



*Synopsis of Senate Committee Amendments**

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Legislative Service Commission

Sub. H.B. 562 127th General Assembly (S. Finance and Financial Institutions)

Appropriations

Adjutant General

Sections 221.10.10 and 221.20.10

Appropriates \$200,000 to the Mansfield Lahm Air National Guard Facility.

Adjutant General

Sections 221.10.10 and 221.20.20

Increases an appropriation for the Rickenbacker Radar Project by \$125,000, to \$1,125,000.

Office of the Attorney General

Department of Public Safety

Section 515. 60

Transfers \$1,000,000 cash in FY 2009 from the Department of Public Safety's Automated Title Processing Fund (Fund 8490) to the Attorney General's Title Defect Rescission Fund (Fund 4Y70).

* This synopsis does not address amendments that may have been adopted on the Senate floor.

Department of Alcohol and Drug Addiction Services

Makes technical corrections to earmarking language in Am. Sub. H.B. 119 of the 127th General Assembly related to prevention and treatment services for TANF-eligible individuals.

Cleveland State University

Section 233.30.50 and 233.50.80

Increases an appropriation for C26051, Cleveland Hearing and Speech Center, by \$75,000, to \$125,000.

Controlling Board

Section 249.10

Streamlines the existing process governing cash transfers from the Disaster Services Fund (Fund 5E2) to the GRF and for appropriating moneys to GRF appropriation item 911-401, Emergency Purposes/Contingencies. Permits the use of up to \$4 million from Fund 5E2 in each of fiscal years 2008 and 2009 to backfill the GRF for transfers and appropriation increases approved by the Controlling Board for GRF appropriation item 911-401, Emergency Purposes/Contingencies.

Cultural Facilities Commission

Section 227.10

Appropriates \$200,000 in Cultural Facilities Commission appropriation item C371Z1, Great Lakes Historical Museum, in the Cultural and Sports Facilities Building Fund (Fund 7030).

Cultural Facilities Commission

Section 227.10

Creates an appropriation of \$36,000 for the Madisonville Arts Center of Hamilton County.

Cultural Facilities Commission and Board of Regents

Sections 227.10, 233.43.10, and 233.50.80

Transfers Cultural Facilities Commission (Fund 7030) capital appropriation line item C371V8, City of Perrysburg & Owens Community College Firing Range, with an appropriation of \$200,000, to Owens Community College (Fund 7034) capital appropriation line item C38815, City of Perrysburg & Owens Community College Firing Range.

Cultural Facilities Commission

Section 227.10

Corrects the name of Cultural Facilities appropriation item C371S5 to read "The Fine Arts Association."

Cultural Facilities Commission

Section 227.10

Renames Cultural Facilities Commission appropriation item C371S2 from "Canton Art Institute" to "Arts in Stark Cultural Center."

Cultural Facilities Commission

Section 227.10

Renames Cultural Facilities Commission appropriation item C371L4 from "Gordon Square Arts Center" to "Gordon Square Arts District."

Cultural Facilities Commission

Section 227.10

Increases appropriation item C371U3, Lake Erie Nature and Science Center by \$50,000, to \$200,000; reduces appropriation item C371W4, Redbrick Center for the Arts by \$50,000, to \$200,000.

Cultural Facilities Commission

Section 227.10

Reduces Cultural Facilities Commission appropriation item C37139, Stan Hywet Hall and Gardens, by \$200,000 to \$1,050,000 and corrects the spelling of that line item; adds the \$200,000 to Cultural Facilities Commission appropriation item C37122, Akron Art Museum, bringing the total for the museum to \$700,000.

Cuyahoga Community College

Sections 233.40.40 and 233.50.80

Increases appropriation item C37807, Cleveland Museum of Art, by \$100,000 to \$3,100,000.

Department of Development

Sections 610.40, 610.41, and 812.20

Permits the Director of Budget and Management to transfer up to \$2,000,000 from the Facilities Establishment Fund (Fund 037) to the Workforce Development Initiatives Fund (Fund 3AE).

Department of Health and Board of Regents

Section 503.20

Changes a reference in the bill from the "Dental Loan Repayment Program" to the "Dentist Loan Repayment Program." Additionally, requires the Board of Regents (BOR) to certify to the Director of Budget and Management the amount of cash for the Physician Loan Repayment Program in the National Health Services Corps - Ohio Loan Repayment Fund (Fund 3T00) in BOR, and to transfer the cash to the Federal Public Health Programs Fund (Fund 3920) in the Department of Health. The outstanding encumbrances are cancelled in Fund 3T00 and re-established in Fund 3920 and the amounts are appropriated.

Department of Mental Health and Board of Regents

Sections 231.10.20, 233.40.40, and 233.50.80

Decreases Department of Mental Health (Fund 7033) capital line item C58001, Community Assistance Projects, and the Berea Children's Home earmark under that item by \$50,000. Increases Cuyahoga Community College (Fund 7034) capital line item C37830, Cuyahoga Community College Auto Lab Improvements, by \$50,000.

Department of Natural Resources

Section 235.10

Renames the earmark in Department of Natural Resources appropriation item C725E2, Local Parks Projects, from "Wick Neighborhood Public Park" to "Harrison Park - Wick District-Smoky."

Department of Natural Resources

Section 610.50

Amends Section 401.11 of H.B. 496 of the 127th General Assembly to eliminate the reappropriated \$200,000 earmark for the Harrison Village Historical Society Phoenix Park Museum and add two earmarks, each for \$100,000, for the Wyoming City Regional Park and the Hamilton County Stadium Facilities, all in Department of Natural Resources appropriation item C725E2, Local Parks Projects, in the Parks and Recreation Improvement Fund (Fund 7035).

Department of Natural Resources

Section 235.10

Corrects an earmark in Department of Natural Resources appropriation item C725E2, Local Parks Projects, to read "City of Parma Heights Greenbriar Commons Park Walking Trail."

Department of Natural Resources

Section 229.10

Increases Department of Natural Resources appropriation item C725R7, Lake Alma, by \$100,000 to \$750,000.



**Department of Natural Resources and Cultural Facilities
Commission**

Sections 227.10 and 235.10

Removes a \$50,000 appropriation for the Ward-Thomas Museum in AFC; removes a \$50,000 earmark for the Mahoning River Water Trail and adds a \$100,000 earmark for the Waddell Park in the City of Niles in DNR.

Department of Natural Resources and Board of Regents

Sections 233.30.40, 233.50.80, and 235.10

Decreases the earmark for the New Richmond Park in Department of Natural Resources appropriation item C725E2 by \$125,000, adds a new \$50,000 earmark for the Monroe Township, Clermont County Fair Oak Park in that line item, and adds the remaining \$75,000 to University of Cincinnati appropriation item C26607, Consolidated Communication Project of Clermont County.

Rehabilitation Services Commission

Section 379.10

Requires that dollars in appropriation line item 415-508, Services for the Deaf, be used to supplement Social Security reimbursement funds that are used to provide grants to community centers for the deaf.

Prohibits dollars in appropriation line item 415-508, Services for the Deaf, from being used in lieu of Social Security reimbursement funds.

**Department of Youth Services and Department of
Transportation**

Sections 221.20.20 and 225.10

Eliminates Department of Youth Services appropriation item C47020, Lighthouse Youth Services, \$50,000, in the Juvenile Correctional Building Fund (Fund 7028) and instead adds this amount to Department of Transportation appropriation item C77701, Chillicothe Transit Facility - District 9, in the Administrative Building Fund (Fund 7026), bringing the appropriation for the project to \$550,000.



Courts, Crimes, and Law Enforcement

Providing of Notice of Federal Firearms Prohibition to Persons Subject to Certain Protection Orders

R.C. 2903.213, 2903.214, 2919.26, 2943.033, and 3113.31

Requires a court to provide parties to certain protection orders, and defendants who plead guilty or no contest to a misdemeanor crime of violence against certain family members, with oral or written notice that it may be unlawful for the person to possess or purchase a firearm or ammunition pursuant to federal law, upon issuance of the order.

Victim's Right to Refuse Polygraph Examination

R.C. 2907.10

Prohibits peace officers, prosecutors, and public officials from asking or requiring a victim of an alleged sex offense to submit to a polygraph examination, prohibits the victim's refusal to submit to a polygraph examination from preventing the investigation or prosecution of the alleged offense, and prohibits comment at trial or in court proceedings about that refusal.

Designation of Certain State Fire Marshal Law Enforcement Officers as Peace Officers

R.C. 109.71, 2935.01, and 2935.03

Removes the provisions that designate as a peace officer, for purposes of the Peace Officer Training Law and the Arrest Law, a State Fire Marshal law enforcement officer appointed under the State Fire Marshal Law, or a person serving as such an officer on a permanent basis on or after July 1, 1982, who has been awarded by the Executive Director of the Peace Officer Training Commission attesting to the person's satisfactory completion of an approved, state, county, municipal, or Department of Natural Resources peace officer basic training program.

Increased Penalties for Assault on an Arson Investigator

R.C. 2903.12

Provides for increased penalties if the victim of an aggravated assault is an arson investigator.

**Increase in the Threshold Amount of Net Profit from Instant
Bingo Conducted by a Veteran's, Fraternal, or Sporting
Organization That Is Used to Determine the Amount of Net Profit
These Organizations Can Keep to Pay Their Expenses**

R.C. 2915.101

Increases from \$75,000 to \$150,000 the base threshold amount of net profit that is derived from instant bingo conducted by a veteran's, fraternal, or sporting organization and that is used to determine the amount of net profit these organizations can keep to pay their expenses.

**Transmission of Certain Court Costs for Deposit into
Specified Funds**

R.C. 2949.094

Requires the court clerk to transmit for deposit into the Drug Law Enforcement Fund, the Indigent Drivers Alcohol Treatment Fund, and the Indigent Defense Support Fund the additional \$10 court costs imposed for moving violations by the twenty-third day of the following month instead of on the first business day of the following month.

**\$10 court cost add-on for certain law enforcement and
criminal justice purposes**

R.C. 2949.094 and 5502.68

Modifies the provisions of the As Passed by the House version of the bill that impose an additional court cost of \$10 for a moving violation to provide funds for certain costs of drug task forces by changing the amount of the court costs given to the various funds and the procedures for determining drug task force eligibility for the funds such that 35% (instead of 30%) goes to the Drug Law Enforcement Fund, 15% (instead of 20%) goes to the Indigent Drivers Alcohol Treatment Fund, and 50% goes to the Indigent Defense Support Fund, requiring the procedures and criteria for applying for money from the Drug Law Enforcement Fund to include, but not be limited to, a requirement that the applicant specify the amount of money desired subject to a limit of \$250,000 in any calendar year for a task force, giving priority in funding to drug task forces that received funding through the Division of Criminal Justice Services in calendar year 2007 or are in a county with a population that exceeds 750,000.

Education

Adjustments in Erroneously Reported Tax Value for Certain School Districts

Section 733.10

Modifies the bill's provisions requiring the recalculation of a district's "state education aid," for operating funding purposes, and its wealth percentile ranking, for school facilities funding purposes, if certain tax exempt public utility property was erroneously included in the district's valuation by (1) clarifying that adjustments also must be made to the district's "taxes charged and payable for current expenses," used in calculating its charge-off supplement (gap aid), and (2) specifying that the Department must recompute the district's percentile ranking, as it was certified in September 2007, using the bill's recalculated valuations.

Criminal Records Checks for Educator Licenses

R.C. 3319.291

Specifies that if a person holds multiple educator licenses, the person must undergo a criminal records check only when renewing the license of the longest duration or, if the licenses are of the same duration but expire in different years, only when renewing the license designated as the person's primary license.

Requires the State Board of Education, prior to renewing the license with a shorter duration or the non-primary license, to determine if the Department of Education has received notification from the Bureau of Criminal Identification and Investigation (BCII) of the person's arrest or conviction for a criminal offense.

District-Managed STEM Schools

R.C. 3326.51

Permits a school district, subject to approval of the Partnership for Continued Learning, to be the governing body of a science, technology, engineering, and mathematics (STEM) school for which it is a partner in proposing. In that case, the school district board of education may govern and control the school as one of the schools of its district, and per pupil funding would be calculated in a manner similar to funding of open enrollment students.



Northeastern Ohio Universities College of Medicine (NEOUCOM)

R.C. 3333.045, 3345.34, 3350.10, and Section 733.60.

Adds Cleveland State University as one of the collaborative institutions of the Northeastern Ohio Universities College of Medicine (NEOUCOM). Changes the membership of the Board of Trustees of NEOUCOM from a nine-member board consisting of presidents, board members, and appointees of each of the collaborative universities to an eleven-member board appointed by the Governor, with the advice and consent of the Senate, including two nonvoting student members. Requires the Governor to consult with the Speaker of the House and the Senate President prior to making initial appointments.

Ohio Appalachian Center for Higher Education

R.C. 3333.48

Codifies the creation of the Ohio Appalachian Center for Higher Education at Shawnee State University, consisting of the presidents of Shawnee State University, Belmont Technical College, Hocking College, Jefferson Community College, Zane State College, Rio Grande Community College, Southern State Community College, Central Ohio Technical College, Coshocton campus, Washington State Community College; the president of Ohio University, or the President's designee; the dean of one Kent State regional campus; and a representative of the Chancellor of the Board of Regents.

Ohio College Opportunity Grants (OCOG)

R.C. 3333.122 and Section 733.50

Narrows the House provisions concerning eligibility for the Ohio College Opportunity Grant (OCOG) by qualifying students who first enroll in 2008-2009 in privately sponsored programs that do not have certificates of authorization from the Board of Regents only if the sponsor has a pending application for a certificate of authorization as of July 1, 2008.

Board of Regents

Section 233.33.20

Changes the name of line C34047, Center for Legal Justice, to Center for Equal Justice.

Elections

Reimbursement of Ballot Advertising Costs

R.C. 3501.17

Requires the Secretary of State to be reimbursed for costs for advertising statewide ballot issues from appropriations made to the Controlling Board, instead of requiring the Ohio Ballot Board to reimburse those costs to the Secretary of State.

Controlling Board

Section 249.10

Changes the uncodified law provision governing the reimbursement of county boards of election for ballot initiative advertising costs to require that the Secretary of State, not the Ohio Ballot Board, make the request to the Controlling Board.

Controlling Board

Section 249.10

Requires the unencumbered FY 2008 balance of the Controlling Board's GRF appropriation item 911-411, Ballot Advertising Costs, be transferred to FY 2009 for use under the same appropriation item and appropriates the amounts so transferred.

Environment and Natural Resources

Applicability of Zoning Laws to Certain Waste Facilities

R.C. 303.211 and 519.211

In the provision added by the bill that states that "public utility" does not include a person that owns or operates a solid waste facility, solid waste transfer facility, or construction and demolition debris facility for purposes of current law that states that boards of county commissioners, boards of township trustees, and boards of zoning appeals do not have the power to adopt zoning requirements applicable to public utilities, applies the exclusion to facilities other than a publicly owned solid waste facility or a publicly owned solid waste transfer facility, thus continuing to exempt such publicly owned facilities from county and township zoning.

Declaring Loan From Ohio Water Development Authority Void

Section 715.20

Clarifies a provision that declares a loan of the Ohio Water Development Authority void by describing the loan as consisting only of an initial advance of less than \$5,000 from an original loan agreement of \$100,000.

State Park and Recreational Area Study Committee

Section 715.30

Removes the provision of the bill creating the State Park and Recreational Area Study Committee to study and assess the current and future operating budgets and the condition of the current infrastructure and future needs of the state parks and of recreational areas under the control of the Department of Natural Resources.

Conservancy Maintenance Assessments And Levies

R.C. 6101.53 and 6101.55

Changes, from September 1 to September 15, the date by which the board of directors of a conservancy district may levy a conservancy maintenance assessment or an annual levy.



Health and Human Services

State Adoption Assistance Loans to Prospective Adoptive Parents

R.C. 3107.018 and 5101.143, Section 515.50

Creates a program under which prospective adoptive parents may apply for, and the Department of Job and Family Services may grant, state adoption assistance loans. Creates in the state treasury the State Adoption Assistance Loan Fund.

Children's Buy-In Program

R.C. 5101.5212

Provides that an individual is not required to have had no creditable coverage for at least six months before enrolling in the Children's Buy-In Program if the individual lost the only creditable coverage available to the individual because the individual exhausted a lifetime benefit limitation.

Children's Buy-In Program

R.C. 9.231, 9.24, 127.16, 1751.01, 1751.04, 1751.05, 1751.11, 1751.111, 1751.12, 1751.13, 1751.15, 1751.16, 1751.17, 1751.18, 1751.20, 1751.31, 1751.34, 1751.53, 1751.60, 1751.89, 2744.05, 3111.04, 3113.06, 3119.54, 3901.3814, 3923.281, 4731.65, 4731.71, 5101.26, 5101.571, and 5101.58

Exempts the Children's Buy-In Program from the following:

- General provisions of state law regarding governmental contracts worth \$25,000 or more.
- A prohibition against a state agency or political subdivision awarding a contract for goods, services, or construction to a person against whom there is an unresolved finding for recovery issued by the Auditor of State.
- The requirement that state agencies make purchases by competitive selection or with the approval of the Controlling Board.



- State law governing third-party payers and claims.
- A requirement that policies of sickness and accident insurance provide, under certain circumstances, benefits for the diagnosis and treatment of biologically based mental illness on the same terms and conditions as those provided under the policy for the treatment and diagnosis of all other physical diseases and disorders.
- A prohibition against a health insuring corporation offering coverage for a health care service unless it offers coverage for all basic health care services listed in state law.
- State law concerning health insuring corporations' use of standardized identification cards and electronic technology for submission and routing of prescription drug claims.

Provides that a requirement that benefits a claimant against a political subdivision receives for injuries or loss from any source be deducted from any award against the political subdivision recovered by the claimant does not prohibit the Department of Job and Family Services from recovering from the political subdivision the cost of medical assistance benefits provided under the Children's Buy-In Program.

Prohibits a parent of a child receiving aid under the Children's Buy-In Program from neglecting or refusing to pay a public children services agency the reasonable cost of maintaining the child when the parent is able to do so by reason of property, labor, or earnings.

Requires a party to a child support order to notify a medical provider who provides medical care to a child who is the subject of the child support order of any health insurance covering the child if the child is eligible for the Children's Buy-In Program and requires the provider to bill the insurer before billing the Children's Buy-In Program.

Prohibits a health care provider to whom a physician or podiatrist refers a patient despite the physician or podiatrist having a certain financial relationship with the health care provider from billing the Children's Buy-In Program for the service provided pursuant to the referral.

Provides that restrictions on the release of information about recipients of public assistance applies to the Children's Buy-In Program.

Provides that the Children's Buy-In Program is a public assistance program for the purpose of state law governing third-party liability, right of recovery, and assignment of rights.

Provides that the Director of Health is not required to review an application for a certificate of authority to establish a health insuring corporation or examine a health insuring corporation, if the health insuring corporation is to cover or covers solely Children's Buy-In Program participants; Children's Buy-In Program participants and Medicaid recipients; or Children's Buy-In Program participants, Medicaid recipients, and Medicare beneficiaries.

Provides that the Superintendent of Insurance has 135 days to issue or deny a certificate of authority for a health insuring

corporation that is to cover solely Children's Buy-In Program participants; Children's Buy-In Program participants and Medicaid recipients; Children's Buy-In Program participants, Medicaid recipients, and Medicare beneficiaries; or Medicaid recipients and Medicare beneficiaries.

Permits a health insuring corporation to use an evidence of coverage that provides for coverage of Children's Buy-In Program participants if certain requirements are met.

Permits a health insuring corporation to use a contractual periodic prepayment or premium rate for policies used for the coverage of Children's Buy-In Program participants if certain requirements are met.

Provides that a health insuring corporation is not required to file an annual certificate with the Superintendent of Insurance certifying that all contracts with health care providers contain certain information related to coverage of Children's Buy-In Program participants.

Provides that state law governing health insuring corporations' holding open enrollment periods does not apply to a health insuring corporation that offers plans only through the Children's Buy-In Program and has no other commercial enrollment.

Provides that a health insuring corporation is not to make a contract issued on a direct-payment basis available to an enrollee who is, or is eligible to be, a Children's Buy-In Program participant.

Provides that state law prohibiting unfair practices by health insuring corporations does not apply to coverage of Children's Buy-In Program participants.

Permits a health insuring corporation to use a solicitation document in connection with policies used for Children's Buy-In

Program participants if certain requirements are met.

Provides that a health insuring corporation and provider of services under contract with a health insuring corporation may not obtain a waiver of a prohibition against the provider seeking compensation for the services from an enrollee or subscriber (other than for copayments and deductibles) if the enrollees or subscribers are Children's Buy-In Program participants.

Provides that state law governing health insuring corporations' use of utilization review does not apply to coverage provided to Children's Buy-In Program participants.

Daycare Liability Insurance

R.C. 5104.041

Requires Type A and Type B family day-care homes to generally procure and maintain liability insurance and permits an owner of real property where a family day-care home is located to be listed as an additional insured party on a liability insurance policy under certain circumstances.

Membership Change in the Pharmacy and Therapeutics Committee

R.C. 5111.084

Changes the membership of the Pharmacy and Therapeutics Committee from nine to ten members. The additional member must be a psychiatrist.

Conversion of ICF/MR Beds

R.C. 5111.874, 5111.875, 5111.878, 5111.879, and 5111.8710

Provides that not more than 100 beds may be converted from providing intermediate care facility for the mentally retarded (ICF/MR) services to providing home and community-based services under the bill's provisions regarding conversion of ICF/MR beds.

Medicaid School Component of the Medicaid Program

R.C. 5111.71 (primary), 3317.023, 3353.25, 5111.711, 5111.712, 5111.713, 5111.714, 5111.715, 5111.94, and 5727.84;
Sections *751.23 and 812.20*

Requires the Director of the Ohio Department of Job and Family Services (ODJFS) to seek federal approval to establish the Medicaid School Component of the Medicaid Program.

Permits a qualified Medicaid school provider participating in the Medicaid School Component to submit a claim to ODJFS for federal financial participation for providing, in schools, services covered by the Medicaid School Component to Medicaid recipients who are eligible for the services.

Requires ODJFS to enter into an interagency agreement with the Department of Education that provides for the Department of Education to administer the Medicaid School Component other than aspects of the component assigned to ODJFS.

Requires the Department of Education to establish a process by which participating qualified Medicaid school providers pay to the Department the nonfederal share of the Department's expenses in administering the Medicaid School Component.

Creates in the state treasury the Medicaid School Program Administrative Fund.

Provides for money that the Department of Education pays to the Department of Job and Family Services, if any, for the nonfederal share of the administrative expenses that the Department of Job and Family Services incurs in performing its duties regarding the Medicaid School Component to be deposited into the Health Care Services Administration Fund.

Eliminates a requirement that the Department of Education pay ODJFS the nonfederal share of reimbursements made to a school district for Medicaid services provided by the district and deduct the amount of the payment from the district's state aid account.

Allows the Director of Budget and Management to increase the appropriation in appropriation item 600655, Interagency Reimbursement, for fiscal year 2009 by the amounts the Department of Job and Family Services receives from the federal government for the federal share of Medicaid services provided under, and administrative costs of, the Medicaid School Component of the Medicaid program.

Allows the Director of Budget and Management to transfer up to \$1,000,000 cash and appropriation in fiscal year 2009 from GRF appropriation item 200550, Foundation Funding, to appropriation item 200603, Schools Medicaid Administrative Claims (Fund 3AF0). The funds transferred are to be used by the Department of Education for the administration of the Medicaid School Component of the Medicaid program. On June 1, 2009, or as soon as possible thereafter, the Director of Budget and Management is to transfer cash and appropriation back to GRF appropriation item 200550, Foundation Funding, the total amount transferred in fiscal year 2009.

Appropriates the money deposited in the Medicaid School Program Administrative Fund (Fund 3AF0) to appropriation item 200603, Schools Medicaid Administrative Claims, for fiscal year 2009 to be used for the Medicaid School Component of the Medicaid program.

Department of Job and Family Services

Section 610.40

Changes the name of line item 322-632, Autism Preschool Program, to Intensive Behavioral Needs, and removes the earmark of those moneys for the Autism Preschool Program.

Increases the appropriations to line items 600-621, ICF/MR Bed Assessments (Fund 4K1), by \$38,250 and 600-623, Health Care Federal (Fund 3F0), by \$57,375 for the Department of Job and Family Services due to the changes to the ICF/MR franchise permit fee.

ICF/MR Franchise Permit Fee

R.C. 5112.31, 5112.37, and 5112.371

Provides for the franchise permit fee assessed on intermediate care facilities for the mentally retarded (ICFs/MR) for fiscal year 2009 to be \$11.98 rather than \$12.38.

Eliminates the bill's creation of Autism Preschool Program Fund into which 2.1% of the ICF/MR franchise permit fee was to be deposited for the purpose of funding the Autism Preschool Program.

Creates the Children with Intensive Behavioral Needs Programs Fund into which 9.39% of the ICF/MR franchise permit fee is to be deposited for the purpose of the programs the Director of Mental Retardation and Developmental Disabilities is to establish for individuals under age 21 who have intensive behavioral needs.

Programs for Individuals with Intensive Behavioral Needs

R.C. 5123.0417

Eliminates the bill's requirement for the Executive Director of the Ohio Center for Autism and Low Incidence to establish the Autism Preschool Program under which grants are to be provided to one or more entities for the purpose of assisting the entities operate programs to improve the lives of preschool children who have a primary diagnosis of autism.

Requires the Director of Mental Retardation and Developmental Disabilities, using money available in the Children with Intensive Behavioral Needs Programs Fund, to establish one or more programs for individuals under age 21 who have intensive behavioral needs, including such individuals with a primary diagnosis of autism spectrum disorder.

FY 2009 Medicaid Rates for ICFs/MR

Section 309.30.40

Provides for the mean total per diem for all ICFs/MR for fiscal year 2009 not to exceed \$274.98 rather than \$276.13.

Requires the Director of Job and Family Services to seek federal approval for the change in the mean total per diem not later than September 30, 2008, and for the change to be applied retroactively to the effective date of the federal approval.

Repayment of Title IV-A Head Start Start-Up Grants

Sections 610.40 and 610.41 (amending Sec. 269.40.50 of Am. Sub. H.B. 119 of the 127th General Assembly)

Extends by ten years (from June 30, 2009, to June 30, 2019) the deadline for repayment of Head Start Start-Up Grants.

FY 2009 Medicaid Rate for Type G Nursing Facilities

Sections 610.40 and 610.41 (amend section 309.30.30 of Am. Sub. H.B. 119 of the 127th General Assembly)

Provides that a new nursing facility is a type G nursing facility if (1) the provider of the new nursing facility is a nonprofit corporation exempt from federal income taxation, (2) the provider of the nursing facility received a certificate of need from the Director of Health before June 15, 2005, to construct the new nursing facility, (3) the new nursing facility began participation in the Medicaid program during fiscal year 2006, (4) the new nursing facility replaced an older nursing facility that provided nursing facility services on the date immediately before the date the new nursing facility began participation in the Medicaid program, and (5) the new nursing facility is located on the same campus as the older nursing facility that the new nursing facility replaced.

Provides that a type G nursing facility's fiscal year 2009 Medicaid rate is not to exceed 102.75% or be less than 98% of the sum of (1) the rate the provider was paid for nursing facility services that the older nursing facility the type G nursing facility replaced provided on July 1, 2005, and (2) the amount of the per diem for uncompensated capital costs for which the type G nursing facility qualifies during the first three quarters of fiscal year 2008.

Provides that a type G nursing facility's fiscal year 2009 Medicaid rate is not to exceed 102.75% or be less than 98% of just the rate the provider was paid for nursing facility services that the older nursing facility the type G nursing facility replaced provided on July 1, 2005 (rather than the sum of that rate and the amount of the per diem for uncompensated capital costs for which the type G nursing facility qualifies during the first three quarters of fiscal year 2008) until the later of July 1, 2008, and the first day of the month following the month in which the provider files the three-month projected capital cost report for the nursing facility with the Director of Job and Family Services.

Highways and Transportation

Regional Transit Authority Competitive Bidding

R.C. 306.43

Increases the threshold above which amount regional transit authority contracts for goods and services must be competitively bid from \$25,000 to \$100,000.

Department of Transportation Business Logo Sign Program

R.C. 4511.101; Sections 610.20 and 610.21

Allows the Director of Transportation to establish a fee for participation in the existing business logo sign program; creates the Motorist Service Sign Fund, consisting of proceeds from the business logo program, and allows the Director to use money in the Fund for transportation purposes; and eliminates a requirement that costs of the program at a specific interchange be divided equally among participating businesses.

Appropriates \$11.2 million from the Motorist Service Sign Fund in FY 2009.

Ohio Rail Development Commission Pledge To Secure Certain Rail Project Bonds

R.C. 4981.14

Authorizes the Ohio Rail Development Commission to pledge loan repayments and other specified money to secure any obligations that might be issued by the Department of Development to pay costs of qualifying rail service projects.

Turnpike Commission Participation in Department of Transportation Purchasing

(R.C. 5513.01)

Extends to the Ohio Turnpike Commission a provision of current law that allows any political subdivision and any state university or college to participate in contracts the Director of Transportation enters into for the purchase of machinery, materials, supplies, or other articles.

Industry and Commerce

Fireworks Regulation

R.C. 2923.11, 3743.02, 3743.04, 3743.15, 3743.17, 3743.19,
3743.25, 3743.40, 3743.44, 3743.45, 3743.54, 3743.56, 3743.65,
3743.70, and 3743.99

Revises the Fireworks Law.

Allocation of Wages for Employees Covered under Both Ohio's Workers' Compensation Law and the Federal Longshore and Harbor Workers' Compensation Act

R.C. 4123.26

The bill requires an employer, in accordance with the rules adopted by the Administrator of Workers' Compensation under the bill, if the employer employs employees who are covered under the federal Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.; LHWCA) and under Ohio's Workers' Compensation Law, to include both of the following amounts in the employer's annual statement required under continuing law:

(1) The amount of wages the employer pays to those employees when the employees perform labor and provide services for which the employees are eligible to receive compensation and benefits under the LHWCA;

(2) The amount of wages the employer pays to those employees when the employees perform labor and provide services for which the employees are eligible to receive compensation and benefits under Ohio's Workers' Compensation Law.

The amendment specifies that the allocation of wages identified by the employer pursuant to (1) and (2) above must not be presumed to be an indication of the law under which an employee is eligible to receive compensation and benefits.

Insurance

Long-Term Care Insurance Agent Continuing Education

R.C. 3923.443

Requires resident long-term care insurance agents to complete training requirements that are approved by the Superintendent of Insurance but allows nonresident agents to complete training requirements in other states if that training is approved by that state's insurance department.

Removes a requirement that the Superintendent certify to the Director of Job and Family Services that the Superintendent has verified that all agents selling, soliciting, or negotiating long-term care insurance in Ohio have completed specified training and continuing education requirements.

Requires insurers to obtain and maintain records of their agents' completion of partnership training in a manner that will allow the Superintendent to provide assurance to the Director that agents have received the required training and have demonstrated an understanding of the partnership program policies and those policies' relationship to public and private long-term care coverage, including Medicaid, in Ohio.

Allows the Superintendent to annually audit insurers' records to verify whether they have maintained the required records.

Department of Insurance

Sections 610.40 and 610.41

Establishes a new appropriation line item 820-603, Ohio Family Health Survey, with a FY 2009 appropriation of \$1.5 million in the Department's budget for the Ohio Family Health Survey.

Liquor Control

Creation of the A-3a Liquor Permit

R.C. 4301.355, 4301.62, 4303.041, and 4303.182

Creates the A-3a liquor permit to be issued to a distiller that manufactures less than 10,000 gallons of spirituous liquor per year and is located in a county with a population exceeding 800,000.

Authorizes an A-3a permit holder to sell spirituous liquor for consumption off the premises where sold by an in-person transaction, but to sell not more than one and one-half liters of spirituous liquor per day from the permit premises to the same personal consumer.

Removal of Revised Code Sections Included in Am. Sub. S.B. 150 of the 127th General Assembly

R.C. 4301.355, 4301.432, 4301.404, 4301.441, 4301.47, 4301.62, 4303.071, 4303.181, 4303.182, 4303.232, 4303.233, 4303.30, 4303.33, 4303.333, and 4399.12

Removes from the House-passed version those provisions dealing with the creation of the D-51 liquor permit and the operation of the B-2a and S permits and included in Am. Sub. S.B. 150 of the 127th General Assembly, which received concurrence on May 22, 2008.

Refunds of Certain Taxes Paid by B-2a and S Permit Holders

Section 743.10

Requires the refund of certain wine taxes paid by B-2a and S permit holders during the period beginning on October 1, 2007.

Local Government

Reduction in Specified County Recorder Filing Fees

R.C. 317.32

Reduces to twenty-five dollars the current fifty-dollar filing fees (one of which constitutes a housing trust fund fee) required to file zoning resolution, including text and maps, in the office of the county recorder.

Changes the required filing fees for zoning amendments from the current base fee of ten dollars and a housing trust fund fee of ten dollars for the first page and a base fee of four dollars and a housing trust fund fee of four dollars for each additional page to a base fee of ten dollars and a housing trust fund fee of ten dollars regardless of the size or length of the amendments.

Mortgage Foreclosures and Nuisance Abatements

R.C. 321.261 and Section 703.20

Authorizes county commissioners of a county having a population of more than 400,000 to use up to the surplus amount in the county's delinquent tax and assessment collection fund to prevent residential mortgage foreclosures and to assist municipal corporations in nuisance abatement of deteriorated residential buildings.

Removal of Provisions for the Restructured Form of County Government

R.C. 353.01, 353.02, 353.03, 353.04, 353.05, 353.06, 353.061, 353.062, and 353.063; Section 703.10

Removes the bill's provisions pertaining to the restructured form of county government.

**Public Employees' Collective Bargaining Law and Township
Fire Departments**

R.C. 4117.01 and 4117.09; Section 803.30

Removes provisions that would have included in the definition of public employer for purposes of the Public Employees' Collective Bargaining Law (R.C. Chapter 4117.), with respect to members of a township fire department, a township with a population of at least 5,000 according to the most recent federal decennial census in the incorporated and unincorporated areas of the township served by the township fire department.

The township and the employee organization representing the members of the township fire department would be required under those provisions to include a provision in the collective bargaining agreement that would allow the township to terminate the agreement if any municipal corporations located within the township elected to no longer receive fire protection through that township and as a result the population served by that township's fire department becomes less than 5,000 according to the most recent federal decennial census.

"Cpl. Joshua Harmon Memorial Highway"

R.C. 5533.94

Designates the portion of Interstate Highway 90 located within the municipal corporation of Willoughby Hills in Lake County as the "Cpl. Joshua Harmon Memorial Highway."

**Ohio Commission on Local Government Reform and
Collaboration**

Section 701.20

Removes from the bill the section creating the Ohio Commission on Local Government Reform and Collaboration, requiring the Commission to establish an advisory council of interested parties, and requiring the Commission to issue a report of its findings and recommendations.

Public Retirement

Ohio Police and Fire Pension Fund Policy for Divestment From Holdings in Iran and Sudan

Section 707.10

Removes the provisions of the bill requiring the Ohio Police and Fire Pension Fund to develop a policy for the divestment of holdings in certain companies with business ties to Iran or Sudan and; instead, requires the filing of semi-annual reports with the Ohio Retirement Study Council relative to any such divestment.

State Government

Warehouse for Capitol Collection Trust Items

R.C. 105.41; Sections 222.10 and 235.10

Requires the Capitol Square Review and Advisory Board (CSRAB) to purchase a warehouse in which to store items of the Capitol Collection Trust and, whenever necessary, equipment or other property of the Board.

Establishes appropriation item C874XX, CSRAB Warehouse, in the Administrative Building Fund (Fund 026) with an appropriation of \$450,000 to purchase and improve a warehouse. Increases Capitol Square Review and Advisory Board appropriation item 874-601, Underground Parking Garage Operations, in the Underground Parking Garage Fund (Fund 208) by \$48,000 in each fiscal year and earmarks the increase for debt service payments on the warehouse to be paid to the Ohio Building Authority.

Replacement of the Representative of the Office of State Architect and Engineer with the Governor's Chief of Staff on the Capitol Square Review and Advisory Board

R.C. 105.41

Replaces the representative of the Office of State Architect and Engineer on the Capitol Square Review and Advisory Board with the Governor's Chief of Staff.

Governor Executive Order Authority

R.C. 107.19

The amendment specifies that the Governor has no power to issue any executive order that has previously been issued and that the Federal Trade Commission, Office of Policy Planning, Bureau of Economics, and Bureau of Competition has opined is anti-competitive and is in violation of anti-trust laws. Any such executive order must be considered invalid and unenforceable.

Commission on Hispanic-Latino Affairs

R.C. 121.31

Adds to the eleven members currently appointed by the Governor, two nonvoting, ex officio legislative members, with the Speaker of the House of Representatives appointing one House member and the President of the Senate appointing one Senate member; requires the initial appointment of the Speaker to be a member of the minority political party in the House and the President's initial appointment to be a member of the majority political party in the Senate with the party affiliation alternating thereafter; and specifies that these members be appointed so that they begin their terms October 7, 2008.

Membership of the Commission on African-American Males

R.C. 4112.12

Expands the membership of the Commission on African-American Males from 23 to 25 members by adding two members from the private corporate sector, who are appointed by the Ohio State University African American and African Studies Community Extension Center, in consultation with the Governor.

**Removal of Gubernatorial Authority to Suspend Pay Raises for
Schedule E Employees**

R.C. 124.152

Removes authority for the Governor to suspend Schedule E pay raises for certain exempt employees that are to be granted in 2008 until the first day of the pay period that includes July 1, 2009.

Cooperative Purchasing Agreements

R.C. 125.022

Permits the Department to enter into cooperative purchasing agreements with the federal government, purchasing consortia, and institutions of higher education in addition to entities with which the Department may already enter into agreements and removes the requirement that these cooperative purchasing agreements be for the purpose of purchasing services or supplies produced from or containing recycled materials for use by state agencies.

Modifications to Procurement Laws

R.C. 125.04, 125.041, 125.05, 125.051, 125.06, 125.07, and 127.16

Modifies the state procurement laws as administered by the Department of Administrative Services by lowering the thresholds under which state agencies may make direct purchases for services from \$50,000 to \$25,000, permits state agencies to make purchases for services and supplies over \$25,000 but under \$50,000 if the purchases are made under the supervision of an agency employee certified by the Department to make purchases, and requires the Department to establish a program to certify agency employees to make purchases.

Removes the current law requirement that the Director of Administrative Services adjust the purchasing thresholds for supplies and services with reference to the CPI and institutes a process through which the Directors of Administrative Services and Budget and Management review the thresholds and make recommendations regarding adjustments to the General Assembly.

Modifications to Procurement Laws

R.C. 125.02 and 125.04

Applies the state procurement laws to the Adjutant General for non-military supplies and services, the Bureau of Workers' Compensation, and the Department of Rehabilitation and Correction and exempts the judicial branch from the state procurement laws.

Remove Minimum Sales Requirement To Bid on State Term Contracts

R.C. 125.09

Removes the minimum amount of sales to state agencies and local governments a bidder on a state term contract must have made during the one-year period preceding the submission of the bid.

Taxation

School District "Substitute" Levies

R.C. 5705.199

Specifies that the computation of permissible revenue growth of "substitute" levies is based only on new real property, rather than on all new taxable property (which would include both new real property and new public utility personal property).

Lodging Tax: Use of Existing Revenue for Multiple Convention Centers

R.C. 5739.09 and Section 812.10

Authorizes certain counties (or the most populous municipal corporation in such a county) to use existing lodging tax revenue to pay costs of constructing, expanding, maintaining, operating, more than one convention center in the county or municipal corporation, and to designate some of the revenue for promoting the centers by a convention and visitors bureau.

**Retired Military Pay Income Tax Exemption for Surviving
Spouses**

R.C. 5747.01(A) (26)

Extends the income tax exemption for retired military personnel pay to include such pay received by the military retirant's surviving spouse after the military retirant's death.

Income Tax: Non-Electronic Filing Penalty

R.C. 5747.082(D)

Limits application of the proposed penalty on tax return preparers for failing to file income tax returns electronically if required to do so, by imposing the \$50 penalty only on nonelectronically filed returns in excess of the 75-return threshold. (The bill requires paid tax preparers to file returns electronically if they file more than 75 returns in a year, electronically or nonelectronically, and imposes a \$50 per-return penalty on all nonelectronically filed returns if a preparer exceeds the 75-return threshold.)

Utilities

Wind Farm Siting and Other Regulation

R.C. 303.213, 519.213, 713.081, 4906.13, 4906.20, and 4906.98

Effective on the date of the bill's enactment, provides for the certification and regulation by the Power Siting Board of any wind farm with aggregate capacity of five or more but less than fifty megawatts and generally preempts local regulation of such a wind farm, and authorizes local zoning of any wind farm with aggregate capacity of less than five megawatts.

Governmental Electric Aggregation

R.C. 4928.20

Changes the basis for a PUCO determination of the portion of a rate or price phase-in surcharge that customers of a governmental electric aggregation must pay to an electric distribution utility with a market rate offer or electric security plan, from the benefits that "the customers as an aggregated group receive," to the benefits that "the electric load centers within the jurisdiction of the...aggregation as a group receive"; and changes the prohibition that such a utility not collect a charge for standby service refused by such an aggregation, so that, instead of the utility being prohibited from collecting a charge from customers in the aggregation "to whom electricity is delivered," it is prohibited from collecting from customers in the aggregation "to whom competitive retail electric generation service is provided by another supplier."

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