde | Conditt | Curtin |

Damschroder	DeVitis	Derickson	Dovilla
Driehaus	Duffey	Gerberry	Gonzales
Green	Grossman	Hackett	Hagan, C.
Hall	Hayes	Henne	Hill
Hottinger	Huffman	Johnson	Kunze
Landis	Letson	Lundy	Lynch
Maag	McClain	McGregor	Milkovich
O'Brien	Patmon	Patterson	Pelanda
Perales	Retherford	Roegner	Rogers
Romanchuk	Rosenberger	Ruhl	Scherer
Schuring	Sears	Slaby	Slesnick
Smith	Sprague	Stautberg	Stebelton
Thompson	Wachtmann	Young	Batchelder-76.

Those who voted in the negative were: Representatives

Antonio	Budish	Celebrezze	Fedor
Foley	Hagan, R.	Heard	Mallory
Phillips	Pillich	Ramos	Redfern
Reece	Stinziano	Strahorn	Sykes
Szollosi	Williams		Winburn-19.

The motion was agreed to and the bill so amended.

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

Representative Sears moved to amend as follows:

Between lines 131812 and 131813, insert:

"Section 323. ____ . PROPOSAL TO REFORM MEDICAID AND OHIO'S HEALTH CARE DELIVERY SYSTEM

(A) Legislation shall be introduced in the House of Representatives to reform the Medicaid program and Ohio's health care delivery system. The Director of the Governor's Office of Health Transformation and the Medicaid Director shall provide assistance in developing the legislation. The legislation shall include, but not be limited to, all of the following:

(1) A focus on individuals who have the greatest potential to obtain the income and resources that would enable them to cease enrollment in Medicaid and instead obtain health care coverage through employer-sponsored health insurance or the health insurance marketplace;

(2) Strategies to lower Medicaid caseloads by promoting employment-related services available under Medicaid, including Medicaid managed care, and promoting other programs that offer workforce readiness, educational, and wellness services;

(3) Provisions that seek to do both of the following:

(a) Lower net state and federal costs for the Medicaid program;

(b) Reduce the number of individuals who enroll in Medicaid over time.

(B) The legislation may call for amending the state Medicaid plan, obtaining a waiver under the "Social Security Act," section 1115, 42 U.S.C. 1315, or a combination of the two. Subject to division (c) of this section, the Medicaid Director may submit to the United States Department of Health and Human Services a state Medicaid plan amendment, a request for a section 1115 waiver, or a combination of the two.

(C) Not sooner than September 15, 2013, and not later than October 1, 2013, the Directors shall submit to the General Assembly the terms of any federal approval obtained for the reform. The Directors shall not begin implementation of the reform unless the General Assembly enacts legislation authorizing implementation. If the General Assembly does not enact such legislation on or before December 31, 2013, the Directors shall cease any activity regarding this reform, including pursuing a Medicaid plan amendment, section 1115 waiver, or combination of the two."

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

Representative Foley moved to amend the amendment as follows:

Delete lines 1 through 40 of the amendment and insert:

"In line 926, delete "5163.04,"

In line 932, after "5166.16," insert "5166.50,"

In line 95026, delete " 5163.04 and"; after " 5163.05" insert " and 5166.50"

Delete lines 95041 through 95046

Between lines 105248 and 105249, insert:

" "Exchange" has the same meaning as in section 5160.01 of the Revised Code."

Between lines 105289 and 105290, insert:

" "Qualified health plan" has the same meaning as in the "Patient Protection and Affordable Care Act," section 1301(a)(1), 42 U.S.C. 18021(a)(1)."

Between lines 105297 and 105298, insert:

" "Section 1115 medicaid waiver component" means a medicaid waiver component granted by the United States department of health and human services under the "Social Security Act," section 1115, 42 U.S.C. 1315."

In line 105376, after "a" insert " section 1115"; strike through "under"

In line 105377, strike through "the "Social Security Act"; strike through ","; delete " section 1115." strike through "42 U.S.C."

In line 105378, strike through "1315," and insert " component"

Between lines 106319 and 106320, insert:

" **Sec. 5166.50.** Subject to section 5166.03 of the Revised Code, the medicaid director may establish a section 1115 medicaid waiver component under which individuals who may qualify for medicaid under the "Social Security Act," section 1902(a)(10)(A)(i)(VIII), 42 U.S.C. 1396a(a)(10)(A)(i)(VIII), instead qualify for medicaid by enrolling in the medicaid waiver component. An individual enrolled in the section 1115 medicaid waiver component shall be provided premium assistance to be used to purchase a qualified health plan through an exchange."

In line 131523, delete "\$4,746,891,777 \$4,990,922,135" and insert "\$4,661,096,857 \$4,816,620,085"

In line 131524, delete "\$8,999,112,239 \$9,313,588,718" and insert "\$9,410,231,726 \$11,002,703,968"

In line 131525, delete "\$13,746,004,016 \$14,304,510,853" and insert "\$14,071,328,583 \$15,819,324,053"

In line 131528, delete "\$5,205,573,218 \$5,472,357,289" and insert "\$5,119,778,298 \$5,298,055,239"

In line 131529, delete "\$8,999,112,239 \$9,313,588,718" and insert "\$9,410,231,726 \$11,002,703,968"

In line 131530, delete "\$14,204,685,457 \$14,785,946,007" and insert "\$14,530,010,024 \$16,300,759,207"

In line 131554, delete "\$21,120,538,947 \$22,171,888,497" and insert "\$21,445,863,514 \$23,686,701,697"

In line 135911, delete "\$243,289,774 \$254,139,452" and insert "\$234,289,774 \$236,139,452"

In line 135913, delete "\$1,496,839,928 \$1,497,794,707" and insert "\$1,487,839,928 \$1,479,794,707"

In line 135932, delete "\$1,581,403,588 \$1,577,868,556" and insert "\$1,572,403,588 \$1,559,868,556"

In line 477 of the title, delete "5163.04,"

In line 485 of the title, after "5166.16," insert "5166.50,""

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

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

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

The yeas and nays were taken and resulted - yeas 59, nays 38, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Beck	Becker	Blair
Blessing	Boose	Brenner	Brown
Buchy	Burkley	Butler	Conditt
Damschroder	DeVitis	Derickson	Dovilla
Duffey	Gonzales	Green	Grossman
Hackett	Hagan, C.	Hall	Hayes
Henne	Hill	Hood	Hottinger
Huffman	Johnson	Kunze	Landis
Lynch	Maag	McClain	McGregor
Pelanda	Perales	Retherford	Roegner
Romanchuk	Rosenberger	Ruhl	Scherer
Schuring	Sears	Slaby	Smith
Sprague	Stautberg	Stebelton	Thompson
Wachtmann	Young		Batchelder-59.

Those who voted in the negative were: Representatives

Antonio	Ashford	Barborak	Barnes
Bishoff	Boyce	Budish	Carney
Celebrezze	Cera	Clyde	Curtin
Driehaus	Fedor	Foley	Gerberry
Hagan, R.	Heard	Letson	Lundy
Mallory	Milkovich	O'Brien	Patmon
Patterson	Phillips	Pillich	Ramos
Redfern	Reece	Rogers	Slesnick
Stinziano	Strahorn	Sykes	Szollosi
Williams			Winburn-38.

The motion to amend the amendment was laid on the table.

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

The yeas and nays were taken and resulted - yeas 97, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Ashford	Baker	Barborak
Barnes	Beck	Becker	Bishoff
Blair	Blessing	Boose	Boyce
Brenner	Brown	Buchy	Budish
Burkley	Butler	Carney	Celebrezze
Cera	Clyde	Conditt	Curtin
Damschroder	DeVitis	Derickson	Dovilla
Driehaus	Duffey	Fedor	Foley
Gerberry	Gonzales	Green	Grossman
Hackett	Hagan, C.	Hagan, R.	Hall
Hayes	Heard	Henne	Hill
Hood	Hottinger	Huffman	Johnson
Kunze	Landis	Letson	Lundy
Lynch	Maag	Mallory	McClain

McGregor	Milkovich	O'Brien	Patmon
Patterson	Pelanda	Perales	Phillips
Pillich	Ramos	Redfern	Reece
Retherford	Roegner	Rogers	Romanchuk
Rosenberger	Ruhl	Scherer	Schuring
Sears	Slaby	Slesnick	Smith
Sprague	Stautberg	Stebelton	Stinziano
Strahorn	Sykes	Szollosi	Thompson
Wachtmann	Williams	Winburn	Young
			Batchelder-97.

The motion was agreed to and the bill so amended.

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

Representative Foley moved to amend as follows:

In line 118015, delete " .546%" and insert " .528%"

In line 118016, delete " \$27.30 plus 1.092%" and insert " \$26.41 plus 1.057%"

In line 118017, delete " \$81.89 plus 2.184%" and insert " \$79.24 plus 2.113%"

In line 118018, delete " \$191.07 plus 2.730%" and insert " \$184.90 plus 2.642%"

In line 118019, delete " \$327.55 plus 3.275%" and insert " \$316.98 plus 3.169%"

In line 118020, delete " \$982.45 plus 3.821%" and insert " \$950.76 plus 3.698%"

In line 118021, delete " \$2,511.00 plus 4.366%" and insert " \$2,430.00 plus 4.226%"

In line 118022, delete " \$3,384.27 plus 5.069%" and insert " \$3,275.10 plus 5.451%"

In line 118023, delete " \$8,453.70 plus 5.510%" and insert " \$8,726.10 plus 5.925%"

In line 127903, delete "\$5,810,807,929 \$6,004,142,692" and insert "\$5,864,807,929 \$6,068,142,692"

In line 127905, delete "\$7,982,452,634 \$8,254,434,217" and insert "\$8,036,452,634 \$8,318,434,217"

In line 127977, delete "\$11,467,258,299 \$11,817,595,851" and insert "\$11,521,258,299 \$11,881,595,851"

In line 128911, delete "1.06" and insert "1.0725"

In line 128916, delete "1.06" and insert "1.0625"

In line 128957, delete "1.06" and insert "1.0725"

In line 128963, delete "1.06" and insert "1.0625"

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

Representative Sears 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 59, nays 37, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Beck	Becker	Blair
Blessing	Boose	Brenner	Brown
Buchy	Burkley	Butler	Conditt
Damschroder	DeVitis	Derickson	Dovilla
Duffey	Gonzales	Green	Grossman
Hackett	Hagan, C.	Hall	Hayes
Henne	Hill	Hood	Hottinger
Huffman	Johnson	Kunze	Landis
Lynch	Maag	McClain	McGregor
Pelanda	Perales	Retherford	Roegner
Romanchuk	Rosenberger	Ruhl	Scherer
Schuring	Sears	Slaby	Smith
Sprague	Stautberg	Stebelton	Thompson
Wachtmann	Young		Batchelder-59.

Those who voted in the negative were: Representatives

Antonio	Ashford	Barborak	Barnes
Bishoff	Boyce	Budish	Carney
Celebrezze	Cera	Clyde	Curtin
Driehaus	Fedor	Foley	Gerberry
Hagan, R.	Letson	Lundy	Mallory
Milkovich	O'Brien	Patmon	Patterson
Phillips	Pillich	Ramos	Redfern
Reece	Rogers	Slesnick	Stinziano
Strahorn	Sykes	Szollosi	Williams
			Winburn-37.

The motion to amend was laid on the table.

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

Representative Phillips moved to amend as follows:

In line 607, delete "3310.01,"; delete "3310.05, 3310.06,"

In line 608, delete "3310.08,"

In line 899, delete "3310.032,"

In line 900, delete "3310.035,"

Delete lines 41434 through 41449

Delete lines 41740 through 41876

In line 49831, delete " , if the students"

Delete line 49832

In line 49833, delete " Code"

In line 49904, delete " and who"

Delete line 49905

In line 44906, delete " Code"

In line 122732, delete "3310.01,"; delete "3310.05, 3310.06,"

In line 122733, delete "3310.08,"

Delete line 127968

In line 127971, delete "\$841,000,000 \$974,500,000" and insert "\$832,500,000 \$957,500,000"

In line 127977, delete "\$11,467,258,299 \$11,817,595,851" and insert "\$11,458,758,299 \$11,800,595,851"

Delete lines 129116 through 129169

In line 63 of the title, delete "3310.01,"; delete "3310.05, 3310.06,"

In line 64 of the title, delete "3310.08,"

In line 442 of the title, delete "3310.032, 3310.035,"

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

Representative Sears 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 56, nays 40, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Beck	Becker	Blair
Blessing	Boose	Brenner	Brown
Buchy	Burkley	Butler	Conditt
Damschroder	DeVitis	Derickson	Dovilla
Gonzales	Green	Grossman	Hackett
Hagan, C.	Hall	Hayes	Henne
Hill	Hood	Hottinger	Huffman
Kunze	Landis	Lynch	Maag
McClain	Milkovich	Patmon	Pelanda
Perales	Retherford	Roegner	Romanchuk
Rosenberger	Ruhl	Scherer	Sears
Slaby	Sprague	Stautberg	Stebelton
Thompson	Wachtmann	Young	Batchelder-56.

Those who voted in the negative were: Representatives

Antonio	Ashford	Barborak	Bishoff
Boyce	Budish	Carney	Celebrezze
Cera	Clyde	Curtin	Driehaus
Duffey	Fedor	Foley	Gerberry
Hagan, R.	Heard	Johnson	Letson
Lundy	Mallory	McGregor	O'Brien
Patterson	Phillips	Pillich	Ramos
Redfern	Reece	Rogers	Schuring
Slesnick	Smith	Stinziano	Strahorn
Sykes	Szollosi	Williams	Winburn-40.

The motion to amend was laid on the table.

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

Representative Ramos moved to amend as follows:

In line 903, after "3333.124," insert "3333.27, 3333.271,"

Between lines 54214 and 54215, insert:

" **Sec. 3333.27. (A) As used in this section:**

(1) "Eligible student" means an undergraduate student who:

(a) Is enrolled in a bachelor's degree program at a state institution of higher education or a nonprofit institution issued a certificate of authorization under Chapter 1713. of the Revised Code;

(b) Is a resident of Ohio, as defined by the chancellor of the Ohio board of regents under section 3333.31 of the Revised Code;

(c) Is making satisfactory academic progress, as defined by the financial aid office, or the equivalent, at the institution in which the student is enrolled;

(d) Has attained and maintains a cumulative grade point average of at least 2.5 on a 4.0 scale, or the equivalent;

(e) Has declared an academic major or program for which the student earns credit;

(f)(i) If the student is enrolled in a bachelor's degree program, would be considered a junior or senior as determined by the credits completed by the student toward the student's declared degree program;

(ii) If the student is enrolled in an associate degree program, the student has completed fifty per cent or more of the coursework required for the student's declared academic program.

(g) Displays financial need, based on the United States department of education's method of determining financial need or based on demonstrated financial hardship, as determined by the chancellor.

(2) "State institution of higher education" has the same meaning as in

section 3345.011 of the Revised Code:

(B) The chancellor shall establish and administer the finish fund to provide grants to eligible students nearing completion of their bachelor's degrees. The chancellor shall transfer any funds not awarded under this section in a fiscal year to the finish reserve fund created in section 3333.271 of the Revised Code to use for awarding grants in subsequent fiscal years.

(C) Not later than one hundred eighty days after the effective date of this section, the chancellor shall adopt a policy by which to solicit, accept, and review applications for the finish fund. The policy shall include, but not be limited to, all of the following:

(1) A method of determining the amount of each grant awarded to an eligible student. In calculating that amount, the chancellor shall consider the student's remaining instructional and general charges or tuition and room and board or off-campus living expenses, as certified or, in the case of off-campus living expenses, as determined by the institution, after the student's other funding sources are applied to the instructional and general charges or tuition and room and board or off-campus living expenses for the undergraduate program.

(2) A method for paying the grant to the eligible student through the institution in which the student is enrolled.

(3) Notwithstanding division (C)(1) of this section, the institution in which a student is enrolled may disburse any surplus amount remaining in a student's account, after applying the grant to the instructional and general charges or tuition owed by a student, to the student to be used for books, room and board, or any other costs related to attendance.

The chancellor may adopt additional program guidelines and qualifications for the finish fund, so long as those guidelines and qualifications help to identify students most at risk of leaving an institution before completing a degree program due to financial hardship and students most likely to complete a degree program with additional funding.

(D) If, for any academic year, the amounts available for support of the program are inadequate to provide grants to all eligible students, the chancellor shall give preference in the awarding of grants as follows:

(1) First, to eligible students who are considered seniors in a bachelor degree program who have applied for and, if received, used the entirety of all of the following, but are still unable to meet the cost of attending the institution in which the student is enrolled, including room and board or off-campus living expenses, as determined by the institution's financial aid office:

(a) A Pell grant or any other grant awarded by the federal government based on financial need;

(b) The Ohio college opportunity grant under section 3333.122 of the Revised Code;

(c) Any grants or scholarships awarded to the student and disbursed by the institution of higher education in which the student is enrolled;

(d) A federal subsidized loan.

(2) Second, to eligible students who are considered juniors in a bachelor degree program who have applied for and, if received, used the entirety of funding sources listed in divisions (D)(1)(a) to (d) of this section, but are still unable to meet the cost of attending the institution in which the student is enrolled, including room and board, as determined by the institution's financial aid office;

(3) Third, to eligible students who are considered seniors in a bachelor degree program who have applied for and, if received, used the entirety of the funding sources listed in divisions (D)(1)(a) to (c) of this section, but are still unable to meet the cost of attending the institution in which the student is enrolled, including room and board, as determined by the institution's financial aid office;

(4) Fourth, to eligible students who are considered juniors in a bachelor degree program who have applied for and, if received, used the entirety of the funding sources listed in divisions (D)(1)(a) to (c) of this section, but are still unable to meet the cost of attending the institution in which the student is enrolled, including room and board, as determined by the institution's financial aid office;

(5) Fifth, to eligible students who have completed fifty per cent or more of the coursework required for the student's declared academic program for an associate degree who have applied for and, if received, used the entirety of the funding sources listed in divisions (D)(1)(a) to (c) of this section, but are still unable to meet the cost of attending the institution in which the student is enrolled, including room and board, as determined by the institution's financial aid office.

In prioritizing grants under this section, the chancellor shall not reduce the dollar value of grants awarded to increase the number of eligible students who receive a grant.

(E) The chancellor shall begin accepting and reviewing applications and awarding grants under this section not later than one hundred eighty days after the effective date of this section.

(F) The chancellor shall require state institutions of higher education and nonprofit institutions issued a certificate of authorization under Chapter 1713. of the Revised Code to report all of the following at the end of each academic year:

(1) The number of students enrolled in the institution who receive grants under this section;

(2) The average dollar amount of grants, and the lowest and highest dollar amount of grants awarded under this section;

(3) The number of students who receive grants under this section who complete their academic programs;

(4) The number of students who receive a grant under this section who fail to complete their academic programs, disaggregated by the reason, including, but not limited to, dropping out of school and failure;

(5) The number of students still enrolled in the institution and taking courses, but have neither completed nor failed to earn their degrees.

Sec. 3333.271. The finish reserve fund is hereby established in the state treasury. After the end of each fiscal year, the chancellor of the Ohio board of regents shall transfer any funds remaining after awarding grants under section 3333.27 of the Revised Code into the finish reserve fund from which the chancellor may award future grants under that section."

Between lines 134345b and 134346, insert:

"GRF 2355XX Finish Fund \$10,000,000 \$10,000,000"

In line 134348, delete "\$2,330,070,762 \$2,375,168,502" and insert "\$2,340,070,762 \$2,385,168,502"

In line 134378, delete "\$2,381,641,954 \$2,426,789,555" and insert "\$2,391,641,954 \$2,436,789,555"

Between lines 135580 and 135581, insert:

"**Section 363.____. FINISH FUND**

The foregoing appropriation item 2355XX, Finish Fund, shall be used to grant financial aid awards through the Finish Fund Program, pursuant to section 3333.27 of the Revised Code.

At the end of each fiscal year, the Chancellor of the Board of Regents shall certify to the Director of Budget and Management the unencumbered, unexpended balance in appropriation item 2355XX, Finish Fund. Upon receipt of the certification, the Director of Budget and Management shall transfer cash in an amount equal to the amount certified from the General Revenue Fund to the Finish Reserve Fund (Fund XXXX). The Chancellor of the Board of Regents shall seek Controlling Board approval to authorize additional expenditures for appropriation item 2355XX, Finish Fund. Upon approval of the Controlling Board, the additional amounts are hereby appropriated."

In line 446 of the title, after "3333.124," insert "3333.27, 3333.271,"

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

Representative Sears 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 56, nays 40, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Beck	Becker	Blair
Blessing	Boose	Brenner	Brown
Buchy	Burkley	Butler	Conditt
Damschroder	DeVitis	Derickson	Gonzales
Green	Grossman	Hackett	Hagan, C.
Hall	Hayes	Henne	Hill
Hood	Hottinger	Huffman	Johnson
Kunze	Landis	Lynch	Maag
McClain	McGregor	Pelanda	Perales
Retherford	Roegner	Romanchuk	Ruhl
Scherer	Schuring	Sears	Slaby
Smith	Sprague	Stautberg	Stebelton
Thompson	Wachtmann	Young	Batchelder-56.

Those who voted in the negative were: Representatives

Antonio	Ashford	Barborak	Barnes
Bishoff	Boyce	Budish	Carney
Celebrezze	Cera	Clyde	Curtin
Dovilla	Driehaus	Duffey	Fedor
Foley	Gerberry	Heard	Letson
Lundy	Mallory	Milkovich	O'Brien
Patmon	Patterson	Phillips	Pillich
Ramos	Redfern	Reece	Rogers
Rosenberger	Slesnick	Stinziano	Strahorn
Sykes	Szollosi	Williams	Winburn-40.

The motion to amend was laid on the table.

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

Representative Clyde moved to amend as follows:

In line 605, delete "3125.18,"

In line 663, delete "5101.461,"

In line 667, delete "5101.80,"

In line 668, delete "5101.801,"

In line 904, delete "3701.033,"

In line 909, delete "5101.101,"

In line 910, delete "5101.804,"

Delete lines 39445 through 39450

In line 56431, delete " Funds from"

Delete lines 56432 through 56468

Delete lines 76265 through 76297

In line 77128, reinsert "or"; delete "or (g)"

Delete lines 77249 through 77253

Delete lines 77316 through 77360

Delete lines 77657 through 77912

Delete lines 77947 through 78000

In line 92432, reinsert "(f)" and delete "(g)"

In line 122730, delete "3125.18,"

In line 122788, delete "5101.461,"

In line 122792, delete "5101.80,"

In line 122793, delete "5101.801,"

In line 60 of the title, delete "3125.18,"

In line 140 of the title, delete "5101.461,"

In line 146 of the title, delete "5101.80, 5101.801,"

In line 447 of the title, delete "3701.033,"

In line 454 of the title, delete "5101.101,"

In line 455 of the title, delete "5101.804,"

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

Representative Sears 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 57, nays 39, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Baker
Beck	Becker	Blair	Blessing
Boose	Brenner	Brown	Buchy
Burkley	Butler	Conditt	Damschroder
DeVitis	Derickson	Dovilla	Duffey
Gonzales	Green	Grossman	Hackett
Hagan, C.	Hall	Hayes	Henne
Hill	Hood	Hottinger	Huffman
Johnson	Kunze	Landis	Lynch
Maag	McClain	Pelanda	Perales
Retherford	Roegner	Romanchuk	Rosenberger
Ruhl	Scherer	Schuring	Sears
Slaby	Smith	Sprague	Stautberg
Stebelton	Thompson	Wachtmann	Young
			Batchelder-57.

Those who voted in the negative were: Representatives

Anielski	Antonio	Ashford	Barborak
Barnes	Bishoff	Boyce	Budish
Carney	Celebrezze	Cera	Clyde
Curtin	Driehaus	Fedor	Foley
Gerberry	Heard	Letson	Lundy
Mallory	McGregor	Milkovich	O'Brien
Patmon	Patterson	Phillips	Pillich
Ramos	Redfern	Reece	Rogers
Slesnick	Stinziano	Strahorn	Sykes
Szollosi	Williams		Winburn-39.

The motion to amend was laid on the table.

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

Representative O'Brien moved to amend as follows:

Delete lines 22088 through 22091

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

Representative Sears 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 59, nays 37, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Beck	Becker	Blair
Blessing	Boose	Brenner	Brown
Buchy	Burkley	Butler	Conditt
Damschroder	DeVitis	Derickson	Dovilla
Duffey	Gonzales	Green	Grossman
Hackett	Hagan, C.	Hall	Hayes
Henne	Hill	Hood	Hottinger
Huffman	Johnson	Kunze	Landis
Lynch	Maag	McClain	McGregor
Pelanda	Perales	Retherford	Roegner
Romanchuk	Rosenberger	Ruhl	Scherer
Schuring	Sears	Slaby	Smith
Sprague	Stautberg	Stebelton	Thompson
Wachtmann	Young		Batchelder-59.

Those who voted in the negative were: Representatives

Antonio	Ashford	Barborak	Barnes
Bishoff	Boyce	Budish	Carney
Celebrezze	Cera	Clyde	Curtin
Driehaus	Fedor	Foley	Gerberry
Heard	Letson	Lundy	Mallory
Milkovich	O'Brien	Patmon	Patterson
Phillips	Pillich	Ramos	Redfern

Reece
Strahorn

Rogers
Sykes

Slesnick
Szollosi

Stinziano
Williams
Winburn-37.

The motion to amend was laid on the table.

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

Representative Carney moved to amend as follows:

In line 564, after "113.061," insert "117.01,"

In line 574, after "149.01," insert "149.011,"

In line 581, after "173.99," insert "187.01, 187.03, 187.04,"

In line 894, after "101.392," insert "113.45,"

In line 896, after "173.60," insert "187.14,"

Between lines 4312 and 4313, insert:

" **Sec. 113.45.** (A) As used in this section, "JobsOhio" means the nonprofit corporation formed under section 187.01 of the Revised Code.

(B) The treasurer of state shall make available to the public, on the treasurer of state's internet web site, the name, position title, and gross pay from the most recent pay period, of each officer and employee of JobsOhio.

Sec. 117.01. As used in this chapter:

(A) "Color of office" means actually, purportedly, or allegedly done under any law, ordinance, resolution, order, or other pretension to official right, power, or authority.

(B) "Public accountant" means any person who is authorized by Chapter 4701. of the Revised Code to use the designation of certified public accountant or who was registered prior to January 1, 1971, as a public accountant.

(C) "Public money" means any money received, collected by, or due a public official under color of office, as well as any money collected by any individual on behalf of a public office or as a purported representative or agent of the public office.

(D) "Public office" means any state agency, public institution, political subdivision, other organized body, office, agency, institution, or entity established by the laws of this state for the exercise of any function of government. "Public office" ~~does not include~~ includes the nonprofit corporation formed under section 187.01 of the Revised Code.

(E) "Public official" means any officer, employee, or duly authorized representative or agent of a public office.

(F) "State agency" means every organized body, office, agency, institution, or other entity established by the laws of the state for the exercise of

any function of state government.

(G) "Audit" means any of the following:

(1) Any examination, analysis, or inspection of the state's or a public office's financial statements or reports;

(2) Any examination, analysis, or inspection of records, documents, books, or any other evidence relating to either of the following:

(a) The collection, receipt, accounting, use, or expenditure of public money by a public office or by a private institution, association, board, or corporation;

(b) The determination by the auditor of state, as required by section 117.11 of the Revised Code, of whether a public office has complied with all the laws, rules, ordinances, or orders pertaining to the public office.

(3) Any other type of examination, analysis, or inspection of a public office or of a private institution, association, board, or corporation receiving public money that is conducted according to generally accepted or governmental auditing standards established by rule pursuant to section 117.19 of the Revised Code."

In line 4980, strike through everything after "(11)"

Strike through lines 4981 through 4983

In line 4984, strike through "(12)"

Between lines 12040 and 12041, insert:

"Sec. 149.011. As used in this chapter, except as otherwise provided:

(A) "Public office" includes any state agency, public institution, political subdivision, or other organized body, office, agency, institution, or entity established by the laws of this state for the exercise of any function of government. "Public office" ~~does not include~~ includes the nonprofit corporation formed under section 187.01 of the Revised Code.

(B) "State agency" includes every department, bureau, board, commission, office, or other organized body established by the constitution and laws of this state for the exercise of any function of state government, including any state-supported institution of higher education, the general assembly, any legislative agency, any court or judicial agency, or any political subdivision or agency of a political subdivision. "State agency" ~~does not include~~ includes the nonprofit corporation formed under section 187.01 of the Revised Code.

(C) "Public money" includes all money received or collected by or due a public official, whether in accordance with or under authority of any law, ordinance, resolution, or order, under color of office, or otherwise. It also includes any money collected by any individual on behalf of a public office or as a purported representative or agent of the public office.

(D) "Public official" includes all officers, employees, or duly authorized representatives or agents of a public office.

(E) "Color of office" includes any act purported or alleged to be done under any law, ordinance, resolution, order, or other pretension to official right, power, or authority.

(F) "Archive" includes any public record that is transferred to the state archives or other designated archival institutions because of the historical information contained on it.

(G) "Records" includes any document, device, or item, regardless of physical form or characteristic, including an electronic record as defined in section 1306.01 of the Revised Code, created or received by or coming under the jurisdiction of any public office of the state or its political subdivisions, which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office."

In line 12372, strike through the semicolon

In line 12373, delete " (bb)"; strike through the balance of the line

Strike through line 12374

In line 12375, strike through everything before the period

Between lines 17858 and 17859, insert:

"Sec. 187.01. As used in this chapter, "JobsOhio" means the nonprofit corporation formed under this section, and includes any subsidiary of that corporation. In any section of law that refers to the nonprofit corporation formed under this section, reference to the corporation includes reference to any such subsidiary unless otherwise specified or clearly appearing from the context.

The governor is hereby authorized to form a nonprofit corporation, to be named "JobsOhio," with the purposes of promoting economic development, job creation, job retention, job training, and the recruitment of business to this state. Except as otherwise provided in this chapter, the corporation shall be organized and operated in accordance with Chapter 1702. of the Revised Code. The governor shall sign and file articles of incorporation for the corporation with the secretary of state. The legal existence of the corporation shall begin upon the filing of the articles.

In addition to meeting the requirements for articles of incorporation in Chapter 1702. of the Revised Code, the articles of incorporation for the nonprofit corporation shall set forth the following:

(A) The designation of the name of the corporation as JobsOhio;

(B) The creation of a board of directors consisting of nine directors, to be appointed by the governor, who satisfy the qualifications prescribed by section 187.02 of the Revised Code;

(C) A requirement that the governor make initial appointments to the board within sixty days after the filing of the articles of incorporation. Of the initial appointments made to the board, two shall be for a term ending one year after the date the articles were filed, two shall be for a term ending two years after the date the articles were filed, and five shall be for a term ending four years after the date the articles were filed. The articles shall state that, following the initial appointments, the governor shall appoint directors to terms of office of four years, with each term of office ending on the same day of the same month as did the term that it succeeds. If any director dies, resigns, or the director's status changes such that any of the requirements of division (C) of section 187.02 of the Revised Code are no longer met, that director's seat on the board shall become immediately vacant. The governor shall forthwith fill the vacancy by appointment for the remainder of the term of office of the vacated seat.

(D) A requirement that the governor appoint one director to be chairperson of the board and procedures for electing directors to serve as officers of the corporation and members of an executive committee;

(E) A provision for the appointment of a chief investment officer of the corporation by the recommendation of the board and approval of the governor. The chief investment officer shall serve at the pleasure of the board and shall have the power to execute contracts, spend corporation funds, and hire employees on behalf of the corporation. If the position of chief investment officer becomes vacant for any reason, the vacancy shall be filled in the same manner as provided in this division.

(F) Provisions requiring the board to do all of the following:

(1) Adopt one or more resolutions providing for compensation of the chief investment officer;

(2) Approve an employee compensation plan recommended by the chief investment officer;

(3) Approve a contract with the director of development services for the corporation to assist the director and the development services agency with providing services or otherwise carrying out the functions or duties of the agency, including the operation and management of programs, offices, divisions, or boards, as may be determined by the director of development services in consultation with the governor;

(4) Approve all major contracts for services recommended by the chief investment officer;

(5) Establish an annual strategic plan and standards of measure to be used in evaluating the corporation's success in executing the plan;

(6) Establish a conflicts of interest policy that, at a minimum, complies with section 187.06 of the Revised Code;

(7) Hold a minimum of four board of directors meetings per year at

~~which a quorum of the board is physically present, and such other meetings, at which directors' physical presence is not required, as may be necessary. Meetings at which a quorum of the board is required to be physically present are subject to divisions (C), (D), and (E) of section 187.03 of the Revised Code.~~

(8) Establish a records retention policy and present the policy, and any subsequent changes to the policy, at a meeting of the board of directors ~~at which a quorum of the board is required to be physically present pursuant to division (F)(7) of this section;~~

(9) Adopt standards of conduct for the directors.

(G) A statement that directors shall not receive any compensation from the corporation, except that directors may be reimbursed for actual and necessary expenses incurred in connection with services performed for the corporation;

(H) A provision authorizing the board to amend provisions of the corporation's articles of incorporation or regulations, except provisions required by this chapter;

(I) Procedures by which the corporation would be dissolved and by which all corporation rights and assets would be distributed to the state or to another corporation organized under this chapter. These procedures shall incorporate any separate procedures subsequently set forth in this chapter for the dissolution of the corporation. The articles shall state that no dissolution shall take effect until the corporation has made adequate provision for the payment of any outstanding bonds, notes, or other obligations.

(J) A provision establishing an audit committee to be comprised of directors. The articles shall require that the audit committee hire an independent certified public accountant to perform a financial audit of the corporation at least once every year.

(K) A provision authorizing a majority of the disinterested directors to remove a director for misconduct, as that term may be defined in the articles or regulations of the corporation. The removal of a director under this division creates a vacancy on the board that the governor shall fill by appointment for the remainder of the term of office of the vacated seat.

Sec. 187.03. (A) JobsOhio may perform such functions as permitted and shall perform such duties as prescribed by law and as set forth in any contract entered into under section 187.04 of the Revised Code, but shall not be considered a state or public department, agency, office, body, institution, or instrumentality for purposes of section 1.60 ~~or~~ Chapter 102. ~~, 121., or 125., or 149.~~ Chapter 121. with the exception of section 121.22 of the Revised Code. JobsOhio and its board of directors are not subject to the following sections of Chapter 1702. of the Revised Code: sections 1702.03, 1702.08, 1702.09, 1702.21, 1702.24, 1702.26, 1702.27, 1702.28, 1702.29, 1702.301, 1702.33, 1702.34, 1702.37, 1702.38, 1702.40 to 1702.52, 1702.521, 1702.54, 1702.57, 1702.58, 1702.59, 1702.60, 1702.80, and 1702.99. Nothing in this division shall be construed to impair the powers and duties of the Ohio ethics commission

described in section 102.06 of the Revised Code to investigate and enforce section 102.02 of the Revised Code with regard to individuals required to file statements under division (B)(2) of this section.

(B)(1) Directors and employees of JobsOhio are not employees or officials of the state and, except as provided in division (B)(2) of this section, are not subject to Chapter 102., 124., 145., or 4117. of the Revised Code.

(2) The chief investment officer, any other officer or employee with significant administrative, supervisory, contracting, or investment authority, and any director of JobsOhio shall file, with the Ohio ethics commission, a financial disclosure statement pursuant to section 102.02 of the Revised Code that includes, in place of the information required by divisions (A)(2), (7), (8), and (9) of that section, the information required by divisions (A) and (B) of section 102.022 of the Revised Code. The governor shall comply with all applicable requirements of section 102.02 of the Revised Code.

(3) Actual or in-kind expenditures for the travel, meals, or lodging of the governor or of any public official or employee designated by the governor for the purpose of this division shall not be considered a violation of section 102.03 of the Revised Code if the expenditures are made by the corporation, or on behalf of the corporation by any person, in connection with the governor's performance of official duties related to JobsOhio. The governor may designate any person, including a person who is a public official or employee as defined in section 102.01 of the Revised Code, for the purpose of this division if such expenditures are made on behalf of the person in connection with the governor's performance of official duties related to JobsOhio. A public official or employee so designated by the governor shall comply with all applicable requirements of section 102.02 of the Revised Code.

~~At the times and frequency agreed to under division (B)(2)(b) of section 187.04 of the Revised Code, beginning~~ Beginning in 2012, the corporation shall file with the development services agency a written report of all such expenditures paid or incurred during the preceding calendar year. The report shall state the dollar value and purpose of each expenditure, the date of each expenditure, the name of the person that paid or incurred each expenditure, and the location, if any, where services or benefits of an expenditure were received, provided that any such information that may disclose proprietary information ~~as defined in division (C) of this section shall not be included in the report~~ is not a public record under section 149.43 of the Revised Code.

(4) The prohibition applicable to former public officials or employees in division (A)(1) of section 102.03 of the Revised Code does not apply to any person appointed to be a director or hired as an employee of JobsOhio.

(5) Notwithstanding division (A)(2) of section 145.01 of the Revised Code, any person who is a former state employee shall no longer be considered a public employee for purposes of Chapter 145. of the Revised Code upon commencement of employment with JobsOhio.

(6) Any director, officer, or employee of JobsOhio may request an advisory opinion from the Ohio ethics commission with regard to questions concerning the provisions of sections 102.02 and 102.022 of the Revised Code to which the person is subject.

~~(C) Meetings of the board of directors at which a quorum of the board is required to be physically present pursuant to division (F) of section 187.01 of the Revised Code shall be open to the public except, by a majority vote of the directors present at the meeting, such a meeting may be closed to the public only for one or more of the following purposes:~~

~~(1) To consider business strategy of the corporation;~~

~~(2) To consider proprietary information belonging to potential applicants or potential recipients of business recruitment, retention, or creation incentives. For~~

For the purposes of this division, "proprietary information" means marketing plans, specific business strategy, production techniques and trade secrets, financial projections, or personal financial statements of applicants or members of the applicants' immediate family, including, but not limited to, tax records or other similar information not open to the public inspection.

~~(3) To consider legal matters, including litigation, in which the corporation is or may be involved;~~

~~(4) To consider personnel matters related to an individual employee of the corporation.~~

~~(D) (C)~~ The board of directors shall establish a reasonable method whereby any person may obtain the time and place of all public meetings ~~described in division (C) of this section~~ of the board of directors. The method shall provide that any person, upon request and payment of a reasonable fee, may obtain reasonable advance notification of all such meetings.

~~(E) (D)~~ The board of directors shall promptly prepare, file, and maintain minutes of all public meetings ~~described in division (C) of this section~~.

~~(F) (E)~~ Not later than March 1, 2012, and the first day of March of each year thereafter, the chief investment officer of JobsOhio shall prepare and submit a report of the corporation's activities for the preceding year to the governor, the speaker and minority leader of the house of representatives, and the president and minority leader of the senate. The annual report shall include the following:

(1) An analysis of the state's economy;

(2) A description of the structure, operation, and financial status of the corporation;

(3) A description of the corporation's strategy to improve the state economy and the standards of measure used to evaluate its progress;

(4) An evaluation of the performance of current strategies and major

initiatives;

(5) An analysis of any statutory or administrative barriers to successful economic development, business recruitment, and job growth in the state identified by JobsOhio during the preceding year.

Sec. 187.04. (A) The director of development services, as soon as practical after February 18, 2011, shall execute a contract with JobsOhio for the corporation to assist the director and the development services agency with providing services or otherwise carrying out the functions or duties of the agency, including the operation and management of programs, offices, divisions, or boards, as may be determined by the director in consultation with the governor. The approval or disapproval of awards involving public money shall remain functions of the agency. All contracts for grants, loans, and tax incentives involving public money shall be between the agency and the recipient and shall be enforced by the agency. JobsOhio may not execute contracts obligating the agency for loans, grants, tax credits, or incentive awards recommended by JobsOhio to the agency. Prior to execution, all contracts between the director and JobsOhio entered into under this section that obligate the agency to pay JobsOhio for services rendered are subject to controlling board approval.

The term of an initial contract entered into under this section shall not extend beyond June 30, 2013. Thereafter, the director and JobsOhio may renew the contract for subsequent fiscal biennia, but at no time shall a particular contract be effective for longer than a fiscal biennium of the general assembly.

JobsOhio's provision of services to the agency as described in this section shall be pursuant to a contract entered into under this section. If at any time the director determines that the contract with JobsOhio may not be renewed for the subsequent fiscal biennium, the director shall notify JobsOhio of the director's decision not later than one hundred twenty days prior to the end of the current fiscal biennium. If the director does not provide such written notice to JobsOhio prior to one hundred days before the end of the current fiscal biennium, the contract shall be renewed upon such terms as the parties may agree, subject to the requirements of this section.

(B) A contract entered into under this section shall include all of the following:

(1) Terms assigning to the corporation the duties of advising and assisting the director in the director's evaluation of the agency and the formulation of recommendations under section 187.05 of the Revised Code;

(2) ~~Terms designating records that provide the following:~~

~~(a) Records created or received by JobsOhio that shall be made available to the public under the same conditions as are public records under section 149.43 of the Revised Code. Documents designated to be made available to the public pursuant to the contract shall be kept on file with the agency~~

(b) Records related to any public-private partnerships between JobsOhio

and another entity for the performance of or assistance with functions of the state are public records under section 149.43 of the Revised Code.

Among records to be designated under this division shall be the following:

- (a) ~~The corporation's federal income tax returns;~~
- (b) ~~The report of expenditures described in division (B)(3) of section 187.03 of the Revised Code. The records shall be filed with the agency at such times and frequency as agreed to by the corporation and the agency, which shall not be less frequently than quarterly.~~
- (c) ~~The annual total compensation paid to each officer and employee of the corporation;~~
- (d) ~~A copy of the audit report for each financial audit of the corporation performed by an independent certified public accountant pursuant to division (J) of section 187.01 of the Revised Code.~~
- (e) ~~Records of any fully executed incentive proposals, to be filed annually;~~
- (f) ~~Records pertaining to the monitoring of commitments made by incentive recipients, to be filed annually;~~
- (g) ~~A copy of the minutes of all public meetings described in division (C) of section 187.03 of the Revised Code not otherwise closed to the public.~~

(3) The following statement acknowledging that JobsOhio is not acting as an agent of the state:

"JobsOhio shall have no power or authority to bind the state or to assume or create an obligation or responsibility, expressed or implied, on behalf of the state or in its name, nor shall JobsOhio represent to any person that it has any such power or authority, except as expressly provided in this contract."

(C) (1) ~~Records created by JobsOhio are not public records for the purposes of Chapter 149. of the Revised Code, regardless of who may have custody of the records, unless the record is designated to be available to the public by the contract under division (B)(2) of this section.~~

(2) ~~Records received by JobsOhio from any person or entity that is not subject to section 149.43 of the Revised Code are not public records for purposes of Chapter 149. of the Revised Code, regardless of who may have custody of the records, unless the record is designated to be available to the public by the contract under division (B)(2) of this section.~~

(3) ~~Records received by JobsOhio from a public office as defined in section 149.011 of the Revised Code that are not public records under section 149.43 of the Revised Code when in the custody of the public office are not public records for the purposes of section 149.43 of the Revised Code regardless of who has custody of the records.~~

~~(D)~~ Any contract executed under authority of this section shall not negate, impair, or otherwise adversely affect the obligation of this state to pay debt charges on securities executed by the director or issued by the treasurer of state, Ohio public facilities commission, or any other issuing authority under Chapter 122., 151., 165., or 166. of the Revised Code to fund economic development programs of the state, or to abide by any pledge or covenant relating to the payment of those debt charges made in any related proceedings. As used in this division, "debt charges," "proceedings," and "securities" have the same meanings as in section 133.01 of the Revised Code.

~~(E)~~ (D) Nothing in this section, other than the requirement of controlling board approval, shall prohibit the agency from contracting with JobsOhio to perform any of the following functions:

- (1) Promoting and advocating for the state;
- (2) Making recommendations to the agency;
- (3) Performing research for the agency;
- (4) Establishing and managing programs or offices on behalf of the agency, by contract;
- (5) Negotiating on behalf of the state.

~~(F)~~ (E) Nothing in this section, other than the requirement of controlling board approval, shall prohibit the agency from compensating JobsOhio from funds currently appropriated to the agency to perform the functions described in division ~~(E)~~ (D) of this section.

Sec. 187.14. (A) JobsOhio and its subsidiaries are public offices for purposes of Chapter 117. of the Revised Code and shall submit to audits by the auditor of state in accordance with that chapter.

(B) JobsOhio and its subsidiaries, and any nonprofit economic development corporation that receives or distributes public funds during the corporation's fiscal year, each shall prepare an annual financial report that provides a full accounting of all public and private funds the corporation received or distributed during that fiscal year. The corporation shall submit the report to the speaker and minority leader of the house of representatives, the president and minority leader of the senate, and the legislative service commission within sixty days after the last day of the corporation's fiscal year, and shall make the report available to the public upon request. The report shall be prepared according to generally accepted accounting principles and be certified by the board of directors or chief fiscal officer of the corporation.

In line 122690, after "113.061," insert "117.01,"

In line 122699, after "149.01," insert "149.011,"

In line 122706, after "173.99," insert "187.01, 187.03, 187.04,"

In line 5 of the title, after "113.061," insert "117.01,"

In line 18 of the title, after "149.01," insert "149.011,"

In line 27 of the title, after "173.99," insert "187.01, 187.03, 187.04,"

In line 436 of the title, after "101.392," insert "113.45,"

In line 439 of the title, after "173.60," insert "187.14,"

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

Representative Sears 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 58, nays 39, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Beck	Becker	Blair
Blessing	Boose	Brenner	Brown
Buchy	Burkley	Butler	Conditt
Damschroder	DeVitis	Derickson	Dovilla
Duffey	Gonzales	Green	Grossman
Hackett	Hagan, C.	Hall	Hayes
Henne	Hill	Hood	Hottinger
Huffman	Johnson	Kunze	Landis
Lynch	Maag	McClain	McGregor
Pelanda	Perales	Retherford	Romanchuk
Rosenberger	Ruhl	Scherer	Schuring
Sears	Slaby	Smith	Sprague
Stautberg	Stebelton	Thompson	Wachtmann
Young			Batchelder-58.

Those who voted in the negative were: Representatives

Antonio	Ashford	Barborak	Barnes
Bishoff	Boyce	Budish	Carney
Celebrezze	Cera	Clyde	Curtin
Driehaus	Fedor	Foley	Gerberry
Hagan, R.	Hearl	Letson	Lundy
Mallory	Milkovich	O'Brien	Patmon
Patterson	Phillips	Pillich	Ramos
Redfern	Reece	Roegner	Rogers
Slesnick	Stinziano	Strahorn	Sykes
Szollosi	Williams		Winburn-39.

The motion to amend was laid on the table.

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

Representative Driehaus moved to amend as follows:

Delete lines 126669 and 126669a

In line 126675, delete "\$49,280,986 \$35,150,000" and insert

"\$30,150,000 \$15,150,000"

In line 126741, delete "\$1,280,155,191 \$1,234,371,035" and insert "\$1,261,024,205 \$1,214,371,035"

Delete lines 126845 through 126864

In line 136009, delete "\$363,600,000 \$376,400,000" and insert "\$382,730,986 \$396,400,000"

In line 136014, delete "\$1,873,899,000 \$1,857,799,000" and insert "\$1,893,029,986 \$1,877,799,000"

In line 136015, delete "\$4,824,132,626 \$4,930,808,268" and insert "\$4,843,263,612 \$4,950,808,268"

Between lines 138096 and 138097, insert:

"On July 1, 2013, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$16,130,986 in cash from the Local Government Innovation Fund (Fund 5KN0) to the General Revenue Fund. On July 1, 2014, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$16,000,000 in cash from Fund 5KN0 to the General Revenue Fund."

Between lines 138106 and 138107, insert:

"As soon as possible after August 1, 2013, the Director of Budget and Management shall transfer \$19,130,986 from the General Revenue Fund to the Local Government Fund. As soon as possible after July 1, 2014, the Director of Budget and Management shall transfer \$20,000,000 from the General Revenue Fund to the Local Government Fund. This additional money shall be distributed from the Local Government Fund as required under section 5747.50 of the Revised Code during the same month in which it is credited to the fund."

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

Representative Sears 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 57, nays 40, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Baker
Beck	Becker	Blair	Blessing
Boose	Brenner	Brown	Buchy
Burkley	Butler	Conditt	Damschroder
DeVitis	Derickson	Dovilla	Duffey
Gonzales	Grossman	Hackett	Hagan, C.
Hall	Hayes	Henne	Hill
Hood	Hottinger	Huffman	Johnson
Kunze	Landis	Lynch	Maag
McClain	McGregor	Pelanda	Perales
Retherford	Roegner	Romanchuk	Rosenberger
Ruhl	Scherer	Schuring	Sears

Slaby
Stebelson

Smith
Thompson

Sprague
Wachtmann

Stautberg
Young
Batchelder-57.

Those who voted in the negative were: Representatives

Anielski	Antonio	Ashford	Barborak
Barnes	Bishoff	Boyce	Budish
Carney	Celebrezze	Cera	Clyde
Curtin	Driehaus	Fedor	Foley
Gerberry	Green	Hagan, R.	Heard
Letson	Lundy	Mallory	Milkovich
O'Brien	Patmon	Patterson	Phillips
Pillich	Ramos	Redfern	Reece
Rogers	Slesnick	Stinziano	Strahorn
Sykes	Szollosi	Williams	Winburn-40.

The motion to amend was laid on the table.

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

Representative Lundy moved to amend as follows:

In line 608, delete "3311.78,"

In line 609, delete "3313.42,"

In line 618, delete "3317.12," and insert "3317.13, "; delete "3317.141,"

In line 724, after "5119.99," insert "5120.05,"

In line 736, delete "5126.24,"

In line 737, after "5309.082," insert "5502.62,"

In line 740, delete "5705.412,"

Delete lines 42420 through 42502

Delete lines 42650 through 42688

Delete lines 50982 through 51009 and insert:

"**Sec. 3317.13.** (A) As used in this section and section 3317.14 of the Revised Code:

(1) "Years of service" includes the following:

(a) All years of teaching service in the same school district or educational service center, regardless of training level, with each year consisting of at least one hundred twenty days under a teacher's contract;

(b) All years of teaching service in a chartered, nonpublic school located in Ohio as a teacher licensed pursuant to section 3319.22 of the Revised Code or in another public school, regardless of training level, with each year consisting of at least one hundred twenty days under a teacher's contract;

(c) All years of teaching service in a chartered school or institution or a school or institution that subsequently became chartered or a chartered special education program or a special education program that subsequently became chartered operated by the state or by a subdivision or other local governmental unit of this state as a teacher licensed pursuant to section 3319.22 of the Revised Code, regardless of training level, with each year consisting of at least one hundred twenty days; and

(d) All years of active military service in the armed forces of the United States, as defined in section 3307.75 of the Revised Code, to a maximum of five years. For purposes of this calculation, a partial year of active military service of eight continuous months or more in the armed forces shall be counted as a full year.

(2) "Teacher" means all teachers employed by the board of education of any school district, including any cooperative education or joint vocational school district and all teachers employed by any educational service center governing board.

(B) No teacher shall be paid a salary less than that provided in the schedule set forth in division (C) of this section. In calculating the minimum salary any teacher shall be paid pursuant to this section, years of service shall include the sum of all years of the teacher's teaching service included in divisions (A)(1)(a), (b), (c), and (d) of this section; except that any school district or educational service center employing a teacher new to the district or educational service center shall grant such teacher a total of not more than ten years of service pursuant to divisions (A)(1)(b), (c), and (d) of this section.

Upon written complaint to the superintendent of public instruction that the board of education of a district or the governing board of an educational service center governing board has failed or refused to annually adopt a salary schedule or to pay salaries in accordance with the salary schedule set forth in division (C) of this section, the superintendent of public instruction shall cause to be made an immediate investigation of such complaint. If the superintendent finds that the conditions complained of exist, the superintendent shall order the board to correct such conditions within ten days from the date of the finding. No moneys shall be distributed to the district or educational service center under this chapter until the superintendent has satisfactory evidence of the board of education's full compliance with such order.

Each teacher shall be fully credited with placement in the appropriate academic training level column in the district's or educational service center's salary schedule with years of service properly credited pursuant to this section or section 3317.14 of the Revised Code. No rule shall be adopted or exercised by any board of education or educational service center governing board which restricts the placement or the crediting of annual salary increments for any teacher according to the appropriate academic training level column.

(C) Minimum salaries exclusive of retirement and sick leave for teachers

shall be as follows:

Years of Service	Teachers with Less than Bachelor's Degree		Teachers with a Bachelor's Degree		Teachers with Five Years of Training, but no Master's Degree		Teachers with a Master's Degree or Higher	
	Per Cent*	Dollar Amount	Per Cent*	Dollar Amount	Per Cent*	Dollar Amount	Per Cent*	Dollar Amount
0	86.5	\$17,300	100.0	\$20,000	103.8	\$20,760	109.5	\$21,900
1	90.0	18,000	103.8	20,760	108.1	21,620	114.3	22,860
2	93.5	18,700	107.6	21,520	112.4	22,480	119.1	23,820
3	97.0	19,400	111.4	22,280	116.7	23,340	123.9	24,780
4	100.5	20,100	115.2	23,040	121.0	24,200	128.7	25,740
5	104.0	20,800	119.0	23,800	125.3	25,060	133.5	26,700
6	104.0	20,800	122.8	24,560	129.6	25,920	138.3	27,660
7	104.0	20,800	126.6	25,320	133.9	26,780	143.1	28,620
8	104.0	20,800	130.4	26,080	138.2	27,640	147.9	29,580
9	104.0	20,800	134.2	26,840	142.5	28,500	152.7	30,540
10	104.0	20,800	138.0	27,600	146.8	29,360	157.5	31,500
11	104.0	20,800	141.8	28,360	151.1	30,220	162.3	32,460

* Percentages represent the percentage which each salary is of the base amount.

For purposes of determining the minimum salary at any level of training and service, the base of one hundred per cent shall be the base amount. The percentages used in this section show the relationships between the minimum salaries required by this section and the base amount and shall not be construed as requiring any school district or educational service center to adopt a schedule containing salaries in excess of the amounts set forth in this section for corresponding levels of training and experience.

As used in this division:

(1) "Base amount" means the following:

(a) For school years prior to the 2013-2014 school year, twenty thousand dollars ;

(b) For the 2013-2014 school year and any school year thereafter, twenty-five thousand dollars.

(2) "Five years of training" means at least one hundred fifty semester hours, or the equivalent, and a bachelor's degree from a recognized college or university.

(D) For purposes of this section, all credited training shall be from a recognized college or university.

(E) Beginning with the fiscal year that begins on July 1, 2013, the base amount for a teacher with a bachelor's degree and zero years of experience shall be twenty-five thousand dollars. As soon as possible thereafter, the department of education shall develop a minimum salary schedule that comports with that base amount and with stepped increments prescribed in division (C) of this section."

In line 51014, reinsert all after the period

In line 51015, reinsert all before " The"; delete " The"

In line 51022, reinsert all after the comma

Reinsert line 51023

In line 51024, reinsert all before "provided"

In line 51025, reinsert all after "experience"

In line 51026, reinsert all before "is"

Reinsert lines 51034 through 51045

Delete lines 51046 through 51116

In line 79010, after "funds" insert " ;

(8) That, in the case of a certified type B family day-care home, the provider will be paid according to one of the following reimbursement rates:

(a) An hourly rate when publicly funded child care is provided for less than seven authorized hours of care per week;

(b) A part-time weekly rate when publicly funded child care is provided for at least seven and less than twenty-five authorized hours of care per week;

(c) A full-time weekly rate when publicly funded child care is provided for at least twenty-five and not more than fifty authorized hours of care per week.

(9) That, in the case of a certified type B family day-care home, a provider that provides authorized hours of publicly funded child care in excess of fifty hours per week will be paid at a reimbursement rate that is equal to one and one-half times the hourly rate for those additional hours"

In line 79052, delete " or have possession of"

Between lines 83805 and 83806, insert:

"Sec. 5120.05. The department of rehabilitation and correction may maintain, operate, manage, and govern all state institutions for the custody, control, training, and rehabilitation of persons convicted of crime and sentenced to correctional institutions.

The department may designate correctional institutions by appropriate respective names.

The department may receive from the department of youth services any children in the custody of the department of youth services, committed to the department of rehabilitation and correction by the department of youth services, upon the terms and conditions that are agreed upon by the departments.

The director of the department of rehabilitation and correction shall not

enter into a contract or agreement with a private entity for the operation of food services at any institution under the department's jurisdiction other than an institution operated pursuant to a contract entered into under section 9.06 of the Revised Code."

In line 83882, after "**5120.09.**" insert " (A)"

In line 83885, strike through "(A)" and insert " (1)"

In line 83894, strike through "(B)" and insert " (2)"

In line 83896, strike through "(C)" and insert " (3)"

In line 83901, strike through "(D)" and insert " (4)"

In line 83911, strike through "(E)" and insert " (5)"

In line 83915, strike through "(D)" and insert " (A)(4)"

In line 83916, strike through "(F) Enter" and insert " (6) Subject to division (B) of this section, enter"

In line 83923, strike through "(G)" and insert " (7)"

Between lines 83924 and 83925, insert:

" (B) The division of business administration shall not enter into a contract or agreement with a private entity for the operation of food services at any institution under the department's jurisdiction other than an institution operated pursuant to a contract entered into under section 9.06 of the Revised Code."

Delete lines 91922 through 91993

Between lines 92025 and 92026, insert:

" The director of the department of youth services shall not enter into a contract or agreement with a private entity for the operation of food services at any institution under the department's jurisdiction."

Between lines 108514 and 108515, insert:

"**Sec. 5502.62.** (A) There is hereby created in the department of public safety a division of criminal justice services. The director of public safety, with the concurrence of the governor, shall appoint an executive director of the division of criminal justice services. The executive director shall be the head of the division. The executive director shall serve at the pleasure of the director of public safety. To carry out the duties assigned under this section and to comply with sections 5502.63 to 5502.66 of the Revised Code, the executive director, subject to the direction and control of the director of public safety, may appoint and maintain any necessary staff and may enter into any necessary contracts and other agreements. The executive director of the division, and all professional and technical personnel employed within the division who are not public employees as defined in section 4117.01 of the Revised Code, shall be in the unclassified

civil service, and all other persons employed within the division shall be in the classified civil service.

(B) Subject to division (F) of this section and subject to divisions ~~(D)~~ (A)(4) to ~~(F)~~ (6) of section 5120.09 of the Revised Code insofar as those divisions relate to federal criminal justice acts that the governor requires the department of rehabilitation and correction to administer, the division of criminal justice services shall do all of the following:

- (1) Serve as the state criminal justice services agency and perform criminal justice system planning in the state, including any planning that is required by any federal law;
- (2) Collect, analyze, and correlate information and data concerning the criminal justice system in the state;
- (3) Cooperate with and provide technical assistance to state departments, administrative planning districts, metropolitan county criminal justice services agencies, criminal justice coordinating councils, agencies, offices, and departments of the criminal justice system in the state, and other appropriate organizations and persons;
- (4) Encourage and assist agencies, offices, and departments of the criminal justice system in the state and other appropriate organizations and persons to solve problems that relate to the duties of the division;
- (5) Administer within the state any federal criminal justice acts that the governor requires it to administer;
- (6) Administer funds received under the "Family Violence Prevention and Services Act," 98 Stat. 1757 (1984), 42 U.S.C.A. 10401, as amended, with all powers necessary for the adequate administration of those funds, including the authority to establish a family violence prevention and services program;
- (7) Implement the state comprehensive plans;
- (8) Audit grant activities of agencies, offices, organizations, and persons that are financed in whole or in part by funds granted through the division;
- (9) Monitor or evaluate the performance of criminal justice system projects and programs in the state that are financed in whole or in part by funds granted through the division;
- (10) Apply for, allocate, disburse, and account for grants that are made available pursuant to federal criminal justice acts, or made available from other federal, state, or private sources, to improve the criminal justice system in the state. All money from such federal grants that require that the money be deposited into an interest-bearing fund or account, that are intended to provide funding to local criminal justice programs, and that require that investment earnings be distributed for program purposes shall be deposited in the state treasury to the credit of the federal justice programs funds, which are hereby created. A separate fund shall be established each federal fiscal year. All

investment earnings of a federal justice programs fund shall be credited to that fund and distributed in accordance with the terms of the grant under which the money is received. If the terms under which the money is received do not require the money to be deposited into an interest-bearing fund or account, all money from such federal grants shall be deposited into the state treasury to the credit of the federal justice grants fund, which is hereby created. Money credited to the fund shall be used or distributed pursuant to the federal grant programs under which the money is received.

(11) Contract with federal, state, and local agencies, foundations, corporations, businesses, and persons when necessary to carry out the duties of the division;

(12) Oversee the activities of metropolitan county criminal justice services agencies, administrative planning districts, and criminal justice coordinating councils in the state;

(13) Advise the director of public safety, general assembly, and governor on legislation and other significant matters that pertain to the improvement and reform of criminal and juvenile justice systems in the state;

(14) Prepare and recommend legislation to the director of public safety, general assembly, and governor for the improvement of the criminal and juvenile justice systems in the state;

(15) Assist, advise, and make any reports that are requested or required by the governor, director of public safety, attorney general, or general assembly;

(16) Develop and maintain the Ohio incident-based reporting system in accordance with division (C) of this section;

(17) Subject to the approval of the director of public safety, adopt rules pursuant to Chapter 119. of the Revised Code;

(18)(a) Not later than June 1, 2007, and subject to the approval of the director of public safety, adopt rules for the establishment and maintenance of a mcgruff house program by any sponsoring agency. The rules shall include the following:

(i) The adoption of the mcgruff house symbol to be used exclusively in all mcgruff house programs in this state;

(ii) The requirements for any sponsoring agency to establish and maintain a mcgruff house program;

(iii) The criteria for the selection of volunteers to participate in a mcgruff house program that shall include, but not be limited to, criminal background checks of those volunteers;

(iv) Any other matters that the division of criminal justice services considers necessary for the establishment and maintenance of mcgruff house programs by sponsoring agencies and the participation of volunteers in those

programs.

(b) The division of criminal justice services shall distribute materials and provide technical assistance to any sponsoring agency that establishes and maintains a mcgruff house program, any volunteer group or organization that provides assistance to that sponsoring agency, or any volunteer who participates in a mcgruff house program.

(C) The division of criminal justice services shall develop and maintain the Ohio incident-based reporting system to facilitate the sharing of information with the federal bureau of investigation and participating law enforcement agencies in Ohio. The Ohio incident-based reporting system shall be known as OIBRS. In connection with OIBRS, the division shall do all of the following:

(1) Collect and organize statistical data for reporting to the national incident-based reporting system operated by the federal bureau of investigation for the purpose of securing federal criminal justice grants;

(2) Analyze and highlight mapping data for participating law enforcement agencies;

(3) Distribute data and analyses to participating law enforcement agencies;

(4) Encourage nonparticipating law enforcement agencies to participate in OIBRS by offering demonstrations, training, and technical assistance;

(5) Provide assistance, advice, and reports requested by the governor, the general assembly, or the federal bureau of investigation;

(6) Require every law enforcement agency that receives federal criminal justice grants or state criminal justice information system general revenue funds through the division to participate in OIBRS or in the uniform crime reporting program of the federal bureau of investigation. An agency that submits OIBRS data to the Ohio local law enforcement information sharing network shall be considered to be in compliance with division (C)(6) of this section if both of the following apply:

(a) The Ohio local law enforcement information sharing network is capable of collecting OIBRS data.

(b) The division of criminal justice services has the ability to extract the OIBRS data for reporting to the national incident-based reporting system in the manner required by the federal bureau of investigation.

(D) Upon the request of the director of public safety or governor, the division of criminal justice services may do any of the following:

(1) Collect, analyze, or correlate information and data concerning the juvenile justice system in the state;

(2) Cooperate with and provide technical assistance to state departments, administrative planning districts, metropolitan county criminal justice service

agencies, criminal justice coordinating councils, agency offices, and the departments of the juvenile justice system in the state and other appropriate organizations and persons;

(3) Encourage and assist agencies, offices, and departments of the juvenile justice system in the state and other appropriate organizations and persons to solve problems that relate to the duties of the division.

(E) Divisions (B), (C), and (D) of this section do not limit the discretion or authority of the attorney general with respect to crime victim assistance and criminal justice programs.

(F) Nothing in this section is intended to diminish or alter the status of the office of the attorney general as a criminal justice services agency or to diminish or alter the status or discourage the development and use of other law enforcement information systems in Ohio."

Delete lines 110656 through 110813

In line 122733, delete "3311.78,"

In line 122734, delete "3313.42,"

In line 122743, delete "3317.12," and insert "3317.13,"; delete "3317.141,"

In line 122850, after "5119.99," insert "5120.05,"

In line 122861, delete "5126.24,"

In line 122862, after "5309.082," insert "5502.62,"

In line 122865, delete "5705.412,"

In line 122884, delete "3317.13,"

In line 124609, after "funds" insert " ;

(8) That, in the case of a licensed type B family day-care home, the provider will be paid according to one of the following reimbursement rates:

(a) An hourly rate when publicly funded child care is provided for less than seven authorized hours of care per week;

(b) A part-time weekly rate when publicly funded child care is provided for at least seven and less than twenty-five authorized hours of care per week;

(c) A full-time weekly rate when publicly funded child care is provided for at least twenty-five and not more than fifty authorized hours of care per week.

(9) That, in the case of a licensed type B family day-care home, a provider that provides authorized hours of publicly funded child care in excess of fifty hours per week will be paid at a reimbursement rate that is equal to one and one-half times the hourly rate for those additional hours"

In line 124651, delete "or have possession of"

Between lines 127794 and 127795, insert:

"Section ____. DEPARTMENT OF DEVELOPMENTAL
DISABILITIES TO OPERATE TWENTY ICFs/MR

(A) As used in this section:

(1) "ICF/MR" has the same meaning as in section 5124.01 of the Revised Code.

(2) "Residential facility" has the same meaning as in section 5123.19 of the Revised Code.

(B) Notwithstanding section 5123.196 of the Revised Code, the Department of Developmental Disabilities shall do both of the following not later than January 1, 2014:

(1) Acquire or convert twenty facilities for use as ICFs/MR;

(2) Obtain licensure as residential facilities and Medicaid certification as ICFs/MR for each of the twenty facilities.

(C) Each of the facilities acquired or converted under this section shall have not more than six beds and be located near a developmental center. The Department shall operate the facilities as ICFs/MR. The Director of Developmental Disabilities may seek technical assistance regarding the acquisition, conversion, and operation of the facilities from appropriate sources.

(D) The Director shall prepare a report regarding the operation of the ICFs/MR under this section. The report shall include an evaluation of the quality and effectiveness of the services provided by the ICFs/MR and recommendations regarding whether the Department should continue to operate the ICFs/MR. Not later than June 30, 2015, the Director shall submit the report to the Governor and, in accordance with section 101.68 of the Revised Code, the General Assembly."

Delete lines 129793 through 129842

Delete lines 131758 through 131778

In line 137060, delete everything after the period

Delete lines 137061 through 137065

In line 137116, delete everything after the period

Delete lines 137117 through 137121

In line 65 of the title, delete "3311.78,"

In line 66 of the title, delete "3313.42,"

In line 77 of the title, delete "3317.12," and insert "3317.13,"

In line 78 of the title, delete "3317.141,"

In line 219 of the title, after "5119.99," insert "5120.05,"

In line 235 of the title, delete "5126.24,"

In line 237 of the title, after "5309.082," insert "5502.62,"

In line 240 of the title, delete "5705.412,"

In line 497 of the title, delete "3317.13,"

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

Representative Sears 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 58, nays 39, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Beck	Becker	Blair
Blessing	Boose	Brenner	Brown
Buchy	Burkley	Butler	Conditt
Damschroder	DeVitis	Derickson	Dovilla
Duffey	Gonzales	Green	Grossman
Hackett	Hagan, C.	Hall	Hayes
Henne	Hill	Hood	Hottinger
Huffman	Kunze	Landis	Lynch
Maag	McClain	McGregor	Pelanda
Perales	Retherford	Roegner	Romanchuk
Rosenberger	Ruhl	Scherer	Schuring
Sears	Slaby	Smith	Sprague
Stautberg	Stebelton	Thompson	Wachtmann
Young			Batchelder-58.

Those who voted in the negative were: Representatives

Antonio	Ashford	Barborak	Barnes
Bishoff	Boyce	Budish	Carney
Celebrezze	Cera	Clyde	Curtin
Driehaus	Fedor	Foley	Gerberry
Hagan, R.	Heard	Johnson	Letson
Lundy	Mallory	Milkovich	O'Brien
Patmon	Patterson	Phillips	Pillich
Ramos	Redfern	Reece	Rogers
Slesnick	Stinziano	Strahorn	Sykes
Szollosi	Williams		Winburn-39.

The motion to amend was laid on the table.

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

Representative Reece moved to amend as follows:

Between lines 136351 and 136353, insert:

"Section 397. ____. GET OHIO TO WORK PROGRAM

The Director of Budget and Management, at the request of the Director of Transportation, shall transfer \$35,000,000 cash in each fiscal year from the Highway Operating Fund (Fund 7002) to the Transportation Choices Fund, which is hereby created in the state treasury, for the Get Ohio to Work Program. The program shall expand transportation choices in this state by allocating state and federal dollars as permitted by law, including, but not limited to:

(A) Surface Transportation Program funds for capital and infrastructure investments in transit, rail, biking, walking, electric vehicle infrastructure, and public and private fleet conversions;

(B) Congestion Mitigation and Air Quality Program funds for capital projects and new transit operations;

(C) Transportation Alternatives Program funds for bicycle and pedestrian projects; and

(D) Highway Safety Improvement Program funds for bicycle and pedestrian projects."

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

Representative Sears 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 58, nays 38, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Beck	Becker	Blair
Blessing	Boose	Brenner	Brown
Buchy	Burkley	Butler	Conditt
Damschroder	DeVitis	Derickson	Dovilla
Gonzales	Green	Grossman	Hackett
Hagan, C.	Hall	Hayes	Henne
Hill	Hood	Hottinger	Huffman
Johnson	Kunze	Landis	Lynch
Maag	McClain	McGregor	Pelanda
Perales	Retherford	Roegner	Romanchuk
Rosenberger	Ruhl	Scherer	Schuring
Sears	Slaby	Smith	Sprague
Stautberg	Stebelton	Thompson	Wachtmann
Young			Batchelder-58.

Those who voted in the negative were: Representatives

Antonio	Ashford	Barborak	Barnes
Bishoff	Boyce	Budish	Carney
Celebrezze	Cera	Clyde	Curtin
Driehaus	Fedor	Foley	Gerberry
Hagan, R.	Heard	Letson	Lundy
Mallory	Milkovich	O'Brien	Patmon

Patterson	Phillips	Pillich	Ramos
Redfern	Reece	Rogers	Slesnick
Stinziano	Strahorn	Sykes	Szollosi
Williams			Winburn-38.

The motion to amend was laid on the table.

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

Representative Clyde moved to amend as follows:

In line 624, delete "3333.31,"

Delete lines 54215 through 54319

In line 122749, delete "3333.31,"

In line 86 of the title, delete "3333.31,"

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

Representative Sears 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 59, nays 37, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Beck	Becker	Blair
Blessing	Boose	Brenner	Brown
Buchy	Burkley	Butler	Conditt
Damschroder	DeVitis	Derickson	Dovilla
Duffey	Gonzales	Green	Grossman
Hackett	Hagan, C.	Hall	Hayes
Henne	Hill	Hood	Hottinger
Huffman	Johnson	Kunze	Landis
Lynch	Maag	McClain	McGregor
Pelanda	Perales	Retherford	Roegner
Romanchuk	Rosenberger	Ruhl	Scherer
Schuring	Sears	Slaby	Smith
Sprague	Stautberg	Stebelton	Thompson
Wachtmann	Young		Batchelder-59.

Those who voted in the negative were: Representatives

Antonio	Ashford	Barborak	Barnes
Bishoff	Boyce	Budish	Carney
Celebrezze	Cera	Clyde	Curtin
Driehaus	Fedor	Foley	Gerberry
Hagan, R.	Heard	Letson	Lundy
Mallory	Milkovich	O'Brien	Patterson
Phillips	Pillich	Ramos	Redfern
Reece	Rogers	Slesnick	Stinziano
Strahorn	Sykes	Szollosi	Williams
			Winburn-37.

The motion to amend was laid on the table.

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

Representative Letson moved to amend as follows:

In line 587, delete "718.01, 718.03,"

Delete lines 22804 through 23244

In line 122712, delete "718.01, 718.03,"

In line 35 of the title, delete "718.01, 718.03,"

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

The motion was agreed to and the bill so amended.

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

Representative Heard moved to amend as follows:

Delete lines 129793 through 129842

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

Representative Sears 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 59, nays 38, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Beck	Becker	Blair
Blessing	Boose	Brenner	Brown
Buchy	Burkley	Butler	Conditt
Damschroder	DeVitis	Derickson	Dovilla
Duffey	Gonzales	Green	Grossman
Hackett	Hagan, C.	Hall	Hayes
Henne	Hill	Hood	Hottinger
Huffman	Johnson	Kunze	Landis
Lynch	Maag	McClain	McGregor
Pelanda	Perales	Retherford	Roegner
Romanchuk	Rosenberger	Ruhl	Scherer
Schuring	Sears	Slaby	Smith
Sprague	Stautberg	Stebelton	Thompson
Wachtmann	Young		Batchelder-59.

Those who voted in the negative were: Representatives

Antonio	Ashford	Barborak	Barnes
Bishoff	Boyce	Budish	Carney
Celebrezze	Cera	Clyde	Curtin
Driehaus	Fedor	Foley	Gerberry
Hagan, R.	Heard	Letson	Lundy
Mallory	Milkovich	O'Brien	Patmon
Patterson	Phillips	Pillich	Ramos
Redfern	Reece	Rogers	Slesnick

Stinziano
Williams

Strahorn

Sykes

Szollosi
Winburn-38.

The motion to amend was laid on the table.

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

Representative Hood moved to amend as follows:

In line 576, after "156.05," insert "164.07,"

In line 582, after "305.23," insert "307.022,"; after "307.07," insert "307.671,"; after "307.674," insert "307.696,"

In line 587, after "351.021," insert "351.06,"

In line 590, after "1501.45," insert "1506.44,"

In line 593, after "1555.15," insert "1710.02,"

In line 648, after "4112.31," insert "4115.03,"; after "4115.034," insert "4115.04, 4115.06, 4115.09, 4115.10, 4115.133,"

In line 738, after "5511.03," insert "5540.03,"

In line 751, delete "and"; after "6111.037" insert ", 6117.012, and 6121.061"

Between lines 14113 and 14114, insert:

"Sec. 164.07. ~~(A)~~ In awarding contracts for capital improvement projects to be financed in whole or in part under this chapter, a local subdivision shall comply with the percentage requirements of section 125.081 of the Revised Code.

~~(B) A capital improvement that is financed in whole or in part under this chapter is a public improvement, and a subdivision undertaking a capital improvement is a public authority, for purposes of section 4115.03 of the Revised Code. All contractors and subcontractors working on a capital improvement financed in whole or in part under this chapter shall comply with sections 4115.03 to 4115.16 of the Revised Code."~~

Between lines 18492 and 18493, insert:

"Sec. 307.022. (A) The board of county commissioners of any county may do both of the following without following the competitive bidding requirements of section 307.86 of the Revised Code:

(1) Enter into a lease, including a lease with an option to purchase, of correctional facilities for a term not in excess of forty years. Before entering into the lease, the board shall publish, once a week for three consecutive weeks in a newspaper of general circulation in the county or as provided in section 7.16 of the Revised Code, a notice that the board is accepting proposals for a lease pursuant to this division. The notice shall state the date before which the

proposals are required to be submitted in order to be considered by the board.

(2) Subject to compliance with this section, grant leases, easements, and licenses with respect to, or sell, real property owned by the county if the real property is to be leased back by the county for use as correctional facilities.

The lease under division (A)(1) of this section shall require the county to contract, in accordance with Chapter 153. ~~;~~ and sections 307.86 to 307.92 ~~, and Chapter 4115.~~ of the Revised Code, for the construction, improvement, furnishing, and equipping of correctional facilities to be leased pursuant to this section. Prior to the board's execution of the lease, it may require the lessor under the lease to cause sufficient money to be made available to the county to enable the county to comply with the certification requirements of division (D) of section 5705.41 of the Revised Code.

A lease entered into pursuant to division (A)(1) of this section by a board may provide for the county to maintain and repair the correctional facility during the term of the leasehold, may provide for the county to make rental payments prior to or after occupation of the correctional facilities by the county, and may provide for the board to obtain and maintain any insurance that the lessor may require, including, but not limited to, public liability, casualty, builder's risk, and business interruption insurance. The obligations incurred under a lease entered into pursuant to division (A)(1) of this section shall not be considered to be within the debt limitations of section 133.07 of the Revised Code.

(B) The correctional facilities leased under division (A)(1) of this section may include any or all of the following:

(1) Facilities in which one or more other governmental entities are participating or in which other facilities of the county are included;

(2) Facilities acquired, constructed, renovated, or financed by the Ohio building authority and leased to the county pursuant to section 307.021 of the Revised Code;

(3) Correctional facilities that are under construction or have been completed and for which no permanent financing has been arranged.

(C) As used in this section:

(1) "Correctional facilities" includes, but is not limited to, jails, detention facilities, workhouses, community-based correctional facilities, and family court centers.

(2) "Construction" has the same meaning as in division (B) of section 4115.03 of the Revised Code.

As used in division (C)(2) of this section:

(a) "Public improvement" means all buildings, roads, streets, alleys, sewers, ditches, and other structures or works constructed by a public authority or by any person who, pursuant to a contract with a public authority, constructs

any structure or work for a public authority. When a public authority rents or leases a newly constructed structure within six months after completion of its construction, any work performed on that structure to suit it for occupancy is a "public improvement."

(b) "Public authority" means any officer, board, or commission of the state, or any political subdivision of the state, or any institution supported in whole or in part by public funds, authorized to enter into a contract for the construction of a public improvement or to construct a public improvement by the direct employment of labor."

Between lines 18626 and 18627, insert:

"**Sec. 307.671.** (A) As used in this section:

(1) "Bonds" means, as the context requires: general obligation bonds of the county, or notes in anticipation thereof, described in division (B)(1)(b) of this section; revenue bonds of the port authority described in division (B)(2)(a) of this section; and urban renewal bonds, or notes in anticipation thereof, of the host municipal corporation described in division (B)(3)(a) of this section.

(2) "Corporation" means a nonprofit corporation that is organized under the laws of this state and that includes within the purposes for which it is incorporated the authorization to lease and operate facilities such as a port authority educational and cultural facility.

(3) "Debt service charges" means, for any period or payable at any time, the principal of and interest and any premium due on bonds for that period or payable at that time whether due at maturity or upon mandatory redemption, together with any required deposits to reserves for the payment of principal of and interest on such bonds, and includes any payments required by the port authority to satisfy any of its obligations arising from any guaranty agreements, reimbursement agreements, or other credit enhancement agreements described in division (C) of this section.

(4) "Host municipal corporation" means the municipal corporation within the boundaries of which the port authority educational and cultural facility is located.

(5) "Port authority" means a port authority created pursuant to the authority of section 4582.02 of the Revised Code by a county and a host municipal corporation.

(6) "Port authority educational and cultural facility" means a facility located within an urban renewal area that may consist of a museum, archives, library, hall of fame, center for contemporary music, or other facilities necessary to provide programs of an educational and cultural nature, together with all parking facilities, walkways, and other auxiliary facilities, real and personal property, property rights, easements, and interests that may be appropriate for, or used in connection with, the operation of the facility.

(7) "Urban renewal area" means an area of a host municipal corporation that the legislative authority of the host municipal corporation has, at any time, designated as appropriate for an urban renewal project pursuant to Chapter 725. of the Revised Code.

(B) The board of county commissioners of a county, a port authority, and a host municipal corporation may enter into a cooperative agreement with a corporation, under which:

(1) The board of county commissioners agrees to do all of the following:

(a) Levy a tax under division (D) of section 5739.09 of the Revised Code exclusively for the purposes described in divisions (B)(1)(c) and (d) of this section;

(b) Issue general obligation bonds of the county, or notes in anticipation thereof, pursuant to Chapter 133. of the Revised Code, for the purpose of acquiring, constructing, and equipping the port authority educational and cultural facility and contribute the proceeds from the issuance to the port authority for such purpose. The cooperative agreement may provide that such proceeds be deposited with and administered by the trustee pursuant to the trust agreement provided for in division (C) of this section.

(c) Following the issuance, sale, and delivery of the port authority revenue bonds provided for in division (B)(2)(a) of this section, and prior to the date certain stated in the cooperative agreement which shall be the date estimated for the completion of construction of the port authority educational and cultural facility, pledge and contribute to the port authority revenue from the tax levied pursuant to division (B)(1)(a) of this section, together with any investment earnings on that revenue, to pay a portion of the costs of acquiring, constructing, and equipping the port authority educational and cultural facility;

(d) Following such date certain, pledge and contribute to the corporation all or such portion as provided for in the cooperative agreement of the revenue from the tax, together with any investment earnings on that revenue, to pay a portion of the costs of the corporation of leasing the port authority educational and cultural facility from the port authority.

(2) The port authority agrees to do all of the following:

(a) Issue revenue bonds of the port authority pursuant to Chapter 4582. of the Revised Code for the purpose of acquiring, constructing, and equipping the port authority educational and cultural facility;

(b) Construct the port authority educational and cultural facility;

(c) Lease the port authority educational and cultural facility to the corporation;

(d) To the extent provided for in the cooperative agreement or the lease to the corporation, authorize the corporation to administer on behalf of the port authority the contracts for acquiring, constructing, or equipping a port authority

educational and cultural facility;

(e) Use the revenue derived from the lease of the port authority educational and cultural facility to the corporation solely to pay debt service charges on the revenue bonds of the port authority described in division (B)(2)(a) of this section.

(3) The host municipal corporation agrees to do both of the following:

(a) Issue urban renewal bonds of the host municipal corporation, or notes in anticipation thereof, pursuant to Chapter 725. of the Revised Code for the purpose of acquiring and constructing the port authority educational and cultural facility and contribute the proceeds from the issuance to the port authority for such purpose. The cooperative agreement may provide that such proceeds be deposited with and administered by the trustee pursuant to the trust agreement provided for in division (C) of this section.

(b) To the extent provided for in the cooperative agreement, contribute to the county, for use by the county to pay debt service charges on the bonds of the county, or notes in anticipation thereof, described in division (B)(1)(b) of this section, any excess urban renewal service payments pledged by the host municipal corporation to the urban renewal bonds described in division (B)(3)(a) of this section and not required on an annual basis to pay debt service charges on the urban renewal bonds.

(4) The corporation agrees to do all of the following:

(a) Lease the port authority educational and cultural facility from the port authority;

(b) Operate and maintain the port authority educational and cultural facility pursuant to the lease;

(c) To the extent provided for in the cooperative agreement or the lease from the port authority, administer on behalf of the port authority the contracts for acquiring, constructing, or equipping a port authority educational and cultural facility.

(C) The pledges and contributions described in divisions (B)(1)(c) and (d) of this section and provided for in the cooperative agreement shall be for the period stated in the cooperative agreement, but shall not be in excess of the period necessary to provide for the final retirement of the port authority revenue bonds provided for in division (B)(2)(a) of this section and any bonds issued by the port authority to refund such bonds, and for the satisfaction by the port authority of any of its obligations arising from any guaranty agreements, reimbursement agreements, or other credit enhancement agreements relating to such bonds or to the revenues pledged to such bonds. The cooperative agreement shall provide for the termination of the cooperative agreement including the pledges and contributions described in divisions (B)(1)(c) and (d) of this section if the port authority revenue bonds provided for in division (B)(2)(a) of this section have not been issued, sold, and delivered within two years of the

effective date of the cooperative agreement.

The cooperative agreement shall provide that any revenue bonds of the port authority shall be secured by a trust agreement between the port authority and a corporate trustee that is a trust company or bank having the powers of a trust company within or outside the state. The county may be a party to such trust agreement for the purpose of securing the pledge by the county of its contribution to the corporation pursuant to division (B)(1)(d) of this section. A tax levied pursuant to division (B)(1)(a) of this section is not subject to diminution by initiative or referendum or diminution by statute, unless provision is made therein for an adequate substitute therefor reasonably satisfactory to the trustee under the trust agreement that secures the revenue bonds of the port authority.

(D) A pledge of money by a county under this section shall not be net indebtedness of the county for purposes of section 133.07 of the Revised Code.

(E) If the terms of the cooperative agreement so provide, any contract for the acquisition, construction, or equipping of a port authority educational and cultural facility shall be made in such manner as is determined by the board of directors of the port authority, and unless the cooperative agreement provides otherwise, such a contract is not subject to division (A) of section 4582.12 of the Revised Code. The port authority may take the assignment of and assume any contracts for the acquisition, construction, and equipping of a port authority educational and cultural facility that previously have been authorized by either or both the host municipal corporation or the corporation. Such contracts likewise are not subject to division (A) of section 4582.12 of the Revised Code.

~~Any contract for the acquisition, construction, or equipping of a port authority educational and cultural facility entered into, assigned, or assumed pursuant to this division shall provide that all laborers and mechanics employed for the acquisition, construction, or equipping of the port authority educational and cultural facility shall be paid at the prevailing rates of wages of laborers and mechanics for the class of work called for by the port authority educational and cultural facility, which wages shall be determined in accordance with the requirements of Chapter 4115. of the Revised Code for the determination of prevailing wage rates."~~

Strike through lines 18803 through 18810

Strike through lines 19012 through 19023

In line 19037, strike through ", but are subject to Chapter 4115. of the Revised Code"

Between lines 19037 and 19038, insert:

"**Sec. 307.696.** (A) As used in this section:

(1) "County taxes" means taxes levied by the county pursuant to sections 307.697, 4301.421, 5743.024, and 5743.323 of the Revised Code.

(2) "Corporation" means a nonprofit corporation that is organized under the laws of this state for the purposes of operating or constructing and operating a sports facility in the county and that may also be organized under the laws of this state for the additional purposes of conducting redevelopment and economic development activities within the host municipal corporation.

(3) "Sports facility" means a sports facility that is intended to house major league professional athletic teams, including a stadium, together with all parking facilities, walkways, and other auxiliary facilities, real and personal property, property rights, easements, and interests that may be appropriate for, or used in connection with, the operation of the facility.

(4) "Construction" includes, but is not limited to, providing fixtures, furnishings, and equipment.

(5) "Debt service charges" means the interest, principal, premium, if any, carrying and redemption charges, and expenses on bonds issued by either the county or the corporation to:

(a) Construct a sports facility or provide for related redevelopment or economic development as provided in this section;

(b) Acquire real and personal property, property rights, easements, or interests that may be appropriate for, or used in connection with, the operation of the facility; and

(c) Make site improvements to real property, including, but not limited to, demolition, excavation, and installation of footers, pilings, and foundations.

(6) "Host municipal corporation" means the municipal corporation within the boundaries of which the sports facility is located, and with which a national football league, major league baseball, or national basketball association sports franchise is associated on ~~the effective date of this amendment~~ March 20, 1990.

(B) A board of county commissioners of a county that levies a tax under section 307.697, 4301.421, or 5743.024 of the Revised Code may enter into an agreement with a corporation operating in the county, and, if there is a host municipal corporation all or a part of which is located in the county, shall enter into an agreement with a corporation operating in the county and the host municipal corporation, under which:

(1)(a) The corporation agrees to construct and operate a sports facility in the county and to pledge and contribute all or any part of the revenues derived from its operation, as specified in the agreement, for the purposes described in division (C)(1) of this section; and

(b) The board agrees to levy county taxes and pledge and contribute any part or all of the revenues therefrom, as specified in the agreement, for the purposes described in division (C)(1) of this section; or

(2)(a) The corporation agrees to operate a sports facility constructed by the county and to pledge and contribute all or any part of the revenues derived

from its operation, as specified in the agreement, for the purposes described in division (C)(2) of this section; and

(b) The board agrees to issue revenue bonds of the county, use the proceeds from the sale of the bonds to construct a sports facility in the county, and to levy county taxes and pledge and contribute all or any part of the revenues therefrom, as specified in the agreement, for the purposes described in division (C)(2) of this section; and, if applicable

(3) The host municipal corporation agrees to expend the unused pledges and contributions and surplus revenues as described in divisions (C)(1) and (2) of this section for redevelopment and economic development purposes related to the sports facility.

(C)(1) The primary purpose of the pledges and contributions described in division (B)(1) of this section is payment of debt service charges. To the extent the pledges and contributions are not used by the county or corporation for payment of debt service charges, the county or corporation, pursuant to the agreement provided for in division (B) of this section, shall provide the unused pledges and contributions, together with surplus revenues of the sports facility not needed for debt service charges or the operation and maintenance of the sports facility, to the host municipal corporation, or a nonprofit corporation, which may be the corporation acting on behalf of the host municipal corporation, for redevelopment and economic development purposes related to the sports facility. If the county taxes are also levied for the purpose of making permanent improvements, the agreement shall include a schedule of annual pledges and contributions by the county for the payment of debt service charges. The county's pledge and contribution provided for in the agreement shall be for the period stated in the agreement but not to exceed twenty years. The agreement shall provide that any such bonds and notes shall be secured by a trust agreement between the corporation or other bond issuer and a corporate trustee that is a trust company or bank having the powers of a trust company within or without the state, and the trust agreement shall pledge or assign to the retirement of the bonds or notes, all moneys paid by the county for that purpose under this section. A county tax, all or any part of the revenues from which are pledged under an agreement entered into by a board of county commissioners under this section shall not be subject to diminution by initiative or referendum, or diminution by statute, unless provision is made therein for an adequate substitute therefor reasonably satisfactory to the trustee under the trust agreement that secures the bonds and notes.

(2) The primary purpose of the pledges and contributions described in division (B)(2) of this section is payment of debt service charges. To the extent the pledges and contributions are not used by the county for payment of debt service charges, the county or corporation, pursuant to the agreement provided for in division (B) of this section, shall provide the unused pledges and contributions, together with surplus revenues of the sports facility not needed for debt service charges or the operation and maintenance of the sports facility, to

the host municipal corporation, or a nonprofit corporation, which may be the corporation, acting on behalf of the host municipal corporation, for redevelopment and economic development purposes related to the sports facility. The corporation's pledge and contribution provided for in the agreement shall be until all of the bonds issued for the construction of the facility have been retired.

(D) A pledge of money by a county under this section shall not be indebtedness of the county for purposes of Chapter 133. of the Revised Code.

(E) If the terms of the agreement so provide, the board of county commissioners may acquire, make site improvements to, including, but not limited to, demolition, excavation, and installation of footers, pilings, and foundations, and lease real property for the sports facility to a corporation that constructs a sports facility under division (B)(1) of this section. The agreement shall specify the term, which shall not exceed thirty years and shall be on such terms as are set forth in the agreement. The purchase, improvement, and lease may be the subject of an agreement between the county and a municipal corporation located within the county pursuant to section 153.61 or 307.15 of the Revised Code, and are not subject to the limitations of sections 307.02 and 307.09 of the Revised Code.

(F) The corporation shall not enter into any construction contract or contract for the purchase of services for use in connection with the construction of a sports facility prior to the corporation's adoption and implementation of a policy on the set aside of contracts for bidding by or award to minority business enterprises, as defined in division (E)(1) of section 122.71 of the Revised Code. ~~Sections 4115.03 to 4115.16 of the Revised Code apply to a sports facility constructed under this section.~~

(G) Not more than one-half of the total costs, including debt service charges and cost of operation, of a project undertaken pursuant to an agreement entered into under division (B) of this section shall be paid from county taxes. Nothing in this section authorizes the use of revenues from county taxes or proceeds from the sale of bonds issued by the board of county commissioners for payment of costs of operation of a sports facility."

Between lines 21890 and 21891, insert:

~~"Sec. 351.06. A facility to be constructed pursuant to this chapter is a public improvement and a convention facilities authority is a public authority for purposes of section 4115.03 of the Revised Code. All contractors and subcontractors working on such facilities are subject to and shall comply with sections 4115.03 to 4115.16 of the Revised Code. A convention facilities authority is a contracting authority for purposes of sections 307.86 to 307.91 of the Revised Code.~~

No convention facilities authority shall construct a facility under this chapter unless the plans for the facility provide for parking and transportation determined by the board of county commissioners as adequate to serve that facility.

A convention facilities authority may do all of the following:

(A) Adopt bylaws for the regulation of its affairs and the conduct of its business;

(B) Adopt an official seal;

(C) Maintain a principal office within its territory;

(D) Acquire, purchase, construct, reconstruct, enlarge, furnish, equip, maintain, repair, sell, exchange, lease or rent to, lease or rent from, operate, or contract for the operation by others of, facilities within its territory, and make charges for the use of the facilities;

(E) Make available the use or services of any facility to persons or governmental agencies on such terms and conditions as the authority shall determine;

(F) By resolution of its board of directors, issue convention facilities authority revenue bonds beyond the limit of bonded indebtedness provided by law, payable solely from revenues as provided in section 351.14 of the Revised Code, unless the bonds are refunded by refunding bonds, for the purpose of providing funds to pay the costs of any facility or facilities or parts of any facility or facilities, and, if moneys raised by taxation are not obligated or pledged for the payment of those revenue bonds, to pay the costs of any facility or facilities or parts of any facility or facilities pursuant to Section 13 of Article VIII, Ohio Constitution, and in order to create or preserve jobs and employment opportunities and improve the economic welfare of the people of the state;

(G) Maintain such funds as it determines necessary;

(H) Direct its agents or employees, when properly identified in writing and after at least five days' written notice, to enter upon lands within its territory in order to make surveys and examinations preliminary to location and construction of facilities, or other work for the purposes of the convention facilities authority, without liability of the authority or its agents or employees except for actual damage done;

(I) Promote, advertise, and publicize the authority and its facilities;

(J)(1) Adopt rules, not in conflict with general law, governing the use of its property, grounds, buildings, equipment, and facilities, and the conduct of its employees and the public, in order to promote the public safety and convenience in and about its facilities and grounds, and to maintain order. Any such rule shall be posted at a prominent place in each of the buildings or facilities to which it applies.

(2) No person shall violate any lawful rule adopted and posted as provided in this division.

(K) Acquire by gift or purchase, hold, lease, and dispose of real and personal property and interests in the property in the exercise of its powers and

the performance of its duties under this chapter;

(L) Acquire, in the name of the authority, by purchase or otherwise, on such terms and in such manner as the authority finds proper, or by the exercise of the right of appropriation in the manner provided by section 351.22 of the Revised Code, such public or private lands, including public parks, playgrounds, or reservations, or parts thereof or rights therein, rights-of-way, rights, franchises, easements, and interests as it finds necessary or proper for carrying out this chapter, and compensation shall be paid for public or private lands so taken;

(M) Make and enter into all contracts and agreements and execute all instruments necessary or incidental to the performance of its duties and the execution of its powers under this chapter provided that no construction contract or contract for the purchase of goods or services shall be approved or entered into by the authority prior to the adoption and implementation of a policy on the set aside of contracts for bidding by or award to minority business enterprises, as defined in division (E)(1) of section 122.71 of the Revised Code;

(N) Employ managers, superintendents, and other employees and retain or contract with consulting engineers, financial consultants, accounting experts, architects, attorneys, and such other consultants and independent contractors as are necessary in its judgment to carry out this chapter, and fix their compensation. All expenses of doing so shall be payable solely from the proceeds of convention facilities authority bonds and notes issued under this chapter, or from excise taxes and revenues.

(O) Receive and accept from any governmental agency grants for or in aid of the purposes of the authority, and receive and accept aid or contributions from any source of money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which such grants and contributions are made;

(P) Engage in research and development with respect to facilities;

(Q) Purchase fire and extended coverage and liability insurance for any facility and for the offices of the authority, insurance protecting the authority and its officers and employees against liability for damage to property or injury to or death of persons arising from its operations, and any other insurance the authority may agree to provide under any resolution authorizing its convention facilities authority revenue bonds or in any trust agreement securing the same;

(R) Charge, alter, and collect rentals and other charges for the use or services of any facility as provided in section 351.09 of the Revised Code;

(S) If a tax proposed under section 5739.026 of the Revised Code is disapproved by the electors, request the board of county commissioners to dissolve the authority pursuant to section 351.03 of the Revised Code;

(T) By resolution of its board of directors, levy any of the excise taxes authorized by division (B) or (C) of section 351.021 of the Revised Code if

authorized by the county commissioners, and issue convention facilities authority tax anticipation bonds beyond any limit of bonded indebtedness provided by law, payable solely from excise taxes levied pursuant to division (B) or (C) of section 351.021 of the Revised Code and revenues as provided in section 351.141 of the Revised Code.

(U) Do all acts necessary or proper to carry out the powers expressly granted in this chapter."

Delete lines 22088 through 22091

Between lines 24798 and 24799, insert:

"Sec. 1506.44. (A) A board of county commissioners may use a loan obtained under division (C) of this section to provide financial assistance to any person who owns real property in a coastal erosion area and who has received a permit under section 1506.40 of the Revised Code to construct an erosion control structure in that coastal erosion area. The board shall enter into an agreement with the person that complies with all of the following requirements:

(1) The agreement shall identify the person's real property for which the erosion control structure is being constructed and shall include a legal description of that property and a reference to the volume and page of the deed record in which the title of that person to that property is recorded.

(2) In accordance with rules adopted by the Ohio water development authority under division (V) of section 6121.04 of the Revised Code for the purposes of division (C) of this section and pursuant to an agreement between the board and the authority under that division, the board shall agree to cause payments to be made by the authority to the contractor hired by the person to construct an erosion control structure in amounts not to exceed the total amount specified in the agreement between the board and the person.

(3) The person shall agree to pay to the board, or to the authority as the assignee pursuant to division (C) of this section, the total amount of the payments plus administrative or other costs of the board or the authority at times, in installments, and bearing interest as specified in the agreement.

The agreement may contain additional provisions that the board determines necessary to safeguard the interests of the county or to comply with an agreement entered into under division (C) of this section.

(B) Upon entering into an agreement under division (A) of this section, the board shall do all of the following:

(1) Cause the agreement to be recorded in the county deed records in the office of the county recorder of the county in which the real property is situated. Failure to record the agreement does not affect the validity of the agreement or the collection of any amounts due under the agreement.

(2) Establish by resolution an erosion control repayment fund into which shall be deposited all amounts collected under division (B)(3) of this section.

Moneys in that fund shall be used by the board for the repayment of the loan and for administrative or other costs of the board or the authority as specified in an agreement entered into under division (C) of this section. If the amount of money in the fund is inadequate to repay the loan when due, the board of county commissioners, by resolution, may advance money from any other fund in order to repay the loan if that use of the money from the other fund is not in conflict with law. If the board so advances money in order to repay the loan, the board subsequently shall reimburse each fund from which the board advances money with moneys from the erosion control repayment fund.

(3) Bill and collect all amounts when due under the agreement entered into under division (A) of this section. The board shall certify amounts not paid when due to the county auditor, who shall enter the amounts on the real property tax list and duplicate against the property identified under division (A)(1) of this section. The amounts not paid when due shall be a lien on that property from the date on which the amounts are placed on the tax list and duplicate and shall be collected in the same manner as other taxes.

(C) A board may apply to the authority for a loan for the purpose of entering into agreements under division (A) of this section. The loan shall be for an amount and on the terms established in an agreement between the board and the authority. The board may assign any agreements entered into under division (A) of this section to the authority in order to provide for the repayment of the loan and may pledge any lawfully available revenues to the repayment of the loan, provided that no moneys raised by taxation shall be obligated or pledged by the board for the repayment of the loan. Any agreement with the authority pursuant to this division is not subject to Chapter 133. of the Revised Code or any requirements or limitations established in that chapter.

(D) The authority, as assignee of any agreement pursuant to division (C) of this section, may enforce and compel the board and the county auditor by mandamus pursuant to Chapter 2731. of the Revised Code to comply with division (B) of this section in a timely manner.

(E) The construction of an erosion control structure by a contractor hired by an individual homeowner, group of individual homeowners, or homeowners association that enters into an agreement with a board under division (A) of this section ~~is not a public improvement, as defined in section 4115.03 of the Revised Code, and is not subject to competitive bidding or public bond laws."~~

Between lines 26598 and 26599, insert:

"Sec. 1710.02. (A) A special improvement district may be created within the boundaries of any one municipal corporation, any one township, or any combination of contiguous municipal corporations and townships for the purpose of developing and implementing plans for public improvements and public services that benefit the district. A district may be created by petition of the owners of real property within the proposed district, or by an existing qualified nonprofit corporation. If the district is created by an existing qualified nonprofit

corporation, the purposes for which the district is created may be supplemental to the other purposes for which the corporation is organized. All territory in a special improvement district shall be contiguous; except that the territory in a special improvement district may be noncontiguous if at least one special energy improvement project is designated for each parcel of real property included within the special improvement district. Additional territory may be added to a special improvement district created under this chapter for the purpose of developing and implementing plans for special energy improvement projects if at least one special energy improvement project is designated for each parcel of real property included within such additional territory and the addition of territory is authorized by the initial plan proposed under division (F) of this section or a plan adopted by the board of directors of the special improvement district under section 1710.06 of the Revised Code.

The district shall be governed by the board of trustees of a nonprofit corporation. This board shall be known as the board of directors of the special improvement district. No special improvement district shall include any church property, or property of the federal or state government or a county, township, or municipal corporation, unless the church or the county, township, or municipal corporation specifically requests in writing that the property be included within the district, or unless the church is a member of the existing qualified nonprofit corporation creating the district at the time the district is created. More than one district may be created within a participating political subdivision, but no real property may be included within more than one district unless the owner of the property files a written consent with the clerk of the legislative authority, the township fiscal officer, or the village clerk, as appropriate. The area of each district shall be contiguous; except that the area of a special improvement district may be noncontiguous if all parcels of real property included within such area contain at least one special energy improvement thereon.

(B) Except as provided in division (C) of this section, a district created under this chapter is not a political subdivision. A district created under this chapter shall be considered a public agency under section 102.01 ~~and a public authority under section 4115.03~~ of the Revised Code. Each member of the board of directors of a district, each member's designee or proxy, and each officer and employee of a district shall be considered a public official or employee under section 102.01 of the Revised Code and a public official and public servant under section 2921.42 of the Revised Code. Districts created under this chapter are not subject to sections 121.81 to 121.83 of the Revised Code. Districts created under this chapter are subject to sections 121.22 and 121.23 of the Revised Code.

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

Membership on the board of directors of the district shall not be considered as holding a public office. Directors and their designees shall be entitled to the immunities provided by Chapter 1702. and to the same immunity as an employee under division (A)(6) of section 2744.03 of the Revised Code,

except that directors and their designees shall not be entitled to the indemnification provided in section 2744.07 of the Revised Code unless the director or designee is an employee or official of a participating political subdivision of the district and is acting within the scope of the director's or designee's employment or official responsibilities.

District officers and district members and directors and their designees or proxies shall not be required to file a statement with the Ohio ethics commission under section 102.02 of the Revised Code. All records of the district shall be treated as public records under section 149.43 of the Revised Code, except that records of organizations contracting with a district shall not be considered to be public records under section 149.43 or section 149.431 of the Revised Code solely by reason of any contract with a district.

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

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

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

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

(3) A description of the procedure by which the articles of incorporation may be amended. The procedure shall include receiving approval of the amendment, by resolution, from the legislative authority of each participating political subdivision and filing the approved amendment and resolution with the secretary of state.

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

(E) The articles of incorporation for a nonprofit corporation governing a district created under this chapter and amendments to them shall be submitted to the municipal executive, if any, and the legislative authority of each municipal corporation or township in which the proposed district is to be located. Except in

the case of a district created by an existing qualified nonprofit corporation, the articles or amendments shall be accompanied by a petition signed either by the owners of at least sixty per cent of the front footage of all real property located in the proposed district that abuts upon any street, alley, public road, place, boulevard, parkway, park entrance, easement, or other existing public improvement within the proposed district, excluding church property or property owned by the state, county, township, municipal, or federal government, unless a church, county, township, or municipal corporation has specifically requested in writing that the property be included in the district, or by the owners of at least seventy-five per cent of the area of all real property located within the proposed district, excluding church property or property owned by the state, county, township, municipal, or federal government, unless a church, county, township, or municipal corporation has specifically requested in writing that the property be included in the district. Pursuant to Section 2o of Article VIII, Ohio Constitution, the petition required under this division may be for the purpose of developing and implementing plans for special energy improvement projects, and, in such case, is determined to be in furtherance of the purposes set forth in Section 2o of Article VIII, Ohio Constitution. If a special improvement district is being created under this chapter for the purpose of developing and implementing plans for special energy improvement projects, the petition required under this division shall be signed by one hundred per cent of the owners of the area of all real property located within the proposed special improvement district, at least one special energy improvement project shall be designated for each parcel of real property within the special improvement district, and the special improvement district may include any number of parcels of real property as determined by the legislative authority of each participating political subdivision in which the proposed special improvement district is to be located. For purposes of determining compliance with these requirements, the area of the district, or the front footage and ownership of property, shall be as shown in the most current records available at the county recorder's office and the county engineer's office sixty days prior to the date on which the petition is filed.

Each municipal corporation or township with which the petition is filed has sixty days to approve or disapprove, by resolution, the petition, including the articles of incorporation. In the case of a district created by an existing qualified nonprofit corporation, each municipal corporation or township has sixty days to approve or disapprove the creation of the district after the corporation submits the articles of incorporation or amendments thereto. This chapter does not prohibit or restrict the rights of municipal corporations under Article XVIII of the Ohio Constitution or the right of the municipal legislative authority to impose reasonable conditions in a resolution of approval. The acquisition, installation, equipping, and improvement of a special energy improvement project under this chapter shall not supersede any local zoning, environmental, or similar law or regulation.

(F) Persons proposing creation and operation of the district may propose an initial plan for public services or public improvements that benefit all or any

part of the district. Any initial plan shall be submitted as part of the petition proposing creation of the district or, in the case of a district created by an existing qualified nonprofit corporation, shall be submitted with the articles of incorporation or amendments thereto.

An initial plan may include provisions for the following:

(1) Creation and operation of the district and of the nonprofit corporation to govern the district under this chapter;

(2) Hiring employees and professional services;

(3) Contracting for insurance;

(4) Purchasing or leasing office space and office equipment;

(5) Other actions necessary initially to form, operate, or organize the district and the nonprofit corporation to govern the district;

(6) A plan for public improvements or public services that benefit all or part of the district, which plan shall comply with the requirements of division (A) of section 1710.06 of the Revised Code and may include, but is not limited to, any of the permissive provisions described in the fourth sentence of that division or listed in divisions (A)(1) to (7) of that section;

(7) If the special improvement district is being created under this chapter for the purpose of developing and implementing plans for special energy improvement projects, provision for the addition of territory to the special improvement district.

After the initial plan is approved by all municipal corporations and townships to which it is submitted for approval and the district is created, each participating subdivision shall levy a special assessment within its boundaries to pay for the costs of the initial plan. The levy shall be for no more than ten years from the date of the approval of the initial plan; except that if the proceeds of the levy are to be used to pay the costs of a special energy improvement project, the levy of a special assessment shall be for no more than thirty years from the date of approval of the initial plan. In the event that additional territory is added to a special improvement district, the special assessment to be levied with respect to such additional territory shall commence not earlier than the date such territory is added and shall be for no more than thirty years from such date. For purposes of levying an assessment for this initial plan, the services or improvements included in the initial plan shall be deemed a special benefit to property owners within the district.

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

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

(2) Develop, adopt, revise, implement, and repeal plans for public

improvements and public services for all or any part of the district;

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

(4) Contract and pay for insurance for the district and for directors, officers, agents, contractors, employees, or members of the district for any consequences of the implementation of any plan adopted by the district or any actions of the district.

The board of directors of a special improvement district may, acting as agent and on behalf of a participating political subdivision, sell, transfer, lease, or convey any special energy improvement project owned by the participating political subdivision upon a determination by the legislative authority thereof that the project is not required to be owned exclusively by the participating political subdivision for its purposes, for uses determined by the legislative authority thereof as those that will promote the welfare of the people of such participating political subdivision; to improve the quality of life and the general and economic well-being of the people of the participating political subdivision; better ensure the public health, safety, and welfare; protect water and other natural resources; provide for the conservation and preservation of natural and open areas and farmlands, including by making urban areas more desirable or suitable for development and revitalization; control, prevent, minimize, clean up, or mediate certain contamination of or pollution from lands in the state and water contamination or pollution; or provide for safe and natural areas and resources. The legislative authority of each participating political subdivision shall specify the consideration for such sale, transfer, lease, or conveyance and any other terms thereof. Any determinations made by a legislative authority of a participating political subdivision under this division shall be conclusive.

Any sale, transfer, lease, or conveyance of a special energy improvement project by a participating political subdivision or the board of directors of the special improvement district may be made without advertising, receipt of bids, or other competitive bidding procedures applicable to the participating political subdivision or the special improvement district under Chapter 153. or 735. or section 1710.11 of the Revised Code or other representative provisions of the Revised Code."

Between lines 67315 and 67316, insert:

"**Sec. 4115.03.** As used in sections 4115.03 to 4115.16 of the Revised Code:

(A) (1) "Public authority" means any officer, board, or commission of the state ~~, or any political subdivision of the state,~~ authorized to enter into a contract for the construction of a public improvement or to construct the same by the direct employment of labor, or any institution supported in whole or in part by ~~public~~ state funds and said sections apply to expenditures of such institutions

made in whole or in part from ~~public state~~ funds.

(2) "Public authority" does not mean either of the following:

(a) A political subdivision or special district, unless the political subdivision or special district elects to be subject to the requirements of sections 4115.03 to 4115.16 of the Revised Code pursuant to section 4115.04 of the Revised Code.

(b) A state institution of higher education, unless the state institution of higher education elects to be subject to the requirements of sections 4115.03 to 4115.16 of the Revised Code pursuant to section 4115.04 of the Revised Code.

(B) "Construction" means any of the following:

(1) Except as provided in division (B) ~~(2)~~ or (3) of this section, any new construction of a public improvement, ~~the total overall project cost of which is fairly estimated to be more than the following amounts and performed by other than full-time employees who have completed their probationary periods in the classified service of a public authority:~~

~~(a) One hundred twenty five thousand dollars, beginning on the effective date of this amendment and continuing for one year thereafter;~~

~~(b) Two hundred thousand dollars, beginning when the time period described in division (B)(1)(a) of this section expires and continuing for one year thereafter;~~

~~(c) Two hundred fifty thousand dollars, beginning when the time period described in division (B)(1)(b) of this section expires.~~

~~(2) Except as provided in division (B)(4) of this section, or any reconstruction, enlargement, alteration, repair, remodeling, renovation, or painting of a public improvement, the total overall project cost of which is fairly estimated to be more than the following amounts three million five hundred dollars adjusted biennially by the director of commerce pursuant to section 4115.034 of the Revised Code and performed by other than full-time employees who have completed their probationary period in the classified civil service of a public authority :~~

~~(a) Thirty eight thousand dollars, beginning on the effective date of this amendment and continuing for one year thereafter;~~

~~(b) Sixty thousand dollars, beginning when the time period described in division (B)(2)(a) of this section expires and continuing for one year thereafter;~~

~~(c) Seventy five thousand dollars, beginning when the time period described in division (B)(2)(b) of this section expires.~~

~~(3) (2) Any new construction of a public improvement that involves roads, streets, alleys, sewers, ditches, and other works connected to road or bridge construction, the total overall project cost of which is fairly estimated to be more than seventy-eight thousand two hundred fifty-eight dollars adjusted~~

biennially by the director of commerce pursuant to section 4115.034 of the Revised Code and performed by other than full-time employees who have completed their probationary periods in the classified service of a public authority;

(4) (3) Any reconstruction, enlargement, alteration, repair, remodeling, renovation, or painting of a public improvement that involves roads, streets, alleys, sewers, ditches, and other works connected to road or bridge construction, the total overall project cost of which is fairly estimated to be more than twenty-three thousand four hundred forty-seven dollars adjusted biennially by the director of commerce pursuant to section 4115.034 of the Revised Code and performed by other than full-time employees who have completed their probationary periods in the classified service of a public authority.

(C) "Public improvement" includes all buildings, roads, streets, alleys, sewers, ditches, sewage disposal plants, water works, and all other structures or works constructed by a public authority of the state ~~or any political subdivision thereof~~ or by any person who, pursuant to a contract with a public authority, constructs any structure for a public authority of the state ~~or a political subdivision thereof~~. When a public authority rents or leases a newly constructed structure within six months after completion of such construction, all work performed on such structure to suit it for occupancy by a public authority is a "public improvement." ~~"Public improvement" does not include an improvement authorized by section 1515.08 of the Revised Code that is constructed pursuant to a contract with a soil and water conservation district, as defined in section 1515.01 of the Revised Code, or performed as a result of a petition filed pursuant to Chapter 6131., 6133., or 6135. of the Revised Code, wherein no less than seventy-five per cent of the project is located on private land and no less than seventy-five per cent of the cost of the improvement is paid for by private property owners pursuant to Chapter 1515., 6131., 6133., or 6135. of the Revised Code.~~

(D) "Locality" means the county wherein the physical work upon any public improvement is being performed.

(E) "Prevailing wages" means the sum of the following:

(1) The basic hourly rate of pay;

(2) The rate of contribution irrevocably made by a contractor or subcontractor to a trustee or to a third person pursuant to a fund, plan, or program;

(3) The rate of costs to the contractor or subcontractor which may be reasonably anticipated in providing the following fringe benefits to laborers and mechanics pursuant to an enforceable commitment to carry out a financially responsible plan or program which was communicated in writing to the laborers and mechanics affected:

(a) Medical or hospital care or insurance to provide such;

(b) Pensions on retirement or death or insurance to provide such;

(c) Compensation for injuries or illnesses resulting from occupational activities if it is in addition to that coverage required by Chapters 4121. and 4123. of the Revised Code;

(d) Supplemental unemployment benefits that are in addition to those required by Chapter 4141. of the Revised Code;

(e) Life insurance;

(f) Disability and sickness insurance;

(g) Accident insurance;

(h) Vacation and holiday pay;

(i) Defraying of costs for apprenticeship or other similar training programs which are beneficial only to the laborers and mechanics affected;

(j) Other bona fide fringe benefits.

None of the benefits enumerated in division (E)(3) of this section may be considered in the determination of prevailing wages if federal, state, or local law requires contractors or subcontractors to provide any of such benefits.

(F) "Interested party," with respect to a particular contract for construction of a public improvement, means:

(1) Any person who submits a bid for the purpose of securing the award of the contract;

(2) Any person acting as a subcontractor of a person described in division (F)(1) of this section;

(3) Any bona fide organization of labor which has as members or is authorized to represent employees of a person described in division (F)(1) or (2) of this section and which exists, in whole or in part, for the purpose of negotiating with employers concerning the wages, hours, or terms and conditions of employment of employees;

(4) Any association having as members any of the persons described in division (F)(1) or (2) of this section.

(G) Except as used in division (A) of this section, "officer" means an individual who has an ownership interest or holds an office of trust, command, or authority in a corporation, business trust, partnership, or association.

(H) "Political subdivision" has the same meaning as in section 9.23 of the Revised Code.

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

In line 67320, strike through "divisions" and insert " division"; strike

through "(3) and (4)"

Between lines 67330 and 67331, insert:

"Sec. 4115.04. (A)(1) Every public authority authorized to contract for or construct with its own forces a public improvement, before advertising for bids or undertaking such construction with its own forces, shall have the director of commerce determine the prevailing rates of wages of mechanics and laborers in accordance with section 4115.05 of the Revised Code for the class of work called for by the public improvement, in the locality where the work is to be performed. Except as provided in division (A)(2) of this section, that schedule of wages shall be attached to and made part of the specifications for the work, and shall be printed on the bidding blanks where the work is done by contract. A copy of the bidding blank shall be filed with the director before the contract is awarded. A minimum rate of wages for common laborers, on work coming under the jurisdiction of the department of transportation, shall be fixed in each county of the state by the department of transportation, in accordance with section 4115.05 of the Revised Code.

(2) In the case of contracts that are administered by the department of natural resources, the director of natural resources or the director's designee shall include language in the contracts requiring wage rate determinations and updates to be obtained directly from the department of commerce through electronic or other means as appropriate. Contracts that include this requirement are exempt from the requirements established in division (A)(1) of this section that involve attaching the schedule of wages to the specifications for the work, making the schedule part of those specifications, and printing the schedule on the bidding blanks where the work is done by contract.

(B) ~~Sections~~ Except as provided in division (C) of this section, sections 4115.03 to 4115.16 of the Revised Code do not apply to:

(1) Public improvements in any case where the federal government or any of its agencies furnishes by loan or grant all or any part of the funds used in constructing such improvements, provided that the federal government or any of its agencies prescribes predetermined minimum wages to be paid to mechanics and laborers employed in the construction of such improvements;

(2) A participant in a work activity, developmental activity, or an alternative work activity under sections 5107.40 to 5107.69 of the Revised Code when a public authority directly uses the labor of the participant to construct a public improvement if the participant is not engaged in paid employment or subsidized employment pursuant to the activity;

(3) Public improvements undertaken by, or under contract for, ~~the board of education of any school district or the governing board of any educational service center;~~

(4) ~~Public improvements undertaken by, or under contract for, a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code if none of the~~

~~funds used in constructing the improvements are the proceeds of bonds or other obligations that are secured by the full faith and credit of the state, a county, a township, or a municipal corporation and none of the funds used in constructing the improvements, including funds used to repay any amounts borrowed to construct the improvements, are funds that have been appropriated for that purpose by the state, a board of county commissioners, a township, or a municipal corporation from funds generated by the levy of a tax, provided that a county hospital or municipal hospital may elect to apply sections 4115.03 to 4115.16 of the Revised Code to a public improvement undertaken by, or under contract for, the hospital a political subdivision or state institution of higher education;~~

~~(5) (4) Any project described in divisions (D)(1)(a) to (D)(1)(e) of section 176.05 of the Revised Code;~~

~~(6) Public improvements undertaken by, or under contract for, a port authority as defined in section 4582.01 or 4582.21 of the Revised Code;~~

~~(7) (5) Any portion of a public improvement undertaken and completed solely with labor donated by the individuals performing the labor, by a labor organization and its members, or by a contractor or subcontractor that donates all labor and materials for that portion of the public improvement project.~~

~~(C) Except as otherwise provided in division (D) of this section, a political subdivision, a special district, including a special improvement district created in section 1710.02 of the Revised Code, or a state institution of higher education may elect to apply sections 4115.03 to 4115.16 of the Revised Code to a public improvement undertaken by, or under contract for, the political subdivision, the special district, or the state institution of higher education, including any of the following:~~

~~(1) A contract financed in whole or in part under Chapter 164. of the Revised Code;~~

~~(2) The construction, improvement, furnishing, and equipping of a correctional facility to be leased pursuant to section 307.022 of the Revised Code;~~

~~(3) Any contract for the acquisition, construction, or equipping of a port authority educational and cultural facility entered into, assigned, or assumed pursuant to section 307.671 of the Revised Code;~~

~~(4) Any contract for the acquisition, construction, or equipping of a sports facility entered into, assigned, or assumed pursuant to section 307.673 of the Revised Code;~~

~~(5) Construction services for a port authority educational and cultural performing arts facility under section 307.674 of the Revised Code;~~

~~(6) Construction of a sports facility under section 307.696 of the Revised Code;~~

(7) A facility constructed under Chapter 351. of the Revised Code;

(8) A public improvement undertaken by, or under contract for, a lake facilities authority under Chapter 353. of the Revised Code;

(9) Projects described under section 6117.012 of the Revised Code performed by a county;

(10) Projects undertaken with funding provided under Chapter 6121. of the Revised Code.

(D)(1) Under no circumstances shall a public authority apply the prevailing wage requirements of this chapter to a public improvement that is exempt under division (B)(3) of this section is undertaken by, or under contract for, a board of education of any school district or the governing board of any educational service center.

(2) A political subdivision or special district may not elect to apply sections 4115.03 to 4115.16 of the Revised Code to any of the following:

(a) An improvement authorized by section 1515.08 of the Revised Code that is constructed pursuant to a contract with a soil and water conservation district, as defined in section 1515.01 of the Revised Code, or performed as a result of a petition filed pursuant to Chapter 6131., 6133., or 6135. of the Revised Code, wherein no less than seventy-five per cent of the project is located on private land and not less than seventy-five per cent of the cost of the improvement is paid for by private property owners pursuant to Chapter 1515., 6131., 6133., or 6135. of the Revised Code;

(b) The construction of an erosion control structure under section 1506.44 of the Revised Code;

(c) An improvement undertaken by, or under contract for, a transportation improvement district created in Chapter 5540. of the Revised Code.

Sec. 4115.06. In all cases where any public authority fixes a prevailing rate of wages under section 4115.04 of the Revised Code, and the work is done by contract, the contract executed between the public authority and the successful bidder shall contain a provision requiring the successful bidder and all ~~his~~ subcontractors to pay a rate of wages which shall not be less than the rate of wages so fixed. The successful bidder and all ~~his~~ subcontractors shall comply strictly with the wage provisions of the contract.

Where a public authority constructs a public improvement with its own forces, such public authority shall pay a rate of wages which shall not be less than the rate of wages fixed as provided in section 4115.04 of the Revised Code, except in those instances provided for in ~~sections 723.52, section 5517.02 ; 5575.01, and 5543.19~~ of the Revised Code.

Sec. 4115.09. No member of a ~~public state~~ board, commission, or other public authority authorized to contract for or construct with its own forces a

public improvement, shall vote for the award of any contract for the construction of such improvement, or vote for the disbursement of any funds on account of the construction of such public improvement, unless such public authority has first had the director of commerce determine the prevailing rates of wages of mechanics and laborers for the class of work called for by such public improvement in the locality where the work is to be performed, as provided in section 4115.04 of the Revised Code.

Sec. 4115.10. (A) No person, firm, corporation, or public authority that constructs a public improvement with its own forces, the total overall project cost of which is fairly estimated to be more than the amounts set forth in division (B) of section 4115.03 of the Revised Code, adjusted biennially by the director of commerce pursuant to section 4115.034 of the Revised Code ~~as appropriate~~, shall violate the wage provisions of sections 4115.03 to 4115.16 of the Revised Code, or suffer, permit, or require any employee to work for less than the rate of wages so fixed, or violate the provisions of section 4115.07 of the Revised Code. Any employee upon any public improvement, except an employee to whom or on behalf of whom restitution is made pursuant to division (C) of section 4115.13 of the Revised Code, who is paid less than the fixed rate of wages applicable thereto may recover from such person, firm, corporation, or public authority that constructs a public improvement with its own forces the difference between the fixed rate of wages and the amount paid to the employee and in addition thereto a sum equal to twenty-five per cent of that difference. The person, firm, corporation, or public authority who fails to pay the rate of wages so fixed also shall pay a penalty to the director of seventy-five per cent of the difference between the fixed rate of wages and the amount paid to the employees on the public improvement. The director shall deposit all moneys received from penalties paid to the director pursuant to this section into the industrial compliance operating fund. The director shall use the fund for the enforcement of sections 4115.03 to 4115.16 of the Revised Code. The employee may file suit for recovery within ninety days of the director's determination of a violation of sections 4115.03 to 4115.16 of the Revised Code or is barred from further action under this division. Where the employee prevails in a suit, the employer shall pay the costs and reasonable attorney's fees allowed by the court.

(B) Any employee upon any public improvement who is paid less than the prevailing rate of wages applicable thereto may file a complaint in writing with the director upon a form furnished by the director. The complaint shall include documented evidence to demonstrate that the employee was paid less than the prevailing wage in violation of this chapter. Upon receipt of a properly completed written complaint of any employee paid less than the prevailing rate of wages applicable, the director shall take an assignment of a claim in trust for the assigning employee and bring any legal action necessary to collect the claim. The employer shall pay the costs and reasonable attorney's fees allowed by the court if the employer is found in violation of sections 4115.03 to 4115.16 of the Revised Code.

(C) If after investigation pursuant to section 4115.13 of the Revised

Code, the director determines there is a violation of sections 4115.03 to 4115.16 of the Revised Code and a period of sixty days has elapsed from the date of the determination, and if:

(1) No employee has brought suit pursuant to division (A) of this section;

(2) No employee has requested that the director take an assignment of a wage claim pursuant to division (B) of this section.

The director shall bring any legal action necessary to collect any amounts owed to employees and the director. The director shall pay over to the affected employees the amounts collected to which the affected employees are entitled under division (A) of this section. In any action in which the director prevails, the employer shall pay the costs and reasonable attorney's fees allowed by the court.

(D) Where persons are employed and their rate of wages has been determined as provided in section 4115.04 of the Revised Code, no person, either for self or any other person, shall request, demand, or receive, either before or after the person is engaged, that the person so engaged pay back, return, donate, contribute, or give any part or all of the person's wages, salary, or thing of value, to any person, upon the statement, representation, or understanding that failure to comply with such request or demand will prevent the procuring or retaining of employment, and no person shall, directly or indirectly, aid, request, or authorize any other person to violate this section. This division does not apply to any agent or representative of a duly constituted labor organization acting in the collection of dues or assessments of such organization.

(E) The director shall enforce sections 4115.03 to 4115.16 of the Revised Code.

(F) For the purpose of supplementing existing resources and to assist in enforcing division (E) of this section, the director may contract with a person registered as a public accountant under Chapter 4701. of the Revised Code to conduct an audit of a person, firm, corporation, or public authority.

(G) No contractor or subcontractor shall be responsible for the payment of the penalties provided in division (A) of this section resulting from a violation of sections 4115.03 to 4115.16 of the Revised Code by its subcontractor, provided that the contractor or subcontractor has made a good faith effort to ensure that its subcontractor complied with the requirements of sections 4115.03 to 4115.16 of the Revised Code.

Sec. 4115.133. (A) The director of commerce shall file with the secretary of state a list of contractors, subcontractors, and officers of contractors and subcontractors who have been prosecuted and convicted for violations of or have been found to have intentionally violated sections 4115.03 to 4115.16 of the Revised Code. The director shall not include on the list a contractor, subcontractor, or officer of a contractor or subcontractor until the expiration of any applicable appeal period relative to the finding, or if appealed, until the date

of the final judgment of a court.

(B) Each contractor, subcontractor, or officer of a contractor or subcontractor who has been prosecuted and convicted for violations of or is found to have intentionally violated sections 4115.03 to 4115.16 of the Revised Code is prohibited from contracting directly or indirectly with any public authority for the construction of a public improvement or from performing any work on the same as a contractor, subcontractor, or officer of a contractor or subcontractor for a period of one year from the date of the expiration of the applicable period for filing an appeal, or if appealed, from the date of the final judgment of a court. If the contractor, subcontractor, or officer of a contractor or subcontractor is found to have intentionally violated sections 4115.03 to 4115.16 of the Revised Code another time within five years after the date specified under division (B) of this section, the contractor, subcontractor, or officer of a contractor or subcontractor is prohibited from so contracting or performing work for a period of three years from the date of the expiration of the applicable period for filing an appeal, or if appealed, from the date of the final judgment of a court.

(C) No public authority shall award a contract for a public improvement to any contractor, subcontractor, or officer of a contractor or subcontractor during the time that the contractor's, subcontractor's, or officer's name appears on such list. The filing of the notice of conviction or of the finding with the secretary of state constitutes notice to all public authorities.

(D) Notwithstanding section 4115.03 of the Revised Code, as used in this section, "public authority" means any officer, board, or commission of the state, or any political subdivision of the state, authorized to enter into a contract for the construction of a public improvement or to construct the same by the direct employment of labor, or any institution supported in whole or in part by public funds and said sections apply to expenditures of such institutions made in whole or in part from public funds.

Between lines 108967 and 108968, insert:

"Sec. 5540.03. (A) A transportation improvement district may:

- (1) Adopt bylaws for the regulation of its affairs and the conduct of its business;
- (2) Adopt an official seal;
- (3) Sue and be sued in its own name, plead and be impleaded, provided any actions against the district shall be brought in the court of common pleas of the county in which the principal office of the district is located, or in the court of common pleas of the county in which the cause of action arose, and all summonses, exceptions, and notices of every kind shall be served on the district by leaving a copy thereof at its principal office with the secretary-treasurer;
- (4) Purchase, construct, maintain, repair, sell, exchange, police, operate, or lease projects;
- (5) Issue either or both of the following for the purpose of providing

funds to pay the costs of any project or part thereof:

- (a) Transportation improvement district revenue bonds;
- (b) Bonds pursuant to Section 13 of Article VIII, Ohio Constitution;
- (6) Maintain such funds as it considers necessary;

(7) Direct its agents or employees, when properly identified in writing and after at least five days' written notice, to enter upon lands within its jurisdiction to make surveys and examinations preliminary to the location and construction of projects for the district, without liability of the district or its agents or employees except for actual damage done;

(8) Make and enter into all contracts and agreements necessary or incidental to the performance of its functions and the execution of its powers under this chapter;

(9) Employ or retain or contract for the services of consulting engineers, superintendents, managers, and such other engineers, construction and accounting experts, financial advisers, trustees, marketing, remarketing, and administrative agents, attorneys, and other employees, independent contractors, or agents as are necessary in its judgment and fix their compensation, provided all such expenses shall be payable solely from the proceeds of bonds or from revenues;

(10) Receive and accept from the federal or any state or local government, including, but not limited to, any agency, entity, or instrumentality of any of the foregoing, loans and grants for or in aid of the construction, maintenance, or repair of any project, and receive and accept aid or contributions from any source or person of money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which such loans, grants, and contributions are made. Nothing in division (A)(10) of this section shall be construed as imposing any liability on this state for any loan received by a transportation improvement district from a third party unless this state has entered into an agreement to accept such liability.

(11) Acquire, hold, and dispose of property in the exercise of its powers and the performance of its duties under this chapter;

(12) Establish and collect tolls or user charges for its projects;

(13) Do all acts necessary and proper to carry out the powers expressly granted in this chapter.

(B) Chapters 123., 124., 125., and 153., ~~and 4115.~~, and sections 9.331 to 9.335 and 307.86 of the Revised Code do not apply to contracts or projects of a transportation improvement district."

Between lines 122685 and 122686, insert:

"**Sec. 6117.012.** (A) A board of county commissioners may adopt rules requiring owners of property within the district whose property is served by a

connection to sewers maintained and operated by the board or to sewers that are connected to interceptor sewers maintained and operated by the board to do any of the following:

(1) Disconnect storm water inflows to sanitary sewers maintained and operated by the board and not operated as a combined sewer, or to connections with those sewers;

(2) Disconnect non-storm water inflows to storm water sewers maintained and operated by the board and not operated as a combined sewer, or to connections with those storm water sewers;

(3) Reconnect or relocate any such disconnected inflows in compliance with board rules and applicable building codes, health codes, or other relevant codes;

(4) Prevent sewer back-ups into properties that have experienced one or more back-ups of sanitary or combined sewers maintained and operated by the board;

(5) Prevent storm water from entering a combined sewer and causing an overflow or an inflow to a sanitary sewer, which prevention may include projects or programs that separate the storm water from a combined sewer or that utilize a prevention or replacement facility to prevent or minimize storm water from entering a combined sewer or a sanitary sewer.

(B) Any inflow required to be disconnected or any sewer back-up required to be prevented under a rule adopted pursuant to divisions (A)(1) to (4) of this section constitutes a nuisance subject to injunctive relief and abatement pursuant to Chapter 3767. of the Revised Code or as otherwise permitted by law.

(C) A board of county commissioners may use sewer district funds; county general fund moneys; the proceeds of bonds issued under Chapter 133. or 165. of the Revised Code; and, to the extent permitted by their terms, loans, grants, or other moneys from appropriate state or federal funds, for either of the following:

(1) The cost of disconnections, reconnections, relocations, combined sewer overflow prevention, or sewer back-up prevention required by rules adopted pursuant to division (A) of this section, performed by the county or under contract with the county;

(2) Payments to the property owner or a contractor hired by the property owner pursuant to a competitive process established by district rules, for the cost of disconnections, reconnections, relocations, combined sewer overflow prevention, or sewer back-up prevention required by rules adopted pursuant to division (A) of this section after the board, pursuant to its rules, has approved the work to be performed and after the county has received from the property owner a statement releasing the county from all liability in connection with the disconnections, reconnections, relocations, combined sewer overflow prevention, or sewer back-up prevention.

(D) Except as provided in division (E) of this section, the board of county commissioners shall require in its rules regarding disconnections, reconnections, relocations of sewers, combined sewer overflow prevention, or sewer back-up prevention the reimbursement of moneys expended pursuant to division (C) of this section by either of the following methods:

(1) A charge to the property owner in the amount of the payment made pursuant to division (C) of this section for immediate payment or payment in installments with interest as determined by the board not to exceed ten per cent, which payments may be billed as a separate item with the rents charged to that owner for use of the sewers. The board may approve installment payments for a period of not more than fifteen years. If charges are to be paid in installments, the board shall certify to the county auditor information sufficient to identify each subject parcel of property, the total of the charges to be paid in installments, and the total number of installments to be paid. The auditor shall record the information in the sewer improvement record until these charges are paid in full. Charges not paid when due shall be certified to the county auditor, who shall place the charges upon the real property tax list and duplicate against that property. Those charges shall be a lien on the property from the date they are placed on the tax list and duplicate and shall be collected in the same manner as other taxes.

(2) A special assessment levied against the property, payable in the number of years the board determines, not to exceed fifteen years, with interest as determined by the board not to exceed ten per cent. The board shall certify the assessments to the county auditor, stating the amount and time of payment. The auditor shall record the information in the county sewer improvement record, showing separately the assessments to be collected, and shall place the assessments upon the real property tax list and duplicate for collection. The assessments shall be a lien on the property from the date they are placed on the tax list and duplicate and shall be collected in the same manner as other taxes.

(E) The county may adopt a resolution specifying a maximum amount of the cost of any disconnection, reconnection, relocation, combined sewer overflow prevention, or sewer back-up prevention required pursuant to division (A) of this section that may be paid by the county for each affected parcel of property without requiring reimbursement. That amount may be allowed only if there is a building code, health code, or other relevant code, or a federally imposed or state-imposed consent decree that is filed or otherwise recorded in a court of competent jurisdiction, applicable to the affected parcel that prohibits in the future any inflows, combined sewer overflows, or sewer back-ups not allowed under rules adopted pursuant to division (A)(1), (4), or (5) of this section. The board, by rule, shall establish criteria for determining how much of the maximum amount for each qualifying parcel need not be reimbursed.

~~(F) Disconnections, reconnections, relocations, combined sewer overflow prevention, or sewer back-up prevention required under this section and performed by a contractor under contract with the property owner shall not be~~

~~considered a public improvement, and those performed by the county shall be considered a public improvement as defined in section 4115.03 of the Revised Code.~~

Disconnections, reconnections, relocations, combined sewer overflow prevention, or sewer back-up prevention required under this section performed by a contractor under contract with the property owner shall not be subject to competitive bidding or public bond laws.

(G) Property owners shall be responsible for maintaining any improvements made or facilities constructed on private property to reconnect or relocate disconnected inflows, for combined sewer overflow prevention, or for sewer back-up prevention pursuant to this section unless a public easement or other agreement exists for the county to maintain that improvement or facility.

(H) A board of county commissioners may provide rate reductions of and credits against charges for the use of sewers to a property owner that implements a project or program that prevents storm water from entering a combined sewer and causing an overflow. Such a project or program may include the use of a prevention or replacement facility to handle storm water that has been separated from a combined sewer. The revised rates or charges shall be collected and paid to the county treasurer in accordance with section 6117.02 of the Revised Code.

Sec. 6121.061. The Ohio water development authority shall not issue any bonds or otherwise participate in any project authorized by this chapter or Chapter 6123. of the Revised Code unless the contract, resolution, or other written document setting forth the board's participation specifies that all wages paid to laborers and mechanics employed on the projects shall be paid at the prevailing rates of wages of laborers and mechanics for the class of work called for by the project, which wages shall be determined in accordance with the requirements of Chapter 4115. of the Revised Code for determination of prevailing wage rates, provided that the requirements of this section do not apply ~~to loans made to boards of county commissioners under division (V) of section 6121.04 of the Revised Code or~~ where the federal government or any of its agencies furnishes by loan or grant all or any part of the funds used in connection with the project and prescribes predetermined minimum wages to be paid to the laborers and mechanics, and provided that if a non-public user beneficiary of the project undertakes, as part of the project, construction to be performed by its regular bargaining unit employees who are covered under a collective bargaining agreement that was in existence prior to the date of the commitment instrument setting forth the board's participation, the rate of pay provided under the collective bargaining agreement may be paid to those employees."

In line 122701, after "156.05," insert "164.07,"

In line 122707, after "305.23," insert "307.022,"; after "307.07," insert "307.671,"; after "307.674," insert "307.696,"

In line 122712, after "351.021," insert "351.06,"

In line 122715, after "1501.45," insert "1506.44,"

In line 122718, after "1555.15," insert "1710.02,"

In line 122773, after "4112.31," insert "4115.03,"; after "4115.034," insert "4115.04, 4115.06, 4115.09, 4115.10, 4115.133,"

In line 122863, after "5511.03," insert "5540.03,"

In line 122876, delete "and"; after "6111.037" insert ", 6117.012, and 6121.061"

Between lines 138329 and 138330, insert:

"Section 803. ____. The amendments by section 101.01 of this act of sections 164.07, 307.022, 307.671, 307.673, 307.674, 307.696, 351.06, 1506.44, 1710.02, 4115.03, 4115.034, 4115.04, 4115.06, 4115.09, 4115.10, 4115.133, 5540.03, 6117.012, and 6121.061 of the Revised Code, with respect to the application of sections 4115.03 to 4115.16 of the Revised Code, do apply to contracts governed by this act that are entered into before the effective date of this section."

In line 20 of the title, after "156.05," insert "164.07,"

In line 28 of the title, after "305.23," insert "307.022,"

In line 29 of the title, after "307.07," insert "307.671,"; after "307.674," insert "307.696,"

In line 35 of the title, after "351.021," insert "351.06,"

In line 40 of the title, after "1501.45," insert "1506.44,"

In line 43 of the title, after "1555.15," insert "1710.02,"

In line 119 of the title, after "4112.31," insert "4115.03,"

In line 120 of the title, after "4115.034," insert "4115.04, 4115.06, 4115.09, 4115.10, 4115.133,"

In line 238 of the title, after "5511.03," insert "5540.03,"

In line 256 of the title, delete "and"; after "6111.037" insert ", 6117.012, and 6121.061"

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

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

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

The motion to amend was laid on the table.

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

April 18, 2013

The Honorable William G. Batchelder, Speaker
The Ohio House of Representatives
Columbus, Ohio

Speaker Batchelder,

Pursuant to House Rule No. 57, I respectfully request that I be excused from voting on **Sub. H. B. No. 59**-Representative Amstutz, because it might be construed that I have an interest in the legislation.

Sincerely yours,

/s/ VERNON SYKES
VERNON SYKES
State Representative
34th House District

The request was granted.

The yeas and nays were taken and resulted - yeas 61, nays 35, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Barnes	Beck	Becker
Blair	Blessing	Boose	Brenner
Brown	Buchy	Burkley	Butler
Conditt	Damschroder	DeVitis	Derickson
Dovilla	Duffey	Gonzales	Green
Grossman	Hackett	Hagan, C.	Hall
Hayes	Henne	Hill	Hottinger
Huffman	Johnson	Kunze	Landis
Lynch	Maag	McClain	McGregor
Milkovich	Patmon	Pelanda	Perales
Retherford	Roegner	Romanchuk	Rosenberger
Ruhl	Scherer	Schuring	Sears
Slaby	Smith	Sprague	Stautberg
Stebelton	Thompson	Wachtmann	Young Batchelder-61.

Those who voted in the negative were: Representatives

Antonio	Ashford	Barborak	Bishoff
Boyce	Budish	Carney	Celebrezze
Cera	Clyde	Curtin	Driehaus
Fedor	Foley	Gerberry	Hagan, R.
Heard	Hood	Letson	Lundy
Mallory	O'Brien	Patterson	Phillips

Pillich
Rogers
Szollosi

Ramos
Slesnick
Williams

Redfern
Stinziano

Reece
Strahorn
Winburn-35.

The bill passed.

Representative Amstutz moved to amend the title as follows:

Add the names: "Anielski, Baker, Beck, Blair, Boose, Brown, Burkley, Conditt, Dovilla, Grossman, Hackett, Hagan, C., Hayes, Lynch, McClain, McGregor, Pelanda, Rosenberger, Ruhl, Sears, Sprague, Stebelton, Thompson."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has passed the following bills in which the concurrence of the House is requested:

Am. Sub. S. B. No. 1 -Senators Beagle, Balderson
Cosponsors: Senators Faber, Bacon, Eklund, Gardner, Hite, LaRose, Lehner, Manning, Oelslager, Seitz, Uecker, Widener, Peterson, Obhof, Schaffer, Burke, Hughes, Jones, Patton

To enact section 6301.14 of the Revised Code to create the OhioMeansJobs Workforce Development Revolving Loan Fund, to create the OhioMeansJobs Workforce Development Revolving Loan Program, to allocate a portion of casino license fees to finance the loan program, and to make an appropriation.

Am. Sub. S. B. No. 5-Senators Brown, Manning
Cosponsors: Senators Schiavoni, Seitz, Kearney, Sawyer, LaRose, Hite, Bacon, Jones, Tavares, Turner, Smith, Uecker, Lehner, Coley, Beagle, Eklund, Patton, Balderson, Widener, Faber, Obhof, Schaffer

To enact sections 4927.25, 4927.26, 4927.27, and 4927.28 of the Revised Code to require wireless service providers to provide device location information to law enforcement officers or agencies in certain emergency situations.

Attest:

Vincent L. Keeran,
Clerk.

Said bills were considered the first time.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has adopted the following concurrent resolution in which the concurrence of the House is requested:

S. C. R. No. 12 -Senators Faber, Kearney
Cosponsors: Senators Bacon, Balderson, Beagle, Brown, Burke, Cafaro, Coley, Eklund, Gardner, Gentile, Hite, Hughes, Jones, Jordan, LaRose, Lehner, Manning, Obhof, Oelslager, Patton, Peterson, Sawyer, Schaffer, Schiavoni, Seitz, Skindell, Smith, Tavares, Turner, Uecker, Widener

In memory of the Honorable Charlie Wilson.

Attest:

Vincent L. Keeran,
Clerk.

Representative Cera moved that the following concurrent resolution be brought up for immediate adoption, read in full 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:

S. C. R. No. 12-Senators Faber, Kearney.
Cosponsors: Senators Bacon, Balderson, Beagle, Brown, Burke, Cafaro, Coley, Eklund, Gardner, Gentile, Hite, Hughes, Jones, Jordan, LaRose, Lehner, Manning, Obhof, Oelslager, Patton, Peterson, Sawyer, Schaffer, Schiavoni, Seitz, Skindell, Smith, Tavares, Turner, Uecker, Widener.

In memory of the Honorable Charlie Wilson.

WHEREAS, The members of the 130th General Assembly of Ohio were deeply saddened to learn of the death of the Honorable Charlie Wilson and extend our heartfelt condolences to his family and friends; and

WHEREAS, Charlie Wilson left an indelible impression on the people whose lives he touched, and he will be remembered as a spirited individual who contributed immeasurably to the world around him. A former United Auto Workers member employed at the Ford Automotive Plant in Lorain, he was the owner of several small businesses and the president of Wilson Funeral Homes and the Wilson Furniture Store, and he served eight years in the Ohio House of

Representatives and two years in the Ohio Senate before serving two terms in the United States House of Representatives; and

WHEREAS, Charlie Wilson's regard for improving the quality of life in our society was clearly evident in his personal sacrifices of time and effort to his family, friends, and community. Giving generously of his energy and abilities in all of his endeavors, he displayed exceptional concern and insight, and his absence will be keenly felt; and

WHEREAS, A devoted father to his four sons and the proud grandfather of nine grandchildren, Charlie Wilson always used his talents to the benefit of others, and the laurels of his life stand as a tribute not only to him but also to those he left behind. Although the void his death has created can never be filled, the legacy of care and commitment he established will surely live on. The world is a richer place for his having been in it, and he will be sorely missed; therefore be it

RESOLVED, That we, the members of the 130th General Assembly of Ohio, in adopting this Resolution, express a profound sense of loss and sincere regret at the death of the Honorable Charlie Wilson and, in so doing, pay tribute to the memory of a truly unique individual; and be it further

RESOLVED, That the Clerk of the Senate transmit a duly authenticated copy of this Resolution to the family of the Honorable Charlie Wilson.

Representative Cera moved to amend the title as follows:

Add the names: "Representatives Adams, J., Adams, R., Amstutz, Anielski, Antonio, Ashford, Baker, Barborak, Barnes, Batchelder, Beck, Bishoff, Blair, Blessing, Boose, Boyce, Brenner, Brown, Buchy, Budish, Burkley, Butler, Carney, Celebrezze, Cera, Clyde, Conditt, Curtin, Damschroder, DeVitis, Derickson, Dovilla, Driehaus, Duffey, Fedor, Foley, Gerberry, Gonzales, Green, Grossman, Hackett, Hagan, C., Hagan, R., Hall, Hayes, Heard, Henne, Hill, Hottinger, Huffman, Johnson, Kunze, Landis, Letson, Lundy, Lynch, Maag, Mallory, McClain, McGregor, Milkovich, O'Brien, Patmon, Patterson, Pelanda, Perales, Phillips, Pillich, Ramos, Redfern, Reece, Retherford, Roegner, Rogers, Romanchuk, Rosenberger, Ruhl, Scherer, Schuring, Sears, Slaby, Smith, Sprague, Stautberg, Stebelton, Stinziano, Strahorn, Sykes, Szollosi, Thompson, Williams, Winburn."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

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

The concurrent resolution was adopted.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the House amendments to:

Sub. S. B. No. 48 -Senator Balderson - et al.

Attest:

Vincent L. Keeran,
Clerk.

On motion of Representative Huffman, the House adjourned until Tuesday, April 23, 2013 at 9:00 o'clock a.m.

Attest:

BRADLEY J. YOUNG,
Clerk.