

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

**SECOND CORRECTED VERSION**  
**WEDNESDAY, JUNE 29, 2011**

**SIXTY-FOURTH DAY**

Hall of the House of Representatives, Columbus, Ohio

**Wednesday, June 29, 2011, 1:30 p.m.**

The House met pursuant to adjournment.

Prayer was offered by Pastor Kym James of the Cornerstone United Methodist Church in Portsmouth, Ohio, followed by the Pledge of Allegiance to the Flag.

The journal of yesterday was read and approved.

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

Robert M. Chiaramonte received H. R. 153, presented by Speaker Batchelder-69th district.

Katie Beucler and Shirley Snodgrass, guests of Representative Brenner-2nd district.

Carol and Wilbar Dickson, guests of Representative Boyd-9th district.

Ben Huff, a guest of Representative Gonzales-19th district.

Jill Mecklenborg, daughter of Representative Mecklenborg-30th district.

Bruce Bril, a guest of Representative Letson-64th district.

The Crothers family, guests of Representative Uecker-66th district.

**INTRODUCTION OF BILLS**

The following bills were introduced:

**H. B. No. 286**-Representatives Combs, Bulp.

Cosponsors: Representatives Thompson, Adams, R., Adams, J., Brenner, Ruhl, Derickson, Johnson, Newbold, McClain, Maag, Young, Martin.

To amend section 4113.99 and to enact sections 4113.81 to 4113.88 of the Revised Code to adopt provisions related to the employment of unauthorized aliens.

**H. B. No. 287**-Representatives Hagan, R., Foley.

Cosponsors: Representatives Antonio, Yuko, Ramos, Letson, Williams, Luckie, Mallory, Boyd.

To amend section 109.02 and to enact sections 3922.01 to 3922.15, 3922.21 to 3922.27, 3922.31, 3922.32, and 3922.33 of the Revised Code to enact the Ohio Health Security Act to establish and operate the Ohio Health Care Plan to provide universal health care coverage to all Ohio residents.

Said bills were considered the first time.

### REPORTS OF CONFERENCE COMMITTEES

Representative Amstutz submitted the following report:

The Committee of Conference to which the matters of difference between the two houses were referred on Sub. H.B. 153, Representative Amstutz -et al., having had the same under consideration, recommends to the respective houses as follows:

The bill as passed by the Senate with the following amendments:

Between lines 139529a and 139530, insert:

"GRF 042409 Commission Closures \$50,000 \$50,000"

In line 139532, delete "\$3,168,310 \$2,378,166" and insert "\$3,218,310 \$2,428,166"

In line 139544, delete "\$26,935,329 \$25,889,497" and insert "\$26,985,329 \$25,939,497"

Between lines 139544 and 139545, insert:

"COMMISSION CLOSURES

The foregoing appropriation item 042409, Commission Closures, may be used to pay obligations associated with the closure of the Commission on Dispute Resolution and Conflict Management, the School Employees Health Care Board, the Legal Rights Service, and the Workers' Compensation Council. Notwithstanding any provision of law to the contrary, this appropriation item may also be used to pay final payroll expenses occurring after the closure of the Commission on Dispute Resolution and Conflict Management, the School Employees Health Care Board, the Legal Rights Service, and the Workers' Compensation Council in the event that appropriations or cash in the closing agency are insufficient to do so.

The Director of Budget and Management may request Controlling Board approval for funds to be transferred to appropriation item 042409, Commission Closures, from appropriation item 911614, CB Emergency Purposes, for anticipated expenses associated with agency closures."

In line 488, after "2981.11," insert "2981.12,"

Between lines 48964 and 48965, insert:

"**Sec. 2981.12.** (A) Unclaimed or forfeited property in the custody of a law enforcement agency, other than property described in division (A)(2) of section 2981.11 of the Revised Code, shall be disposed of by order of any court of record that has territorial jurisdiction over the political subdivision that employs the law enforcement agency, as follows:

(1) Drugs shall be disposed of pursuant to section 3719.11 of the Revised Code or placed in the custody of the secretary of the treasury of the United States for disposal or use for medical or scientific purposes under applicable federal law.

(2) Firearms and dangerous ordnance suitable for police work may be given to a law enforcement agency for that purpose. Firearms suitable for sporting use or as museum pieces or collectors' items may be sold at public auction pursuant to division (B) of this section. The agency ~~shall destroy~~ may sell other firearms and dangerous ordnance ~~or to a federally licensed firearms dealer in a manner that the court considers proper. The agency shall destroy any firearms or dangerous ordnance not given to a law enforcement agency or sold or shall~~ send them to the bureau of criminal identification and investigation for destruction by the bureau.

(3) Obscene materials shall be destroyed.

(4) Beer, intoxicating liquor, or alcohol seized from a person who does not hold a permit issued under Chapters 4301. and 4303. of the Revised Code or otherwise forfeited to the state for an offense under section 4301.45 or 4301.53 of the Revised Code shall be sold by the division of liquor control if the division determines that it is fit for sale or shall be placed in the custody of the investigations unit in the department of public safety and be used for training relating to law enforcement activities. The department, with the assistance of the division of liquor control, shall adopt rules in accordance with Chapter 119. of the Revised Code to provide for the distribution to state or local law enforcement agencies upon their request. If any tax imposed under Title XLIII of the Revised Code has not been paid in relation to the beer, intoxicating liquor, or alcohol, any moneys acquired from the sale shall first be used to pay the tax. All other money collected under this division shall be paid into the state treasury. Any beer, intoxicating liquor, or alcohol that the division determines to be unfit for sale shall be destroyed.

(5) Money received by an inmate of a correctional institution from an unauthorized source or in an unauthorized manner shall be returned to the sender, if known, or deposited in the inmates' industrial and entertainment fund of the institution if the sender is not known.

(6)(a) Any mobile instrumentality forfeited under this chapter may be given to the law enforcement agency that initially seized the mobile instrumentality for use in performing its duties, if the agency wants the mobile instrumentality. The agency shall take the mobile instrumentality subject to any security interest or lien on the mobile instrumentality.

(b) Vehicles and vehicle parts forfeited under sections 4549.61 to 4549.63 of the Revised Code may be given to a law enforcement agency for use in performing its duties. Those parts may be incorporated into any other official vehicle. Parts that do not bear vehicle identification numbers or derivatives of them may be sold or disposed of as provided by rules of the director of public

safety. Parts from which a vehicle identification number or derivative of it has been removed, defaced, covered, altered, or destroyed and that are not suitable for police work or incorporation into an official vehicle shall be destroyed and sold as junk or scrap.

(7) Computers, computer networks, computer systems, and computer software suitable for police work may be given to a law enforcement agency for that purpose or disposed of under division (B) of this section.

(B) Unclaimed or forfeited property that is not described in division (A) of this section or division (A)(2) of section 2981.11 of the Revised Code, with court approval, may be used by the law enforcement agency in possession of it. If it is not used by the agency, it may be sold without appraisal at a public auction to the highest bidder for cash or disposed of in another manner that the court considers proper.

(C) Except as provided in divisions (A) and (F) of this section and after compliance with division (D) of this section when applicable, any moneys acquired from the sale of property disposed of pursuant to this section shall be placed in the general revenue fund of the state, or the general fund of the county, the township, or the municipal corporation of which the law enforcement agency involved is an agency.

(D) If the property was in the possession of the law enforcement agency in relation to a delinquent child proceeding in a juvenile court, ten per cent of any moneys acquired from the sale of property disposed of under this section shall be applied to one or more alcohol and drug addiction treatment programs that are certified by the department of alcohol and drug addiction services under section 3793.06 of the Revised Code. A juvenile court shall not specify a program, except as provided in this division, unless the program is in the same county as the court or in a contiguous county. If no certified program is located in any of those counties, the juvenile court may specify a certified program anywhere in Ohio. The remaining ninety per cent of the proceeds or cash shall be applied as provided in division (C) of this section.

Each treatment program that receives in any calendar year forfeited money under this division shall file an annual report for that year with the attorney general and with the court of common pleas and board of county commissioners of the county in which the program is located and of any other county from which the program received forfeited money. The program shall file the report on or before the first day of March in the calendar year following the calendar year in which the program received the money. The report shall include statistics on the number of persons the program served, identify the types of treatment services it provided to them, and include a specific accounting of the purposes for which it used the money so received. No information contained in the report shall identify, or enable a person to determine the identity of, any person served by the program.

(E) Each certified alcohol and drug addiction treatment program that

receives in any calendar year money under this section or under section 2981.13 of the Revised Code as the result of a juvenile forfeiture order shall file an annual report for that calendar year with the attorney general and with the court of common pleas and board of county commissioners of the county in which the program is located and of any other county from which the program received the money. The program shall file the report on or before the first day of March in the calendar year following the year in which the program received the money. The report shall include statistics on the number of persons served with the money, identify the types of treatment services provided, and specifically account for how the money was used. No information in the report shall identify or enable a person to determine the identity of anyone served by the program.

As used in this division, "juvenile-related forfeiture order" means any forfeiture order issued by a juvenile court under section 2981.04 or 2981.05 of the Revised Code and any disposal of property ordered by a court under section 2981.11 of the Revised Code regarding property that was in the possession of a law enforcement agency in relation to a delinquent child proceeding in a juvenile court.

(F) Each board of county commissioners that recognizes a citizens' reward program under section 9.92 of the Revised Code shall notify each law enforcement agency of that county and of a township or municipal corporation wholly located in that county of the recognition by filing a copy of its resolution conferring that recognition with each of those agencies. When the board recognizes a citizens' reward program and the county includes a part, but not all, of the territory of a municipal corporation, the board shall so notify the law enforcement agency of that municipal corporation of the recognition of the citizens' reward program only if the county contains the highest percentage of the municipal corporation's population.

Upon being so notified, each law enforcement agency shall pay twenty-five per cent of any forfeited proceeds or cash derived from each sale of property disposed of pursuant to this section to the citizens' reward program for use exclusively to pay rewards. No part of the funds may be used to pay expenses associated with the program. If a citizens' reward program that operates in more than one county or in another state in addition to this state receives funds under this section, the funds shall be used to pay rewards only for tips and information to law enforcement agencies concerning offenses committed in the county from which the funds were received.

Receiving funds under this section or section 2981.11 of the Revised Code does not make the citizens' reward program a governmental unit or public office for purposes of section 149.43 of the Revised Code.

(G) Any property forfeited under this chapter shall not be used to pay any fine imposed upon a person who is convicted of or pleads guilty to an underlying criminal offense or a different offense arising out of the same facts and circumstances."

In lines 135752, after "2981.11," insert "2981.12,"

In line 101 of the title, after "2981.11," insert "2981.12,"

In line 141015, delete "\$5,610,117,686" and insert "\$5,610,290,686"

In line 141017, add \$173,000 to fiscal year 2013

In line 141092, add \$173,000 to fiscal year 2013

In line 141790, delete "\$35,323,000" and insert "\$35,496,000"

In line 152919, delete "Sections" and insert "Section"; delete "and 515.40"

Between lines 153040a and 153041, insert:

"Section 515.40 of this act	All provisions except as described in the right-hand column take effect January 1, 2012	Division (H) takes effect July 1, 2011"
-----------------------------	---	---

Between lines 147881 and 147882, insert:

**"Section \_\_.** An amount equal to the unexpended, unencumbered, previously released balance of capital appropriation item C38816, Penta Renovations, at the end of fiscal year 2010 is hereby reappropriated and released to the same appropriation item for fiscal year 2012, to be used to support the campus renovation program at Owens Community College. This amount represents the amount of fiscal year 2010 capital encumbrances that were inadvertently canceled and does not represent a new capital appropriation."

Between lines 146758 and 146759, insert:

"(5) In calculating the core subsidy entitlements for students enrolled in state-supported law schools, subsidy eligible FTE completions shall be limited to students identified as residents of Ohio."

Delete lines 146926 through 146933

In line 146934, delete "(c)" and insert "(b)"

In line 146939, delete "(d)" and insert "(c)"

Between lines 58290 and 58291, insert:

" (4) The governing authority of a start-up community school may provide by resolution for the compensation of its members. However, no individual who serves on the governing authority of a start-up community school shall be compensated more than four hundred twenty-five dollars per meeting of that governing authority and no such individual shall be compensated more than a total amount of five thousand dollars per year for all governing authorities upon which the individual serves."

In line 135885, after "3314.017," insert "3314.025,"

In line 358 of the title, after "3314.017," insert "3314.025,"

Between lines 142613 and 142614, insert:

"**Section \_\_\_\_\_.** Not later than December 31, 2011, the Department of Education shall develop and submit to the Governor and the General Assembly, in accordance with section 101.68 of the Revised Code, a plan and legislative recommendations for the provision of up to two cumulative school years of educational services toward a high school diploma for individuals who are twenty-two years of age or older and who have not been awarded a high school diploma or a certificate of high school equivalence, as defined in section 4109.06 of the Revised Code. The plan and legislative recommendations shall specify that those services be provided by dropout prevention and recovery programs operated by school districts, granted waivers under division (F) of section 3313.603 of the Revised Code, and by dropout prevention and recovery programs operated by community schools, granted waivers under section 3314.36 of the Revised Code. In developing the plan and legislative recommendations, the Department shall consult with the United States Department of Education to ensure that the creation of the program does not expand the requirement of the state or local education agencies to provide a free appropriate public education under the Individuals with Disabilities Education Act to all individuals beyond twenty-one years of age."

In line 653, after "3313.539," insert "3313.617,"

Between lines 56154 and 56155, insert:

" **Sec. 3313.617.** (A) When a person who is at least sixteen years of age but less than nineteen years of age applies to the department of education to take the tests of general educational development, the person shall submit with the application written approval from the superintendent of the school district in which the person was last enrolled, or the superintendent's designee, except that if the person was last enrolled in a community school established under Chapter 3314. of the Revised Code or a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, the approval shall be from the principal of the school, or the principal's designee. The department may require the person also to submit written approval from the person's parent or guardian or a court official, if the person is younger than eighteen years of age.

(B) For the purpose of calculating graduation rates for the school district and building report cards under section 3302.03 of the Revised Code, the department shall count any person for whom approval is obtained from the superintendent or principal, or a designee, under division (A) of this section as a dropout from the district or school in which the person was last enrolled prior to obtaining the approval.

In line 324 of the title, after "3313.539," insert "3313.617,"

Between lines 59380 and 59381, insert:

" Except as otherwise specified in this paragraph, beginning in the



2011-2012 school year, any student who completed the prior school year in an internet- or computer-based community school shall be considered to be enrolled in the same school in the subsequent school year until the student's enrollment has ceased as specified in division (L)(2) of this section. The department shall continue subtracting and paying amounts for the student under divisions (C) and (D) of this section without interruption at the start of the subsequent school year. However, if the student without a legitimate excuse fails to participate in the first one hundred five consecutive hours of learning opportunities offered to the student in that subsequent school year, the student shall be considered not to have re-enrolled in the school for that school year and the department shall recalculate the payments to the school for that school year to account for the fact that the student is not enrolled."

In line 502, after "3314.012," insert "3314.013,"

In line 634, delete "3314.20,"

Between lines 57956 and 57957, insert:

**"Sec. 3314.013.** (A) ~~(1) Until July 1, 2000, no more than seventy five contracts between start-up schools and the state board of education may be in effect outside the pilot project area at any time under this chapter.~~

~~(2) After July 1, 2000, and until July 1, 2001, no more than one hundred twenty five contracts between start-up schools and the state board of education may be in effect outside the pilot project area at any time under this chapter.~~

~~(3) This division applies only to contracts between start-up schools and the state board of education and contracts between start-up schools and entities described in divisions (C)(1)(b) to (f) of section 3314.02 of the Revised Code.~~

~~Until July 1, 2005, not more than two hundred twenty-five contracts to which this division applies may be in effect at any time under this chapter.~~

~~(4) This division applies only to contracts between start-up schools and entities described in divisions (C)(1)(b) to (f) of section 3314.02 of the Revised Code.~~

~~Except as otherwise provided in section 3314.014 of the Revised Code, after July 1, 2005, and until July 1, 2007, the number of contracts to which this division applies in effect at any time under this chapter shall be not more than thirty plus the number of such contracts with schools that were open for operation as of May 1, 2005.~~

~~(5) This division applies only to contracts between a conversion school that is an internet- or computer-based community school or a start-up school and the board of education of the school district in which the school is or is proposed to be located.~~

~~Except as otherwise provided in section 3314.014 of the Revised Code, until July 1, 2007, the number of contracts to which this division applies in effect at any time under this chapter shall be not more than thirty plus the number of~~

~~such contracts with schools that were open for operation as of May 1, 2005.~~

~~(6) Until the effective date of any standards enacted by the general assembly governing the operation of internet- or computer-based community schools January 1, 2013, no internet- or computer-based community school shall operate unless the school was open for instruction as of May 1, 2005. No entity described in division (C)(1) of section 3314.02 of the Revised Code shall enter into a contract to sponsor an internet- or computer-based community school, including a conversion school, between May 1, 2005, and the effective date of any standards enacted by the general assembly governing the operation of internet- or computer-based community schools January 1, 2013, except as follows:~~

~~(a) Any (1) The entity described in division (C)(1) of that section may renew a contract that the entity entered into with an internet- or computer-based community school prior to May 1, 2005, if the school was open for operation as of that date.~~

~~(b) Any (2) The entity described in divisions (C)(1)(a) to (c) of that section may assume sponsorship of an existing internet- or computer-based community school that was formerly sponsored by another entity and may enter into a contract with that community school in accordance with section 3314.03 of the Revised Code.~~

~~(c) Any entity described in division (C)(1)(f) of that section may assume sponsorship of an existing internet- or computer-based community school in accordance with division (A)(7) of this section and may enter into a contract with that community school in accordance with section 3314.03 of the Revised Code.~~

If a sponsor entered into a contract with an internet- or computer-based community school, including a conversion school, but the school was not open for operation as of May 1, 2005, the contract shall be void and the entity shall not enter into another contract with the school until ~~the effective date of any standards enacted by the general assembly governing the operation of internet- or computer-based community schools January 1, 2013.~~

~~(7) Until July 1, 2005, any entity described in division (C)(1)(f) of section 3314.02 of the Revised Code may sponsor only a community school that formerly was sponsored by the state board of education under division (C)(1)(d) of that section, as it existed prior to April 8, 2003. After July 1, 2005, any such entity may assume sponsorship of any existing community school, and may sponsor any new community school that is not an internet- or computer-based community school. Beginning on the effective date of any standards enacted by the general assembly governing the operation of internet- or computer-based community schools, any such entity may sponsor a new internet- or computer-based community school.~~

~~(8) (B) Beginning January 1, 2013, up to five new internet- or computer-based community schools may open each year. If the governing~~

authorities of more than five new schools notify the department of education under division (D) of section 3314.02 of the Revised Code, by a deadline established by the department, that they have signed a contract with a sponsor to open in the following school year, the department shall hold a lottery within thirty days after the deadline to choose the five schools that may open in that school year. The contract signed by the governing authority of any school not selected in the lottery shall be void, but the school may enter into a contract with a sponsor to open in a subsequent school year, subject to this division.

(C) Nothing in ~~division~~ divisions (A) or (B) of this section prohibits a an internet- or computer-based community school from increasing the number of grade levels it offers.

(B) Within twenty-four hours of a request by any person, the superintendent of public instruction shall indicate the number of preliminary agreements for start-up schools currently outstanding and the number of contracts for these schools in effect at the time of the request.

(C) It is the intent of the general assembly to consider whether to provide limitations on the number of start-up community schools after July 1, 2001, following its examination of the results of the studies by the legislative office of education oversight required under Section 50.39 of Am. Sub. H.B. No. 215 of the 122nd general assembly and Section 50.52.2 of Am. Sub. H.B. No. 215 of the 122nd general assembly, as amended by Am. Sub. H.B. No. 770 of the 122nd general assembly (D) Not later than July 1, 2012, the director of the governor's office of 21st century education and the superintendent of public instruction shall develop standards for the operation of internet- or computer-based community schools. The director shall submit those standards to the speaker of the house of representatives and the president of the senate for consideration of enactment by the general assembly."

In line 58267, reinsert "3314.013"; after the second stricken comma insert " and"; strike through "and"

In line 58268, delete " 3314.20"

Delete lines 60045 through 60050

Delete lines 60128 through 60138 and insert:

" **Sec. 3314.23.** (A) Subject to division (B) of this section, each internet- or computer-based community school shall do the applicable one of the following:

(1) If the general assembly has enacted standards for the operation of internet- or computer-based community schools by January 1, 2013, comply with the standards so enacted;

(2) If the general assembly has not enacted such standards by that date, comply with the standards developed by the international association for K-12 online learning.

(B) Each internet- or computer-based community school that initially opens for operation on or after January 1, 2013, shall comply with the standards required by division (A) of this section at the time it opens. Each internet- or computer-based community school that initially opened for operation prior to January 1, 2013, shall comply with the standards required by division (A) of this section not later than July 1, 2013."

In line 135766, after "3314.012," insert "3314.013,"

In line 135884, delete "3314.013,"

In line 118 of the title, after "3314.012," insert "3314.013,"

In line 298 of the title, delete "3314.20,"

In line 358 of the title, delete "3314.013,"

Between lines 101754 and 101755, insert:

" "Federally qualified health center look-alike" has the same meaning as in section 3701.047 of the Revised Code."

In line 101766, delete " and" and insert an underlined comma

In line 101767, after " center" insert " , and federally qualified health center look-alike"

In line 101769, delete " or" and insert an underlined comma; after " center" insert " , or look-alike"

Between lines 101781 and 101782, insert:

" "Federally qualified health center look-alike" has the same meaning as in section 3701.047 of the Revised Code."

In line 101793, delete " and" and insert an underlined comma

In line 101794, after " center" insert " , and federally qualified health center look-alike"

In line 101795, delete " or" and insert an underlined comma

In line 101796, after " center" insert " , or look-alike"

In line 425, delete "127.162,"

In line 535, after "3743.54," insert "3743.64,"

In line 542, delete "4131.031," and insert "4141.031,"

In line 562, delete "5101.271,"

In line 634, after "3314.20," insert "3733.42,"

In line 639, after "126.605," insert "127.162,"

In line 663, delete "3733.42, 3743.577," and insert "3734.577,"

In line 672, delete "6115.231," and insert "6115.321,"

In line 59791, delete " governing authority"

In line 59800, delete " governing authority"

In line 60887, delete " 3317.141,"

In line 65050, delete " 3318.11" and insert " 3318.011"

In line 66048, reinsert "any city, exempted village,"

In line 66049, reinsert all before " the"; delete the balance of the line

In line 66050, delete " center governing"

Underline line 68604

Underline line 68605

In line 81143, delete " association" and insert " arrangement"

In line 94754, delete " filed" and insert " filled"

In line 114476, strike through "(5)" and insert " (7)"

In line 135689, delete "126.162,"

In line 135735, delete "1545.30," and insert "1547.30,"

In line 137852, delete " (~~5~~)" and insert " (~~7~~)"

In line 144777, delete "390.35.33" and insert "309.35.33"

In line 144498, delete "Fiscal Year 2012 Medicaid"

In line 144499, delete "Reimbursement System for ICFs/MR" and insert  
"FISCAL YEAR 2012 MEDICAID REIMBURSEMENT SYSTEM FOR  
ICFs/MR"

In line 145616, delete "Community and" and insert "Federal  
Miscellaneous"

Delete line 145616a

In line 148758, delete "5BV0" and insert "5BU0"

In line 150059, after " and" insert " any such action or proceeding"

Delete lines 150559 through 150563

In line 150723, delete "allocation" and insert "allocate"

In line 151250, delete "(C)" and insert "(B)"

In line 152940, after "3302.031," insert "3302.05,"

In line 152942, after "3306.12" insert "(3317.0212)"

In line 152949, delete "3314.10,"

In line 152953, delete "3317.0212,"

In line 152984, after "5111.912," insert "5111.913,"

In line 153023, delete "divisions (A)"

In line 153023a, delete "and" and insert "division"

In line 153025a, delete "right" and insert "right-hand"

In line 153039a, in the first column under "5123.19" insert "(In Section 101.01)"

In line 153041, delete "sections" and insert "section"; delete ", 5123.19,"

In line 153042, delete "and 5123.191"

Delete lines 153049 and 153050

Move lines 153078 and 153079 to between lines 153081 and 153082

In line 15 of the title, delete "127.162,"

In line 165 of the title, after "3743.54," insert "3743.64,"

In line 175 of the title, delete "4131.031," and insert "4141.031,"

In line 225 of the title, after "5119.611," insert "5119.612,"

In line 262 of the title, delete "5901.02,"

In line 305 of the title, after "126.605," insert "127.162,"

In line 346 of the title, delete "6115.231," and insert "6115.321,"

In line 349 of the title, delete "to" and insert ", 181.22, 181.23, 181.24, 181.25,"

In line 381 of the title, delete "105.40.70" and insert "105.45.70"

In line 421, delete "124.11,"

Delete lines 9191 through 9469

In line 21158, delete " or county board of information services and"

In line 21159, delete " records management"

In line 62666, after the period insert "Each student enrolled in kindergarten shall be counted as one full-time equivalent student regardless of whether the student is enrolled in a part-day or all-day kindergarten class."

In line 71675, strike through "and" and insert " . The amount collected"

In line 71688, delete " and" and insert " . The amount collected"

In line 135685, delete "124.11,"

In line 135883, after "3306.292," insert "3306.50,"

In line 140945, delete "recipients" and insert "General Assembly"

In line 140956, delete "For each" and insert "Regarding the"; delete "meeting" and insert "meetings"

In line 140980, delete "where" and insert "at which"; after "members" insert "are permitted to"

Delete lines 153066 and 153067

In line 10 of the title, delete "124.11,"

In line 356 of the title, after "3306.292," insert "3306.50,"

In line 552, after "4729.52," insert "4729.552,"

Between lines 92068 and 92069, insert:

**"Sec. 4729.552.** (A) To be eligible to receive a license as a category III terminal distributor of dangerous drugs with a pain management clinic classification, an applicant shall submit evidence satisfactory to the board that the applicant's pain management clinic will be operated in accordance with the requirements specified in division (B) of this section and that the applicant meets any other applicable requirements under this chapter or Chapter 3719. of the Revised Code.

If the board determines that an applicant meets all of the requirements, the board shall issue to the applicant a license as a category III terminal distributor of dangerous drugs and specify on the license that the terminal distributor is classified as a pain management clinic.

(B) The holder of a terminal distributor license with a pain management clinic classification shall do all of the following:

(1) Be in control of a facility that is owned and operated solely by one or more physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(2) Ensure that any person employed by the facility complies with the requirements for the operation of a pain management clinic established by the state medical board in rules adopted under section 4731.054 of the Revised Code;

(3) Require any person with ownership of the facility to submit to a criminal records check in accordance with section 4776.02 of the Revised Code and send the results of the criminal records check directly to the state board of pharmacy for review and decision under section 4729.071 of the Revised Code;

(4) Require all employees of the facility to submit to a criminal records check in accordance with section 4776.02 of the Revised Code and ensure that no person is employed who has previously been convicted of, or pleaded guilty to, ~~any felony in this state, another state, or the United States;~~ either of the following:

(a) A theft offense, described in division (K)(3) of section 2913.01 of the Revised Code, that would constitute a felony under the laws of this state, any other state, or the United States;

(b) A felony drug abuse offense, as defined in section 2925.01 of the Revised Code.

(5) Maintain a list of each person with ownership of the facility and notify the state board of pharmacy of any change to that list.

(C) No person shall operate a facility that under this chapter is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification without obtaining and maintaining the license with the classification.

No person who holds a category III license with a pain management clinic classification shall fail to remain in compliance with the requirements of division (A) of this section and any other applicable requirements under this chapter or Chapter 3719. of the Revised Code.

(D) The board may impose a fine of not more than five thousand dollars on a terminal distributor of dangerous drugs license holder who violates division (C) of this section. A separate fine may be imposed for each day the violation continues. In imposing the fine, the board's actions shall be taken in accordance with Chapter 119. of the Revised Code."

In line 135817, after "4729.52," insert "4729.552,"

In line 188 of the title, after "4729.52," insert "4729.552,"

In line 85434, strike through ""Seasonal" and insert " As used in this section:

(1) "Reasonable assurance" means a written, verbal, or implied agreement that the individual will perform services in the same or similar capacity during the ensuing sports season or seasonal period.

(2) "Seasonal"

In line 85439, strike through ""Seasonal" and insert:

" (3) "Seasonal"

In line 85443, strike through "Any" and insert:

" (4) "Significantly" means forty per cent or more of an individual's base period consists of services performed in seasonal employment.

(B) Any"

In line 85456, strike through "(B)" and insert " (C)"

In line 85467, after "division" insert " , except benefits shall not be paid for any week between two successive seasonal periods"



In line 85471, strike through "(C)" and insert " (D)"; reinsert "An"; delete "Subject to division (E) of this section, an"

In line 85481, after the period insert " Effective October 30, 2011, an individual who performs services that significantly consist of services performed in seasonal employment shall not be paid benefits for those services for any week in the period between two successive seasonal periods if the individual performed those services in the first of the seasonal periods and there is reasonable assurance that the individual will perform those services in the later of the seasonal periods. The director shall adopt rules for the implementation of this division."

In line 85482, strike through "(D)" and insert " (E)"

In line 85491, after " (H)" delete the balance of the line

Delete lines 85492 through 85497

In line 85498, delete " (F)"; strike through "The term "reasonable assurance" as used in this"

In line 85499, delete " section" and strike through the balance of the line

Strike through line 85500

In line 85501, strike through "during the ensuing sports season"; delete "or seasonal work period"; strike through the period

In line 85502, delete " (G)" and insert " (F)"

In line 85503, after "under" insert " divisions (D) and (E) of"

In line 66360, delete all after the first underlined comma

In line 66361, delete all before " for" and insert " an applicant"

In line 66362, after " license" insert " who meets the requirements relating to life experience, professional certification, and practical ability to complete a degree applicable to the career field, classroom teaching, or an area of licensure"

Between lines 151044 and 151045, insert:

**"Section 733. \_\_\_\_.** The amendment by this act of section 133.06 of the Revised Code applies to any proceedings commenced after the effective date of that section and, so far as the provisions of that section support the actions taken, also apply to any proceedings that on the effective date of that section are pending, in progress, or completed, and to any elections authorized, conducted, or certified and securities authorized or issued pursuant to those proceedings, notwithstanding any law, resolution, ordinance, order, advertisement, notice, or other proceeding in effect before that effective date. Any proceedings pending or in progress on, or completed by, that effective date, elections authorized, conducted, or certified, and securities sold, issued, and delivered, or validated, pursuant to those proceedings, are ratified with respect to, and shall be deemed

to have been taken, authorized, conducted, certified, sold, issued, delivered, or validated in conformity with section 133.06 of the Revised Code so far as the provisions of that section support the actions taken. To the extent those proceedings are proper in all other respects, if the proceedings are filed with a board of elections in anticipation of the taking effect of the amendment of section 133.06 of the Revised Code and in a manner that would be valid if the amendment took effect on the date it became law, then that board of elections, so long as it received a confirmation stating an intention to proceed from or on behalf of the board of education within five business days after the effective date of the amendment shall accept the proceedings and take any actions or make any arrangements necessary for the submission of a question to the electors or otherwise required by the Revised Code."

In line 51343, delete all after the first " of"

In line 51344, delete all after the first " all"

In line 51345, delete " districts" and insert " public school buildings"

In line 51779, after " all" insert " public"; delete " district"

In line 51979, after " rank" insert " among all public school buildings"

In line 52737, after " of" insert " all public"

In line 52738, delete " district"; after " score" insert " under section 3302.21 of the Revised Code"

In line 58130, after " per cent" insert " of school districts"

In line 66924, after " building" insert " ranked"

In line 66925, delete " percentiles of" and insert " per cent of all public school buildings according to"; delete " as ranked"

Between lines 150947 and 150948, insert:

"Notwithstanding division (B)(1)(a) of section 3310.03 of the Revised Code, eligibility for scholarships for the 2011-2012 school year under division (B) of section 3310.03 of the Revised Code shall be based on a school building's performance index score rank among all other school district buildings for the requisite school years, as described in division (B)(2)(a) of this section, and shall not be based on a building's performance index score rank among all public school buildings for the requisite school years, as otherwise required under division (B)(1)(a) of section 3310.03 of the Revised Code."

In line 150981, after "of" insert "public"

In line 150982, delete "district"

In line 150991, after "of" insert "public"

In line 150992, delete "district"

In line 151001, after "of" insert "public"

In line 151002, delete "district"

In line 139297, after the second comma insert "and a portion of appropriation item 038621, Statewide Treatment and Prevention,"

Delete lines 144777 through 144783

In line 145833, after "(B)" insert "On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$2.8 million cash from the General Revenue Fund to the Residential State Supplement Fund (Fund 5CH0) to be used for the Residential State Supplement program. The transferred cash is hereby appropriated.

(C)"

In line 145834, after the comma, insert "and the Residential State Supplement Fund (Fund 5CH0),"

In line 152417, after "credited" insert "from revenue arising from the personal income tax levied under Chapter 5747. of the Revised Code"

In line 152457, delete "(a)"

In line 152458, delete "the" and insert "forty-nine million two hundred seventy thousand dollars"

Delete lines 152459 through 152463

In line 152464, delete everything before the period

Delete lines 152465 through 152497

In line 152528, delete all after "month"

In line 152529, delete all before "shall"

In line 152532, after "month" insert "for the period beginning August 1, 2011, and ending June 30, 2013,"

In line 152549, after "month" insert "for the period beginning August 1, 2011, and ending June 30, 2013,"

In line 152557, delete "division" and insert "divisions"; after "(a)" insert "and (3)"; before the period insert "during fiscal year 2012, and division (E)(1)(a) of this section during fiscal year 2013"

In line 152564, delete "division" and insert "divisions"; after "(a)" insert "and (3)"

In line 152579, after "month" insert "for the period beginning August 1, 2011, and ending June 30, 2012,"

In line 591, after "5703.05," insert "5703.056,"

Between lines 118562 and 118563, insert:

**"Sec. 5703.056.** (A) As used in any section of the Revised Code that

requires the tax commissioner to use certified mail or personal service or that requires or permits a payment to be made or a document to be submitted to the tax commissioner or the board of tax appeals by mail and as used in any section of Chapter 3734., 3769., 4303., or 4305. or Title LVII of the Revised Code that requires or permits a payment to be made or a document to be submitted to the treasurer of state by mail:

(1) "Certified mail," "express mail," "United States mail," "United States postal service," and similar terms include any delivery service authorized pursuant to division (B) of this section.

(2) "Postmark date," "date of postmark," and similar terms include the date recorded and marked in the manner described in division (B)(3) of this section.

~~(b)~~ (B) The tax commissioner may authorize the use of a delivery service for the delivery of any payment or document described in division (A) of this section if the commissioner finds that the delivery service:

(1) Is available to the general public;

(2) Is at least as timely and reliable on a regular basis as the United States postal service;

(3) Records electronically to a database kept in the regular course of its business, and marks on the cover in which the payment or document is enclosed, the date on which the payment or document was given to the delivery service for delivery;

(4) Records electronically to a database kept in the regular course of its business the date on which the payment or document was given by the delivery service to the person who signed the receipt of delivery and the name of the person who signed the receipt; and

(5) Meets any other criteria that the tax commissioner may by rule prescribe."

In line 118611, after "service" insert " or an authorized delivery service under section 5703.056 of the Revised Code"

In line 118686, after "service" insert " or an authorized delivery service under section 5703.056 of the Revised Code"

In line 118688, after "service" insert " or an authorized delivery service under section 5703.056 of the Revised Code"

In line 135857, after "5703.05," insert "5703.056,"

In line 242 of the title, after "5703.05," insert "5703.056,"

Delete lines 144527 through 144561 and insert:

**"Section 309.33.20. ICF/MR AND WAIVER SERVICES  
TRANSFERRED TO DEPARTMENT OF DEVELOPMENTAL**

## DISABILITIES

The Director of Budget and Management shall establish line items for use by the Department of Developmental Disabilities for purposes regarding the Department's assumption of powers and duties under section 5111.226 of the Revised Code regarding the Medicaid program's coverage of ICF/MR services and, under section 5111.871 of the Revised Code, the Medicaid waiver component known as the Transitions Developmental Disabilities Waiver. The Department of Developmental Disabilities shall certify to the Director of Budget and Management and the Director of Job and Family Services the appropriation amounts, in fiscal year 2012 and fiscal year 2013, necessary for the Department of Developmental Disabilities to fulfill its obligations regarding the new powers and duties without duplicating administration or services that remain with the Department of Job and Family Services.

Once the certification required under this section has been submitted and approved by the Directors of Budget and Management and Job and Family Services, the appropriation items established under this section are hereby appropriated in the amounts approved by the Director of Budget and Management. The Director of Budget and Management may reduce the amount of one or more of the Department of Job and Family Services' appropriation items if the Director determines that the reduction is necessary and appropriate because of the appropriation items established under this section for the Department of Developmental Disabilities. The appropriations are hereby reduced by the amount as determined by the Director of Budget and Management."

In line 152730, after "a" insert "consumer"

In line 152733, after "delinquent" insert "consumer"

In line 152735, delete "the effective date of this section" and insert "October 1, 2011,"

In line 152773, after "(F)" insert "The Tax Commissioner shall not waive any interest or penalties due on use tax paid as allowed under the amnesty program authorized by this section by a consumer that registered with the Commissioner for the use tax on or before June 1, 2011.

(G)"

In line 152778, delete "(G)" and insert "(H)"

In line 646, delete "523.09," and insert "523.07,"

In line 27458, delete " unanimous" and insert " a majority"

In line 27648, delete " 523.09." and insert " 523.07."

In line 315 of the title, delete "523.09," and insert "523.07,"

In line 129251, delete all after " application"

In line 129252, delete all before the underlined period and insert " within

six months after the date the assessment is issued. Any refund allowed under this division shall not exceed the amount of the assessment due for the same period"

In line 101221, after " receive" insert " full-time"

In line 101222, after " provider" insert " per child"

In line 101223, after " period" delete the balance of the line

In line 101224, delete everything before the underlined period

Delete lines 101382 through 101385

In line 101386, delete " (O)" and insert " (N)"

In line 145020, delete "verify"

In line 145021, delete "enrollment and" and insert "track"; after the second "and" insert "submit invoices"

In line 145023, delete "If" and insert "Misuse of the system by"

Delete line 145024

In line 145025, delete "attendance, the fraud"

In line 145026, delete "must" and insert "may"

In line 145027, delete "If" and insert "Misuse of the system by"

Delete line 145028

In line 145029, delete "attendance," and insert "constitutes a reason for which"; delete "shall" and insert "may"

Between lines 153018b and 153019, insert:

"173.40	All amendments except as described in the right-hand column	The amendment inserting division (D)"
---------	---	---------------------------------------

In line 16316, strike through "any" and insert " either"

In line 16319, strike through "twenty-five" and insert " fifty"; strike through the semicolon and insert " if both of the following requirements are met:

(1) The public authority selects a single design professional or firm from among those that have submitted a current statement of qualifications within the immediately preceding year, as provided under section 153.68 of the Revised Code, based on the public authority's determination that the selected design professional or firm is the most qualified to provide the required professional design services;

(2) The public authority and the selected design professional or firm comply with division (B) of section 153.69 of the Revised Code with respect to the negotiation of a contract."

In line 16324, strike through the semicolon

Strike through line 16325

In line 16326, strike through everything before the period

In line 606, after "5753.01," insert "5919.34, 5919.341,"

Between lines 133984 and 133985, insert:

**"Sec. 5919.34.** (A) As used in this section:

(1) "Academic term" means any one of the following:

(a) Fall term, which consists of fall semester or fall quarter, as appropriate;

(b) Winter term, which consists of winter semester, winter quarter, or spring semester, as appropriate;

(c) Spring term, which consists of spring quarter;

(d) Summer term, which consists of summer semester or summer quarter, as appropriate.

(2) "Eligible applicant" means any individual to whom all of the following apply:

(a) The individual does not possess a baccalaureate degree.

(b) The individual has enlisted, re-enlisted, or extended current enlistment in the Ohio national guard or is an individual to which division (F) of this section applies.

(c) The individual is actively enrolled as a full-time or part-time student for at least three credit hours of course work in a semester or quarter in a two-year or four-year degree-granting program at ~~an~~ a state institution of higher education or a private institution of higher education, or in a diploma-granting program at ~~an~~ a state or private institution of higher education that is a school of nursing.

(d) The individual has not accumulated ninety-six eligibility units under division (E) of this section.

(3) "~~Institution~~ State institution of higher education" means any state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college established under Chapter 3354. of the Revised Code, state community college established under Chapter 3358. of the Revised Code, university branch established under Chapter 3355. of the Revised Code, or technical college established under Chapter 3357. of the Revised Code.

(4) "Private institution of higher education" means an Ohio institution of higher education that is state-assisted, that is nonprofit and has received a certificate of authorization pursuant to Chapter 1713. of the Revised Code, that is a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, or that holds a certificate of registration and program authorization issued by the state board of career colleges and schools pursuant to section 3332.05 of the Revised

Code.

~~(4) "State university" has the same meaning as in section 3345.011 of the Revised Code.~~

(5) "Tuition" means the charges imposed to attend an institution of higher education and includes general and instructional fees. "Tuition" does not include laboratory fees, room and board, or other similar fees and charges.

(B) There is hereby created a scholarship program to be known as the Ohio national guard scholarship program.

~~(C) If the adjutant general estimates that appropriations and any funds in the Ohio national guard scholarship reserve fund are insufficient to pay for all scholarships applied for under this section and likely to be used during an academic term, the adjutant general shall promptly inform all applicants not receiving scholarships for that academic term of the next academic term that appropriations will be adequate for the scholarships. Any such eligible applicant may again apply for a scholarship beginning that academic term if the applicant is in compliance with all requirements established by this section and the adjutant general for the program. The adjutant general shall approve scholarships for all eligible applicants.~~ The adjutant general shall process all applications for scholarships for each academic term in the order in which they are received. The scholarships shall be made without regard to financial need. At no time shall one person be placed in priority over another because of sex, race, or religion.

(D)(1) Except as provided in ~~division~~ divisions (I) and (J) of this section, for each academic term that an eligible applicant is approved for a scholarship under this section and either remains a current member in good standing of the Ohio national guard or is eligible for a scholarship under division (F)(1) of this section, the institution of higher education in which the applicant is enrolled shall, if the applicant's enlistment obligation extends beyond the end of that academic term or if division (F)(1) of this section applies, be paid on the applicant's behalf the applicable one of the following amounts:

(a) If the institution is ~~state-assisted~~ a state institution of higher education, an amount equal to one hundred per cent of the institution's tuition charges;

(b) If the institution is a nonprofit private institution or a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, an amount equal to one hundred per cent of the average tuition charges of all state universities;

(c) If the institution is an institution that holds a certificate of registration from the state board of career colleges and schools, the lesser of the following:

(i) An amount equal to one hundred per cent of the ~~total instructional and general charges of the institution~~ institution's tuition;

(ii) An amount equal to one hundred per cent of the average tuition charges of all state universities , as that term is defined in section 3345.011 of



the Revised Code.

(2) An eligible applicant's scholarship shall not be reduced by the amount of that applicant's benefits under "the Montgomery G.I. Bill Act of 1984," Pub. L. No. 98-525, 98 Stat. 2553 (1984).

~~(3) An eligible non-prior service applicant's scholarship shall be reduced by the amount of the applicant's tuition benefits under "The Post 9/11 Veterans Educational Assistance Act of 2008," 110 Pub. L. No. 252, 122 Stat. 2323 (2008). An eligible prior service applicant's scholarship shall be reduced by the amount of the applicant's tuition benefits under "The Post 9/11 Veterans Educational Assistance Act of 2008" unless the applicant qualified for one hundred per cent tuition under that act and transfers the federal benefits under that act's portability provisions.~~

(E) A scholarship recipient under this section shall be entitled to receive scholarships under this section for the number of quarters or semesters it takes the recipient to accumulate ninety-six eligibility units as determined under divisions (E)(1) to (3) of this section.

(1) To determine the maximum number of semesters or quarters for which a recipient is entitled to a scholarship under this section, the adjutant general shall convert a recipient's credit hours of enrollment for each academic term into eligibility units in accordance with the following table:

Number of credit hours of enrollment in an academic term	equals	The following number of eligibility units if a semester	or	The following number of eligibility units if a quarter
12 or more hours		12 units		8 units
9 but less than 12		9 units		6 units
6 but less than 9		6 units		4 units
<u>3 but less than 6</u>		<u>3 units</u>		<u>2 units</u>

(2) A scholarship recipient under this section may continue to apply for scholarships under this section until the recipient has accumulated ninety-six eligibility units.

(3) If a scholarship recipient withdraws from courses prior to the end of an academic term so that the recipient's enrollment for that academic term is less than three credit hours, no scholarship shall be paid on behalf of that person for that academic term. Except as provided in division (F)(3) of this section, if a scholarship has already been paid on behalf of the person for that academic term, the adjutant general shall add to that person's accumulated eligibility units the number of eligibility units for which the scholarship was paid.

(F) This division applies to any eligible applicant called into active duty on or after September 11, 2001. As used in this division, "active duty" means active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or section 5919.29 or 5923.21 of the Revised Code.

(1) For a period of up to five years from when an individual's enlistment obligation in the Ohio national guard ends, an individual to whom this division applies is eligible for scholarships under this section for those academic terms that were missed or could have been missed as a result of the individual's call into active duty. Scholarships shall not be paid for the academic term in which an eligible applicant's enlistment obligation ends unless an applicant is eligible under this division for a scholarship for such academic term due to previous active duty.

(2) When an individual to whom this division applies withdraws or otherwise fails to complete courses, for which scholarships have been awarded under this section, because the individual was called into active duty, the institution of higher education shall grant the individual a leave of absence from the individual's education program and shall not impose any academic penalty for such withdrawal or failure to complete courses. Division (F)(2) of this section applies regardless of whether or not the scholarship amount was paid to the institution of higher education.

(3) If an individual to whom this division applies withdraws or otherwise fails to complete courses because the individual was called into active duty, and if scholarships for those courses have already been paid, either:

(a) The adjutant general shall not add to that person's accumulated eligibility units calculated under division (E) of this section the number of eligibility units for the academic courses or term for which the scholarship was paid and the institution of higher education shall repay the scholarship amount to the state.

(b) The adjutant general shall add to that individual's accumulated eligibility units calculated under division (E) of this section the number of eligibility units for the academic courses or term for which the scholarship was paid if the institution of higher education agrees to permit the individual to complete the remainder of the academic courses in which the individual was enrolled at the time the individual was called into active duty.

(4) No individual who is discharged from the Ohio national guard under other than honorable conditions shall be eligible for scholarships under this division.

(G) A scholarship recipient under this section who fails to complete the term of enlistment, re-enlistment, or extension of current enlistment the recipient was serving at the time a scholarship was paid on behalf of the recipient under this section is liable to the state for repayment of a percentage of all Ohio national guard scholarships paid on behalf of the recipient under this section, plus interest at the rate of ten per cent per annum calculated from the dates the scholarships were paid. This percentage shall equal the percentage of the current term of enlistment, re-enlistment, or extension of enlistment a recipient has not completed as of the date the recipient is discharged from the Ohio national guard.

The attorney general may commence a civil action on behalf of the ~~adjutant general~~ chancellor of the Ohio board of regents to recover the amount of the scholarships and the interest provided for in this division and the expenses incurred in prosecuting the action, including court costs and reasonable attorney's fees. A scholarship recipient is not liable under this division if the recipient's failure to complete the term of enlistment being served at the time a scholarship was paid on behalf of the recipient under this section is due to the recipient's death ; or discharge from the national guard due to disability ; ~~or the recipient's enlistment, for a term not less than the recipient's remaining term in the national guard, in the active component of the United States armed forces or the active reserve component of the United States armed forces.~~

(H) On or before the first day of each academic term, the adjutant general shall provide an eligibility roster to the chancellor and to each institution of higher education at which one or more scholarship recipients have applied for enrollment. The institution shall use the roster to certify the actual full-time or part-time enrollment of each scholarship recipient listed as enrolled at the institution and return the roster to the adjutant general and the chancellor. ~~The adjutant general shall report to the chancellor of the Ohio board of regents the number of students in the Ohio national guard scholarship program at each institution of higher education. The~~ Except as provided in division (J) of this section, the chancellor shall provide for payment of the appropriate number and amount of scholarships to each institution of higher education pursuant to division (D) of this section. If an institution of higher education fails to certify the actual enrollment of a scholarship recipient listed as enrolled at the institution within thirty days of the end of an academic term, the institution shall not be eligible to receive payment from the Ohio national guard scholarship program or from the individual enrollee. The adjutant general shall report on a ~~quarterly~~ semi-annual basis to the director of budget and management, the speaker of the house of representatives, ~~and~~ the president of the senate , and the chancellor the number of Ohio national guard scholarship recipients , the size of the scholarship-eligible population, and a projection of the cost of the program for the remainder of the biennium.

(I) The chancellor and the adjutant general may adopt rules pursuant to Chapter 119. of the Revised Code governing the administration and fiscal management of the Ohio national guard scholarship program and the procedure by which the chancellor and the department of the adjutant general may modify the amount of scholarships a member receives based on the amount of other state financial aid a member receives.

(J) The adjutant general, the chancellor, and the director, or their designees, shall jointly estimate the costs of the Ohio national guard scholarship program for each upcoming fiscal biennium, and shall report that estimate prior to the beginning of the fiscal biennium to the chairpersons of the finance committees in the general assembly. During each fiscal year of the biennium, the adjutant general, the chancellor, and the director, or their designees, shall meet regularly to monitor the actual costs of the Ohio national guard scholarship

program and update cost projections for the remainder of the biennium as necessary. If the amounts appropriated for the Ohio national guard scholarship program and any funds in the Ohio national guard scholarship reserve fund are not adequate to provide scholarships in the amounts specified in division (D)(1) of this section for all eligible applicants, the chancellor shall do all of the following:

(1) Notify each private institution of higher education, where a scholarship recipient is enrolled, that, by accepting the Ohio national guard scholarship program as payment for all or part of the institution's tuition, the institution agrees that if the chancellor reduces the amount of each scholarship, the institution shall provide each scholarship recipient a grant or tuition waiver in an amount equal to the amount the recipient's scholarship was reduced by the chancellor.

(2) Reduce the amount of each scholarship under division (D)(1)(a) of this section proportionally based on the amount of remaining available funds. Each state institution of higher education shall provide each scholarship recipient under division (D)(1)(a) of this section a grant or tuition waiver in an amount equal to the amount the recipient's scholarship was reduced by the chancellor.

(K) Notwithstanding division (A) of section 127.14 of the Revised Code, the controlling board shall not transfer all or part of any appropriation for the Ohio national guard scholarship program.

**Sec. 5919.341.** There is hereby created in the state treasury the national guard scholarship reserve fund. Not later than the first day of July of each fiscal year, the chancellor of the Ohio board of regents shall certify to the director of budget and management the unencumbered balance of the general revenue fund appropriations made in the immediately preceding fiscal year for purposes of the Ohio national guard scholarship program created under division (B) of section 5919.34 of the Revised Code. Upon receipt of the certification, the director may transfer an amount not exceeding the certified amount from the general revenue fund to the national guard scholarship reserve fund. Moneys in the national guard scholarship reserve fund shall be used to pay scholarship obligations in excess of the general revenue fund appropriations made for that purpose. Upon request of the ~~adjutant general~~ chancellor, the ~~Ohio board of regents shall~~ director may seek controlling board approval to establish appropriations as necessary.

The director may transfer any unencumbered balance from the national guard scholarship reserve fund to the general revenue fund."

In line 135871, after "5753.01," insert "5919.34, 5919.341,"

In line 146554, delete the second "\$16,912,271" and insert "\$18,143,293"

In line 146556, add \$1,231,022 to fiscal year 2013

In line 146591, add \$1,231,022 to fiscal year 2013

In line 147579, delete ", at the direction of the Adjutant General"

In line 147587, delete "Upon the request of the"

In line 147588, delete "Adjutant General, the"; insert "The"

In line 147594, delete ", at the direction"

In line 147595, delete "of the Adjutant General"

Delete lines 147596 through 147613

In line 152968, after "5751.23," insert "5919.34, 5919.341,"

In line 262 of the title, after "5901.02," insert "5919.34, 5919.341,"

In line 49324, delete " arrearage" and insert " total monthly obligation due"

In line 49339, after the comma insert "to"

In line 49340, strike through "that was the basis for"

Strike through line 49341

In line 49342, strike through "default" and insert " as of the date the payment is made"

In line 49343, delete " The" and insert " If division (A) is not possible, the"

In line 49356, delete " The" and insert " If divisions (A) and (B) are not possible, the"

In line 49359, after " control" insert " .

(D) If divisions (A), (B), and (C) are not possible, the individual enters into and complies with a written agreement with the agency that requires the obligor to comply with either of the following:

(1) A family support program administered or approved by the agency;

(2) A program to establish compliance with a seek work order issued pursuant to section 3123.03 of the Revised Code.

(E) If divisions (A), (B), (C), and (D) are not possible, the individual pays the balance of the total monthly obligation due for the ninety-day period preceding the date the agency sent the notice described in section 3123.44 of the Revised Code"

In line 49409, delete " arrearage" and insert " total monthly obligation due"

Strike through line 49425

In line 49426, strike through "individual was in default" and insert " as of the date the payment is made"

In line 49427, delete " The" and insert " If division (A) is not possible,

the"

In line 49440, delete " The" and insert " If divisions (A) and (B) are not possible, the"

In line 49443, after " control" insert " .

(D) If divisions (A), (B), and (C) are not possible, the individual enters into and complies with a written agreement with the agency that requires the obligor to comply with either of the following:

(1) A family support program administered or approved by the agency;

(2) A program to establish compliance with a seek work order issued pursuant to section 3123.03 of the Revised Code.

(E) If divisions (A), (B), (C), and (D) are not possible, the individual pays the balance of the total monthly obligation due for the ninety-day period preceding the date the agency sent the notice described in section 3123.55 of the Revised Code"

In line 49522, after " (B)" insert " Requirements establishing standards for confirming an individual's employment or the existence of an account pursuant to sections 3123.45 and 3123.56 of the Revised Code.

(C)"

In line 91853, delete " arrearage" and insert " total monthly obligation due"

In line 54839, strike through "suitable for use as classroom space"

In line 54952, after " lease" insert " or sale"

In line 54955, delete all after the underlined period

Delete lines 54956 through 54967

In line 54968, delete " If" and insert " (1) If, not later than sixty days after the district board makes the offer, the governing authority of one community school located within the territory of the school district notifies the district treasurer in writing of its intention to purchase the property, the district board shall sell the property to the community school for the appraised fair market value of the property.

(2) If, not later than sixty days after the district board makes the offer, the governing authorities of two or more community schools located within the territory of the school district notify the district treasurer in writing of their intention to purchase the property, the board shall conduct a public auction in the manner required for auctions of district property under division (A) of section 3313.41 of the Revised Code. Only the governing authorities of all community schools located within the territory of the school district are eligible to bid at the auction. The district board is not obligated to accept any bid for the property that is lower than the appraised fair market value of the property.

(3) If the governing authorities of two or more community schools located within the territory of the school district notify the district treasurer in writing of their intention to lease the property, the district board shall conduct a lottery to select the community school to which the district board shall lease the property.

(4) The lease price offered by a district board to the governing authority of a community school under this section shall not be higher than the fair market value for such a leasehold.

(5) If"

In line 54969, after " lease" insert " or buy"

In line 54970, delete " for lease"

In line 54971, after "entity" insert " in accordance with divisions (A) to (F) of section 3313.41 of the Revised Code"

In line 13869, delete " 36" and insert " 26"

In line 13870, delete " 67.7(b)(8)" and insert " 1.48-12"

In line 13907, after "(6)" insert " Procedures and criteria for conducting cost-benefit analyses of historic buildings that are the subjects of applications filed under this section. The purpose of a cost-benefit analysis shall be to determine whether rehabilitation of the historic building will result in a net revenue gain in state and local taxes once the building is used.

(7)"

In line 13932, strike through all after "(1)"

Strike through lines 13933 and 13934

In line 13935, strike through all before the period and insert " If the director of development determines that an application meets the criteria in divisions (C)(1), (2), and (3) of this section, the director shall conduct a cost-benefit analysis for the historic building that is the subject of the application to determine whether rehabilitation of the historic building will result in a net revenue gain in state and local taxes once the building is used. The director shall consider the results of the cost-benefit analysis in determining whether to approve the application"; after "shall" insert " also"

In line 13937, after the period insert " The director may approve an application only after completion of the cost-benefit analysis."

In line 13939, strike through all after "issued"

In line 13940, delete all after " ~~or~~"

In line 13944, reinsert "sixty"; delete " twenty-five"

In line 454, after "735.20," insert "737.022,"

Between lines 29121 and 29122, insert:

**"Sec. 737.022. ~~When authorized by ordinance of the legislative authority of a city, and in~~ (A) As used in this section:**

**(1) "Occupy or use," with respect to a public way, means to create parking spaces and install, repair, maintain, replace, and operate parking meters or other similar devices for the purpose of providing on-street parking.**

**(2) "Public agency" includes any county, municipal corporation, port authority, regional transit authority, airport authority, or transportation improvement district created pursuant to the laws of this state.**

**(3) "Public parking franchise" means a property right and privilege to occupy and use one or more public ways for the operation of an on-street parking system in all or in one or more portions of the area within the corporate limits of a municipal corporation or to construct, install, repair, maintain, and operate parking meters or other devices or facilities on public property owned or controlled by the municipal corporation.**

**(4) "Public way" means the surface of, and the space within, through, on, across, above, or below, any public street, road, highway, lane, path, alley, court, sidewalk, boulevard, parkway, or drive owned or controlled by a municipal corporation.**

**(B) In order to expedite the flow and direction of traffic, to eliminate congestion on ~~streets, alleys, and highways~~ public ways, and to provide for the safety of passengers in motor vehicles and pedestrians, the legislative authority of a municipal corporation may by ordinance make and issue, or, in the case of the legislative authority of a city, authorize the director of public safety ~~may to~~ make and issue rules and regulations concerning:**

**(A) (1) The number, type, and location of traffic control devices and signs;**

**(B) (2) The regulation or prohibition of parking on ~~streets, alleys, highways,~~ public ways or public property;**

**(C) (3) The regulation of the right-of-way at intersections of streets, alleys, and highways;**

**(D) (4) The regulation or prohibition of turns at intersections;**

**(E) (5) The creation, abolition, and regulation of through routes and truck routes;**

**(F) (6) The creation, abolition, and regulation of pedestrian crosswalk and safety zones;**

**(G) (7) The creation, abolition, and regulation of bus loading and unloading zones and business loading zones;**

**(H) (8) The creation, abolition, and regulation of traffic lanes, and**



passing zones;

~~(9)~~ (9) The regulation of the direction of traffic on ~~streets, alleys, and highways~~ public ways and the creation and abolition of one way ~~public~~ streets, roads, alleys, courts, or drives;

~~(10)~~ (10) Such other subjects as may be provided by ordinance, which shall not be limited by the specific enumeration of subjects by this section.

~~Such rules~~ (C) The legislative authority of a municipal corporation having rules and regulations with respect to parking on public ways or public property for the purposes specified in division (B) of this section may establish and maintain reasonable fees and charges for the privilege of parking in locations permitted by those rules and regulations and may construct, install, maintain, repair, replace, and operate parking meters or other devices or facilities on public ways and public property for the collection of those fees and charges. The operation of meters, devices, and facilities may be managed and operated by municipal officials and employees or by any other person or public agency retained by the municipal corporation for those purposes, as determined by the legislative authority.

(D) As an alternative to the operation of parking meters, devices, and facilities in the manner specified in division (C) of this section, the legislative authority of a municipal corporation having rules and regulations with respect to parking on public ways or public property for the purposes specified in division (B) of this section may grant to a person or public agency a public parking franchise permitting that person or agency to occupy and use certain public ways or to construct, install, maintain, repair, replace, and operate parking meters or other devices or facilities on public property on and subject to terms and conditions specified in a franchise agreement approved by the legislative authority; provided, that no such public parking franchise shall be granted for a term of more than thirty years. The legislative authority may require the person or public agency receiving such a public parking franchise to pay to the municipal corporation a lump sum fee, a periodic fee, or both for the property rights and privileges granted. Public parking franchises shall be subject to regulation by the legislative authority of the municipal corporation and shall not be deemed to be a public utility or an entity otherwise subject to regulation by any state agency or commission.

(E) Rules and regulations made and issued in accordance with division (B) of this section shall be issued in the manner and subject to the conditions and limitations as prescribed by ordinance of the legislative authority of such city. Copies of ~~such~~ rules and regulations issued pursuant to this section, when certified by the director of public safety, shall be competent evidence in all courts. Violation of any such rules and regulations shall be as specified by the legislative authority, either a criminal misdemeanor and shall be punishable as provided by the ordinances of such city municipal corporation or a civil infraction for which a charge is prescribed. The enforcement of rules and regulations violations of which constitute criminal misdemeanors shall be by

authorized law enforcement officers."

In line 135719, after "735.20," insert "737.022,"

Between lines 151174 and 151175, insert:

**"Section 737.\_\_\_\_.** The authority provided in section 737.022 of the Revised Code as amended by this act is in addition and supplemental to provisions for the subject matter that may also be the subject of other laws, and is supplemental to and not in derogation of any similar authority provided by, derived from, or implied by, the Constitution of the state of Ohio or any other laws, including the law amended by this act, or any charter, order, resolution, or ordinance, and no inference shall be drawn to negate the authority thereunder by reason of express provisions contained in section 737.022 of the Revised Code."

In line 54 of the title, after "735.20," insert "737.022,"

Between lines 144080 and 144081, insert:

**"Section 309.30.\_\_\_\_. PRIOR AUTHORIZATION FOR COMMUNITY MENTAL HEALTH SERVICES**

(A) As used in this section, "community mental health services" means mental health services included in the state Medicaid plan pursuant to section 5111.023 of the Revised Code.

(B) For fiscal year 2012 and fiscal year 2013, a Medicaid recipient who is under twenty-one years of age automatically satisfies all requirements for any prior authorization process for community mental health services provided under a component of the Medicaid program administered by the Department of Mental Health pursuant to an interagency agreement authorized by section 5111.91 of the Revised Code if any of the following apply to the recipient:

(1) The recipient is in the temporary custody or permanent custody of a public children services agency or private child placing agency or is in a planned permanent living arrangement.

(2) The recipient has been placed in protective supervision by a juvenile court.

(3) The recipient has been committed to the Department of Youth Services.

(4) The recipient is an alleged or adjudicated delinquent or unruly child receiving services under the Felony Delinquent Care and Custody Program operated under section 5139.43 of the Revised Code."

In line 102954, reinsert "of any"; delete " under sixty-five years of"

In line 134946, after " (A)" delete the balance of the line

Delete lines 134947 through 135015 and insert " The legislative authority of a municipal corporation or the board of township trustees of a township all or part of whose territory is included within the territory of a sanitary district that is

established solely for the reduction of biting arthropods pursuant to division (F) of section 6115.04 of the Revised Code may enact an ordinance or adopt a resolution, as applicable, approving the submission to the court of common pleas that established the district a petition to exclude from the district the territory of the municipal corporation or the township, as applicable, that is included in the district. If the legislative authority of a municipal corporation or the board of township trustees of a township enacts such an ordinance or adopts such a resolution, as applicable, the legislative authority or the board may submit to the appropriate court of common pleas a petition that requests the court to exclude the territory of the municipal corporation or the township, as applicable, from the district. Such a petition shall include an explanation of the reasons for the petition to exclude the territory of the municipal corporation or the township, as applicable, from the district.

(B) If a court of common pleas receives a petition from the legislative authority of a municipal corporation or a board of township trustees, as applicable, that requests the court to exclude the territory of the municipal corporation or the township from the applicable sanitary district, the clerk of the court shall notify the legislative authority of each municipal corporation and the board of township trustees of each township all or part of whose territory is included within the territorial boundaries of the district of the receipt of the petition, include a copy of the petition, and include a statement informing the legislative authority or the board of township trustees, as applicable, that the legislative authority or the board may submit to the clerk within thirty days of receipt of the notice written objections concerning the petition in the form of an ordinance enacted by the legislative authority or a resolution adopted by the board, as applicable.

(C) Not sooner than thirty days after the clerk of the court of common pleas notifies legislative authorities of municipal corporations and boards of township trustees in accordance with division (B) of this section, one of the following applies:

(1) The court shall enter a decree excluding from the district the territory of the municipal corporation or the township, as applicable, that is the subject of the petition and create a plan as required by division (D) of this section if the court receives written objections concerning the petition of exclusion from fewer than sixty per cent of the legislative authorities of municipal corporations and boards of township trustees of townships that were so notified.

(2) The court after a hearing on the petition may enter a decree excluding from the district the territory of the municipal corporation or the township, as applicable, that is the subject of the petition and create a plan as required by division (D) of this section if the court receives written objections concerning the petition of exclusion from sixty per cent or more of the legislative authorities of municipal corporations and boards of township trustees of townships that were so notified.

(D) If a court of common pleas enters a decree in accordance with

division (C) of this section excluding from a sanitary district the territory of a municipal corporation or a township, as applicable, the court shall do both of the following:

(1) Establish a plan for the exclusion from the district of the territory that ensures the payment of expenses and indebtedness of the district, and, if necessary because the exclusion effectively dissolves the district, determine the value of the assets of the district and provide for their equitable distribution among the municipal corporations and townships all or part of whose territory is included within the district;

(2) Send a copy of the court's decree and of the plan established under division (D)(1) of this section to the legislative authority of each municipal corporation and the board of township trustees of each township all or part of whose territory is included within the territory of the district and to the county auditor and treasurer of each applicable county."

In line 86393, after the first " of" insert " , or contracting for staff support to,"

In line 86396, delete the first " or"

In line 86398, after " activities" insert " , or any characterization of JobsOhio or obligations of JobsOhio under accounting, taxation, or securities regulations, or any other reason whatsoever"

In line 86472, after the first " of" insert " budget and management and the director of"

In line 86526, delete " beer and"

In line 152986, after "5119.623," insert "5119.693,"

Delete lines 112949 through 113001 and insert:

**"Sec. 5123.0412.** (A) The department of developmental disabilities shall charge each county board of developmental disabilities an annual fee equal to one and ~~one-half~~ one-quarter per cent of the total value of all medicaid paid claims for home and community-based services provided during the year to an individual eligible for services from the county board. No county board shall pass the cost of a fee charged to the county board under this section on to another provider of these services.

(B) The fees collected under this section shall be deposited into the ODDD administration and oversight fund and the ODJFS administration and oversight fund, both of which are hereby created in the state treasury. The portion of the fees to be deposited into the ODDD administration and oversight fund and the portion of the fees to be deposited into the ODJFS administration and oversight fund shall be the portion specified in an interagency agreement entered into under division (C) of this section. The department of developmental disabilities shall use the money in the ODDD administration and oversight fund and the department of job and family services shall use the money in the ODJFS

administration and oversight fund for both of the following purposes:

(1) Medicaid administrative costs, including administrative and oversight costs of medicaid case management services and home and community-based services. The administrative and oversight costs of medicaid case management services and home and community-based services shall include costs for staff, systems, and other resources the departments need and dedicate solely to the following duties associated with the services:

- (a) Eligibility determinations;
- (b) Training;
- (c) Fiscal management;
- (d) Claims processing;
- (e) Quality assurance oversight;
- (f) Other duties the departments identify.

(2) Providing technical support to county boards' local administrative authority under section 5126.055 of the Revised Code for the services.

(C) The departments of developmental disabilities and job and family services shall enter into an interagency agreement to do both of the following:

(1) Specify which portion of the fees collected under this section is to be deposited into the ODDD administration and oversight fund and which portion is to be deposited into the ODJFS administration and oversight fund;

(2) Provide for the departments to coordinate the staff whose costs are paid for with money in the ODDD administration and oversight fund and the ODJFS administration and oversight fund.

(D) The departments shall submit an annual report to the director of budget and management certifying how the departments spent the money in the ODDD administration and oversight fund and the ODJFS administration and oversight fund for the purposes specified in division (B) of this section."

Delete lines 143726 through 143732

In line 140098, delete "\$55,000,000 \$55,000,000" and insert "\$50,000,000 \$50,000,000"

In line 140100, subtract \$5,000,000 from each fiscal year

In line 140116, subtract \$5,000,000 from each fiscal year

In line 145604, delete "\$44,963,776 \$54,087,955" and insert "\$49,963,776 \$59,087,955"

In line 145606, add \$5,000,000 to each fiscal year

In line 145639, add \$5,000,000 to each fiscal year

Between lines 146002 and 146003, insert:

**"Section 337. \_\_. \_\_. TRANSFER FROM FACILITIES  
ESTABLISHMENT**

Notwithstanding Chapter 166. of the Revised Code, on July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$5 million cash from the Facilities Establishment Fund (Fund 7037) to the General Revenue Fund."

Between lines 145430 and 145431, insert:

**"OPERATING EXPENSES**

On July 1, 2011, or as soon as possible thereafter, the Director of the Legislative Service Commission may certify to the Director of Budget and Management the amount of the unexpended, unencumbered balance of the foregoing appropriation item 035321, Operating Expenses, at the end of fiscal year 2011 to be reappropriated to fiscal year 2012. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2012.

On July 1, 2012, or as soon as possible thereafter, the Director of the Legislative Service Commission may certify to the Director of Budget and Management the amount of the unexpended, unencumbered balance of the foregoing appropriation item 035321, Operating Expenses, at the end of fiscal year 2012 to be reappropriated to fiscal year 2013. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2013."

Between lines 145436 and 145437, insert:

**"LEGISLATIVE INFORMATION SYSTEMS**

On July 1, 2011, or as soon as possible thereafter, the Director of the Legislative Service Commission may certify to the Director of Budget and Management the amount of the unexpended, unencumbered balance of the foregoing appropriation item 035410, Legislative Information Systems, at the end of fiscal year 2011 to be reappropriated to fiscal year 2012. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2012.

On July 1, 2012, or as soon as possible thereafter, the Director of the Legislative Service Commission may certify to the Director of Budget and Management the amount of the unexpended, unencumbered balance of the foregoing appropriation item 035410, Legislative Information Systems, at the end of fiscal year 2012 to be reappropriated to fiscal year 2013. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2013."

In line 152957, after "3318.36," insert "3318.37, 3318.371,"

In line 421, delete "124.14, 124.141, 124.15,"

Delete lines 9470 through 10189

In line 135685, delete "124.14,"

In line 135686, delete "124.141, 124.15,"

In line 152931, delete "124.14, 124.141, 124.15,"

Between lines 150888 and 150889, insert:

**"Section 701. \_\_\_\_.** Notwithstanding sections 124.14, 124.141, and 124.15 of the Revised Code, until January 1, 2014, the Director of Administrative Services may implement the provisions of sections 124.14, 124.141, and 124.15 of the Revised Code that otherwise would require the adoption of rules without adopting rules."

In line 11 of the title, delete "124.14, 124.141, 124.15,"

Delete lines 148800 through 148807 and insert "For purposes of implementing juvenile sentencing reforms, and notwithstanding any provision of law to the contrary, the Department of Youth Services may use up to forty-five per cent of the unexpended, unencumbered balance of the portion of appropriation item 470401, RECLAIM Ohio, that is allocated to juvenile correctional facilities in each fiscal year to expand Targeted RECLAIM, the Behavioral Health Juvenile Justice Initiative, and other evidence-based community programs."

In line 59562, delete all after " as"

In line 59563, delete " assembly" and insert " that section existed for fiscal year 2009"

In line 59564, after " for" insert " that same"; delete " 2009"; after "in" insert " that same version of"

In line 59565, delete " , as it existed"; strike through "for"; delete " that"; strike through "fiscal year"

In line 67397, delete all after " as"

In line 67398, delete " assembly" and insert " that section existed for fiscal year 2009"

In line 67399, after " for" insert " that same"; delete " 2009"; after "in" insert " that same version of"

In line 67400, delete " , as it existed"; strike through "for"; delete " that"; strike through "fiscal year"

In line 501, delete "3313.976,"; delete "3313.979,"

Delete lines 57407 through 57494

In line 57507, reinsert all after the period

Reinsert lines 57508 through 57515

In line 57517, reinsert all after "January"

In line 57518, reinsert all before the period

In line 57559, reinsert "For each student"

Reinsert lines 57560 through 57568

Reinsert lines 57599 through 57607

Delete lines 57708 through 57768

In line 135765, delete "3313.976,"; delete "3313.979,"

In line 152948, delete "3313.976,"; delete "3313.979,"

In line 118 of the title, delete "3313.976,"; delete "3313.979,"

In line 56977, delete " a" and insert " an average daily"; delete " count" and insert " enrollment"

In line 56978, delete " defined in" and insert " reported for the district on the most recent report card issued under"; delete " 3301.011" and insert " 3302.03"

In line 56985, delete " a" and insert " an average daily"; delete " count" and insert " enrollment"

Between lines 67707 and 67708, insert:

" (C) No college-preparatory boarding school established under this chapter shall open for operation prior to the 2013-2014 school year."

In line 68206, after " 3328.33," insert " (A)"

In line 68212, delete " an" and insert " the"; after " amount" insert " calculated under division (B) of this section, as set forth in the agreement filed with the department under division (C) of this section."

(B) Each participating school district, in consultation with the college-preparatory boarding school's board of trustees, shall calculate the amount of funds per student to be deducted from the district's account under division (A) of this section, which shall be set forth in the agreement required by division (C) of this section. The amount to be deducted for each student shall"; delete the second " to"

In line 68214, delete " section" and insert " division"

In line 68217 delete " formula"

In line 68218, delete " ADM" and insert " average daily membership, as reported under division (A) of section 3317.03 of the Revised Code."

Between lines 68218 and 68219, insert:

" (C) Each participating school district and the college-preparatory boarding school's board of trustees shall execute an agreement setting forth the amount per student to be deducted from the district's account, as calculated under



division (B) of this section, and shall file a copy of that agreement with the department."

In line 420, after "122.76," insert "122.861,"

Between lines 8477 and 8478, insert:

**"Sec. 122.861.** (A) As used in this section:

(1) "Certified engine configuration" means a new, rebuilt, or remanufactured engine configuration that satisfies divisions (A)(1)(a) and (b) and, if applicable, division (A)(1)(c) of this section:

(a) It has been certified by the administrator of the United States environmental protection agency or the California air resources board.

(b) It meets or is rebuilt or remanufactured to a more stringent set of engine emission standards than when originally manufactured, as determined pursuant to Subtitle G of Title VII of the Energy Policy Act of 2005, Pub. L. No. 109-58, 119 Stat. 838, et seq.

(c) In the case of a certified engine configuration involving the replacement of an existing engine, an engine configuration that replaced an engine that was removed from the vehicle and returned to the supplier for remanufacturing to a more stringent set of engine emissions standards or for scrappage.

(2) "Section 793" means section 793 of the Energy Policy Act of 2005, Pub. L. No. 109-58, 119 Stat. 841, et seq.

(3) "Verified technology" means a pollution control technology, including a retrofit technology, advanced truckstop electrification system, or auxiliary power unit, that has been verified by the administrator of the United States environmental protection agency or the California air resources board.

(B) For the purpose of reducing emissions from diesel engines, the ~~department~~ director of development ~~environmental protection~~ shall administer a diesel emissions reduction grant program and a diesel emissions reduction revolving loan program. The programs shall provide for the implementation in this state of section 793 and shall otherwise be administered in compliance with the requirements of section 793, and any regulations issued pursuant to that section.

The director ~~of development~~ shall apply to the administrator of the United States environmental protection agency for grant or loan funds available under section 793 to help fund the diesel emissions reduction grant program and the diesel emissions reduction revolving loan program. ~~Upon the request of the director of development, the director of environmental protection shall assist the director of development to the extent necessary to develop diesel emission reduction plans, goals, or methods, including the role of certified engine configurations and verified technologies, and to prepare the application for federal grants or loans available under section 793.~~

(C) There is hereby created in the state treasury the diesel emissions grant fund consisting of money appropriated to it by the general assembly, any grants obtained from the federal government under section 793, and any other grants, gifts, or other contributions of money made to the credit of the fund. Money in the fund shall be used for the purpose of making grants for projects relating to certified engine configurations and verified technologies in a manner consistent with the requirements of section 793 and any regulations issued under that section. Interest earned from moneys in the fund shall be used to administer the diesel emissions reduction grant program.

(D) There is hereby created in the state treasury the diesel emissions reduction revolving loan fund consisting of money appropriated to it by the general assembly, any grants obtained from the federal government under section 793, and any other grants, gifts, or other contributions of money made to the credit of the fund. Money in the fund shall be used for the purpose of making loans for projects relating to certified engine configurations and verified technologies in a manner consistent with the requirements of section 793 and any regulations issued pursuant to that section. Interest earned from moneys in the fund shall be used to administer the diesel emissions reduction revolving loan program."

In line 135685, after "122.76," insert "122.861,"

In line 10 of the title, after "122.76," insert "122.861,"

In line 147499, delete "four-year"

In line 152917, after "sections" insert "120.40,"

In line 459, after "1332.24," insert "1345.52,"

Between lines 30397 and 30398, insert:

"**Sec. 1345.52.** There is hereby created in the state treasury the title defect recision fund. The fund shall consist of ~~moneys~~ money collected under section 4505.09 of the Revised Code when a motor vehicle dealer is issued a certificate of title, money collected under section 4517.10 of the Revised Code when the registrar of motor vehicles grants the initial application of a person for a license as a motor vehicle dealer or motor vehicle leasing dealer, money paid to the attorney general by motor vehicle dealers under division (A) (2) of section 4505.181 of the Revised Code for deposit into the fund, the proceeds of all sales conducted and collections obtained by the attorney general under division (D) (E) of that section, and any recoveries to the fund obtained by the attorney general in actions filed under section 1345.07 of the Revised Code for violations of section 4505.181 of the Revised Code.

~~Moneys~~ Money in the fund shall be used solely for maintaining and administering the fund, providing restitution or other remedies pursuant to division (D) ~~(E)~~ (1) or ~~(F)~~ of section 4505.181 of the Revised Code to retail purchasers of motor vehicles who suffer damages due to failure of a motor vehicle dealer or person acting on behalf of such a dealer to comply with that

section, and pursuit of deficiencies in the fund caused by the failure of motor vehicle dealers to comply with divisions (A), (B), and (G) of that section. The attorney general may adopt rules governing the maintenance and administration of the fund."

In line 88254, after "~~(E)~~" insert "(G) If a dealer fails to submit payment of a secured interest on a trade-in vehicle as agreed to by the dealer and retail purchaser and none of the circumstances in divisions (B)(1) to (5) applies, the retail purchaser may apply to the attorney general for payment to the secured creditor from the fund. The attorney general shall demand immediate payment from the dealer and if payment has not been made or is not immediately forthcoming, the attorney general may cause an amount equal to that which the dealer agreed to pay to the secured creditor to be paid from the fund, along with any additional interest and late fees resulting from the dealer's failure to pay the secured creditor in a timely manner."

(H)"; reinsert "Failure by a dealer to comply with"; after the reinserted "with" insert "both"; after "~~or~~" insert "divisions"; reinsert "(B)"; after the reinserted "(B)" insert "and (C)"; reinsert "of"

Reinsert lines 88255 through 88257

In line 88258, after "~~(F)~~" delete the balance of the line

Delete lines 88259 through 88269

In line 88270, delete "(H)" and insert "(I)"

In line 88278, delete "(I)" and insert "(J)"

In line 88298, delete "(J)" and insert "(K)"

In line 88300, delete "(K)" and insert "(L)"

In line 135723, after "1332.24," insert "1345.52,"

In line 60 of the title, after "1332.24," insert "1345.52,"

In line 568, after "5111.06," insert "5111.061,"

Between lines 102489 and 102490, insert:

"**Sec. 5111.061.** (A) The (1) Except as provided in division (A)(2) of this section, the department of job and family services may recover a medicaid payment or portion of a payment made to a provider to which the provider is not entitled if the department notifies the provider of the overpayment during the five-year period immediately following the end of the state fiscal year in which the overpayment was made.

(2) In the case of a hospital provider, if the department determines as a result of a medicare or medicaid cost report settlement that the provider received an amount under the medicaid program to which the provider is not entitled, the department may recover the overpayment if the department notifies the provider of the overpayment during the later of the following:

(a) The five-year period immediately following the end of the state fiscal year in which the overpayment was made;

(b) The one-year period immediately following the date the department receives from the United States centers for medicare and medicaid services a completed, audited, medicare cost report for the provider that applies to the state fiscal year in which the overpayment was made.

(B) Among the overpayments that may be recovered under this section are the following:

(1) Payment for a service, or a day of service, not rendered;

(2) Payment for a day of service at a full per diem rate that should have been paid at a percentage of the full per diem rate;

(3) Payment for a service, or day of service, that was paid by, or partially paid by, a ~~third-party~~ third party, as defined in section 5101.571 of the Revised Code, and the ~~third-party's~~ third party's payment or partial payment was not offset against the amount paid by the medicaid program to reduce or eliminate the amount that was paid by the medicaid program;

(4) Payment when a medicaid recipient's responsibility for payment was understated and resulted in an overpayment to the provider.

(C) The department may recover an overpayment under this section prior to or after any of the following:

(1) Adjudication of a final fiscal audit that section 5111.06 of the Revised Code requires to be conducted in accordance with Chapter 119. of the Revised Code;

(2) Adjudication of a finding under any other provision of this chapter or the rules adopted under it;

(3) Expiration of the time to issue a final fiscal audit that section 5111.06 of the Revised Code requires to be conducted in accordance with Chapter 119. of the Revised Code;

(4) Expiration of the time to issue a finding under any other provision of this chapter or the rules adopted under it.

(D)(1) Subject to division (D)(2) of this section, the recovery of an overpayment under this section does not preclude the department from subsequently doing the following:

(a) Issuing a final fiscal audit in accordance with Chapter 119. of the Revised Code, as required under section 5111.06 of the Revised Code;

(b) Issuing a finding under any other provision of this chapter or the rules adopted under it.

(2) A final fiscal audit or finding issued subsequent to the recovery of an overpayment under this section shall be reduced by the amount of the prior

recovery, as appropriate.

(E) Nothing in this section limits the department's authority to recover overpayments pursuant to any other provision of the Revised Code."

In line 135833, after "5111.06," insert "5111.061,"

In line 210 of the title, after "5111.06," insert "5111.061,"

In line 102385, after "sections" insert " 5111.16 to 5111.177 or sections"

In line 91439, after "section" insert " or except when the port authority elects to construct a building, structure, or other improvement pursuant to a contract made with a construction manager at risk under sections 9.33 to 9.335 of the Revised Code or with a design-build firm under sections 153.65 to 153.73 of the Revised Code"

In line 91672, after "section" insert " or except when the port authority elects to construct a building, structure, or other improvement pursuant to a contract made with a construction manager at risk under sections 9.33 to 9.335 of the Revised Code or with a design-build firm under section 153.65 to 153.73 of the Revised Code"

Delete lines 143765 through 143768

In line 143775, after "measure" insert ", excluding the measure established by paragraph (A)(6) of rule 5101:3-2-07.9 of the Administrative Code,"

In line 143776, delete "or outpatient"

In line 552, after "4729.52," insert "4731.054,"

Between lines 92068 and 92069, insert:

**"Sec. 4731.054.** (A) As used in this section:

(1) "Chronic pain" has the same meaning as in section 4731.052 of the Revised Code.

(2) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.

(3) "Hospital" means a hospital registered with the department of health under section 3701.07 of the Revised Code.

(4) "Owner" means each person included on the list maintained under division (B)(5) of section 4729.552 of the Revised Code.

~~(4)~~ (5)(a) "Pain management clinic" means a facility to which all of the following apply:

(i) The primary component of practice is treatment of pain or chronic pain;

(ii) The majority of patients of the prescribers at the facility are provided

treatment for pain or chronic pain that includes the use of controlled substances, tramadol, carisoprodol, or other drugs specified in rules adopted under this section;

(iii) The facility meets any other identifying criteria established in rules adopted under this section.

(b) "Pain management clinic" does not include any of the following:

(i) ~~A hospital registered with the department of health under section 3701.07 of the Revised Code or a facility owned in whole or in part by a hospital;~~

(ii) A facility operated by a hospital for the treatment of pain or chronic pain;

(iii) A physician practice owned or controlled, in whole or in part, by a hospital or by an entity that owns or controls, in whole or in part, one or more hospitals;

(iv) A school, college, university, or other educational institution or program to the extent that it provides instruction to individuals preparing to practice as physicians, podiatrists, dentists, nurses, physician assistants, optometrists, or veterinarians or any affiliated facility to the extent that it participates in the provision of that instruction;

~~(iii)~~ (v) A hospice program licensed under Chapter 3712. of the Revised Code;

~~(iv)~~ (vi) An ambulatory surgical facility licensed under section 3702.30 of the Revised Code ;

(vii) An interdisciplinary pain rehabilitation program with three-year accreditation from the commission on accreditation of rehabilitation facilities.

~~(5)~~ (6) "Physician" means an individual authorized under this chapter to practice medicine and surgery or osteopathic medicine and surgery.

~~(6)~~ (7) "Prescriber" has the same meaning as in section 4729.01 of the Revised Code.

(B) Each owner shall supervise, control, and direct the activities of each individual, including an employee, volunteer, or individual under contract, who provides treatment of pain or chronic pain at the clinic or is associated with the provision of that treatment. The supervision, control, and direction shall be provided in accordance with rules adopted under this section.

(C) The state medical board shall adopt rules in accordance with Chapter 119. of the Revised Code that establish all of the following:

(1) Standards and procedures for the operation of a pain management clinic;

(2) Standards and procedures to be followed by a physician who provides

care at a pain management clinic;

(3) For purposes of division (A) ~~(4)~~ (5)(a)(ii) of this section, the other drugs used to treat pain or chronic pain that identify a facility as a pain management clinic;

(4) For purposes of division (A) ~~(4)~~ (5)(a)(iii) of this section, the other criteria that identify a facility as a pain management clinic;

(5) For purposes of division (B) of this section, standards and procedures to be followed by an owner in providing supervision, direction, and control of individuals at a pain management clinic.

(D) The board may impose a fine of not more than twenty thousand dollars on a physician who fails to comply with rules adopted under this section. The fine may be in addition to or in lieu of any other action that may be taken under section 4731.22 of the Revised Code. The board shall deposit any amounts received under this division in accordance with section 4731.24 of the Revised Code."

In line 135817, after "4729.52," insert "4731.054,"

In line 152964, after "4725.34," insert "4731.054,"

In line 188 of the title, after "4729.52," insert "4731.054,"

In line 51346, after the underlined period insert " The pilot project shall commence once the department of education establishes implementation guidelines for the pilot project in consultation with the Columbus city school district."

In line 492, after "3301.70," insert "3301.921,"; after "3302.031," insert "3302.032,"

Between lines 51269 and 51270, insert:

"**Sec. 3301.921.** The healthy choices for healthy children council shall do all of the following:

(A) Monitor progress in improving student health and wellness;

(B) Make periodic policy recommendations to the state board of education regarding ways to improve the nutritional standards for food and beverages prescribed by sections 3313.816 and 3313.817 of the Revised Code. If, on or after ~~the effective date of this section~~ September 17, 2010, the United States department of agriculture adopts regulations for the sale of food or beverages in schools, the council, within sixty days after their adoption, shall review the regulations and, based on that review, make recommendations for changes to the nutritional standards prescribed by those sections.

(C) Make periodic recommendations to the department of education for the development of a clearinghouse of best practices in the areas of student nutrition, physical activity for students, and body mass index screenings;

~~(D) Assist the department of health in developing a list of resources regarding health risks associated with weight status for distribution to parents and guardians under division (E) of section 3313.674 of the Revised Code;~~

~~(E) Regularly review developments in science and nutrition to ensure the council remains informed for purposes of making recommendations under divisions (B) and (C) of this section."~~

Between lines 51339 and 51340, insert:

"**Sec. 3302.032.** (A) Not later than December 31, 2011, the state board of education shall establish a measure of the following:

(1) Student success in meeting the benchmarks contained in the physical education standards adopted under division (A)(3) of section 3301.079 of the Revised Code;

(2) Compliance with the requirements for local wellness policies prescribed by section 204 of the "Child Nutrition and WIC Reauthorization Act of 2004," 42 U.S.C. 1751 note;

~~(3) Whether a school district or building is complying with section 3313.674 of the Revised Code instead of operating under a waiver from the requirements of that section;~~

~~(4) Whether a school district or building is participating in the physical activity pilot program administered under section 3313.6016 of the Revised Code.~~

(B) The measure shall be included on the school district and building report cards issued under section 3302.03 of the Revised Code, beginning with the report cards issued for the 2012-2013 school year, but it shall not be a factor in the performance ratings issued under that section.

(C) The department of education may accept, receive, and expend gifts, devises, or bequests of money for the purpose of establishing the measure required by this section."

In line 67322, strike through "3313.674,"

In line 135756, after "3301.70," insert "3301.921,"; after "3302.031," insert "3302.032,"

In line 135879, after "3301.82," insert "3301.922,"

In line 135884, after "3311.059," insert "3313.674,"

In line 105 of the title, after "3301.70," insert "3301.921,"

In line 106 of the title, after "3302.031," insert "3302.032,"

In line 351 of the title, after "3301.82," insert "3301.922,"

In line 358 of the title, after "3311.059," insert "3313.674,"



In line 662, delete "3717.54,"

In line 71989, strike through "is a" and insert " and how food service operations are characterized are"

In line 71990, strike through "matter" and insert " matters"; strike through "requires" and insert " require"

In line 72012, delete " Ban" and insert " Where food service operations are permitted to operate, ban"; after " restrict" insert " a"

In line 72013, delete " operations" and insert " operation"

In line 72014, after " disparities" insert " as recognized by the department of health, the national institute of health, or the centers for disease control"

Delete lines 72015 through 72027

In line 334 of the title, delete "3717.54,"

In line 425, after "133.06," insert "133.09,"

In line 587, after "5525.04," insert "5540.01,"

Between lines 13027 and 13028, insert:

**"Sec. 133.09.** (A) Unless it is a township that has adopted a limited home rule government under Chapter 504. of the Revised Code, a township shall not incur net indebtedness that exceeds an amount equal to five per cent of its tax valuation and, except as specifically authorized by section 505.262 of the Revised Code or other laws, shall not incur any net indebtedness unless authorized by vote of the electors.

(B) A township that has adopted a limited home rule government under Chapter 504. of the Revised Code shall not incur net indebtedness that exceeds an amount equal to ten and one-half per cent of its tax valuation, or incur without a vote of the electors net indebtedness that exceeds an amount equal to five and one-half per cent of that tax valuation. In calculating the net indebtedness of a township that has adopted a limited home rule government, none of the following securities shall be considered:

(1) Self-supporting securities issued for any purpose;

(2) Securities issued for the purpose of purchasing, constructing, improving, or extending water or sanitary or surface and storm water sewerage systems or facilities, or a combination of those systems or facilities, to the extent that an agreement entered into with another subdivision requires the other subdivision to pay to the township amounts equivalent to debt charges on the securities;

(3) Securities that are not general obligations of the township;

(4) Voted securities issued for the purposes of redevelopment to the extent that their principal amount does not exceed an amount equal to two per

cent of the tax valuation of the township;

(5) Securities issued for the purpose of acquiring or constructing roads, highways, bridges, or viaducts, or for the purpose of acquiring or making other highway permanent improvements, to the extent that the resolution of the board of township trustees authorizing the issuance of the securities includes a covenant to appropriate from money distributed to the township under Chapter 4501., 4503., 4504., or 5735. of the Revised Code a sufficient amount to cover debt charges on and financing costs relating to the securities as they become due;

(6) Securities issued for energy conservation measures under section 505.264 of the Revised Code.

(C) In calculating the net indebtedness of any township, no obligation incurred under division (B) of section 513.17 or under section 505.261, 505.264, 505.265, 505.267, or 505.37 of the Revised Code, or in connection with a project undertaken pursuant to Section 515.03 of H.B. 66 of the 126th general assembly ~~or~~, Section 555.10 of H.B. 67 of the 127th general assembly, or Section 755.... of H.B. 153 of the 129th general assembly shall be considered."

Between lines 117227 and 117228, insert:

"**Sec. 5540.01.** As used in this chapter:

(A) "Transportation improvement district" or "district" means a transportation improvement district designated pursuant to section 5540.02 of the Revised Code.

(B) "Governmental agency" means a department, division, or other unit of state government; a county, township, or municipal corporation or other political subdivision; a regional transit authority or regional transit commission created pursuant to Chapter 306. of the Revised Code; a port authority created pursuant to Chapter 4582. of the Revised Code; and the United States or any agency thereof.

(C) "Project" means a street, highway, parking facility, freight rail tracks and necessarily related freight rail facilities, or other transportation project constructed or improved under this chapter and includes all bridges, tunnels, overpasses, underpasses, interchanges, approaches, those portions of connecting streets or highways that serve interchanges and are determined by the district to be necessary for the safe merging of traffic between the project and those streets or highways, service facilities, and administration, storage, and other buildings, property, and facilities, that the district considers necessary for the operation of the project, together with all property and rights that must be acquired by the district for the construction, maintenance, or operation of the project.

(D) "Cost," as applied to the construction of a project, includes the cost of construction, including bridges over or under existing highways and railroads, acquisition of all property acquired by the district for such construction, demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures

may be moved, site clearance, improvement, and preparation, diverting streets or highways, interchanges with streets or highways, access roads to private property, including the cost of land or easements therefor, all machinery, furnishings, and equipment, communications facilities, financing expenses, interest prior to and during construction and for one year after completion of construction, traffic estimates, indemnity and surety bonds and premiums on insurance, and guarantees, engineering, feasibility studies, and legal expenses, plans, specifications, surveys, estimates of cost and revenues, other expenses necessary or incidental to determining the feasibility or practicability of constructing a project, and such other expense as may be necessary or incident to the construction of the project and the financing of such construction. Any obligation or expense incurred by any governmental agency or person for surveys, borings, preparation of plans and specifications, and other engineering services, or any other cost described above, in connection with the construction of a project may be regarded as part of the cost of the project and reimbursed from revenues, taxes, or the proceeds of bonds as authorized by this chapter.

(E) "Owner" includes any person having any title or interest in any property authorized to be acquired by a district under this chapter.

(F) "Revenues" means all moneys received by a district with respect to the lease, sublease, or sale, including installment sale, conditional sale, or sale under a lease-purchase agreement, of a project, all moneys received by a district under an agreement pursuant to Section 515.03 of H.B. 66 of the 126th General Assembly, Section 555.10 of H.B. 67 of the 127th general assembly, or Section 755.... of H.B. 153 of the 129th general assembly, any gift or grant received with respect to a project, tolls, special assessments levied by the district, proceeds of bonds to the extent the use thereof for payment of principal or of premium, if any, or interest on the bonds is authorized by the district, proceeds from any insurance, condemnation, or guaranty pertaining to a project or property mortgaged to secure bonds or pertaining to the financing of a project, and income and profit from the investment of the proceeds of bonds or of any revenues.

(G) "Street or highway" has the same meaning as in section 4511.01 of the Revised Code.

(H) "Financing expenses" means all costs and expenses relating to the authorization, issuance, sale, delivery, authentication, deposit, custody, clearing, registration, transfer, exchange, fractionalization, replacement, payment, and servicing of bonds including, without limitation, costs and expenses for or relating to publication and printing, postage, delivery, preliminary and final official statements, offering circulars, and informational statements, travel and transportation, underwriters, placement agents, investment bankers, paying agents, registrars, authenticating agents, remarketing agents, custodians, clearing agencies or corporations, securities depositories, financial advisory services, certifications, audits, federal or state regulatory agencies, accounting and computation services, legal services and obtaining approving legal opinions and

other legal opinions, credit ratings, redemption premiums, and credit enhancement facilities.

(I) "Bond proceedings" means the resolutions, trust agreements, certifications, notices, sale proceedings, leases, lease-purchase agreements, assignments, credit enhancement facility agreements, and other agreements, instruments, and documents, as amended and supplemented, or any one or more of combination thereof, authorizing, or authorizing or providing for the terms and conditions applicable to, or providing for the security or sale or award or liquidity of, bonds, and includes the provisions set forth or incorporated in those bonds and bond proceedings.

(J) "Bond service charges" means principal, including any mandatory sinking fund or mandatory redemption requirements for retirement of bonds, and interest and any redemption premium payable on bonds, as those payments come due and are payable to the bondholder or to a person making payment under a credit enhancement facility of those bond service charges to a bondholder.

(K) "Bond service fund" means the applicable fund created by the bond proceedings for and pledged to the payment of bond service charges on bonds provided for by those proceedings, including all moneys and investments, and earnings from investments, credited and to be credited to that fund as provided in the bond proceedings.

(L) "Bonds" means bonds, notes, including notes anticipating bonds or other notes, commercial paper, certificates of participation, or other evidences of obligation, including any interest coupons pertaining thereto, issued pursuant to this chapter.

(M) "Net revenues" means revenues lawfully available to pay both current operating expenses of a district and bond service charges in any fiscal year or other specified period, less current operating expenses of the district and any amount necessary to maintain a working capital reserve for that period.

(N) "Pledged revenues" means net revenues, moneys and investments, and earnings on those investments, in the applicable bond service fund and any other special funds, and the proceeds of any bonds issued for the purpose of refunding prior bonds, all as lawfully available and by resolution of the district committed for application as pledged revenues to the payment of bond service charges on particular issues of bonds.

(O) "Special funds" means the applicable bond service fund and any accounts and subaccounts in that fund, any other funds or accounts permitted by and established under, and identified as a special fund or special account in, the bond proceedings, including any special fund or account established for purposes of rebate or other requirements under federal income tax laws.

(P) "Credit enhancement facilities" means letters of credit, lines of credit, standby, contingent, or firm securities purchase agreements, insurance, or surety arrangements, guarantees, and other arrangements that provide for direct or

contingent payment of bond service charges, for security or additional security in the event of nonpayment or default in respect of bonds, or for making payment of bond service charges and at the option and on demand of bondholders or at the option of the district or upon certain conditions occurring under put or similar arrangements, or for otherwise supporting the credit or liquidity of the bonds, and includes credit, reimbursement, marketing, remarketing, indexing, carrying, interest rate hedge, and subrogation agreements, and other agreements and arrangements for payment and reimbursement of the person providing the credit enhancement facility and the security for that payment and reimbursement.

(Q) "Refund" means to fund and retire outstanding bonds, including advance refunding with or without payment or redemption prior to stated maturity.

(R) "Property" includes interests in property.

(S) "Administrative agent," "agent," "commercial paper," "floating rate interest structure," "indexing agent," "interest rate hedge," "interest rate period," "put arrangement," and "remarketing agent" have the same meanings as in section 9.98 of the Revised Code.

(T) "Outstanding" as applied to bonds means outstanding in accordance with the terms of the bonds and the applicable bond proceedings.

(U) "Interstate system" has the same meaning as in section 5516.01 of the Revised Code."

In line 135690, after "133.06," insert "133.09,"

In line 135853, after "5525.04," insert "5540.01,"

Between lines 152401 and 152402, insert:

**"Section 755.\_\_\_\_.** (A) Until December 31, 2011, a transportation improvement district and any one or more governmental agencies may enter into an agreement providing for the joint financing, construction, acquisition, or improvement of any project. Any such agreement shall be approved by resolution or ordinance passed by the legislative authority of each of the parties to the agreement. The resolution or ordinance shall authorize the execution of the agreement by a designated official or officials of such party, and the agreement, when so approved and executed, shall be in full force and effect.

(B)(1) Subject to division (B)(2) of this section, any municipal corporation, county, or township that is a party to such an agreement may issue securities pursuant to Chapter 133. or other applicable provisions of the Revised Code to provide for the payment of its portion of the cost of the project and, notwithstanding any other provision of the Revised Code, a district may purchase directly from the municipal corporation, county, or township those securities as an investment or to provide for the payment of bond service charges on bonds issued by a district.

(2) For any project undertaken pursuant to an agreement entered into

under this section for which a district purchases securities under division (A)(1) of this section, more than half of the property necessary for the project shall be located within the territory of the district.

(C) Any term used in this section has the same meaning as in Chapter 5540. of the Revised Code unless the context clearly requires another meaning."

In line 16 of the title, after "133.06," insert "133.09,"

In line 236 of the title, after "5525.04," insert "5540.01,"

In line 476, after "1701.07," insert "1702.01,"

In line 477, after "1703.07," insert "1705.01,"

In line 647, after "1571.014," insert "1702.461, 1702.462,"

Between lines 38565 and 38566, insert:

**"Sec. 1702.01.** As used in this chapter, unless the context otherwise requires:

(A) "Corporation" or "domestic corporation" means a nonprofit corporation formed under the laws of this state, or a business corporation formed under the laws of this state that, by amendment to its articles as provided by law, becomes a nonprofit corporation.

(B) "Foreign corporation" means a nonprofit corporation formed under the laws of another state.

(C) "Nonprofit corporation" means a domestic or foreign corporation that is formed otherwise than for the pecuniary gain or profit of, and whose net earnings or any part of them is not distributable to, its members, directors, officers, or other private persons, except that the payment of reasonable compensation for services rendered and the distribution of assets on dissolution as permitted by section 1702.49 of the Revised Code is not pecuniary gain or profit or distribution of net earnings. In a corporation all of whose members are nonprofit corporations, distribution to members does not deprive it of the status of a nonprofit corporation.

(D) "State" means the United States; any state, territory, insular possession, or other political subdivision of the United States, including the District of Columbia; any foreign country or nation; and any province, territory, or other political subdivision of a foreign country or nation.

(E) "Articles" includes original articles of incorporation, agreements of merger or consolidation if and only to the extent that articles of incorporation are adopted or amended in the agreements, amended articles, and amendments to any of these, and, in the case of a corporation created before September 1, 1851, the special charter and any amendments to it made by special act of the general assembly or pursuant to general law.

(F) "Incorporator" means a person who signed the original articles of

incorporation.

(G) "Member" means one having membership rights and privileges in a corporation in accordance with its articles or regulations.

(H) "Voting member" means a member possessing voting rights, either generally or in respect of the particular question involved, as the case may be.

(I) "Person" includes, but is not limited to, a nonprofit corporation, a business corporation, a partnership, an unincorporated society or association, and two or more persons having a joint or common interest.

(J) The location of the "principal office" of a corporation is the place named as such in its articles.

(K) "Directors" means the persons vested with the authority to conduct the affairs of the corporation irrespective of the name, such as trustees, by which they are designated.

(L) "Insolvent" means that the corporation is unable to pay its obligations as they become due in the usual course of its affairs.

(M)(1) Subject to division (M)(2) of this section, "volunteer" means a director, officer, or agent of a corporation, or another person associated with a corporation, who satisfies both of the following:

(a) Performs services for or on behalf of, and under the authority or auspices of, that corporation;

(b) Does not receive compensation, either directly or indirectly, for performing those services.

(2) For purposes of division (M)(1) of this section, "compensation" does not include any of the following:

(a) Actual and necessary expenses that are incurred by a volunteer in connection with the services performed for a corporation, and that are reimbursed to the volunteer or otherwise paid;

(b) Insurance premiums paid on behalf of a volunteer, and amounts paid or reimbursed, pursuant to division (E) of section 1702.12 of the Revised Code;

(c) Modest perquisites.

(N) "Business corporation" means any entity, as defined in section 1701.01 of the Revised Code, other than a public benefit corporation or a mutual benefit corporation, that is organized pursuant to Chapter 1701. of the Revised Code.

(O) "Mutual benefit corporation" means any corporation organized under this chapter other than a public benefit corporation.

(P) "Public benefit corporation" means a corporation that is recognized as exempt from federal income taxation under section 501(c)(3) of the "Internal

Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, or is organized for a public or charitable purpose and that upon dissolution must distribute its assets to a public benefit corporation, the United States, a state or any political subdivision of a state, or a person that is recognized as exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," as amended. "Public benefit corporation" does not include a nonprofit corporation that is organized by one or more municipal corporations to further a public purpose that is not a charitable purpose.

(Q) "Authorized communications equipment" means any communications equipment that provides a transmission, including, but not limited to, by telephone, telecopy, or any electronic means, from which it can be determined that the transmission was authorized by, and accurately reflects the intention of, the member or director involved and, with respect to meetings, allows all persons participating in the meeting to contemporaneously communicate with each other.

(R) "Entity" means any of the following:

(1) A nonprofit corporation existing under the laws of this state or any other state;

(2) Any of the following organizations existing under the laws of this state, the United States, or any other state:

(a) A common law trust;

(b) An unincorporated nonprofit organization, including a general or limited partnership;

(c) A limited liability company;

(d) A for profit corporation.

**Sec. 1702.461.** (A) Subject to division (B)(2) of this section and pursuant to a written declaration of conversion as provided in this section, a domestic corporation may be converted into a domestic or foreign entity other than a for profit corporation or a domestic corporation. The conversion also must be permitted by the laws under which the converted entity will exist.

(B)(1) The written declaration of conversion shall set forth all of the following:

(a) The name and form of entity that is being converted, the name and form of entity into which the entity will be converted, and the jurisdiction of formation of the converted entity;

(b) If the converted entity is a domestic entity, the complete terms of all documents required under the applicable chapter of the Revised Code to form the converted entity;

(c) If the converted entity is a foreign entity, all of the following:



(i) The complete terms of all documents required under the law of its formation to form the converted entity;

(ii) The consent of the converted entity to be sued and served with process in this state, and the irrevocable appointment of the secretary of state as the agent of the converted entity to accept service of process in this state to enforce against the converted entity any obligation of the converting corporation or to enforce the rights of a dissenting shareholder of the converting corporation;

(iii) If the converted entity desires to transact business in this state, the information required to qualify or to be licensed under the applicable chapter of the Revised Code.

(d) All other statements and matters required to be set forth in the declaration of conversion by the applicable chapter of the Revised Code, if the converted entity is a domestic entity, or by the laws under which the converted entity will be formed, if the converted entity is a foreign entity;

(e) The terms of the conversion, the mode of carrying them into effect, and the manner and basis of converting the interests of the converting corporation into, or substituting the interests in the converting corporation for, interests in the converted entity.

(2) No conversion or substitution described in this section shall be effected if there are reasonable grounds to believe that the conversion or substitution would render the converted entity unable to pay its obligations as they become due in the usual course of its affairs.

(C) The written declaration of conversion may set forth any of the following:

(1) The effective date of the conversion, which date may be on or after the date of the filing of the certificate of conversion;

(2) A provision authorizing, prior to the filing of the certificate of conversion pursuant to section 1702.462 of the Revised Code, the converting corporation to abandon the proposed conversion by action of the trustees of the converting corporation or by the same vote as was required to adopt the declaration of conversion;

(3) A statement of, or a statement of the method to be used to determine, the fair value of the assets owned by the converting corporation at the time of the conversion;

(4) The parties to the declaration of conversion in addition to the converting entity;

(5) Any additional provision necessary or desirable with respect to the proposed conversion or the converted entity.

(D) The trustees of the domestic converting corporation must approve the declaration of conversion to effect the conversion, and the declaration of

conversion must be adopted by the members of the domestic converting corporation, at a meeting held for the purpose.

(E) Notice of each meeting of members of a domestic converting corporation at which a declaration of conversion is to be submitted shall be given to all members of that corporation, whether or not they are entitled to vote, and shall be accompanied by a copy or a summary of the material provisions of the declaration of conversion.

(F) The vote required to adopt a declaration of conversion at a meeting of the members of a domestic converting corporation is the affirmative vote of the members of that corporation entitling them to exercise at least two-thirds of the voting power of the corporation on the proposal or a different proportion as provided in the articles, but not less than a majority, or, if the conversion is to a foreign corporation, a different proportion as the articles provide for a merger or consolidation, and the affirmative vote of the members of any particular class as required by the articles of the converting corporation.

If the declaration of conversion would authorize any particular corporate action that under any applicable provision of law or the articles could be authorized only by or pursuant to a specified vote of members, the declaration of conversion also must be adopted by the same affirmative vote as required for such action.

(G)(1) At any time before the filing of the certificate of conversion pursuant to section 1702.462 of the Revised Code, the conversion may be abandoned by the trustees of the converting corporation, if the trustees are authorized to do so by the declaration of conversion, or by the same vote of the members as was required to adopt the declaration of conversion.

(2) The declaration of conversion may contain a provision authorizing the trustees of the converting corporation to amend the declaration of conversion at any time before the filing of the certificate of conversion pursuant to section 1702.462 of the Revised Code, except that, after the adoption of the declaration of conversion by the members of the converting corporation, the trustees may not amend the declaration of conversion to do any of the following:

(a) Alter or change any term of the organizational documents of the converted entity except for alterations or changes that are adopted with the vote or action of the persons, the vote or action of which would be required for the alteration or change after the conversion;

(b) Alter or change any other terms and conditions of the declaration of conversion if any of the alterations or changes, alone or in the aggregate, materially and adversely would affect the members of the converting corporation.

**Sec. 1702.462.** (A) Upon the adoption of a declaration of conversion pursuant to section 1702.461 of the Revised Code, or at a later time as authorized by the declaration of conversion, a certificate of conversion that is

signed by an authorized representative of the converting entity shall be filed with the secretary of state. The certificate shall be on a form prescribed by the secretary of state and shall set forth only the information required under division (B) of this section.

(B)(1) The certificate of conversion shall set forth all of the following:

(a) The name and form of entity of the converting entity and the state under the laws of which the converting entity exists;

(b) A statement that the converting entity has complied with all of the laws under which it exists and that the laws permit the conversion;

(c) The name and mailing address of the person or entity that is to provide a copy of the declaration of conversion in response to any written request made by a member of the converting entity;

(d) The effective date of the conversion, which date may be on or after the date of the filing of the certificate pursuant to this section;

(e) The signature of the representative or representatives authorized to sign the certificate on behalf of the converting entity and the office held or the capacity in which the representative is acting;

(f) A statement that the declaration of conversion is authorized on behalf of the converting entity and that each person signing the certificate on behalf of the converting entity is authorized to do so;

(g) The name and the form of the converted entity and the state under the laws of which the converted entity will exist;

(h) If the converted entity is a foreign entity that will not be licensed in this state, the name and address of the statutory agent upon whom any process, notice, or demand may be served.

(2) In the case of a conversion into a limited liability company, limited partnership, or other partnership, any organizational document, including a designation of agent, that would be filed upon the creation of the new entity shall be filed with the certificate of conversion.

(3) If the converted entity is a foreign entity that desires to transact business in this state, the certificate of conversion shall be accompanied by the information required by divisions (B)(1)(c)(ii) and (iii) of section 1702.461 of the Revised Code.

(4) If a foreign or domestic corporation licensed to transact business in this state is the converting entity, the certificate of conversion shall be accompanied by the affidavits, receipts, certificates, or other evidence required by division (G) of section 1702.47 of the Revised Code, with respect to a converting domestic corporation, and by the affidavits, receipts, certificates, or other evidence required by division (C) or (D) of section 1703.17 of the Revised Code with respect to a foreign corporation.

(C) If the converting entity or the converted entity is organized or formed under the laws of a state other than this state or under any chapter of the Revised Code other than this chapter, all documents required to be filed in connection with the conversion by the laws of that state or that chapter shall be filed in the proper office.

(D) Upon the filing of a certificate of conversion and other filings required by division (C) of this section or at any later date that the certificate of conversion specifies, the conversion is effective, subject to the limitation that no conversion shall be effective if there are reasonable grounds to believe that the conversion would render the converted entity unable to pay its obligations as they become due in the usual course of its affairs.

(E) The secretary of state shall furnish, upon request and payment of the fee specified in division (K)(2) of section 111.16 of the Revised Code, the secretary of state's certificate setting forth all of the following:

(1) The name and form of entity of the converting entity and the state under the laws of which it existed prior to the conversion;

(2) The name and form of entity of the converted entity and the state under the laws of which it will exist;

(3) The date of filing of the certificate of conversion with the secretary of state and the effective date of the conversion.

(F) The certificate of the secretary of state, or a copy of the certificate of conversion certified by the secretary of state, may be filed for record in the office of the recorder of any county in this state and, if filed, shall be recorded in the records of deeds for that county. For the recording, the county recorder shall charge and collect the same fee as in the case of deeds."

Between lines 38721 and 38722, insert:

**"Sec. 1705.01.** As used in this chapter:

(A) "Business" means every trade, occupation, or profession.

(B) "Contribution" means any cash, property, services rendered, promissory note, or other binding obligation to contribute cash or property or to perform services that a member contributes to a limited liability company in the capacity as a member.

(C) "Conveyance" means every assignment, lease, mortgage, or encumbrance.

(D) "Entity" means any of the following:

(1) A ~~for profit~~ corporation existing under the laws of this state or any other state;

(2) Any of the following organizations existing under the laws of this state, the United States, or any other state:

(a) A business trust or association;

(b) A real estate investment trust;

(c) A common law trust;

(d) An unincorporated business or for profit organization, including a general or limited partnership;

(e) A limited liability company.

(E) "Incompetent" has the same meaning as in section 2111.01 of the Revised Code.

(F) "Knowledge," of a fact, means actual knowledge of that fact and knowledge of other facts that under the circumstances shows bad faith.

(G) "Member" means a person whose name appears on the records of the limited liability company as the owner of a membership interest in that company.

(H) "Membership interest" means a member's share of the profits and losses of a limited liability company and the right to receive distributions from that company.

(I) "Notice" means that the person who claims the benefit of the notice has done one of the following:

(1) Stated the fact to the person entitled to notice;

(2) Delivered through the mail or by other means of communication a written statement of the fact to the person entitled to notice or to a proper person at the place of business or residence of the person entitled to receive a notice.

(J) "Operating agreement" means all of the valid written or oral agreements of the members or, in the case of a limited liability company consisting of one member, a written declaration of that member, as to the affairs of a limited liability company and the conduct of its business.

(K) "Person" means any natural person; partnership, limited partnership, trust, estate, association, limited liability company, or corporation; any custodian, nominee, trustee, executor, administrator, or other fiduciary; or any other individual or entity in its own or any representative capacity.

(L) "Professional association" and "professional service" have the same meanings as in section 1785.01 of the Revised Code.

(M) "State" has the same meaning as in section 1.59 of the Revised Code and additionally includes a foreign country and any province, territory, or other political subdivision of a foreign country."

In line 135740, after "1701.07," insert "1702.01,"

In line 135741, after "1703.07," insert "1705.01,"

In line 84 of the title, after "1701.07," insert "1702.01,"

In line 85 of the title, after "1703.07," insert "1705.01,"

In line 317 of the title, after "1571.014," insert "1702.461, 1702.462,"

In line 101804, reinsert "Except as otherwise"; after " ~~permitted~~" insert " required"; reinsert "by federal statute or"

In line 101805, reinsert "regulation"; reinsert the comma

In line 101806, reinsert "the"; delete " The"

In line 143819, delete "In" and insert "Notwithstanding any conflicting provision of section 5111.021 of the Revised Code or any other conflicting provision of the Revised Code or this act, in"

Delete lines 143827 and 143828

In line 143829, delete "Revised Code or this act, in" and insert "In"

In line 143833, after the period insert "The aggregate savings shall include any savings that may be achieved through measures taken with regard to dialysis services under the section of this act titled "REDUCTION IN MEDICAID PAYMENT RATES."

In line 101946, delete " Effective October 1, 2011, the" and insert " The"

In line 101948, delete " Reduce" and insert " Effective October 1, 2011, reduce"

In line 101952, delete " Pay" and insert " Effective October 1, 2011, pay"

In line 101955, after " provider" insert " ;

(3) Not sooner than July 1, 2012, adjust the medicaid reimbursement rates for aide services and nursing services in a manner that reflects, at a minimum, labor market data, education and licensure status, home health agency and independent provider status, and length of service visit"

In line 101956, after " (C)" insert " The department shall strive to have the adjustment made under division (B)(3) of this section go into effect on July 1, 2012. The reductions made under divisions (B)(1) and (2) of this section shall remain in effect until the adjustment made under division (B)(3) of this section goes into effect.

(D)"

In line 144911, after "(A)" insert "As used in this section:

(1) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.

(2) "Licensed health professional authorized to prescribe drugs" has the same meaning as in section 4729.01 of the Revised Code.

(B)"

In line 144920, delete "(B)" and insert "(C) For a period of thirty days immediately following the effective date of the inclusion of prescription drug coverage under a new or amended contract with a health insuring corporation pursuant to division (B) of this section, if, immediately prior to the effective date of the coverage, a Medicaid recipient enrolled in the health insuring corporation was being treated with a controlled substance prescribed by a licensed health professional authorized to prescribe drugs, and the drug is not an antidepressant or antipsychotic described in division (B)(2) of section 5111.172 of the Revised Code, as amended by this act, the health insuring corporation shall provide coverage of the controlled substance without using drug utilization or management techniques, including any prior authorization requirements, that are more stringent than the utilization or management techniques, if any, that the Medicaid recipient was subject to immediately prior to the effective date of the coverage.

(D)"

In line 144923, delete "(A)" and insert "(B)"

In line 144927, delete ", as defined in section 4729.01 of the Revised"

In line 144928, delete "Code"; after "not" insert "a controlled substance and the drug is not"

In line 144937, delete "(C)" and insert "(E)"

In line 144940, delete "(A)" and insert "(B)"

In line 655, after "3318.60," insert "3318.70,"

Between lines 65856 and 65857, insert:

" **Sec. 3318.70.** (A) As used in this section:

(1) "Acquisition of classroom facilities" has the same meaning as in section 3318.40 of the Revised Code.

(2) "Classroom facilities" has the same meaning as in section 3318.01 of the Revised Code.

(3) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code that is not governed by a single school district board of education, as prescribed by section 3326.51 of the Revised Code.

(B) Upon receipt of a written proposal by the governing body of a STEM school, the Ohio school facilities commission, subject to approval of the controlling board, may provide funding to assist that STEM school in the acquisition of classroom facilities. The proposal of the governing body shall be submitted in a form and in the manner prescribed by the commission and shall indicate both the total amount of state funding requested and the amount of nonstate funding pledged for the acquisition of the classroom facilities, which shall not be less than the total amount of state funding requested. If the

commission decides in favor of providing funding for the classroom facilities and if the controlling board approves that funding, the commission shall enter into an agreement with the governing body for the acquisition of the classroom facilities and shall encumber, in accordance with section 3318.11 of the Revised Code, the approved funding from the amounts appropriated to the commission for classroom facilities assistance projects. The agreement shall include a stipulation of the ownership of the classroom facilities in the event the STEM school permanently closes at any time."

In line 327 of the title, after "3318.60," insert "3318.70,"

Delete lines 11449 through 11471 and insert:

" **Sec. 126.601.** Notwithstanding any provision of the Revised Code to the contrary, the director of budget and management and the director of transportation may, in accordance with sections 126.60 to 126.605 of the Revised Code, take any action and execute any contract for the provision of highway services in order to more efficiently and effectively provide those services, including by generating additional resources in support of those services and related projects. Any such contract may contain the terms and conditions established by the director of budget and management and the director of transportation to carry out and effect the purposes of sections 126.60 to 126.605 of the Revised Code. The director of budget and management is hereby authorized to receive and deposit, consistent with section 126.603 of the Revised Code, any money received under the contract. Any such contract shall be sufficient to effect its purpose, notwithstanding any provision of the Revised Code to the contrary, including other laws governing the sale, lease or other disposition of property or interests therein, service contracts, or financial transactions by or for the state. The director of transportation may exercise all powers of the Ohio turnpike commission for purposes of sections 126.60 to 126.605 of the Revised Code, and may take any action and, with the director of budget and management, execute any contract necessary to effect the purposes of sections 126.60 to 126.605 of the Revised Code, notwithstanding any provision of Chapter 5537, of the Revised Code to the contrary."

In line 11472, after " (A)" delete the balance of the line

In line 11473, delete " section 126.601 of the Revised Code and before" and insert " (1) Before releasing any invitation for qualifications or for proposals, the director of budget and management shall submit the material terms and conditions of that invitation to the general assembly, which shall include a draft of the invitation document. If within ninety days of the receipt of the director's submission the general assembly acts by concurrent resolution to approve the invitation, the director of budget and management may proceed to release the invitation.

(2) Before"

In line 11554, delete all after " **126.603.**"



Delete lines 11555 through 11558

In line 11559, delete " (B)"

In line 11564, after the period insert " Any transfer of money or appropriations necessary to support highway services is subject to the approval of the controlling board."

Delete lines 135898 through 135900

Delete lines 405 through 407 of the title

In line 408 of the title, delete "the Revised Code on that date;"

In line 139363, delete "\$43,197,968" and insert "\$43,357,968"

In line 139374, add \$160,000 to fiscal year 2012

In line 139404, add \$160,000 to fiscal year 2012

Between lines 139427 and 139428, insert:

"GENERAL REIMBURSEMENT FUND

Notwithstanding any other provision of law to the contrary, on July 1, 2011, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$160,000 cash from the General Revenue Fund to the General Reimbursement Fund (Fund 1060) used by the Office of the Attorney General."

In line 145420, delete the first "\$750,000" and insert "\$590,000"

In line 145423, subtract \$160,000 from fiscal year 2012

In line 145430, subtract \$160,000 from fiscal year 2012

Between lines 58786 and 58787, insert:

" (E) In the case of a community school that is located in multiple facilities, beginning July 1, 2012, the department shall assign a unique identification number to the school and to each facility maintained by the school. Each number shall be used for identification purposes only. Nothing in this division shall be construed to require the department to calculate the amount of funds paid under this chapter, or to compute any data required for the report cards issued under section 3314.012 of the Revised Code, for each facility separately. The department shall make all such calculations or computations for the school as a whole."

In line 144061, delete "(A)"

In line 144064, after "in" insert "either"

In line 144067, after "conditions" insert "and who was not receiving services through the care management system immediately before the effective date of this section"

In line 144070, delete the semicolon and insert a period

Delete lines 144071 through 144080

In line 562, after "5101.30," insert "5101.341,"

Between lines 98265 through 98266 and insert:

**"Sec. 5101.341.** (A) The Ohio commission on fatherhood annually shall elect a chairperson from among its members. ~~The~~

(B) The governor shall appoint an individual to serve as the commission's executive director. The executive director shall serve at the pleasure of the governor and shall report to the director of job and family services or the director's designee.

The governor shall fix the executive director's salary on the basis of the executive director's experience and the executive director's responsibilities and duties. The executive director shall be in the unclassified civil service.

The department of job and family services shall provide staff and other support services as necessary for the commission to fulfill its duties.

~~(B)~~ (C) The commission may accept gifts, grants, donations, contributions, benefits, and other funds from any public agency or private source to carry out any or all of the commission's duties. The funds shall be deposited into the Ohio commission on fatherhood fund, which is hereby created in the state treasury. All gifts, grants, donations, contributions, benefits, and other funds received by the commission pursuant to this division shall be used solely to support the operations of the commission."

In line 135827, after "5101.30," insert "5101.341,"

In line 203 of the title, after "5101.30," insert "5101.341,"

In line 595, delete "5709.42,"

In line 596, after "5709.78," insert "5709.82, 5709.83,"

In line 120956, reinsert "or"; delete " . and joint vocational"

In line 121048, reinsert "or"; delete " . and joint vocational"

In line 121061, reinsert "or"

In line 121062, delete " or" and insert " and"

In line 121075, reinsert "or"; delete " . and joint"

In line 121076, delete " vocational"

In line 121116, after the period insert " If an agreement is negotiated between the legislative authority and the board to compensate the school district for all or part of the taxes exempted, including agreements for payments in lieu of taxes under section 5709.42 of the Revised Code, the legislative authority shall compensate the joint vocational school district within which the parcel or district is located at the same rate and under the same terms received by the city.

local, or exempted village school district."

In line 121292, reinsert "or"; delete " .or"

In line 121293, delete " joint vocational"

In line 121358, reinsert "or"; delete " .and joint vocational"

In line 121367, reinsert the stricken "the"; delete " each"

In line 121368, reinsert "or"; delete " .and joint vocational"

In line 121424, after the period insert " If a mutually acceptable compensation agreement is negotiated between the legislative authority and the board, including agreements for payments in lieu of taxes under section 5709.42 of the Revised Code, the legislative authority shall compensate the joint vocational school district within the territory of which the improvements are or will be located at the same rate and under the same terms received by the city, local, or exempted village school district."

Delete lines 121463 through 121502

In line 122225, reinsert "or"; delete " .and joint vocational"

In line 122305, reinsert "or"; delete " .and joint vocational"

In line 122319, reinsert the stricken "the"; delete " each"

In line 122320, reinsert "or"; delete " .and joint vocational"

In line 122389, after the period insert " If a mutually acceptable compensation agreement is negotiated between the board of township trustees and the board of education, including agreements for payments in lieu of taxes under section 5709.74 of the Revised Code, the board of township trustees shall compensate the joint vocational school district within which the parcel or district is located at the same rate and under the same terms received by the city, local, or exempted village school district."

In line 122546, reinsert "or" and delete the underlined comma

In line 122547, delete " and joint vocational"

In line 122603, reinsert the stricken "the"; delete " each"

In line 122604, reinsert "or"; delete " .and joint vocational"

In line 122617, reinsert "or"

In line 122618, delete " .and joint vocational"

In line 122706, reinsert " or"; delete " .and joint vocational"

In line 122721, reinsert "or"; delete " .and joint vocational"

In line 122793, after the period insert " If a mutually acceptable compensation agreement is negotiated between the board of county commissioners and the board of education, including agreements for payments in

lieu of taxes under section 5709.79 of the Revised Code, the board of county commissioners shall compensate the joint vocational school district within which the parcel or district is located at the same rate and under the same terms received by the city, local, or exempted village school district."

In line 122945, reinsert the stricken "the"

In line 122946, delete "each"; reinsert "or"; delete ", and joint vocational"

Between lines 122983 and 122984, insert:

**"Sec. 5709.82.** (A) As used in this section:

(1) "New employee" means both of the following:

(a) Persons employed in the construction of real property exempted from taxation under the chapters or sections of the Revised Code enumerated in division (B) of this section;

(b) Persons not described by division (A)(1)(a) of this section who are first employed at the site of such property and who within the two previous years have not been subject, prior to being employed at that site, to income taxation by the municipal corporation within whose territory the site is located on income derived from employment for the person's current employer. "New employee" does not include any person who replaces a person who is not a new employee under division (A)(1) of this section.

(2) "Infrastructure costs" means costs incurred by a municipal corporation in a calendar year to acquire, construct, reconstruct, improve, plan, or equip real or tangible personal property that directly benefits or will directly benefit the exempted property. If the municipal corporation finances the acquisition, construction, reconstruction, improvement, planning, or equipping of real or tangible personal property that directly benefits the exempted property by issuing debt, "infrastructure costs" means the annual debt charges incurred by the municipal corporation from the issuance of such debt. Real or tangible personal property directly benefits exempted property only if the exempted property places or will place direct, additional demand on the real or tangible personal property for which such costs were or will be incurred.

(3) "Taxing unit" has the same meaning as in division (H) of section 5705.01 of the Revised Code.

(B)(1) Except as otherwise provided under division (C) of this section, the legislative authority of any political subdivision that has acted under the authority of Chapter 725. or 1728., sections 3735.65 to 3735.70, or section 5709.40, 5709.41, 5709.62, 5709.63, 5709.632, 5709.73, 5709.78, 5709.84, or 5709.88 of the Revised Code to grant an exemption from taxation for real or tangible personal property may negotiate with the board of education of each city, local, exempted village, or joint vocational school district or other taxing unit within the territory of which the exempted property is located, and enter into an agreement whereby the school district or taxing unit is compensated for tax

revenue foregone by the school district or taxing unit as a result of the exemption. Except as otherwise provided in division (B)(1) of this section, if a political subdivision enters into more than one agreement under this section with respect to a tax exemption, the political subdivision shall provide to each school district or taxing unit with which it contracts the same percentage of tax revenue foregone by the school district or taxing unit, which may be based on a good faith projection made at the time the exemption is granted. Such percentage shall be calculated on the basis of amounts paid by the political subdivision and any amounts paid by an owner under division (B)(2) of this section. A political subdivision may provide a school district or other taxing unit with a smaller percentage of foregone tax revenue than that provided to other school districts or taxing units only if the school district or taxing unit expressly consents in the agreement to receiving a smaller percentage. If a subdivision has acted under the authority of section 5709.40, 5709.41, 5709.73, or 5709.78 of the Revised Code and enters into a compensation agreement with a city, local, or exempted village school district, the subdivision shall provide compensation to the joint vocational school district within the territory of which the exempted property is located at the same rate and under the same terms as received by the city, local, or exempted village school district.

(2) An owner of property exempted from taxation under the authority described in division (B)(1) of this section may, by becoming a party to an agreement described in division (B)(1) of this section or by entering into a separate agreement with a school district or other taxing unit, agree to compensate the school district or taxing unit by paying cash or by providing property or services by gift, loan, or otherwise. If the owner's property is exempted under the authority of section 5709.40, 5709.41, 5709.73, or 5709.78 of the Revised Code and the owner enters into a compensation agreement with a city, local, or exempted village school district, the owner shall provide compensation to the joint vocational school district within the territory of which the owner's property is located at the same rate and under the same terms as received by the city, local, or exempted village school district.

(C) This division does not apply to the following:

(1) The legislative authority of a municipal corporation that has acted under the authority of division (H) of section 715.70 or section 715.81 of the Revised Code to consent to the granting of an exemption from taxation for real or tangible personal property in a joint economic development district.

(2) The legislative authority of a municipal corporation that has specified in an ordinance adopted under section 5709.40 or 5709.41 of the Revised Code that payments in lieu of taxes provided for under section 5709.42 of the Revised Code shall be paid to the city, local, or exempted village school district in which the improvements are located in the amount of taxes that would have been payable to the school district if the improvements had not been exempted from taxation, as directed in the ordinance.

If the legislative authority of any municipal corporation has acted under

the authority of Chapter 725. or 1728. or section 3735.671, 5709.40, 5709.41, 5709.62, 5709.63, 5709.632, or 5709.88, or a housing officer under section 3735.67 of the Revised Code, to grant or consent to the granting of an exemption from taxation for real or tangible personal property on or after July 1, 1994, the municipal corporation imposes a tax on incomes, and the payroll of new employees resulting from the exercise of that authority equals or exceeds one million dollars in any tax year for which such property is exempted, the legislative authority and the board of education of each city, local, or exempted village school district within the territory of which the exempted property is located shall attempt to negotiate an agreement providing for compensation to the school district for all or a portion of the tax revenue the school district would have received had the property not been exempted from taxation. The agreement may include as a party the owner of the property exempted or to be exempted from taxation and may include provisions obligating the owner to compensate the school district by paying cash or providing property or services by gift, loan, or otherwise. Such an obligation is enforceable by the board of education of the school district pursuant to the terms of the agreement.

If the legislative authority and board of education fail to negotiate an agreement that is mutually acceptable within six months of formal approval by the legislative authority of the instrument granting the exemption, the legislative authority shall compensate the school district in the amount and manner prescribed by division (D) of this section.

(D) Annually, the legislative authority of a municipal corporation subject to this division shall pay to the city, local, or exempted village school district within the territory of which the exempted property is located an amount equal to fifty per cent of the difference between the amount of taxes levied and collected by the municipal corporation on the incomes of new employees in the calendar year ending on the day the payment is required to be made, and the amount of any infrastructure costs incurred in that calendar year. For purposes of such computation, the amount of infrastructure costs shall not exceed thirty-five per cent of the amount of those taxes unless the board of education of the school district, by resolution adopted by a majority of the board, approves an amount in excess of that percentage. If the amount of those taxes or infrastructure costs must be estimated at the time the payment is made, payments in subsequent years shall be adjusted to compensate for any departure of those estimates from the actual amount of those taxes.

A municipal corporation required to make a payment under this section shall make the payment from its general fund or a special fund established for the purpose. The payment is payable on the thirty-first day of December of the tax year for or in which the exemption from taxation commences and on that day for each subsequent tax year property is exempted and the legislative authority and board fail to negotiate an acceptable agreement under division (C) of this section.

**Sec. 5709.83.** (A) Except as otherwise provided in division (B) or (C) of

this section, prior to taking formal action to adopt or enter into any instrument granting a tax exemption under section 725.02, 1728.06, 5709.40, 5709.41, 5709.62, 5709.63, 5709.632, 5709.73, 5709.78, 5709.84, or 5709.88 of the Revised Code or formally approving an agreement under section 3735.671 of the Revised Code, or prior to forwarding an application for a tax exemption for residential property under section 3735.67 of the Revised Code to the county auditor, the legislative authority of the political subdivision or housing officer shall notify the board of education of each city, local, exempted village, or joint vocational school district in which the proposed tax-exempted property is located. The notice shall include a copy of the instrument or application. The notice shall be delivered not later than fourteen days prior to the day the legislative authority takes formal action to adopt or enter into the instrument, or not later than fourteen days prior to the day the housing officer forwards the application to the county auditor. If the board of education comments on the instrument or application to the legislative authority or housing officer, the legislative authority or housing officer shall consider the comments. If the board of education of the city, local, ~~or~~ exempted village, or joint vocational school district so requests, the legislative authority or the housing officer shall meet in person with a representative designated by the board of education to discuss the terms of the instrument or application.

(B) The notice otherwise required to be provided to boards of education under division (A) of this section is not required if the board has adopted a resolution waiving its right to receive such notices, and that resolution remains in effect. If a board of education adopts such a resolution, the board shall cause a copy of the resolution to be certified to the legislative authority. If the board of education rescinds such a resolution, it shall certify notice of the rescission to the legislative authority. A board of education may adopt such a resolution with respect to any one or more counties, townships, or municipal corporations situated in whole or in part within the school district.

(C) If a legislative authority is required to provide notice to a city, local, or exempted village school district of its intent to grant such an exemption as required by section 5709.40, 5709.41, 5709.73, or 5709.78 of the Revised Code, the legislative authority, before adopting a resolution or ordinance under that section, shall notify the board of education of each joint vocational school district in which the property to be exempted is located. The notice shall be delivered not later than forty-five days before the day the legislative authority adopts a resolution or ordinance under any of those sections. The content of the notice and procedures for responding to the notice are the same as required in division (A) of this section."

In line 135861, delete "5709.42,"

In line 135862, after "5709.78," insert "5709.82, 5709.83,"

In line 247 of the title, delete "5709.42,"

In line 248 of the title, after "5709.78," insert "5709.82, 5709.83,"

In line 56929, after "~~(B)~~" insert "(D)" and reinsert the balance of the line

Reinsert lines 56930 through 56938

In line 145358, after "The" insert "nonprofit entity shall be established in such a manner that the entity is in compliance with all federal law regarding a protection and advocacy system, including 42 U.S.C. 15041 to 15045, and all federal law regarding a client assistance program, including 29 U.S.C. 732.

The"

In line 145361, delete "(1)"; delete "and subject to"

In line 145362, delete "division (B)(2) of this section,"

In line 145364, delete ", as provided"

Delete line 145365

In line 145366, delete "program, as provided under 29 U.S.C. 732"

Delete lines 145370 through 145372

In line 145403, after "(D)" insert "After the Legal Rights Service is abolished, all employee personnel records of the Legal Rights Service shall be retained by the Office of Budget and Management according to the applicable retention schedules and then transferred to the Department of Administrative Services to be kept permanently.

All fiscal records of the Legal Rights Service shall be retained by the Office of Budget and Management until state and federal audits are conducted, audit reports are released, and all discrepancies are resolved. The records shall then be destroyed according to the applicable retention schedules.

All other general administrative and information technology records of the Legal Rights Service shall be retained by the Office of Budget and Management in accordance with applicable retention schedules.

(E) When the Legal Rights Service is abolished on October 1, 2012, all equipment and assets of the Legal Rights Service shall be transferred to the Ohio Protection and Advocacy System. The Office of Budget and Management shall designate the employment positions, if any, to be transferred to the System.

The Legal Rights Service and the nonprofit entity established to serve as the Ohio Protection and Advocacy System shall enter into an agreement to transfer any designated positions and all equipment and assets to the entity by October 1, 2012, or as soon as possible thereafter. The agreement may include provisions to transfer property and any other provisions necessary for the continued administration of Legal Rights Service activities.

(F)"

Between lines 145406 and 145407 insert:

"(G) By October 1, 2012, the Director of Budget and Management shall



distribute any remaining cash balances in funds used by the Legal Rights Service to the nonprofit entity designated as the state's protection and advocacy system. To facilitate this transfer, on or before September 30, 2012, the Director of the Legal Rights Service shall certify to the Director of Budget and Management an estimate of the cash balance in each fund used by the Legal Rights Service to be transferred to the nonprofit entity. Upon receipt of the certification, the Director of Budget and Management may distribute the certified amounts to the nonprofit entity. Not more than sixty days after certifying the estimated amount, the nonprofit entity shall certify to the Director of Budget and Management the actual cash balances. If the actual amounts are more than the amounts that were transferred, the Director of Budget and Management shall disburse the difference to the nonprofit entity. The Director of Budget and Management may transfer cash between any funds used by the Legal Rights Service to fulfill the requirements of this section.

On or after October 1, 2012, notwithstanding any provision of law to the contrary, the Director of Budget and Management may transfer cash between any funds that were used by the Legal Rights Service, create new funds, or abolish existing funds used by the Legal Rights Service in order to financially manage the abolition of that agency."

Delete lines 102322 through 102336 and insert:

" (C)(1) Subject to division (C)(2) of this section, a claim for reimbursement for a service provided by a physician assistant to a medicaid recipient may be submitted by the physician assistant who provided the service or the physician, group practice, clinic, or other health care facility that employs the physician assistant.

(2) A claim for reimbursement may be submitted by the physician assistant who provided the service only if the physician assistant has a valid provider agreement. When submitting the claim, the physician assistant shall use only the medicaid provider number the department has assigned to the physician assistant.

(D) The director of job and family services may adopt rules under section 5111.02 of the Revised Code to implement this section."

Between lines 144955 and 144956, insert:

**"Section 309. \_\_\_\_ . PHYSICIAN ASSISTANT MEDICAID PROVIDER AGREEMENTS, CLAIMS SUBMISSIONS, AND FISCAL YEAR 2013 REIMBURSEMENT RATES**

(A) With respect to section 5111.053 of the Revised Code, as enacted by this act, regarding Medicaid provider agreements for physician assistants and submission of Medicaid claims for physician assistant services, the Department of Job and Family Services shall implement the provisions of that section when the Department determines that the computer system improvements necessary to implement those provisions are in place. The Department shall ensure that the

necessary improvements are in place not later than July 1, 2012.

(B) The Medicaid reimbursement rates for services provided by physician assistants during fiscal year 2013 shall not be greater than the Medicaid reimbursement rates for such services provided on June 30, 2012."

In line 651, after "3310.521," insert "3310.522,"

In line 53082, delete " or"

In line 53083, after the underlined comma insert " , or the pilot project scholarship program, under sections 3313.974 to 3313.979 of the Revised Code"

In line 53107, after the underlined comma insert " beginning with the 2012-2013 school year,"

Between lines 53158 and 53159, insert:

" **Sec. 3310.522.** In order to maintain eligibility for a scholarship under the program, a student shall take each assessment prescribed by sections 3301.0710 and 3301.0712 of the Revised Code, unless the student is excused from taking that assessment under federal law or the student's individualized education program.

Notwithstanding division (K) of section 3301.0711 of the Revised Code, each registered private provider that enrolls a student who is awarded a scholarship under this section shall administer each assessment prescribed by sections 3301.0710 and 3301.0712 of the Revised Code to that student, unless the student is excused from taking that assessment, and shall report to the department the results of each assessment so administered.

Nothing in this section requires any chartered nonpublic school that is a registered private provider to administer any achievement assessment, except for an Ohio graduation test prescribed by division (B)(1) of section 3301.0710 of the Revised Code, as required by section 3313.612 of the Revised Code, to any student enrolled in the school who is not a scholarship student.

In line 53228, delete " The formula" and insert " An"; after " amount" insert " equal to \$5.732"

In line 53238, delete " 0.80" and insert " 0.90"

In line 53320, after " section" insert " 3310.522 or"

In line 53326, delete all after " law"

In line 53327, delete all before the underlined period

In line 321 of the title, after "3310.521," insert "3310.522,"

Between lines 149027 and 149028, insert:

"**Section 503.**\_\_\_\_. EMERGENCY CAPITAL APPROPRIATIONS AND AUTHORIZATION TO ISSUE OBLIGATIONS

Notwithstanding any provision of law to the contrary, the Director of Budget and Management may establish a process for, and receive from state agencies or institutions, applications for funding emergency or critical capital facilities needs that may be paid from the funds identified in this section. Upon review of any such application, if determined necessary to address emergency or critical capital needs identified in an application, the director may request Controlling Board approval to establish additional capital appropriations, from the following funds in an aggregate amount not to exceed \$50,000,000 for the FY 2011 - FY 2012 capital biennium: the Administrative Building Fund (Fund 7026), the Adult Correctional Building Fund (Fund 7027), the Juvenile Correctional Building Fund (Fund 7028), the Ohio Cultural Facilities Fund (Fund 7030), the Ohio Parks and Natural Resources Fund (Fund 7031), the Mental Health Facilities Improvement Fund (Fund 7033), the Parks and Recreation Improvement Fund (Fund 7035), and any other capital fund from which emergency capital facilities funding is deemed necessary by the Director as a result of any natural disaster occurring between July 1, 2010, and September 30, 2010, that resulted in damages to a facility of a state-assisted institution of higher education. Reference is made to Section 221.20.30 of Am. Sub. H.B. 562 (as to Fund 7026), Section 223.11 of Am. Sub. H.B. 562 (as to Fund 7027), Section 225.11 of Am. Sub. H.B. 562 (as to Fund 7028), Section 227.11 of Am. Sub. H.B. 562 (as to Fund 7030), Section 229.11 of Am. Sub. H.B. 562 (as to Fund 7031), Section 231.40.10 of Am. Sub. H.B. 562 (as to Fund 7033), Section 233.60.30 of Am. Sub. H.B. 562 (as to Fund 7034), and Section 235.12 of Am. Sub. H.B. 562 (as to Fund 7035), each of which authorizes the issuance and sale of original obligations, pursuant to the applicable constitutional and statutory authority indicated therein, in a principal amount indicated therein. In addition to those amounts previously authorized for each of those purposes, the Ohio Public Facilities Commission or the Treasurer of State, as applicable, are each hereby authorized to issue and sell additional original obligations, pursuant to the applicable constitutional and statutory authority, in an aggregate principal amount equal to any additional capital appropriations approved by the Controlling Board under the authority of this section for that purpose, plus amounts necessary to cover the costs of issuance of those additional original obligations. Sections 518.10 and 518.20 of Am. Sub. H.B. 153 of the 129th General Assembly apply to the debt service on any additional obligations issued and sold under this paragraph."

In line 152992, after "501.10," insert "503.\_\_\_\_,"

Delete lines 101761 through 101776 and insert:

" (B) The director of job and family services shall submit a medicaid state plan amendment to the United States secretary of health and human services to implement the presumptive eligibility for pregnant women option. The director shall include in the medicaid state plan amendment a request to authorize children's hospitals and federally qualified health centers, if they are eligible to be qualified providers under 42 U.S.C. 1396r-1(b)(2) and request to serve as qualified providers, to serve as qualified providers for purposes of the

presumptive eligibility for pregnant women option. The director may include in the medicaid state plan amendment a request to authorize other types of providers that are eligible to be qualified providers under 42 U.S.C. 1396r-1(b)(2) and request to serve as qualified providers to serve as qualified providers for purposes of the presumptive eligibility for pregnant women option. The director shall begin to implement the medicaid state plan amendment on the later of April 1, 2012, or a date that is not later than ninety days after the effective date of the approval of the amendment.

The director shall adopt rules under section 5111.011 of the Revised Code as necessary to implement this section."

Delete lines 101789 through 101802 and insert:

" (B) The director of job and family services shall retain the presumptive eligibility for children option that was included in the state medicaid plan on the effective date of this section. The director shall submit a medicaid state plan amendment to the United States secretary of health and human services to authorize children's hospitals and federally qualified health centers, if they are eligible to be qualified entities under 42 U.S.C. 1396r-1a(b)(3) and request to serve as qualified entities, to serve as qualified entities for purposes of the presumptive eligibility for children option. The director may include in the medicaid state plan amendment a request to authorize other types of entities that are eligible to be qualified entities under 42 U.S.C. 1396r-1a(b)(3) and request to serve as qualified entities to serve as qualified entities for purposes of the presumptive eligibility for children option. The director shall begin to implement the medicaid state plan amendment on the later of April 1, 2012, or a date that is not later than ninety days after the effective date of the approval of the amendment.

The director shall adopt rules under section 5111.011 of the Revised Code as necessary to implement this section."

In line 552, after "4729.52," insert "4731.15, 4731.16, 4731.17, 4731.171, 4731.19, 4731.222,"

Between lines 92068 and 92069, insert:

**"Sec. 4731.15.** (A)(1) The state medical board also shall regulate the following limited branches of medicine: massage therapy and cosmetic therapy, and to the extent specified in section 4731.151 of the Revised Code, naprapathy and mechanotherapy. The board shall adopt rules governing the limited branches of medicine under its jurisdiction. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

(2) As used in this chapter, "cosmetic therapy" means the permanent removal of hair from the human body through the use of electric modalities approved by the board for use in cosmetic therapy, and additionally may include the systematic friction, stroking, slapping, and kneading or tapping of the face, neck, scalp, or shoulders.

(B) A certificate to practice a limited branch of medicine issued by the state medical board is valid for a two-year period, except when an initial certificate is issued for a shorter period or when division (C)(2) of this section is applicable. The certificate may be renewed in accordance with division (C) of this section.

(C)(1) Except as provided in division (C)(2) of this section, all of the following apply with respect to the renewal of certificates to practice a limited branch of medicine:

(a) Each person seeking to renew a certificate to practice a limited branch of medicine shall apply for biennial registration with the state medical board on a renewal application form prescribed by the board. An applicant for renewal shall pay a biennial registration fee of ~~fifty~~ one hundred dollars.

(b) At least six months before a certificate expires, the board shall mail or cause to be mailed a renewal notice to the certificate holder's last known address.

(c) At least three months before a certificate expires, the certificate holder shall submit the renewal application and biennial registration fee to the board.

(2) Beginning with the 2009 registration period, the board shall implement a staggered renewal system that is substantially similar to the staggered renewal system the board uses under division (B) of section 4731.281 of the Revised Code.

(D) All persons who hold a certificate to practice a limited branch of medicine issued by the state medical board shall provide the board written notice of any change of address. The notice shall be submitted to the board not later than thirty days after the change of address.

(E) A certificate to practice a limited branch of medicine shall be automatically suspended if the certificate holder fails to renew the certificate in accordance with division (C) of this section. Continued practice after the suspension of the certificate to practice shall be considered as practicing in violation of sections 4731.34 and 4731.41 of the Revised Code.

If a certificate to practice has been suspended pursuant to this division for two years or less, it may be reinstated. The board shall reinstate the certificate upon an applicant's submission of a renewal application and payment of the biennial registration fee and the applicable monetary penalty. With regard to reinstatement of a certificate to practice cosmetic therapy, the applicant also shall submit with the application a certification that the number of hours of continuing education necessary to have a suspended certificate reinstated have been completed, as specified in rules the board shall adopt in accordance with Chapter 119. of the Revised Code. The penalty for reinstatement shall be twenty-five dollars.

If a certificate has been suspended pursuant to this division for more than two years, it may be restored. Subject to section 4731.222 of the Revised Code, the board may restore the certificate upon an applicant's submission of a

restoration application, the biennial registration fee, and the applicable monetary penalty and compliance with sections 4776.01 to 4776.04 of the Revised Code. The board shall not restore to an applicant a certificate to practice unless the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a certificate issued pursuant to section ~~4731.18~~ 4731.17 of the Revised Code. The penalty for restoration is fifty dollars.

**Sec. 4731.16.** ~~(A) The state medical board shall conduct examinations of applicants for certification to practice determine the standing of the schools, colleges, or institutions giving instruction in the limited branches of medicine of massage therapy and cosmetic therapy. The examinations shall be conducted under rules adopted by the board and at such times and places as the board may determine. The fee for either examination is two hundred fifty dollars.~~

~~For the purpose of conducting examinations, the board may call to its aid any person of established reputation and known ability in the limited branch of medicine for which the examination is being held. A person called to assist in an examination shall be reimbursed for the person's services. Reimbursement shall be not more than one hundred dollars per day and an amount fixed and allowed by the board for the person's actual and necessary expenses.~~

~~Each examination shall be given in anatomy, physiology, chemistry, bacteriology, pathology, hygiene, diagnosis, and any other subjects appropriate to the limited branch of medicine for which certification is requested as the board may require, except that applicants for certificates to practice massage therapy shall not be examined in pathology.~~

~~If an applicant fails an examination more than twice, in whole or in part, the board may require that the applicant obtain additional training as a condition of being eligible for further examination.~~

~~(B) The board may administer an examination of competency to practice a limited branch of medicine. If it administers an examination, the board shall establish by rule a fee to cover the cost of administering the examination.~~

~~If it does not administer an examination, the board shall adopt rules under section 4731.05 of the Revised Code that specify both of the following:~~

~~(1) An examination acceptable to the board as an examination of competency to practice a limited branch of medicine;~~

~~(2) The score that constitutes evidence of passing the examination.~~

**Sec. 4731.17.** ~~If an applicant passes the examination to practice massage therapy or cosmetic therapy conducted under section 4731.16 of the Revised Code and has paid the fee required under that section, (A) The state medical board shall review all applications received under section 4731.19 of the Revised Code. The board shall determine whether an applicant meets the requirements for a certificate to practice the applicable limited branch of medicine. An affirmative vote of not fewer than six members of the board is required to determine that an applicant meets the requirements for a certificate.~~

(B) If the board determines that the applicant meets the requirements for a certificate and that the documentation required for a certificate is acceptable, the state medical board shall issue to the applicant the appropriate certificate to practice. Such Each certificate shall be signed by the president and secretary of the board and attested by its seal.

(C) A certificate shall authorize the holder thereof to practice the limited branch of medicine specified therein, but shall not permit the holder to practice any other for which the certificate was issued. No person who holds a certificate to practice a limited branch of medicine issued by the board under this section shall do any of the following:

(1) Practice a limited branch of medicine ; nor shall it permit the holder to treat other than the limited branch of medicine for which the certificate was issued;

(2) Treat infectious, contagious, or venereal diseases ; to prescribe ;

(3) Prescribe or administer drugs ; or to perform ;

(4) Perform surgery or practice medicine in any other form.

**Sec. 4731.171.** In addition to any other eligibility requirement set forth in this chapter, each applicant for a certificate to practice massage therapy or cosmetic therapy shall comply with sections 4776.01 to 4776.04 of the Revised Code. The state medical board shall not grant to an applicant a certificate to practice massage therapy or cosmetic therapy unless the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a certificate issued pursuant to section ~~4731.18~~ 4731.17 of the Revised Code.

**Sec. 4731.19.** (A) ~~The state medical board shall determine the standing of the schools, colleges, or institutions giving instruction in the limited branches of medicine of massage therapy and cosmetic therapy.~~

~~(B) An applicant for~~ A person seeking a certificate to practice a limited branch of medicine shall ~~; as a condition of admission to the examination, have file with the state medical board an application in a manner prescribed by the board. The application shall include or be accompanied by evidence of all of the following:~~

(1) That the applicant is at least eighteen years of age and of good moral character;

(2) That the applicant has attained high school graduation or its equivalent;

(3) That the applicant holds one of the following:

(4) (a) A diploma or certificate from a school, college, or institution in good standing as determined by the board, showing the completion of the required courses of instruction;

~~(2) (b) A current license, registration, or certificate that is in good standing in another state for massage therapy or cosmetic therapy, as applicable;~~

~~(3) Certification from a national certification body and a diploma or certificate from a school, college, or institution in another state or jurisdiction showing completion of a course of instruction that meets course requirements determined by the board through rules adopted under section 4731.05 of the Revised Code ;~~

~~The entrance examiner of the board shall determine the sufficiency of the preliminary education of applicants for a certificate to practice massage therapy or cosmetic therapy in the same manner that sufficiency of preliminary education is determined under section 4731.09 of the Revised Code, except that the board may adopt rules defining and establishing for the limited branch of medicine preliminary educational requirements that are less exacting than those prescribed by such section, as the nature of the case may require ;~~

(c) For not less than five years preceding application, a current license, registration, or certificate in good standing in another state for massage therapy or cosmetic therapy.

(4) Evidence that the applicant has successfully passed an examination, prescribed in rules described in section 4731.16 of the Revised Code, to determine competency to practice the applicable limited branch of medicine;

(5) An affidavit signed by the applicant attesting to the accuracy and truthfulness of information submitted under this section and consenting to release of information;

(6) Any other information the board requires.

(B) An applicant for a certificate to practice a limited branch of medicine shall comply with the requirements of section 4731.171 of the Revised Code.

(C) At the time of making application for a certificate to practice a limited branch of medicine, the applicant shall pay to the board a fee of one hundred fifty dollars, no part of which shall be returned. No application shall be considered filed until the board receives the appropriate fee.

(D) The board may investigate the application materials received under this section and contact any agency or organization for recommendations or other information about the applicant.

**Sec. 4731.222.** Before restoring to good standing a certificate issued under this chapter that has been in a suspended or inactive state for any cause for more than two years, or before issuing a certificate pursuant to section ~~4731.18~~, 4731.29, 4731.295, 4731.57, or 4731.571 of the Revised Code to an applicant who for more than two years has not been engaged in the practice of medicine, osteopathic medicine, podiatric medicine and surgery, or a limited branch of medicine as an active practitioner, as a participant in a program of graduate medical education, as defined in section 4731.091 of the Revised Code, as a



student in a college of podiatry determined by the board to be in good standing, or as a student in a school, college, or institution giving instruction in a limited branch of medicine determined by the board to be in good standing under section 4731.19 of the Revised Code, the state medical board may require the applicant to pass an oral or written examination, or both, to determine the applicant's present fitness to resume practice.

The authority of the board to impose terms and conditions includes the following:

(A) Requiring the applicant to obtain additional training and to pass an examination upon completion of such training;

(B) Restricting or limiting the extent, scope, or type of practice of the applicant.

The board shall consider the moral background and the activities of the applicant during the period of suspension or inactivity, in accordance with section 4731.08 of the Revised Code. The board shall not restore a certificate under this section unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code."

In line 135817, after "4729.52," insert "4731.15, 4731.16, 4731.17, 4731.171, 4731.19, 4731.222,"

In line 135892, after "4582.37," insert "4731.18,"

In line 152917, delete "or" and insert a comma; after "enactment" insert ", or repeal"

In line 152918, after "154.25," insert "4731.15, 4731.16, 4731.17, 4731.171, 4731.18, 4731.19, 4731.222,"

In line 188 of the title, after "4729.52," insert "4731.15, 4731.16, 4731.17, 4731.171, 4731.19, 4731.222,"

In line 368 of the title, after "4582.37," insert "4731.18,"

Between lines 145422a and 145423, insert:

"GRF 035411	Ohio Constitutional	\$	50,000	\$	50,000"
	Modernization Commission				

In line 145423, add \$50,000 to each fiscal year

In line 145430, add \$50,000 to each fiscal year

Between lines 145436 and 145437, insert:

"OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

The foregoing appropriation item 035411, Ohio Constitutional Modernization Commission, shall be used to support the operation and expenses of the Ohio Constitutional Modernization Commission under sections 103.61 to 103.67 of the Revised Code."

In line 488, delete "2953.08,"

Delete lines 48583 through 48859

In line 135752, delete "2953.08,"

In line 135877, delete "181.21, 181.22,"

In line 135878, delete "181.23, 181.24, 181.25, 181.26,"

Between lines 145200 and 145201, insert:

"OPERATING EXPENSES - JUDICIARY/SUPREME COURT

Of the foregoing appropriation item 005321, Operating Expenses - Judiciary/Supreme Court, up to \$206,770 in each fiscal year may be used to support the functions of the State Criminal Sentencing Council."

In line 101 of the title, delete "2953.08,"

In line 348 of the title, delete "181.21"

In line 349 of the title, delete "to 181.26,"

In line 459, delete "1347.08,"

In line 523, delete "3721.031,"; delete "3721.99,"

Delete lines 30429 through 30519

Delete lines 73339 through 73399

Delete lines 73646 through 73661

In line 135723, delete "1347.08,"

In line 135787, delete "3721.031,"

In line 135788, delete "3721.99,"

In line 61 of the title, delete "1347.08,"

In line 147 of the title, delete "3721.031,"

In line 149 of the title, delete "3721.99,"

In line 68594, delete " within ten years after"

In line 68595, delete " graduating from high school"

In line 26237, strike through "The" and insert " (A) In the case of a township police district, the"; strike through "a" and insert " the"

In line 26238, delete " or a joint police district board"

In line 26239, delete " or joint"

In line 26240, delete " police district, respectively."

In line 26242, after "the" insert " township police"

Between lines 26242 and 26243, insert:

" (B) In the case of a joint police district, the joint police district board may levy a tax upon all of the taxable property in the joint police district pursuant to sections 5705.19 and 5705.25 of the Revised Code to defray all or a portion of expenses of the joint police district in providing police protection."

In line 19593, strike through "May" and insert "(1) Except as provided in division (G)(2) of this section, may"

In line 19597, strike through the semicolon and insert " .

(2) Beginning on July 1, 2011, a regional transit authority shall not extend its service or facilities into a political subdivision outside the territorial boundaries of the authority without giving prior notice to the legislative authority of the political subdivision. The legislative authority shall have thirty days after receiving the notice to comment on the proposal."

Between lines 152401 and 152402, insert:

**"Section 755.** \_\_\_\_\_. The Ohio Public Transit Association, in consultation with the Ohio Municipal League, the County Commissioners Association of Ohio, and the Ohio Township Association, shall study regional transit authority expansion outside territorial boundaries and, not later than December 31, 2011, shall provide the General Assembly and the Governor a report that includes all of the following:

(A) A list of best practices on proper notification to political subdivisions outside the regional transit authority's territorial boundaries;

(B) A list of best practices on engaging community leaders to discuss common agreement and differences of opinion on service extensions outside territorial boundaries;

(C) A list of best practices on resolving areas of disagreement and dispute on extension of service outside territorial boundaries by a regional transit authority."

In line 152933, after "305.171," insert "306.35,"

Between lines 145129 and 145130, insert:

**"Section 309.60.20. UNEMPLOYMENT COMPENSATION INTEREST CONTINGENCY FUND**

The General Health and Human Service Pass-Through Fund (Fund 5HC0) is hereby renamed the Unemployment Compensation Interest Contingency Fund. On July 1, 2011, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$23,000,000 cash from the Child and Adult Protective Services Fund (Fund 5GV0), used by the Department of Job and Family Services, to the Unemployment Compensation Interest Contingency Fund. The Director of Budget and Management may seek Controlling Board approval to establish appropriations for payment of interest costs paid to the United States Secretary of the Treasury for the repayment of

accrued interest related to federal unemployment account borrowing."

In line 9072, after " agency" delete the balance of the line

In line 9073, delete " municipal corporation, school district," and insert " and a"

In line 9074, after " education" delete " , or any other political subdivision of the state"

In line 9090, after the underlined period insert " Any capital facilities project that is funded wholly or in part through appropriations made to the Ohio school facilities commission, the Ohio public works commission, or the Ohio cultural facilities commission, or for which a joint use agreement has been entered into with any public entity, is exempt from the reporting requirement prescribed under this division."

In line 471, after "1545.132," insert "1547.01,"

In line 531, delete "3733.21,"

Between lines 35702 and 35703, insert:

"**Sec. 1547.01.** (A) As used in sections 1541.03, 1547.26, 1547.39, 1547.40, 1547.53, 1547.54, 1547.541, 1547.542, 1547.543, 1547.56, 1547.57, 1547.66, ~~3733.21~~, and 5311.01 of the Revised Code, "watercraft" means any of the following when used or capable of being used for transportation on the water:

(1) A vessel operated by machinery either permanently or temporarily affixed;

(2) A sailboat other than a sailboard;

(3) An inflatable, manually propelled boat that is required by federal law to have a hull identification number meeting the requirements of the United States coast guard;

(4) A canoe or rowboat.

"Watercraft" does not include ferries as referred to in Chapter 4583. of the Revised Code.

Watercraft subject to section 1547.54 of the Revised Code shall be divided into five classes as follows:

Class A: Less than sixteen feet in length;

Class 1: At least sixteen feet, but less than twenty-six feet in length;

Class 2: At least twenty-six feet, but less than forty feet in length;

Class 3: At least forty feet, but less than sixty-five feet in length;

Class 4: At least sixty-five feet in length.

(B) As used in this chapter:

(1) "Vessel" includes every description of craft, including nondisplacement craft and seaplanes, designed to be used as a means of transportation on water.

(2) "Rowboat" means any vessel, except a canoe, that is designed to be rowed and that is propelled by human muscular effort by oars or paddles and upon which no mechanical propulsion device, electric motor, internal combustion engine, or sail has been affixed or is used for the operation of the vessel.

(3) "Sailboat" means any vessel, equipped with mast and sails, dependent upon the wind to propel it in the normal course of operation.

(a) Any sailboat equipped with an inboard engine is deemed a powercraft with auxiliary sail.

(b) Any sailboat equipped with a detachable motor is deemed a sailboat with auxiliary power.

(c) Any sailboat being propelled by mechanical power, whether under sail or not, is deemed a powercraft and subject to all laws and rules governing powercraft operation.

(4) "Powercraft" means any vessel propelled by machinery, fuel, rockets, or similar device.

(5) "Person" includes any legal entity defined as a person in section 1.59 of the Revised Code and any body politic, except the United States and this state, and includes any agent, trustee, executor, receiver, assignee, or other representative thereof.

(6) "Owner" includes any person who claims lawful possession of a vessel by virtue of legal title or equitable interest therein that entitled the person to that possession.

(7) "Operator" includes any person who navigates or has under the person's control a vessel, or vessel and detachable motor, on the waters in this state.

(8) "Visible" means visible on a dark night with clear atmosphere.

(9) "Waters in this state" means all streams, rivers, lakes, ponds, marshes, watercourses, waterways, and other bodies of water, natural or humanmade, that are situated wholly or partially within this state or within its jurisdiction and are used for recreational boating.

(10) "Navigable waters" means waters that come under the jurisdiction of the department of the army of the United States and any waterways within or adjacent to this state, except inland lakes having neither a navigable inlet nor outlet.

(11) "In operation" in reference to a vessel means that the vessel is being navigated or otherwise used on the waters in this state.

(12) "Sewage" means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body waste.

(13) "Canoe" means a narrow vessel of shallow draft, pointed at both ends and propelled by human muscular effort, and includes kayaks, racing shells, and rowing sculls.

(14) "Coast guard approved" means bearing an approval number assigned by the United States coast guard.

(15) "Type one personal flotation device" means a device that is designed to turn an unconscious person floating in water from a face downward position to a vertical or slightly face upward position and that has at least nine kilograms, approximately twenty pounds, of buoyancy.

(16) "Type two personal flotation device" means a device that is designed to turn an unconscious person in the water from a face downward position to a vertical or slightly face upward position and that has at least seven kilograms, approximately fifteen and four-tenths pounds, of buoyancy.

(17) "Type three personal flotation device" means a device that is designed to keep a conscious person in a vertical or slightly face upward position and that has at least seven kilograms, approximately fifteen and four-tenths pounds, of buoyancy.

(18) "Type four personal flotation device" means a device that is designed to be thrown to a person in the water and not worn and that has at least seven and five-tenths kilograms, approximately sixteen and five-tenths pounds, of buoyancy.

(19) "Type five personal flotation device" means a device that, unlike other personal flotation devices, has limitations on its approval by the United States coast guard, including, without limitation, all of the following:

(a) The approval label on the type five personal flotation device indicates that the device is approved for the activity in which the vessel is being used or as a substitute for a personal flotation device of the type required on the vessel in use.

(b) The personal flotation device is used in accordance with any requirements on the approval label.

(c) The personal flotation device is used in accordance with requirements in its owner's manual if the approval label refers to such a manual.

(20) "Inflatable watercraft" means any vessel constructed of rubber, canvas, or other material that is designed to be inflated with any gaseous substance, constructed with two or more air cells, and operated as a vessel. Inflatable watercraft propelled by a motor shall be classified as powercraft and

shall be registered by length. Inflatable watercraft propelled by a sail shall be classified as a sailboat and shall be registered by length.

(21) "Idle speed" means the slowest possible speed needed to maintain steerage or maneuverability.

(22) "Diver's flag" means a red flag not less than one foot square having a diagonal white stripe extending from the masthead to the opposite lower corner that when displayed indicates that divers are in the water.

(23) "Muffler" means an acoustical suppression device or system that is designed and installed to abate the sound of exhaust gases emitted from an internal combustion engine and that prevents excessive or unusual noise.

(24) "Law enforcement vessel" means any vessel used in law enforcement and under the command of a law enforcement officer.

(25) "Personal watercraft" means a vessel, less than sixteen feet in length, that is propelled by machinery and designed to be operated by an individual sitting, standing, or kneeling on the vessel rather than by an individual sitting or standing inside the vessel.

(26) "No wake" has the same meaning as "idle speed."

(27) "Watercraft dealer" means any person who is regularly engaged in the business of manufacturing, selling, displaying, offering for sale, or dealing in vessels at an established place of business. "Watercraft dealer" does not include a person who is a marine salvage dealer or any other person who dismantles, salvages, or rebuilds vessels using used parts.

(28) "Electronic" includes electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that entails capabilities similar to these technologies.

(29) "Electronic record" means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another.

(30) "Electronic signature" means a signature in electronic form attached to or logically associated with an electronic record.

(31) "Drug of abuse" has the same meaning as in section 4506.01 of the Revised Code.

(32) "Watercourse" means a substantially natural channel with recognized banks and bottom in which a flow of water occurs, with an average of at least ten feet mean surface water width and at least five miles of length.

(33) "Impoundment" means the reservoir created by a dam or other artificial barrier across a watercourse that causes water to be stored deeper than and generally beyond the banks of the natural channel of the watercourse during periods of normal flow, but does not include water stored behind rock piles, rock riffle dams, and low channel dams where the depth of water is less than ten feet

above the channel bottom and is essentially confined within the banks of the natural channel during periods of normal stream flow.

(34) "Wild river area" means an area declared a wild river area by the director of natural resources under this chapter and includes those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted, representing vestiges of primitive America.

(35) "Scenic river area" means an area declared a scenic river area by the director under this chapter and includes those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.

(36) "Recreational river area" means an area declared a recreational river area by the director under this chapter and includes those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past."

In line 71737, delete " 3733.21"; strike through the last comma

In line 71749, delete " 3733.21"; strike through the last comma

In line 71758, delete " 3733.21"; strike through the last comma

Delete lines 73799 through 73853

In line 135735, after "1545.30," insert "1547.01,"

In line 135795, delete "3733.21,"

In line 135888, after "3733.07," insert "3733.21,"

In line 151072, delete everything after "district"

Delete line 151073 and insert "means a city or general health district as created by or under the authority of Chapter 3709. of the Revised Code."

In line 151076, delete everything after "**737.15.**"

Delete lines 151077 through 151103 and insert "On the effective date of this section, the Public Health Council shall rescind all rules adopted under section 3733.22 of the Revised Code as that section existed prior to its repeal by this act."

In line 76 of the title, after "1545.132," insert "1547.01,"

In line 159 of the title, delete "3733.21,"

In line 362 of the title, after "3733.07," insert "3733.21,"

Between lines 143768 and 143769, insert:

**"Section 309.30. . . ESTIMATED EXPENDITURES FOR  
PASSPORT, CHOICES, ASSISTED LIVING, AND PACE PROGRAMS**



(A) Of the funds appropriated to the Department of Job and Family Services for health care services, it is estimated that \$618,772,607 in fiscal year 2012 and \$662,261,174 in fiscal year 2013 will be expended on the Medicaid waiver-funded PASSPORT Home Care Program, the Choices Program, the Assisted Living Program, and the PACE Program.

(B) The Department of Job and Family Services and the Department of Aging shall jointly monitor the expenditures made under division (A) of this section at regular intervals, and shall use the following criteria in monitoring such expenditures:

(2) For fiscal year 2012 and fiscal year 2013, per member per month spending for PASSPORT and Choices services will be provided at approximately the same levels as provided during fiscal year 2011;

(3) For fiscal year 2012 and fiscal year 2013, per member per month spending for PASSPORT Administrative Agency case management functions will be maintained at fiscal year 2011 levels;

(2) For fiscal year 2012, spending for PASSPORT Administrative Agency site operation functions will be ninety-five per cent of the level provided in fiscal year 2011. For fiscal year 2013, spending for PASSPORT Administrative Agency site operation functions will be ninety-five per cent of the level provided in fiscal year 2012.

(C) The Department of Job and Family Services and the Department of Aging shall identify any significant variance in expenditures from the overall funding levels provided under divisions (A) and (B) of this section, and shall take corrective action where variances may adversely affect the delivery of Medicaid waiver-funded PASSPORT Home Care, Choices, Assisted Living, and PACE services."

In line 150888, delete "January 1, 2012" and insert "June 30, 2013"

In line 603, delete "5747.53,"

In line 635, after "5119.612," insert "and"; delete ", and 5747.52"

In line 130647, reinsert "(A)"

In line 130654, delete the underlined period

Delete lines 130655 through 130660

In line 130661, delete all before the period

Reinsert lines 130662 through 130666

In line 130667, reinsert "regular session."

In line 130672, reinsert all after the stricken period

Reinsert lines 130673 through 130823

In line 130824, reinsert "(J)"; reinsert "such apportionment"; delete " the

budget"

In line 130825, delete " commission's determination"

Reinsert lines 130829 and 130830

Reinsert line 130832

In line 130833, reinsert "5747.53 of the Revised Code"; delete " determination"

In line 130837, reinsert "such allocation"; delete " the"

In line 130838, delete " list"

In line 130840, reinsert "such allocation"; delete " the list"

Delete lines 130865 through 131087

In line 135869, delete "5747.53,"

In line 135895, after "5126.18," insert "and"; delete ", and 5747.52,"

In line 152968, delete "5747.52, 5747.53,"

In line 259 of the title, delete "5747.53,"

In line 299 of the title, after "5119.612," insert "and"

In line 300 of the title, delete "and 5747.52,"

In line 372 of the title, after "5126.18," insert "and"; delete ", and 5747.52,"

In line 2883, delete " "Public office" has the meaning defined in section 117.01"

Delete line 2884

In line 2885, delete " (2)"

Between lines 2886 and 2887, insert:

" (2) "State agency" has the meaning defined in section 117.01 of the Revised Code.

(3) "State institution of higher education" means any state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college established under Chapter 3354. of the Revised Code, state community college established under Chapter 3358. of the Revised Code, university branch established under Chapter 3355. of the Revised Code, or technical college established under Chapter 3357. of the Revised Code."

In line 2887, delete " public office" and insert " state agency or state institution of higher education"

In line 2891, delete " public"

In line 2892, delete " office" and insert " state agency or state institution

of higher education"

In line 27707, delete " approving" and insert " proposing"

In line 27717, delete " agreeing to" and insert " proposing"

In line 27720, after " the" insert " proposed"

In line 27727, after " shall" delete the balance of the line

Delete lines 27728 through 27802 and insert " take effect as provided in division (C) of section 709.452 of the Revised Code. On the effective date of the merger, a municipal"

Delete lines 27806 through 27810

In line 27814, delete " may" and insert " shall"

In line 27816, delete " may" and insert " shall"

In line 27837, after " the" insert " merger and the"

In line 143485, delete "Clerk" and insert "Chief Administrative Officer"

In line 143492, delete "Clerk" and insert "Chief Administrative Officer"

Between lines 143498 and 143499, insert:

"HOUSE REIMBURSEMENT

If it is determined by the Chief Administrative Officer of the House of Representatives that additional appropriations are necessary for the foregoing appropriation item 025601, House Reimbursement, the amounts are hereby appropriated."

In line 111488, after " 753.10" insert " or 753.30"

In line 111505, delete " Section" and insert " Sections"; after " 753.10" insert " and 753.30"

In line 152162, after "in" insert "the"; delete "estate"

Delete line 152163

In line 152164, delete "Ohio" and insert "property of any facility under the management and control of the Department of Youth Services following the closure of that facility"

In line 152165, delete "and more particularly described"

Delete lines 151166 through 152260

In line 152261, delete "payable" and insert ". This section applies only to facilities that are closed before January 1, 2012"

In line 152263, delete "located on the parcel"

In line 152264, delete "described in" and insert "of a facility sold pursuant to"

In line 152266, delete "described in division (A) of this section" and insert "of the facility"

In line 152269, delete "estate" and insert "property of the facility"

In line 152272, delete "the real estate described in"

In line 152273, delete "division (A) of" and insert "a facility pursuant to"

In line 152357, delete "real estate described in division (A) of" and insert "a facility pursuant to"

In line 152361, delete "real estate" and insert "facility"

In line 152368, delete "Scioto County Recorder" and insert "recorder of the county in which the facility is located"

In line 152370, delete "real estate" and insert "facility"

In line 152372, delete "real estate" and insert "facility"

In line 152375, delete "for the Ohio River"

In line 152376, delete everything before the period and insert "on state bonds issued for the facility that has been sold"

In line 152379, delete "those projects" and insert "that facility"

In line 139757, after "to" insert "the following eligible recipients:"

In line 139761, after the comma insert "and"

In line 139763, delete ", and private fire"

In line 139764, delete everything before the second period; after the second period insert "For the purposes of these grants, a private fire company, as that phrase is defined in section 9.60 of the Revised Code, that is providing fire protection services under a contract to a political subdivision of the state, is an additional eligible recipient for a training grant."

Eligible recipients that consist of small municipalities or small townships that all intend to contract with the same fire department or private fire company for fire protection services may jointly apply and be considered for a grant. If a joint applicant is awarded a grant, the State Fire Marshal shall, if feasible, proportionately award the grant and any equipment purchased with grant funds to each of the joint applicants based upon each applicant's contribution to and demonstrated need for fire protection services.

If the grant awarded to joint applicants is an equipment grant and the equipment to be purchased cannot be readily distributed or possessed by multiple recipients, each of the joint applicants shall be awarded by the State Fire Marshal an ownership interest in the equipment so purchased in proportion to each applicant's contribution to and demonstrated need for fire protection services. The joint applicants shall then mutually agree on how the equipment is to be maintained, operated, stored, or disposed of. If, for any reason, the joint

applicants cannot agree as to how jointly owned equipment is to be maintained, operated, stored, or disposed of or any of the joint applicants no longer maintain a contract with the same fire protection service provider as the other applicants, then the joint applicants shall, with the assistance of the State Fire Marshal, mutually agree as to how the jointly owned equipment is to be maintained, operated, stored, disposed of, or owned. If the joint applicants cannot agree how the grant equipment is to be maintained, operated, stored, disposed of, or owned, the State Fire Marshal may, in its discretion, require all of the equipment acquired by the joint applicants with grant funds to be returned to the State Fire Marshal. The State Fire Marshal may then award the returned equipment to any eligible recipients."

In line 563, delete "5101.50,"

In line 630, delete "5101.5110 (5101.5111),"

In line 634, delete "5101.5110,"

In line 664, delete "5101.504,"

In line 665, delete "5101.5210,"

Delete lines 98668 through 98735

In line 135828, delete "5101.50, 5101.5110,"

In line 204 of the title, delete "5101.50,"

In line 294 of the title, delete "5101.5110 (5101.5111),"

In line 298 of the title, delete "5101.5110,"

In line 336 of the title, delete "5101.504, 5101.5210,"

In line 668, after "5111.331," insert "5111.83,"

Between lines 106988 and 106989, insert:

" **Sec. 5111.83.** (A) Not later than January 1, 2012, the director of job and family services shall apply to the United States secretary of health and human services for approval of a medicaid administrative claiming program under which federal financial participation is received as reimbursement for administrative costs incurred by the department of health and the Arthur G. James and Richard J. Solove research institute of the Ohio state university in analyzing and evaluating both of the following pursuant to sections 3701.261 to 3701.236 of the Revised Code:

(1) Cancer reports under the Ohio cancer incidence surveillance system;

(2) The incidence, prevalence, costs, and medical consequences of cancer on medicaid recipients and other low-income populations.

(B) The director of job and family services shall consult with the director of health in seeking approval of the medicaid administrative claiming program. The directors shall cooperate in seeking the approval to the extent they find the

approval necessary for the effective and efficient administration of the medicaid program."

In line 152965, after "5111.0215," insert "5111.83,"

In line 341 of the title, after "5111.331," insert "5111.83,"

In line 17790, delete " Four" and insert " Six"; after " hundred" insert " fifty"

In line 139053, delete "\$820,400 \$820,400" and insert "\$1,059,400 \$1,059,400"

In line 139056, add \$239,000 to each fiscal year

In line 139057, add \$239,000 to each fiscal year

In line 536, after "3769.26," insert "3770.03,"

In line 663, after "3745.016," insert "3770.031,"

Between lines 80499 and 80500, insert:

**"Sec. 3770.03.** (A) The state lottery commission shall promulgate rules under which a statewide lottery may be conducted, which includes, and since the original enactment of this section has included, the authority for the commission to operate video lottery terminal games. Any reference in this chapter to tickets shall not be construed to in any way limit the authority of the commission to operate video lottery terminal games. Nothing in this chapter shall restrict the authority of the commission to promulgate rules related to the operation of games utilizing video lottery terminals as described in section 3770.21 of the Revised Code. The rules shall be promulgated pursuant to Chapter 119. of the Revised Code, except that instant game rules shall be promulgated pursuant to section 111.15 of the Revised Code but are not subject to division (D) of that section. Subjects covered in these rules shall include, but need not be limited to, the following:

(1) The type of lottery to be conducted;

(2) The prices of tickets in the lottery;

(3) The type of notices that shall appear on lottery tickets, including one that shall appear if the word "education" is used in any advertising for a statewide lottery, which must include information as to the percentage that lottery profits contribute to all education funding in the state;

(4) The number, nature, and value of prize awards, the manner and frequency of prize drawings, and the manner in which prizes shall be awarded to holders of winning tickets.

(B) The commission shall promulgate rules, in addition to those described in division (A) of this section, pursuant to Chapter 119. of the Revised Code under which a statewide lottery and statewide joint lottery games may be conducted. Subjects covered in these rules shall include, but not be limited to,

the following:

(1) The locations at which lottery tickets may be sold and the manner in which they are to be sold. These rules may authorize the sale of lottery tickets by commission personnel or other licensed individuals from traveling show wagons at the state fair, and at any other expositions the director of the commission considers acceptable. These rules shall prohibit commission personnel or other licensed individuals from soliciting from an exposition the right to sell lottery tickets at that exposition, but shall allow commission personnel or other licensed individuals to sell lottery tickets at an exposition if the exposition requests commission personnel or licensed individuals to do so. These rules may also address the accessibility of sales agent locations to commission products in accordance with the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101 et seq.

(2) The manner in which lottery sales revenues are to be collected, including authorization for the director to impose penalties for failure by lottery sales agents to transfer revenues to the commission in a timely manner;

(3) The amount of compensation to be paid licensed lottery sales agents;

(4) The substantive criteria for the licensing of lottery sales agents consistent with section 3770.05 of the Revised Code, and procedures for revoking or suspending their licenses consistent with Chapter 119. of the Revised Code. If circumstances, such as the nonpayment of funds owed by a lottery sales agent, or other circumstances related to the public safety, convenience, or trust, require immediate action, the director may suspend a license without affording an opportunity for a prior hearing under section 119.07 of the Revised Code.

(5) Special game rules to implement any agreements signed by the governor that the director enters into with other lottery jurisdictions under division (J) of section 3770.02 of the Revised Code to conduct statewide joint lottery games. The rules shall require that the entire net proceeds of those games that remain, after associated operating expenses, prize disbursements, lottery sales agent bonuses, commissions, and reimbursements, and any other expenses necessary to comply with the agreements or the rules are deducted from the gross proceeds of those games, be transferred to the lottery profits education fund under division (B) of section 3770.06 of the Revised Code.

(6) Any other subjects the commission determines are necessary for the operation of video lottery terminal games, including the establishment of any fees, fines, or payment schedules.

(C) Chapter 2915. of the Revised Code does not apply to, affect, or prohibit lotteries conducted pursuant to this chapter.

(D) The commission may promulgate rules, in addition to those described in divisions (A) and (B) of this section, that establish standards governing the display of advertising and celebrity images on lottery tickets and on other items

that are used in the conduct of, or to promote, the statewide lottery and statewide joint lottery games. Any revenue derived from the sale of advertising displayed on lottery tickets and on those other items shall be considered, for purposes of section 3770.06 of the Revised Code, to be related proceeds in connection with the statewide lottery or gross proceeds from statewide joint lottery games, as applicable.

(E)(1) The commission shall meet with the director at least once each month and shall convene other meetings at the request of the chairperson or any five of the members. No action taken by the commission shall be binding unless at least five of the members present vote in favor of the action. A written record shall be made of the proceedings of each meeting and shall be transmitted forthwith to the governor, the president of the senate, the senate minority leader, the speaker of the house of representatives, and the house minority leader.

(2) The director shall present to the commission a report each month, showing the total revenues, prize disbursements, and operating expenses of the state lottery for the preceding month. As soon as practicable after the end of each fiscal year, the commission shall prepare and transmit to the governor and the general assembly a report of lottery revenues, prize disbursements, and operating expenses for the preceding fiscal year and any recommendations for legislation considered necessary by the commission.

**Sec. 3770.031.** The notice that the state lottery commission determines shall appear on lottery tickets under division (A)(3) of section 3770.03 of the Revised Code to provide information as to what percentage that lottery profits contribute to all education funding in the state also shall appear on any television advertising for the Ohio lottery and on the first page of the web site for the Ohio lottery."

In line 135801, after "3769.26," insert "3770.03,"

In line 166 of the title, after "3769.26," insert "3770.03,"

In line 334 of the title, after "3745.016," insert "3770.031,"

In line 551, after "4705.021," insert "4709.13,"

Between lines 91855 and 91856, insert:

**"Sec. 4709.13.** (A) The barber board may refuse to issue or renew or may suspend or revoke or impose conditions upon any license issued pursuant to this chapter for any one or more of the following causes:

(1) ~~Conviction of a felony shown by a certified copy of the record of the court of conviction;~~

(2) Advertising by means of knowingly false or deceptive statements;

(3) ~~(2)~~ Habitual drunkenness or possession of or addiction to the use of any controlled drug prohibited by state or federal law;

(4) ~~(3)~~ Immoral or unprofessional conduct;



~~(5)~~ (4) Continuing to be employed in a barber shop wherein rules of the board or department of health are violated;

~~(6)~~ (5) Employing any person who does not have a current Ohio license to perform the practice of barbering;

~~(7)~~ (6) Owning, managing, operating, or controlling any barber school or portion thereof, wherein the practice of barbering is carried on, whether in the same building or not, without displaying a sign at all entrances to the places where the barbering is carried on, indicating that the work therein is done by students exclusively;

~~(8)~~ (7) Owning, managing, operating, or controlling any barber shop, unless it displays a recognizable sign or barber pole indicating that it is a barber shop, and the sign or pole is clearly visible at the main entrance to the shop;

~~(9)~~ (8) Violating any sanitary rules approved by the department of health or the board;

~~(10)~~ (9) Employing another person to perform or ~~himself~~ personally perform the practice of barbering in a licensed barber shop unless that person is licensed as a barber under this chapter;

~~(11)~~ (10) Gross incompetence.

(B) (1) The board may refuse to renew or may suspend or revoke or impose conditions upon any license issued pursuant to this chapter for conviction of or plea of guilty to a felony committed after the person has been issued a license under this chapter, shown by a certified copy of the record of the court in which the person was convicted or pleaded guilty.

(2) A conviction or plea of guilty to a felony committed prior to being issued a license under this chapter shall not disqualify a person from being issued an initial license under this chapter.

(C) Prior to taking any action under division (A) or (B) of this section, the board shall provide the person with a statement of the charges against ~~him~~ the person and notice of the time and place of a hearing on the charges. The board shall conduct the hearing according to Chapter 119. of the Revised Code. Any person dissatisfied with a decision of the board may appeal the board's decision to the court of common pleas in Franklin county.

~~(D)~~ (D) The board may adopt rules in accordance with Chapter 119. of the Revised Code, specifying additional grounds upon which the board may take action under division (A) of this section."

In line 135816, after "4705.021," insert "4709.13,"

In line 187 of the title, after "4705.021," insert "4709.13,"

In line 544, delete "4503.03,"

In line 547, delete "4507.1612, 4507.45, 4509.101, 4509.81, 4510.10,

4510.22, 4510.72,"

Delete lines 86539 through 86797

Delete lines 88435 through 89301

In line 89567, reinsert "or an eligible deputy registrar"

In line 89662, reinsert "or an eligible deputy registrar"

Reinsert lines 89685 through 89692

In line 135809, delete "4503.03,"

In line 135811, delete "4507.1612, 4507.45,"

In line 135812, delete "4509.101, 4509.81, 4510.10, 4510.22, 4510.72,"

In line 178 of the title, delete "4503.03,"

In line 181 of the title, delete "4507.1612, 4507.45, 4509.101, 4509.81,"

In line 182 of the title, delete "4510.10, 4510.22, 4510.72,"

In line 487, delete "2925.03,"

Delete lines 46070 through 46771

In line 72658, delete the underlined semicolon

In line 72659, delete " (2) Formaldehyde"

In line 135751, delete "2925.03,"

In line 98 of the title, delete "2925.03,"

In line 72490, delete the underlined semicolon

Delete lines 72491 through 72495

In line 72496, delete " (40) 3-fluoromethcathinone"

In line 637, delete "113.47,"

Delete lines 5291 through 5317

In line 302 of the title, delete "113.47,"

In line 643, delete "307.093,"

Delete lines 20345 through 20356

In line 310 of the title, delete "307.093,"

In line 423, delete "126.021,"

Delete lines 11066 through 11087

In line 135688, delete "126.021,"

Between lines 138631 and 138632, insert:

"GRF 102321 Construction Compliance \$920,000 \$920,000"

In line 138633, delete "\$117,272,516 \$147,400,243" and insert "\$118,192,516 \$148,320,243"

In line 138671, delete "\$351,849,353 \$381,007,815" and insert "\$352,769,353 \$381,927,815"

Delete lines 139678 through 139680

In line 139724, delete "\$728,408,459 \$178,338,920" and insert "\$727,488,459 \$177,418,920"

Delete lines 149374 through 149436

In line 14 of the title, delete "126.021,"

In line 135877, after "165.031," insert "179.01, 179.02, 179.03, 179.04,"

In line 348 of the title, after "165.031," insert "179.01, 179.02, 179.03, 179.04,"

In line 648, delete "3301.81,"

Delete lines 51158 through 51269

In line 152940, delete "3301.81,"

In line 317 of the title, delete "3301.81,"

In line 3294, strike through "65" and insert " 95"

In line 3296, strike through "40" and insert " 60"

In line 3297, strike through "25" and insert " 35"

In line 3301, strike through "25" and insert " ...."

In line 3306, strike through "20" and insert " 30"

In line 3312, strike through "20" and insert " 30"

In line 522, delete "3717.01,"

Delete lines 71848 through 71961

In line 135786, delete "3717.01,"

In line 146 of the title, delete "3717.01,"

In line 140083, delete "\$6,000,000 \$16,000,000" and insert "\$20,000,000 \$30,000,000"

In line 140084, delete "\$10,000,000 \$10,000,000" and insert "\$5,000,000 \$5,000,000"

In line 140093, add \$9,000,000 to each fiscal year

In line 140116, add \$9,000,000 to each fiscal year

In line 140351, delete "\$6,000,000" and insert "\$20,000,000"

In line 140356, delete "\$16,000,000" and insert "\$30,000,000"

In line 140361, delete "\$6,000,000" and insert "\$20,000,000"

In line 140362, delete "\$16,000,000" and insert "\$30,000,000"

In line 140389, delete "\$10,000,000" and insert "\$5,000,000"

In line 146560, delete "\$14,000,000 \$14,000,000" and insert "\$12,000,000 \$12,000,000"

In line 146564, subtract \$2,000,000 from each fiscal year

In line 146591, subtract \$2,000,000 from each fiscal year

In line 114463, delete " The class represented in any class action lawsuit brought"

Delete lines 114464 and 114465

In line 114466, delete " (5)"

In line 114471, delete " (6)" and insert " (5)"

In line 114481, delete " (7)" and insert " (6)"

In line 137837, delete " ~~The class represented in any class action lawsuit brought~~"

Delete lines 137838 and 137839

In line 137840, delete " (5)"

In line 137845, delete " (6)" and insert " (5)"

In line 137857, delete " (7)" and insert " (6)"

In line 137914, delete " (A) The class represented in any class action"

Delete lines 137915 through 137917

In line 137918, delete " (B)"

In line 424, delete "126.503,"

Delete lines 11398 through 11416

In line 135689, delete "126.503,"

In line 15 of the title, delete "126.503,"

In line 656, after "3323.052," insert "3324.08,"

Between lines 67227 and 67228, insert:

" **Sec. 3324.08.** Any person employed by a school district and assigned to a school as a principal or any other position may also serve as the district's gifted education coordinator, if qualified to do so pursuant to the rules adopted by the

state board of education under this chapter."

In line 328 of the title, after "3323.052," insert "3324.08,"

In line 481, delete "1905.01,"

Delete lines 41241 through 41454

In line 135745, delete "1905.01,"

In line 91 of the title, delete "1905.01,"

In line 52092, strike through "thirteen" and insert " twenty-five"

Delete lines 148024 through 148028

In line 486, delete "2907.15,"; delete "2921.41,"

In line 636, delete "113.42,"

In line 637, delete "113.43, 113.44, 113.45,"

Delete lines 5170 through 5290

Delete lines 44816 through 44961

Delete lines 45870 through 46069

In line 135750, delete "2907.15,"

In line 135751, delete "2921.41,"

In line 97 of the title, delete "2907.15,"

In line 98 of the title, delete "2921.41,"

In line 302 of the title, delete "113.42, 113.43, 113.44, 113.45,"

In line 551, delete "4561.21,"

Delete lines 91420 through 91432

In line 135815, delete "4561.21,"

In line 186 of the title, delete "4561.21,"

Delete lines 107083 through 107130 and insert:

" **Sec. 5111.862.** (A) As used in this section:

"Hospital long-term care unit" has the same meaning as in section 3721.50 of the Revised Code.

"Nursing facility" has the same meaning as in section 5111.20 of the Revised Code.

"Ohio home care program" means the medicaid waiver component created under section 5111.861 of the Revised Code.

"Residential treatment facility" means a residential facility licensed by the department of mental health under section 5119.22 of the Revised Code that

serves children and either has more than sixteen beds or is part of a campus of multiple facilities that, combined, have a total of more than sixteen beds.

(B) Subject to division (C) of section 5111.861 of the Revised Code, the department of job and family services shall establish a home first component for the Ohio home care program. An individual is eligible for the Ohio home care program's home first component if the individual has been determined to be eligible for the Ohio home care program and at least one of the following applies:

(1) If the individual is under twenty-one years of age, the individual received inpatient hospital services for at least fourteen consecutive days, or had at least three inpatient hospital stays during the twelve months, immediately preceding the date the individual applies for the Ohio home care program.

(2) If the individual is at least twenty-one but less than sixty years of age, the individual received inpatient hospital services for at least fourteen consecutive days immediately preceding the date the individual applies for the Ohio home care program.

(3) The individual received private duty nursing services under the medicaid program for at least twelve consecutive months immediately preceding the date the individual applies for the Ohio home care program.

(4) The individual does not reside in a nursing facility or hospital long-term care unit at the time the individual applies for the Ohio home care program but is at risk of imminent admission to a nursing facility or hospital long-term care unit due to a documented loss of a primary caregiver.

(5) The individual resides in a nursing facility at the time the individual applies for the Ohio home care program.

(6) At the time the individual applies for the Ohio home care program, the individual participates in the money follows the person demonstration project authorized by section 6071 of the "Deficit Reduction Act of 2005," Pub. L. No. 109-171, as amended, and either resides in a residential treatment facility or inpatient hospital setting.

(C) An individual determined to be eligible for the home first component of the Ohio home care program shall be enrolled in the Ohio home care program in accordance with rules adopted under section 5111.85 of the Revised Code."

Delete lines 107175 through 107246 and insert:

" **Sec. 5111.865.** (A) As used in this section, "unified long-term services and support medicaid waiver program" or "program" means the medicaid waiver component authorized by section 5111.864 of the Revised Code.

(B) If the United States secretary of health and human services approves the request submitted under section 5111.864 of the Revised Code to create the unified long-term services and support medicaid waiver program, the department of job and family services shall establish a home first component for the

program. The home first component shall be similar to the home first component of the medicaid-funded component of the PASSPORT program established under section 173.401 of the Revised Code, the home first component of the Ohio home care program established under section 5111.862 of the Revised Code, and the home first component of the medicaid-funded component of the assisted living program established under section 5111.894 of the Revised Code."

In line 595, after "5709.07," insert "5709.084,"

Between lines 120886 and 120887, insert:

**"Sec. 5709.084.** Real and personal property comprising a convention center that is constructed or, in the case of personal property, acquired , after January 1, 2010, are exempt from taxation if the convention center is located in a county having a population, when construction of the convention center commences, of more than one million two hundred thousand according to the most recent federal decennial census, and if the convention center, or the land upon which the convention center is situated, is owned or leased by the county. For the purposes of this section, construction of the convention center commences upon the earlier of issuance of debt to finance all or a portion of the convention center, demolition of existing structures on the site, or grading of the site in preparation for construction.

Real and personal property comprising a convention center owned by the largest city in a county having a population greater than seven hundred thousand but less than nine hundred thousand according to the most recent federal decennial census is exempt from taxation, regardless of whether the property is leased to or otherwise operated or managed by a person other than the city.

As used in this section, "convention center" has the same meaning as in section 307.695 of the Revised Code."

In line 135861, after "5709.07," insert "5709.084,"

Between lines 152855 and 152856, insert:

**"Section 757.\_\_\_\_.** Section 5709.084 of the Revised Code, as amended by this act, is remedial in nature and applies to the tax years at issue in any application for exemption from taxation or any appeal from such an application pending before the Tax Commissioner, the Board of Tax Appeals, any Court of Appeals, or the Supreme Court on the effective date of this act and to the property that is the subject of any such application or appeal."

In line 247 of the title, after "5709.07," insert "5709.084,"

In line 141774, delete "Any remaining funds shall be"

Delete lines 141775 through 141777

In line 11310, delete " A"

Delete line 11311

In line 11312, delete all before the underlined period and insert " Any member may continue in office subsequent to the expiration date of the member's term until the member's successor takes office or until a period of ninety days has elapsed, whichever occurs first"

In line 654, delete "3316.21,"

In line 60548, reinsert "second"; delete " fourth"

In line 60550, after " that" insert " , upon the approval of the director of budget and management and the superintendent of public instruction,"; after " reimbursed" insert " in another fiscal year designated by the director and superintendent that is"

In line 60552, delete all after " made"

Delete line 60553

In line 60554, delete " instruction"

Delete lines 60587 through 60628

In line 152951, delete "3316.21,"

In line 326 of the title, delete "3316.21,"

Between lines 141262 and 141263, insert:

"The Director of Budget and Management shall transfer any remaining appropriation from appropriation item 200416, Career-Technical Education Match, to appropriation item 200426, Ohio Educational Computer Network, to support the Ohio Educational Computer Network."

In line 141419, after "the" delete the balance of the line

Delete lines 141415 through 141420 and insert "development, maintenance, and operation of a network of uniform and compatible computer-based information and instructional systems. This technical assistance shall include, but not be restricted to, development and maintenance of adequate computer software systems to support network activities. In order to improve the efficiency of network activities, the Department and information technology centers may jointly purchase equipment, materials, and services from funds provided under this appropriation for use by the network and, when considered practical by the Department, may utilize the services of appropriate state purchasing agencies."

Between lines 141750 and 141751, insert:

"Of the foregoing appropriation item 200550, Foundation Funding, up to \$675,000 in each fiscal year shall be used to support the work of the College of Education and Human Ecology at the Ohio State University in reviewing and assessing the alignment of courses offered through the distance learning clearinghouse established in sections 3333.81 to 3333.88 of the Revised Code with the academic content standards adopted under division (A) of section



3301.079 of the Revised Code."

In line 141764, delete "\$425,000" and insert "\$50,000"

In line 141803, delete "\$1,000,000" and insert "\$700,000"

In line 642, after "187.13," insert "189.01, 189.02, 189.03, 189.04, 189.05, 189.06, 189.07, 189.08, 189.09, 189.10,"

Between lines 18993 and 18994, insert:

" **Sec. 189.01.** As used in sections 189.01 to 189.09 of the Revised Code, "political subdivision" means a municipal corporation, township, county, school district, or other body corporate and politic responsible for governmental activities in a geographic area smaller than that of the state. "Political subdivision" includes a county hospital commission appointed under section 339.14 of the Revised Code, board of hospital commissioners appointed for a municipal hospital under section 749.04 of the Revised Code, board of hospital trustees appointed for a municipal hospital under section 749.22 of the Revised Code, regional planning commission created pursuant to section 713.21 of the Revised Code, county planning commission created pursuant to section 713.22 of the Revised Code, joint planning council created pursuant to section 713.231 of the Revised Code, interstate regional planning commission created pursuant to section 713.30 of the Revised Code, port authority created pursuant to section 4582.02 or 4582.26 of the Revised Code or in existence on December 16, 1964, regional council established by political subdivisions pursuant to Chapter 167. of the Revised Code, emergency planning district and joint emergency planning district designated under section 3750.03 of the Revised Code, joint emergency medical services district created pursuant to section 307.052 of the Revised Code, fire and ambulance district created pursuant to section 505.375 of the Revised Code, joint interstate emergency planning district established by an agreement entered into under section 3750.03 of the Revised Code, county solid waste management district and joint solid waste management district established under section 343.01 or 343.012 of the Revised Code, community school established under Chapter 3314. of the Revised Code, the county or counties served by a community-based correctional facility and program or district community-based correctional facility and program established and operated under sections 2301.51 to 2301.58 of the Revised Code, a community-based correctional facility and program or district community-based correctional facility and program that is so established and operated, and the facility governing board of a community-based correctional facility and program or district community-based correctional facility and program that is so established and operated.

**Sec. 189.02.** There is hereby created the local government innovation program to be administered by the department of development and the local government innovation council established in section 189.03 of the Revised Code. The program shall provide loans and grants for local government innovation projects in accordance with this chapter.

**Sec. 189.03.** (A) There is hereby created the local government innovation council to establish criteria for and make loans and awards to political subdivisions for local government innovation projects and take such other actions, in consultation with the department of development, as necessary to implement the local government innovation program established in section 189.02 of the Revised Code.

(B) The council shall consist of the following members:

(1) The director of development, or the director's designee;

(2) The director of budget and management, or the director's designee;

(3) The auditor of state, or the auditor's designee;

(4) Two members of the senate, one member appointed by the president of the senate and one member appointed by the minority leader of the senate;

(5) Two members of the house of representatives, one member appointed by the speaker of the house of representatives and one member appointed by the minority leader of the house of representatives;

(6) One member recommended by the Ohio municipal league, appointed by the governor;

(7) One member recommended by the county commissioners association of Ohio, appointed by the governor;

(8) One member recommended by the Ohio township association, appointed by the governor;

(9) One member recommended by the Ohio chamber of commerce, appointed by the governor;

(10) One member recommended by the Ohio school boards association, appointed by the governor;

(11) One member, appointed by the governor, who is recommended by an Ohio-based advocacy group selected by the governor;

(12) One member, appointed by the governor, who is recommended by an Ohio-based foundation selected by the governor;

(13) One member with expertise in local government issues appointed by the chancellor of the board of regents.

(C) Initial appointments to the council shall be made not later than September 30, 2011. Of the governor's initial appointees, three shall serve an initial term of one year, two shall serve an initial term of two years, and two shall serve an initial term of three years. Thereafter, each member appointed by the governor shall serve a four-year term, or a term ending when the council ceases to exist, whichever occurs first. The remaining members of the council shall be appointed for four-year terms, or terms ending when the council ceases to exist, whichever occurs first. Members may be reappointed to the council.

Vacancies on the council shall be filled in the same manner as the original appointments.

(D) At its first meeting, the council shall select a chairperson from among its members. After the first meeting, the council shall meet at the call of the chairperson or upon the request of a majority of the council's members. A majority of the council constitutes a quorum.

(E) The department of development shall provide administrative assistance to the council.

(F) Council members shall receive no compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of council duties.

**Sec. 189.04.** (A) The local government innovation council shall award loans to a qualified political subdivision or a qualified group of political subdivisions to be used for the purchase of equipment, facilities, or systems or for implementation costs.

Loans made under division (A) of this section shall be repaid by recipients using savings achieved from the innovation project.

(B) Up to twenty per cent of the funds in the local government innovation fund, established in section 189.05 of the Revised Code, may be awarded by the council as grants to political subdivisions for use in process improvement or implementation of innovation project awards.

(C) The council shall award, in total grants and loans, not more than one hundred thousand dollars to an individual political subdivision and not more than five hundred thousand dollars per innovation project under this section.

**Sec. 189.05.** Funds for awards made by the local government innovation council shall be made from the local government innovation fund, which is hereby created in the state treasury. The fund shall consist of moneys appropriated to it and any grants or donations received from nonpublic entities. Interest earned on the money in the fund shall be credited to the fund.

**Sec. 189.06.** (A) All political subdivisions of the state are eligible to apply for awards under the local government innovation program. The local government innovation council shall award loans and grants under the program in accordance with a competitive process to be developed by the council.

(B) Not later than December 31, 2011, the council shall establish criteria for evaluating proposals and making awards to political subdivisions. The criteria shall be developed in consultation with nonpublic entities involved in local government issues, state institutions of higher education, and the department of development, as determined by the council. The criteria shall include a requirement that at least one of the political subdivisions that is a party to the proposal provide matching funds. The matching funds may be provided by a nonpublic entity. The criteria for evaluating proposals may include the

following provisions:

(1) The expected return on investment, based on the ratio of expected savings;

(2) The number of participating entities in the proposal;

(3) The probability of the proposal's success;

(4) The percentage of local matching funds available;

(5) The ability to replicate the proposal in other political subdivisions;

(6) Whether the proposal is part of a larger consolidation effort by the applicant or applicants;

(7) Whether the proposal is to implement performance audit recommendations under section 117.462 of the Revised Code;

(8) Whether the applicant has successfully completed an innovation project in the past.

**Sec. 189.07.** A political subdivision seeking an award under the local government innovation program shall submit a proposal to the subdivision's district public works integrating committee. The committee shall submit the proposal to the department of development, with advisory comments. The department shall provide the proposal to the local government innovation council for evaluation and selection.

**Sec. 189.08.** (A) Starting not later than March 1, 2012, the local government innovation council shall begin evaluating proposals received from the department of development for awards to political subdivisions. Not later than July 1, 2012, the council shall make its first round of awards to the political subdivisions.

(B) After making the first round of awards, the council shall evaluate proposals and make awards on a quarterly basis, or on another schedule determined by the council, with the council determining the funding levels for each round of awards.

(C) When making awards from the local government innovation fund created in section 189.05 of the Revised Code, the funds available for each round of awards shall be divided into the following tiers:

(1) At least thirty per cent to political subdivisions that are not counties and have a population of less than 50,000 residents as determined in the decennial census conducted in 2010 or counties with a population of less than 130,000 residents as determined in the decennial census conducted in 2010;

(2) At least thirty per cent to political subdivisions that are not counties and have a population of 50,000 residents or more as determined in the decennial census conducted in 2010 or counties with a population of 130,000 residents or more as determined in the decennial census conducted in 2010.

If a proposal includes participants from both division (C)(1) and (2) of this section, the award may be drawn from either or both tiers in the local government innovation fund.

**Sec. 189.09.** Not later than January 31, 2013, the local government innovation council shall submit a report to the governor, president and minority leader of the senate, and speaker and minority leader of the house of representatives outlining the council's activities for the preceding year, including a listing of recipients of grants and loans, if any, made to political subdivisions, the amount of such grants and loans, and any other information about the local government innovation program that the council determines necessary to include in the report.

**Sec. 189.10.** The local government innovation council shall cease to exist on December 31, 2015."

Between lines 140086a and 140087, insert:

"5KN0 195640 Local Government Innovation \$0 \$45,000,000"

In line 140093, add \$45,000,000 to fiscal year 2013

In line 140116, add \$45,000,000 to fiscal year 2013

Between lines 140407 and 140408, insert:

**"Section 261. \_\_. \_\_. LOCAL GOVERNMENT INNOVATION FUN**

The foregoing appropriation item 195640, Local Government Innovation, shall be used for the purposes of making loans and grants to political subdivisions under the Local Government Innovation Program in accordance with sections 189.01 to 189.10 of the Revised Code. Of the foregoing appropriation item 195640, Local Government Innovation, up to \$100,000 in fiscal year 2013 shall be used for administrative costs incurred by the Department of Development."

In line 148098, delete "\$391,000,000" and insert "\$348,000,000"

In line 148103, subtract \$43,000,000 from FY 2013

In line 148104, subtract \$43,000,000 from FY 2013

In line 152417, after "credited" insert "from revenue arising from the personal income tax levied under Chapter 5747. of the Revised Code"

In line 152457, delete "(a)"

In line 152458, delete "the" and insert "forty-nine million two hundred seventy thousand dollars."

Delete lines 152459 through 152497

In line 152528, delete everything after "month"

In line 152529, delete everything before "shall"

In line 152532, after "month" insert "for the period beginning August 1, 2011, and ending June 30, 2013,"

In line 152549, after "month" insert "for the period beginning August 1, 2011, and ending June 30, 2013,"

In line 152579, after "month" insert "for the period beginning August 1, 2011, and ending June 30, 2012,"

In line 152933, after "187.03," insert "189.01, 189.02, 189.03, 189.04, 189.05, 189.06, 189.07, 189.08, 189.09, 189.10,"

In line 309 of the title, after "187.13," insert "189.01 to 189.10,"

In line 459, after "1347.08," insert "1501.01,"

In line 470, after "1533.83," insert "1541.03,"

Between lines 30519 and 30520, insert:

**"Sec. 1501.01.** (A) Except where otherwise expressly provided, the director of natural resources shall formulate and institute all the policies and programs of the department of natural resources. The chief of any division of the department shall not enter into any contract, agreement, or understanding unless it is approved by the director. No appointee or employee of the director, other than the assistant director, may bind the director in a contract except when given general or special authority to do so by the director.

The director may enter into contracts or agreements with any agency of the United States government, any other public agency, or any private entity or organization for the performance of the duties of the department.

(B) The director shall correlate and coordinate the work and activities of the divisions in the department to eliminate unnecessary duplications of effort and overlapping of functions. The chiefs of the various divisions of the department shall meet with the director at least once each month at a time and place designated by the director.

The director may create advisory boards to any of those divisions in conformity with section 121.13 of the Revised Code.

(C) The director may accept and expend gifts, devises, and bequests of money, lands, and other properties on behalf of the department or any division thereof under the terms set forth in section 9.20 of the Revised Code. Any political subdivision of this state may make contributions to the department for the use of the department or any division therein according to the terms of the contribution.

(D) The director may publish and sell or otherwise distribute data, reports, and information.

(E) The director may identify and develop the geographic information system needs for the department, which may include, but not be limited to, all of

the following:

- (1) Assisting in the training and education of department resource managers, administrators, and other staff in the application and use of geographic information system technology;
  - (2) Providing technical support to the department in the design, preparation of data, and use of appropriate geographic information system applications in order to help solve resource related problems and to improve the effectiveness and efficiency of department delivered services;
  - (3) Creating, maintaining, and documenting spatial digital data bases;
  - (4) Providing information to and otherwise assisting government officials, planners, and resource managers in understanding land use planning and resource management;
  - (5) Providing continuing assistance to local government officials and others in natural resource digital data base development and in applying and utilizing the geographic information system for land use planning, current agricultural use value assessment, development reviews, coastal management, and other resource management activities;
  - (6) Coordinating and administering the remote sensing needs of the department, including the collection and analysis of aerial photography, satellite data, and other data pertaining to land, water, and other resources of the state;
  - (7) Preparing and publishing maps and digital data relating to the state's land use and land cover over time on a local, regional, and statewide basis;
  - (8) Locating and distributing hard copy maps, digital data, aerial photography, and other resource data and information to government agencies and the public;
  - (9) Preparing special studies and executing any other related duties, functions, and responsibilities identified by the director;
  - (10) Entering into contracts or agreements with any agency of the United States government, any other public agency, or any private agency or organization for the performance of the duties specified in division (E) of this section or for accomplishing cooperative projects within those duties;
  - (11) Entering into agreements with local government agencies for the purposes of land use inventories, Ohio capability analysis data layers, and other duties related to resource management.
- (F) The director shall adopt rules in accordance with Chapter 119. of the Revised Code to permit the department to accept by means of a credit card the payment of fees, charges, and rentals at those facilities described in section 1501.07 of the Revised Code that are operated by the department, for any data, reports, or information sold by the department, and for any other goods or services provided by the department.

(G) Whenever authorized by the governor to do so, the director may appropriate property for the uses and purposes authorized to be performed by the department and on behalf of any division within the department. This authority shall be exercised in the manner provided in sections 163.01 to 163.22 of the Revised Code for the appropriation of property by the director of administrative services. This authority to appropriate property is in addition to the authority provided by law for the appropriation of property by divisions of the department. The director of natural resources also may acquire by purchase, lease, or otherwise such real and personal property rights or privileges in the name of the state as are necessary for the purposes of the department or any division therein. The director, with the approval of the governor and the attorney general, may sell, lease, or exchange portions of lands or property, real or personal, of any division of the department or grant easements or licenses for the use thereof, or enter into agreements for the sale of water from lands and waters under the administration or care of the department or any of its divisions, when the sale, lease, exchange, easement, agreement, or license for use is advantageous to the state, provided that such approval is not required for leases and contracts made under section 1501.07, 1501.09, or 1520.03 or Chapter 1523. of the Revised Code. Water may be sold from a reservoir only to the extent that the reservoir was designed to yield a supply of water for a purpose other than recreation or wildlife, and the water sold is in excess of that needed to maintain the reservoir for purposes of recreation or wildlife.

Money received from such sales, leases, easements, exchanges, agreements, or licenses for use, except revenues required to be set aside or paid into depositories or trust funds for the payment of bonds issued under sections 1501.12 to 1501.15 of the Revised Code, and to maintain the required reserves therefor as provided in the orders authorizing the issuance of such bonds or the trust agreements securing such bonds, revenues required to be paid and credited pursuant to the bond proceeding applicable to obligations issued pursuant to section 154.22, and revenues generated under section 1520.05 of the Revised Code, shall be deposited in the state treasury to the credit of the fund of the division of the department having prior jurisdiction over the lands or property. If no such fund exists, the money shall be credited to the general revenue fund. All such money received from lands or properties administered by the division of wildlife shall be credited to the wildlife fund.

(H) The director shall provide for the custody, safekeeping, and deposit of all moneys, checks, and drafts received by the department or its employees prior to paying them to the treasurer of state under section 113.08 of the Revised Code.

(I) The director shall cooperate with the nature conservancy, other nonprofit organizations, and the United States fish and wildlife service in order to secure protection of islands in the Ohio river and the wildlife and wildlife habitat of those islands.

(J) Any instrument by which real property is acquired pursuant to this



section shall identify the agency of the state that has the use and benefit of the real property as specified in section 5301.012 of the Revised Code."

Between lines 35415 and 35416, insert:

"**Sec. 1541.03.** All lands and waters dedicated and set apart for state park purposes shall be under the control and management of the division of parks and recreation, which shall protect, maintain, and keep them in repair. The division shall have the following powers over all such lands and waters:

(A) To make alterations and improvements;

(B) To construct and maintain dikes, wharves, landings, docks, dams, and other works;

(C) To construct and maintain roads and drives in, around, upon, and to the lands and waters to make them conveniently accessible and useful to the public;

(D) Except as otherwise provided in this section, to adopt, amend, and rescind, in accordance with Chapter 119. of the Revised Code, rules necessary for the proper management of state parks, bodies of water, and the lands adjacent to them under its jurisdiction and control, including the following:

(1) Governing opening and closing times and dates of the parks;

(2) Establishing fees and charges for use of facilities in state parks;

(3) Governing camps, camping, and fees for camps and camping;

(4) Governing the application for and rental of, rental fees for, and the use of cottages;

(5) Relating to public use of state park lands, and governing the operation of motor vehicles, including speeds, and parking on those lands;

(6) Governing all advertising within state parks and the requirements for the operation of places selling tangible personal property and control of food service sales on lands and waters under the control of the division, which rules shall establish uniform requirements;

(7) Providing uniform standards relating to the size, type, location, construction, and maintenance of structures and devices used for fishing or moorage of watercraft, rowboats, sailboats, and powercraft, as those terms are defined in section 1547.01 of the Revised Code, over waters under the control of the division and establishing reasonable fees for the construction of and annual use permits for those structures and devices;

(8) Governing state beaches, swimming, inflatable devices, and fees for them;

(9) Governing the removal and disposition of any watercraft, rowboat, sailboat, or powercraft, as those terms are defined in section 1547.01 of the Revised Code, left unattended for more than seven days on any lands or waters

under the control of the division;

(10) Governing the establishment and collection of check collection charges for checks that are returned to the division or dishonored for any reason.

(E) To coordinate and plan trails in accordance with section 1519.03 of the Revised Code;

(F) To cooperate with the United States and agencies of it and with political subdivisions in administering federal recreation moneys under the "Land and Water Conservation Fund Act of 1965," 78 Stat. 897, 16 U.S.C. 4601-8, as amended; prepare and distribute the statewide comprehensive outdoor recreation plan; and administer the state recreational vehicle fund created in section 4519.11 of the Revised Code;

(G) To administer any state or federally funded grant program that is related to natural resources and recreation as considered necessary by the director of natural resources;

(H) To assist the department of natural resources and its divisions by providing department-wide planning, capital improvements planning, and special purpose planning.

~~With the approval of the director, the chief of the division of parks and recreation may enter into contracts or agreements with any agency of the United States government, any other public agency, or any private entity or organization for the performance of the duties of the division.~~

The division shall adopt rules under this section establishing a discount program for all persons who are issued a golden buckeye card under section 173.06 of the Revised Code. The discount program shall provide a discount for all park services and rentals, but shall not provide a discount for the purchase of merchandise.

The division shall not adopt rules establishing fees or charges for parking a motor vehicle in a state park or for admission to a state park.

Every resident of this state with a disability that has been determined by the veterans administration to be permanently and totally disabling, who receives a pension or compensation from the veterans administration, and who received an honorable discharge from the armed forces of the United States, and every veteran to whom the registrar of motor vehicles has issued a set of license plates under section 4503.41 of the Revised Code, shall be exempt from the fees for camping, provided that the resident or veteran carries in the state park such evidence of the resident's or veteran's disability as the chief prescribes by rule.

Unless otherwise provided by division rule, every resident of this state who is sixty-five years of age or older or who is permanently and totally disabled and who furnishes evidence of that age or disability in a manner prescribed by division rule shall be charged one-half of the regular fee for camping, except on the weekends and holidays designated by the division, and shall not be charged

more than ninety per cent of the regular charges for state recreational facilities, equipment, services, and food service operations utilized by the person at any time of year, whether maintained or operated by the state or leased for operation by another entity.

As used in this section, "food service operations" means restaurants that are owned by the department of natural resources at Hocking Hills, Lake Hope, Malabar Farm, and Rocky Fork state parks or are part of a state park lodge. "Food service operations" does not include automatic vending machines, concession stands, or snack bars.

As used in this section, "prisoner of war" means any regularly appointed, enrolled, enlisted, or inducted member of the military forces of the United States who was captured, separated, and incarcerated by an enemy of the United States. Any person who has been a prisoner of war, was honorably discharged from the military forces, and is a resident of this state is exempt from the fees for camping. To claim this exemption, the person shall present written evidence in the form of a record of separation, a letter from one of the military forces of the United States, or such other evidence as the chief prescribes by rule that satisfies the eligibility criteria established by this section."

In line 135723, after "1347.08," insert "1501.01,"

In line 135734, after "1533.83," insert "1541.03,"

Delete lines 146121 through 146121a

In line 146124, delete "\$28,848,172" and insert "\$24,848,172"

In line 146134, delete "\$305,390,591" and insert "\$301,390,591"

In line 146252, delete "GRAND LAKE ST. MARYS" and insert "CAESAR CREEK MARINA"

Delete line 146253

In line 146258, after "support" delete the balance of the line and insert "a marina project at Caesar Creek State Park."

Delete lines 146259 through 146261

In line 148850, after the period insert "The appropriations made in this act are in addition to any other appropriations or reappropriations made for the fiscal year 2011-fiscal year 2012 biennium."

In line 148852, delete "C725S3 Caesar Creek Marina \$4,000,000" and insert "C725E2 Local Parks Projects \$2,000,000"

In line 148853, delete "\$4,000,000" and insert "\$2,000,000"

In line 148854, delete "\$4,000,000" and insert "\$2,000,000"

Between lines 148854 and 148856, insert:

"Of the foregoing appropriation item C725E2, Local Parks Projects,

\$2,000,000 in fiscal year 2012 shall be used for Grand Lake St. Marys improvements.

**Section 501.**\_\_\_\_. The Treasurer of State is hereby authorized to issue and sell, in accordance with Section 2i of Article VIII, Ohio Constitution, and Chapter 154. of the Revised Code, particularly section 154.22 of the Revised Code, original obligations in an aggregate principal amount not to exceed \$2,000,000, in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued, subject to applicable constitutional and statutory limitations, to pay the costs of capital facilities for parks and recreation as defined in section 154.01 of the Revised Code."

In line 61 of the title, after "1347.08," insert "1501.01,"

In line 75 of the title, after "1533.83," insert "1541.03,"

In line 672, delete "5751.41,"

In line 132458, after " (hh)" insert:

" (i) As used in this division:

(I) "Qualified uranium receipts" means receipts from the sale, exchange, lease, loan, production, processing, or other disposition of uranium within a uranium enrichment zone certified by the tax commissioner under division (F)(2)(hh)(ii) of this section. "Qualified uranium receipts" does not include any receipts with a situs in this state outside a uranium enrichment zone certified by the tax commissioner under division (F)(2)(hh)(ii) of this section.

(II) "Uranium enrichment zone" means all real property that is part of a uranium enrichment facility licensed by the United States nuclear regulatory commission and that was or is owned or controlled by the United States department of energy or its successor.

(ii) Any person that owns, leases, or operates real or tangible personal property constituting or located within a uranium enrichment zone may apply to the tax commissioner to have the uranium enrichment zone certified for the purpose of excluding qualified uranium receipts under division (F)(2)(hh) of this section. The application shall include such information that the tax commissioner prescribes. Within sixty days after receiving the application, the tax commissioner shall certify the zone for that purpose if the commissioner determines that the property qualifies as a uranium enrichment zone as defined in division (F)(2)(hh) of this section, or, if the tax commissioner determines that the property does not qualify, the commissioner shall deny the application or request additional information from the applicant. If the tax commissioner denies an application, the commissioner shall state the reasons for the denial. The applicant may appeal the denial of an application to the board of tax appeals pursuant to section 5717.02 of the Revised Code. If the applicant files a timely appeal, the tax commissioner shall conditionally certify the applicant's property. The conditional certification shall expire when all of the applicant's appeals are

exhausted. Until final resolution of the appeal, the applicant shall retain the applicant's records in accordance with section 5751.12 of the Revised Code, notwithstanding any time limit on the preservation of records under that section.

(ii)"

In line 132466, delete " (hh)" and insert " (ii)"

Delete lines 132474 and 132475

Delete lines 133895 through 133931

In line 346 of the title, delete "5751.41,"

Delete lines 103231 through 103320 and insert:

" **Sec. 5111.161.** (A) As used in this section:

(1) "Children's care network" means any of the following:

(a) A children's hospital;

(b) A group of children's hospitals;

(c) A group of pediatric physicians;

(2) "Children's hospital" has the same meaning as in section 2151.86 of the Revised Code.

(B) If the department of job and family services includes in the care management system, pursuant to section 5111.16 of the Revised Code, individuals under twenty-one years of age included in the category of individuals who receive medicaid on the basis of being aged, blind, or disabled, as specified in division (A)(2) of section 5111.01 of the Revised Code, the department shall develop a system to recognize entities as pediatric accountable care organizations. The purpose of the recognition system shall be to meet the complex medical and behavioral needs of disabled children through new approaches to care coordination. The department shall implement the recognition system not later than July 1, 2012.

An entity recognized by the department as a pediatric accountable care organization may develop innovative partnerships between relevant groups and may contract directly or subcontract with the state to provide services to the medicaid recipients under twenty-one years of age described in this division who are permitted or required to participate in the care management system.

(C)(1) To be recognized by the department as a pediatric accountable care organization, an entity shall meet the standards established in rules adopted under this section. Unless required by sections 2706 and 3022 of the "Patient Protection and Affordable Care Act," 124 Stat. 325 (2010) and Title XVIII of the "Social Security Act," 124 Stat. 395 (2010), 42 U.S.C. 1395jjj, the regulations adopted pursuant to those sections, and the laws of this state, the department shall not require that an entity be a health insuring corporation as a condition of receiving the department's recognition.

(2) Any of the following entities may receive the department's recognition, if the standards for recognition have been met:

(a) A children's care network;

(b) A children's care network that may include one or more other entities, including, but not limited to, health insuring corporations or other managed care organizations;

(c) Any other entity the department determines is qualified.

(D) The department shall consult with all of the following in adopting rules under division (E) of this section necessary for an entity to be recognized by the department as a pediatric accountable care organization:

(1) The superintendent of insurance;

(2) Children's hospitals;

(3) Managed care organizations under contract pursuant to section 5111.17 of the Revised Code;

(4) Any other relevant entities, as determined necessary by the department, with interests in pediatric accountable care organizations.

(E) The department shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement this section. In adopting the rules, the department shall do all of the following:

(1) Establish application procedures to be followed by an entity seeking recognition as a pediatric accountable care organization;

(2) Ensure that the standards for recognition as a pediatric accountable care organization are the same as and do not conflict with those specified in sections 2706 and 3022 of the "Patient Protection and Affordable Care Act," 124 Stat. 325 (2010) and Title XVIII of the "Social Security Act," 124 Stat. 395 (2010), 42 U.S.C. 1395jjj or the regulations adopted pursuant to those sections;

(3) Establish requirements regarding the access to pediatric specialty care provided through or by a pediatric accountable care organization;

(4) Establish accountability and financial requirements for an entity recognized as a pediatric accountable care organization;

(5) Establish quality improvement initiatives consistent with any state medicaid quality plan established by the department;

(6) Establish transparency and consumer protection requirements for an entity recognized as a pediatric accountable care organization;

(7) Establish a process for sharing data.

(F) This section does not limit the authority of the department of insurance to regulate the business of insurance in this state."

In line 592, after "5703.37," insert "5703.57,"

Between lines 118690 and 118691, insert:

**"Sec. 5703.57.** (A) As used in this section, "Ohio business gateway" has the same meaning as in section 718.051 of the Revised Code.

(B) There is hereby created the Ohio business gateway steering committee to direct the continuing development of the Ohio business gateway and to oversee its operations. The committee shall provide general oversight regarding operation of the Ohio business gateway and shall recommend to the department of administrative services enhancements that will improve the Ohio business gateway. The committee shall consider all banking, technological, administrative, and other issues associated with the Ohio business gateway and shall make recommendations regarding the type of reporting forms or other tax documents to be filed through the Ohio business gateway.

(C) The committee shall consist of:

(1) The following members, appointed by the governor with the advice and consent of the senate:

(a) Not more than ~~two~~ four representatives of the business community;

(b) Not more than ~~three representatives~~ one representative of municipal tax administrators; and

(c) Not more than two tax practitioners.

(2) The following ex officio members:

(a) The director or other highest officer of each state agency that has tax reporting forms or other tax documents filed with it through the Ohio business gateway or the director's designee;

(b) The secretary of state or the secretary of state's designee;

(c) The treasurer of state or the treasurer of state's designee;

(d) The director of budget and management or the director's designee;

(e) The state chief information officer or the officer's designee;

(f) The tax commissioner or the tax commissioner's designee; and

(g) The director of development or the director's designee.

An appointed member shall serve until the member resigns or is removed by the governor. Vacancies shall be filled in the same manner as original appointments.

(D) A vacancy on the committee does not impair the right of the other members to exercise all the functions of the committee. The presence of a majority of the members of the committee constitutes a quorum for the conduct of business of the committee. The concurrence of at least a majority of the

members of the committee is necessary for any action to be taken by the committee. On request, each member of the committee shall be reimbursed for the actual and necessary expenses incurred in the discharge of the member's duties.

(E) The committee is a part of the department of taxation for administrative purposes.

(F) Each year, the governor shall select a member of the committee to serve as chairperson. The chairperson shall appoint an official or employee of the department of taxation to act as the committee's secretary. The secretary shall keep minutes of the committee's meetings and a journal of all meetings, proceedings, findings, and determinations of the committee.

(G) The committee ~~shall~~ may hire professional, technical, and clerical staff needed to support its activities.

(H) The committee shall meet as often as necessary to perform its duties."

In line 135857, after "5703.37," insert "5703.57,"

In line 242 of the title, after "5703.37," insert "5703.57,"

In line 144248, delete "Not later than October 1, 2011, the" and insert "The"

Delete lines 144268 through 144526 and insert:

**"Section 309.30.90. FISCAL YEAR 2012 MEDICAID  
REIMBURSEMENT SYSTEM FOR ICFs/MR**

(A) As used in this section:

"Capped per diem rate" means the per diem rate calculated for an ICF/MR under division (D) of this section.

"Change of operator," "entering operator," and "exiting operator" have the same meanings as in section 5111.65 of the Revised Code.

"Franchise permit fee" and "provider" have the same meanings as in section 5111.20 of the Revised Code.

"ICF/MR" means an intermediate care facility for the mentally retarded as defined in section 5111.20 of the Revised Code.

"ICF/MR services" means services covered by the Medicaid program that an ICF/MR provides to a Medicaid recipient eligible for the services.

"Medicaid days" means all days during which a resident who is a Medicaid recipient occupies a bed in an ICF/MR that is included in the ICF/MR's Medicaid-certified capacity. Therapeutic or hospital leave days for which payment is made under section 5111.33 of the Revised Code are considered Medicaid days proportionate to the percentage of the ICF/MR's per



resident per day rate paid for those days.

"Modified per diem rate" means the per diem rate calculated for an ICF/MR under division (C) of this section.

"Unmodified per diem rate" means the per diem rate calculated for an ICF/MR under sections 5111.20 to 5111.331 of the Revised Code.

(B) This section applies to each provider of an ICF/MR to which either of the following applies:

(1) The provider has a valid Medicaid provider agreement for the ICF/MR on June 30, 2011, and a valid Medicaid provider agreement for the ICF/MR during fiscal year 2012.

(2) The ICF/MR undergoes a change of operator that takes effect during fiscal year 2012, the exiting operator has a valid Medicaid provider agreement for the ICF/MR on the day immediately preceding the effective date of the change of operator, and the entering operator has a valid Medicaid provider agreement for the ICF/MR during fiscal year 2012.

(C) An ICF/MR's total modified per diem rate for fiscal year 2012 shall be the ICF/MR's total unmodified per diem rate for that fiscal year with the following modifications:

(1) In place of the inflation adjustment otherwise made under section 5111.235 of the Revised Code, the ICF/MR's desk-reviewed, actual, allowable, per diem other protected costs, excluding the franchise permit fee, from calendar year 2010 shall be multiplied by 1.0123.

(2) In place of the maximum cost per case-mix unit established for the ICF/MR's peer group under division (B)(2) of section 5111.23 of the Revised Code, the ICF/MR's maximum costs per case-mix unit shall be the following:

(a) In the case of an ICF/MR with more than eight beds, \$108.21;

(b) In the case of an ICF/MR with eight or fewer beds, \$102.21.

(3) In place of the inflation adjustment otherwise calculated under division (B)(3) of section 5111.23 of the Revised Code for the purpose of division (C)(2) of that section, an inflation adjustment of 1.0123 shall be used.

(4) In place of the maximum rate for indirect care costs established for the ICF/MR's peer group under division (B) of section 5111.241 of the Revised Code, the maximum rate for indirect care costs for the ICF/MR's peer group shall be the following:

(a) In the case of an ICF/MR with more than eight beds, \$68.98;

(b) In the case of an ICF/MR with eight or fewer beds, \$59.60.

(5) In place of the inflation adjustment otherwise calculated under division (C)(1) of section 5111.241 of the Revised Code for the purpose of division (A)(1) of that section only, an inflation adjustment of 1.0123 shall be

used.

(6) In place of the efficiency incentive otherwise calculated under division (A)(2) of section 5111.241 of the Revised Code, the ICF/MR's efficiency incentive for indirect care costs shall be the following:

- (a) In the case of an ICF/MR with more than eight beds, \$3.69;
- (b) In the case of an ICF/MR with eight or fewer beds, \$3.19.

(7) The ICF/MR's efficiency incentive for capital costs, as determined under division (B) of section 5111.251 of the Revised Code, shall be reduced by 50 per cent.

(D) An ICF/MR's total capped per diem rate for fiscal year 2012 shall be the ICF/MR's total unmodified per diem rate for that fiscal year reduced by the percentage by which the mean total unmodified per diem rates for all ICFs/MR in this state for fiscal year 2012, weighted by May 2011 Medicaid days and calculated as of July 1, 2011, exceeds \$282.59.

(E) Except as otherwise provided by this section, the provider of an ICF/MR to which this section applies shall be paid, for ICF/MR services the ICF/MR provides during fiscal year 2012, a total per diem rate determined as follows:

- (1) Add the ICF/MR's total modified per diem rate to the ICF/MR's total capped per diem rate;
- (2) Divide the amount determined under division (E)(1) of this section by two.

(F) If the mean total per diem rate for all ICFs/MR to which this section applies, weighted by May 2011 Medicaid days and determined under division (E) of this section as of July 1, 2011, is other than \$282.59, the Department of Job and Family Services shall adjust, for fiscal year 2012, the total per diem rate for each ICF/MR to which this section applies by a percentage that is equal to the percentage by which the mean total per diem rate is greater or less than \$282.59.

(G) If the United States Centers for Medicare and Medicaid Services requires that the franchise permit fee be reduced or eliminated, the Department of Job and Family Services shall reduce the amount it pays providers of ICF/MR services under this section as necessary to reflect the loss to the state of the revenue and federal financial participation generated from the franchise permit fee.

(H) The Department of Job and Family Services shall follow this section in determining the rate to be paid providers of ICF/MR services subject to this section notwithstanding anything to the contrary in sections 5111.20 to 5111.331 of the Revised Code.

### **Section 309.33.10. FISCAL YEAR 2013 MEDICAID**

## REIMBURSEMENT SYSTEM FOR ICFs/MR

(A) As used in this section:

"Capped per diem rate" means the per diem rate calculated for an ICF/MR under division (D) of this section.

"Change of operator," "entering operator," and "exiting operator" have the same meanings as in section 5111.65 of the Revised Code.

"Franchise permit fee" and "provider" have the same meanings as in section 5111.20 of the Revised Code.

"ICF/MR" means an intermediate care facility for the mentally retarded as defined in section 5111.20 of the Revised Code.

"ICF/MR services" means services covered by the Medicaid program that an ICF/MR provides to a Medicaid recipient eligible for the services.

"Medicaid days" means all days during which a resident who is a Medicaid recipient occupies a bed in an ICF/MR that is included in the ICF/MR's Medicaid-certified capacity. Therapeutic or hospital leave days for which payment is made under section 5111.33 of the Revised Code are considered Medicaid days proportionate to the percentage of the ICF/MR's per resident per day rate paid for those days.

"Modified per diem rate" means the per diem rate calculated for an ICF/MR under division (C) of this section.

"Unmodified per diem rate" means the per diem rate calculated for an ICF/MR under sections 5111.20 to 5111.331 of the Revised Code.

(B) This section applies to each provider of an ICF/MR to which either of the following applies:

(1) The provider has a valid Medicaid provider agreement for the ICF/MR on June 30, 2012, and a valid Medicaid provider agreement for the ICF/MR during fiscal year 2013.

(2) The ICF/MR undergoes a change of operator that takes effect during fiscal year 2013, the exiting operator has a valid Medicaid provider agreement for the ICF/MR on the day immediately preceding the effective date of the change of operator, and the entering operator has a valid Medicaid provider agreement for the ICF/MR during fiscal year 2013.

(C) An ICF/MR's total modified per diem rate for fiscal year 2013 shall be the ICF/MR's total unmodified per diem rate for that fiscal year with the following modifications:

(1) In place of the inflation adjustment otherwise made under section 5111.235 of the Revised Code, the ICF/MR's desk-reviewed, actual, allowable, per diem other protected costs, excluding the franchise permit fee, from calendar year 2011 shall be multiplied by 1.0123.

(2) In place of the maximum cost per case-mix unit established for the ICF/MR's peer group under division (B)(2) of section 5111.23 of the Revised Code, the ICF/MR's maximum costs per case-mix unit shall be the following:

- (a) In the case of an ICF/MR with more than eight beds, \$108.21;
- (b) In the case of an ICF/MR with eight or fewer beds, \$102.21.

(3) In place of the inflation adjustment otherwise calculated under division (B)(3) of section 5111.23 of the Revised Code for the purpose of division (C)(2) of that section, an inflation adjustment of 1.0123 shall be used.

(4) In place of the maximum rate for indirect care costs established for the ICF/MR's peer group under division (B) of section 5111.241 of the Revised Code, the maximum rate for indirect care costs for the ICF/MR's peer group shall be the following:

- (a) In the case of an ICF/MR with more than eight beds, \$68.98;
- (b) In the case of an ICF/MR with eight or fewer beds, \$59.60.

(5) In place of the inflation adjustment otherwise calculated under divisions (C)(1) and (2) of section 5111.241 of the Revised Code for the purpose of division (A)(1) of that section only, an inflation adjustment of 1.0123 shall be used.

(6) In place of the efficiency incentive otherwise calculated under division (A)(2) of section 5111.241 of the Revised Code, the ICF/MR's efficiency incentive for indirect care costs shall be the following:

- (a) In the case of an ICF/MR with more than eight beds, \$3.69;
- (b) In the case of an ICF/MR with eight or fewer beds, \$3.19.

(7) The ICF/MR's efficiency incentive for capital costs, as determined under division (B) of section 5111.251 of the Revised Code, shall be reduced by 50 per cent.

(D) An ICF/MR's total capped per diem rate for fiscal year 2013 shall be the ICF/MR's total unmodified per diem rate for that fiscal year reduced by the percentage by which the mean total unmodified per diem rates for all ICFs/MR in this state for fiscal year 2013, weighted by May 2012 Medicaid days and calculated as of July 1, 2012, exceeds \$282.92.

(E) Except as otherwise provided by this section, the provider of an ICF/MR to which this section applies shall be paid, for ICF/MR services the ICF/MR provides during fiscal year 2013, a total per diem rate determined as follows:

(1) Add the ICF/MR's total modified per diem rate to the ICF/MR's total capped per diem rate;

(2) Divide the amount determined under division (E)(1) of this section by two.

(F) If the mean total per diem rate for all ICFs/MR to which this section applies, weighted by May 2012 Medicaid days and determined under division (E) of this section as of July 1, 2012, is other than \$282.92, the Department of Job and Family Services shall adjust, for fiscal year 2013, the total per diem rate for each ICF/MR to which this section applies by a percentage that is equal to the percentage by which the mean total per diem rate is greater or less than \$282.92.

(G) If the United States Centers for Medicare and Medicaid Services requires that the franchise permit fee be reduced or eliminated, the Department of Job and Family Services shall reduce the amount it pays providers of ICF/MR services under this section as necessary to reflect the loss to the state of the revenue and federal financial participation generated from the franchise permit fee.

(H) The Department of Job and Family Services shall follow this section in determining the rate to be paid providers of ICF/MR services subject to this section notwithstanding anything to the contrary in sections 5111.20 to 5111.331 of the Revised Code."

In line 664, after "4313.02," insert "4729.50,"

Between lines 92008 and 92009, insert:

" **Sec. 4729.50.** (A) The state board of pharmacy may enter into contracts with private entities under which the entities process applications and renewal applications for wholesale distributors of dangerous drugs and terminal distributors of dangerous drugs. When entering into these contracts, the board shall give preference to entities that are Ohio-based companies.

Any revenue received by the board from contracts entered into under this section shall be deposited into the state treasury to the credit of the occupational licensing and regulatory fund. The money may be used for any purpose determined by the board to be relevant to its duties, including the establishment and maintenance of a drug database pursuant to section 4729.75 of the Revised Code.

(B) No enforcement or disciplinary authority granted to the board shall be transferred to a private entity through a contract entered into under this section."

In line 335 of the title, after "4313.02," insert "4729.50,"

In line 591, delete "5577.042, 5577.043,"

Delete lines 118118 through 118232

In line 135857, delete "5577.042, 5577.043,"

In line 241 of the title, delete "5577.042, 5577.043,"

In line 664, delete "4303.209,"

Delete lines 85968 through 85978

Delete lines 86289 through 86337

In line 335 of the title, delete "4303.209,"

In line 544, delete "4303.02,"

Delete lines 86280 through 86288

In line 135809, delete "4303.02,"

In line 177 of the title, delete "4303.02,"

In line 543, delete "4301.01,"

Delete lines 85505 through 85652

In line 135808, delete "4301.01,"

In line 176 of the title, delete "4301.01,"

In line 543, delete "4301.17,"

Delete lines 85686 through 85838

line In line 85898, reinsert "In a state liquor" and delete the remainder of the

In line 85899, delete everything before "store"

In line 85929, delete the underlined semicolon

Delete lines 85930 and 85931

In line 85932, delete " store"

In line 135808, delete "4301.17,"

In line 176 of the title, delete "4301.17,"

In line 19414, after " made" insert " for contract services"

In line 19426, delete " computers,"; delete " . and micrographic"

In line 19427, delete " equipment"

Delete lines 151186 through 151222

In line 653, delete "3313.539,"

Delete lines 55360 through 55405

In line 324 of the title, delete "3313.539,"

In line 480, delete "1901.18,"

In line 482, delete "1909.11, 1923.01, 1923.02, 1923.061, 1923.15,"

In line 484, delete "2305.01,"

In line 521, delete "3709.085,"

In line 527, delete "3729.01, 3733.02, 3733.021, 3733.022, 3733.024, 3733.025,"

Delete lines 528 through 530

In line 537, delete "3781.06,"

In line 544, delete "4503.061,"

In line 545, delete "4503.062,"

In line 557, delete "4743.05,"

In line 558, delete "4781.01, 4781.02, 4781.04, 4781.07, 4781.09,"

In line 559, delete "4781.14, 4781.15, 4781.99, 4905.90,"

In line 607, delete "6111.46,"

In line 620, delete "3733.02 (4781.26), 3733.021 (4781.31), 3733.022"

Delete lines 621 through 628

In line 629, delete "(4781.52),"

In line 664, delete "4781.121, 4781.54,"

Delete lines 40975 through 41058

Delete lines 41621 through 41892

Delete lines 43625 through 43667

Delete lines 71690 through 71726

Delete lines 73662 through 73798

In line 73864, strike through "sections" and insert " section"; reinsert "3733.01"; delete " 4781.26"; strike through "to"; delete " 4781.52"

Delete lines 80719 through 80827

Delete lines 87354 through 87639

Delete lines 94809 through 94828

Delete lines 94927 through 96425

Delete lines 134794 through 134827

In line 135745, delete "1901.18,"

In line 135746, delete "1909.11, 1923.01, 1923.02, 1923.061, 1923.15,"

In line 135748, delete "2305.01,"

In line 135785, delete "3709.085,"

In line 135791, delete "3729.01, 3733.02, 3733.021, 3733.022,"

Delete lines 135792 through 135794

In line 135795, delete "3733.18, 3733.19, 3733.20,"

In line 135801, delete "3781.06,"

In line 135809, delete "4503.061, 4503.062,"

In line 135822, delete "4743.05,"

In line 135823, delete "4781.01, 4781.02, 4781.04, 4781.07, 4781.09,  
4781.14, 4781.15,"

In line 135824, delete "4781.99, 4905.90,"

In line 135873, delete "6111.46,"

In line 135888, delete "3733.01, 3733.031, 3733.07,"

Delete lines 151104 through 151139

Delete lines 151175 through 151185

Delete lines 153082 through 153084

In line 90 of the title, delete "1901.18,"

In line 92 of the title, delete "1909.11, 1923.01, 1923.02, 1923.061,"

In line 93 of the title, delete "1923.15,"

In line 95 of the title, delete "2305.01,"

In line 145 of the title, delete "3709.085,"

In line 153 of the title, delete "3729.01, 3733.02,"

Delete lines 154 through 158 of the title

In line 167 of the title, delete "3781.06,"

In line 178 of the title, delete "4503.061, 4503.062,"

In line 186 of the title, delete "4517.23, 4517.24, 4517.44,"

In line 196 of the title, delete "4743.05,"

Delete line 197 of the title

In line 198 of the title, delete "4781.14, 4781.15, 4781.99, 4905.90,"

In line 264 of the title, delete "6111.46,"

Delete lines 282 through 291 of the title

In line 292 of the title, delete "3733.19 (4781.51), 3733.20 (4781.52),"

In line 336 of the title, delete "4781.121, 4781.54,"

In line 362 of the title, delete "3733.01, 3733.031, 3733.07,"



Between lines 1362 and 1363, insert:

" (c) If the contract entered into under this section for the operation and management of a state correctional institution is terminated, both of the following apply:

(i) The operation and management responsibilities of the state correctional institution shall be transferred to another contractor under the same terms and conditions as applied to the original contractor or to the department of rehabilitation and correction.

(ii) The department of rehabilitation and correction or the new contractor, whichever is applicable, may enter into an agreement with the terminated contractor to purchase the terminated contractor's equipment, supplies, furnishings, and consumables."

Between lines 151347 and 151348, insert:

"(e) A requirement that if the operation and management portion of the contract is terminated the contractor's operation and management responsibilities be transferred to another contractor under the same terms and conditions and applied to the original contractor or to the Department of Rehabilitation and Correction and authorization for the Department or new contractor, whichever is applicable, to enter into an agreement with the terminated contractor to purchase the terminated contractor's equipment, supplies, furnishings, and consumables."

In line 2081, reinsert "Establish"; after the reinserted "Establish" delete the remainder of the line

Delete line 2082

In line 2083, delete " Revised Code, establish"

In line 2100, after "agreement" delete the remainder of the line

In line 2101, delete " Revised Code"

In line 2102, after "agreement" delete the remainder of the line

In line 2103, delete everything before "and"

In line 2109, reinsert "health care"

In line 2110, reinsert "benefits, which may include"

In line 2118, after the underlined period delete the remainder of the line

Delete line 2119

In line 2120, delete everything before " The"

In line 2125, after " (8)" delete the remainder of the line

In line 2126, delete everything before the underlined period and insert "Purchase plans approved by the department of administrative services under section 9.901 of the Revised Code"

In line 2128, delete " or by section 9.901 of the Revised Code"

In line 2284, after the underlined comma insert " or if the board of trustees or other governing body of a state institution of higher education, as defined in section 3345.011 of the Revised Code, board of education of a school district, or governing board of an educational service center do not elect to be covered under a plan offered by the department of administrative services under section 9.901 of the Revised Code,"

In line 2349, after "Code" delete the remainder of the line

Delete line 2350

In line 2351, delete " Code"

In line 2358, reinsert "All"; after the reinserted "All" delete the remainder of the line

Delete line 2359

In line 2360, delete " section, all"

In line 2397, after " department" insert " , in consultation with the superintendent of insurance,"

In line 2405, after " department" insert " , in consultation with the superintendent of insurance,"

In line 2415, after the underlined period insert " When options exist in a defined regional service area that meet the benchmarks or best practices prescribed by the department, public employees shall be given the option of selecting from two or more health plans,"

In line 2418, after " until" delete the remainder of the line

In line 2419, delete " by the department" and insert " action is taken under division (E) of this section"

In line 2425, delete " , as"

In line 2426, delete everything before " may"; delete " request"

In line 2427, delete everything before " continue"

In line 2429, delete " at the discretion of the department" and insert " if plans contain best practices required under this section"

In line 2520, delete " Design" and insert " After action is taken under division (E) of this section, design"

In line 2647, after " employees" delete the remainder of the line

In line 2648, delete " market"

In line 2650, after " agents" insert " ;

(19) The benefits, including any cost savings to the state of establishing a

benchmark for public employers to meet in lieu of establishing new plans administered by the department"

In line 2708, after " claims" insert " and administrative"; delete " to" and insert " as required by"

In line 2740, after the first " program" delete the remainder of the line

In line 2741, delete everything before the period

In line 103384, after " (A)" insert " (1)"

Delete lines 103390 through 103393 and insert:

" (2) In establishing performance standards, the department may consult any of the following:

(a) Any quality measurements developed under the pediatric quality measures program established pursuant to 42 U.S.C. 1320b-9a;

(b) Any core set of adult health quality measures for medicaid eligible adults used for purposes of 42 U.S.C. 1320b-9b and any adult health quality used for purposes of the medicaid quality measurement program when the program is established under 42 U.S.C. 1320b-9b;

(c) The most recent healthcare effectiveness data and information set and quality measurement tool established by the national committee for quality assurance."

In line 103394, before " The" insert " (3)"

In line 103397, before " If" insert " (4)"

In line 103399, after " The" insert " amount of each performance payment, the"

In line 103400, after the first " payments" insert an underlined comma

In line 492, after "3302.031," insert "3302.04,"

In line 509, after "3317.12," insert "3317.14,"

In line 512, after "3318.44," insert "3319.02, 3319.08,"; after "3319.081," insert "3319.11, 3319.111,"; after "3319.17," insert "3319.18,"

In line 634, after "3314.20," insert "3319.112,"

In line 654, after "3316.21," insert "3317.141,"

In line 656, after "3323.052," insert "3326.111,"

Between lines 51339 and 51340, insert:

"**Sec. 3302.04.** (A) The department of education shall establish a system of intensive, ongoing support for the improvement of school districts and school buildings. In accordance with the model of differentiated accountability described in section 3302.041 of the Revised Code, the system shall give priority

to districts and buildings that have been declared to be under an academic watch or in a state of academic emergency under section 3302.03 of the Revised Code and shall include services provided to districts and buildings through regional service providers, such as educational service centers.

(B) This division does not apply to any school district after June 30, 2008.

When a school district has been notified by the department pursuant to division (A) of section 3302.03 of the Revised Code that the district or a building within the district has failed to make adequate yearly progress for two consecutive school years, the district shall develop a three-year continuous improvement plan for the district or building containing each of the following:

(1) An analysis of the reasons for the failure of the district or building to meet any of the applicable performance indicators established under section 3302.02 of the Revised Code that it did not meet and an analysis of the reasons for its failure to make adequate yearly progress;

(2) Specific strategies that the district or building will use to address the problems in academic achievement identified in division (B)(1) of this section;

(3) Identification of the resources that the district will allocate toward improving the academic achievement of the district or building;

(4) A description of any progress that the district or building made in the preceding year toward improving its academic achievement;

(5) An analysis of how the district is utilizing the professional development standards adopted by the state board pursuant to section 3319.61 of the Revised Code;

(6) Strategies that the district or building will use to improve the cultural competency, as defined pursuant to section 3319.61 of the Revised Code, of teachers and other educators.

No three-year continuous improvement plan shall be developed or adopted pursuant to this division unless at least one public hearing is held within the affected school district or building concerning the final draft of the plan. Notice of the hearing shall be given two weeks prior to the hearing by publication in one newspaper of general circulation within the territory of the affected school district or building. Copies of the plan shall be made available to the public.

(C) When a school district or building has been notified by the department pursuant to division (A) of section 3302.03 of the Revised Code that the district or building is under an academic watch or in a state of academic emergency, the district or building shall be subject to any rules establishing intervention in academic watch or emergency school districts or buildings.

(D)(1) Within one hundred twenty days after any school district or building is declared to be in a state of academic emergency under section

3302.03 of the Revised Code, the department may initiate a site evaluation of the building or school district.

(2) Division (D)(2) of this section does not apply to any school district after June 30, 2008.

If any school district that is declared to be in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code or encompasses a building that is declared to be in a state of academic emergency or in a state of academic watch fails to demonstrate to the department satisfactory improvement of the district or applicable buildings or fails to submit to the department any information required under rules established by the state board of education, prior to approving a three-year continuous improvement plan under rules established by the state board of education, the department shall conduct a site evaluation of the school district or applicable buildings to determine whether the school district is in compliance with minimum standards established by law or rule.

(3) Site evaluations conducted under divisions (D)(1) and (2) of this section shall include, but not be limited to, the following:

(a) Determining whether teachers are assigned to subject areas for which they are licensed or certified;

(b) Determining pupil-teacher ratios;

(c) Examination of compliance with minimum instruction time requirements for each school day and for each school year;

(d) Determining whether materials and equipment necessary to implement the curriculum approved by the school district board are available;

(e) Examination of whether the teacher and principal evaluation system reflects the evaluation system guidelines adopted by the state board of education under section 3319.112 systems comply with sections 3319.02 and 3319.111 of the Revised Code;

(f) Examination of the adequacy of efforts to improve the cultural competency, as defined pursuant to section 3319.61 of the Revised Code, of teachers and other educators.

(E) This division applies only to school districts that operate a school building that fails to make adequate yearly progress for two or more consecutive school years. It does not apply to any such district after June 30, 2008, except as provided in division (D)(2) of section 3313.97 of the Revised Code.

(1) For any school building that fails to make adequate yearly progress for two consecutive school years, the district shall do all of the following:

(a) Provide written notification of the academic issues that resulted in the building's failure to make adequate yearly progress to the parent or guardian of each student enrolled in the building. The notification shall also describe the

actions being taken by the district or building to improve the academic performance of the building and any progress achieved toward that goal in the immediately preceding school year.

(b) If the building receives funds under Title 1, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, from the district, in accordance with section 3313.97 of the Revised Code, offer all students enrolled in the building the opportunity to enroll in an alternative building within the district that is not in school improvement status as defined by the "No Child Left Behind Act of 2001." Notwithstanding Chapter 3327. of the Revised Code, the district shall spend an amount equal to twenty per cent of the funds it receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide transportation for students who enroll in alternative buildings under this division, unless the district can satisfy all demand for transportation with a lesser amount. If an amount equal to twenty per cent of the funds the district receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, is insufficient to satisfy all demand for transportation, the district shall grant priority over all other students to the lowest achieving students among the subgroup described in division (B)(3) of section 3302.01 of the Revised Code in providing transportation. Any district that does not receive funds under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, shall not be required to provide transportation to any student who enrolls in an alternative building under this division.

(2) For any school building that fails to make adequate yearly progress for three consecutive school years, the district shall do both of the following:

(a) If the building receives funds under Title 1, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, from the district, in accordance with section 3313.97 of the Revised Code, provide all students enrolled in the building the opportunity to enroll in an alternative building within the district that is not in school improvement status as defined by the "No Child Left Behind Act of 2001." Notwithstanding Chapter 3327. of the Revised Code, the district shall provide transportation for students who enroll in alternative buildings under this division to the extent required under division (E)(2) of this section.

(b) If the building receives funds under Title 1, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, from the district, offer supplemental educational services to students who are enrolled in the building and who are in the subgroup described in division (B)(3) of section 3302.01 of the Revised Code.

The district shall spend a combined total of an amount equal to twenty per cent of the funds it receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide transportation for students who enroll in alternative buildings under division (E)(1)(b) or (E)(2)(a) of this section and to pay the costs of the supplemental

educational services provided to students under division (E)(2)(b) of this section, unless the district can satisfy all demand for transportation and pay the costs of supplemental educational services for those students who request them with a lesser amount. In allocating funds between the requirements of divisions (E)(1)(b) and (E)(2)(a) and (b) of this section, the district shall spend at least an amount equal to five per cent of the funds it receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide transportation for students who enroll in alternative buildings under division (E)(1)(b) or (E)(2)(a) of this section, unless the district can satisfy all demand for transportation with a lesser amount, and at least an amount equal to five per cent of the funds it receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, to pay the costs of the supplemental educational services provided to students under division (E)(2)(b) of this section, unless the district can pay the costs of such services for all students requesting them with a lesser amount. If an amount equal to twenty per cent of the funds the district receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, is insufficient to satisfy all demand for transportation under divisions (E)(1)(b) and (E)(2)(a) of this section and to pay the costs of all of the supplemental educational services provided to students under division (E)(2)(b) of this section, the district shall grant priority over all other students in providing transportation and in paying the costs of supplemental educational services to the lowest achieving students among the subgroup described in division (B)(3) of section 3302.01 of the Revised Code.

Any district that does not receive funds under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, shall not be required to provide transportation to any student who enrolls in an alternative building under division (E)(2)(a) of this section or to pay the costs of supplemental educational services provided to any student under division (E)(2)(b) of this section.

No student who enrolls in an alternative building under division (E)(2)(a) of this section shall be eligible for supplemental educational services under division (E)(2)(b) of this section.

(3) For any school building that fails to make adequate yearly progress for four consecutive school years, the district shall continue to comply with division (E)(2) of this section and shall implement at least one of the following options with respect to the building:

(a) Institute a new curriculum that is consistent with the statewide academic standards adopted pursuant to division (A) of section 3301.079 of the Revised Code;

(b) Decrease the degree of authority the building has to manage its internal operations;

(c) Appoint an outside expert to make recommendations for improving

the academic performance of the building. The district may request the department to establish a state intervention team for this purpose pursuant to division (G) of this section.

- (d) Extend the length of the school day or year;
- (e) Replace the building principal or other key personnel;
- (f) Reorganize the administrative structure of the building.

(4) For any school building that fails to make adequate yearly progress for five consecutive school years, the district shall continue to comply with division (E)(2) of this section and shall develop a plan during the next succeeding school year to improve the academic performance of the building, which shall include at least one of the following options:

(a) Reopen the school as a community school under Chapter 3314. of the Revised Code;

- (b) Replace personnel;
- (c) Contract with a nonprofit or for-profit entity to operate the building;
- (d) Turn operation of the building over to the department;
- (e) Other significant restructuring of the building's governance.

(5) For any school building that fails to make adequate yearly progress for six consecutive school years, the district shall continue to comply with division (E)(2) of this section and shall implement the plan developed pursuant to division (E)(4) of this section.

(6) A district shall continue to comply with division (E)(1)(b) or (E)(2) of this section, whichever was most recently applicable, with respect to any building formerly subject to one of those divisions until the building makes adequate yearly progress for two consecutive school years.

(F) This division applies only to school districts that have been identified for improvement by the department pursuant to the "No Child Left Behind Act of 2001." It does not apply to any such district after June 30, 2008.

(1) If a school district has been identified for improvement for one school year, the district shall provide a written description of the continuous improvement plan developed by the district pursuant to division (B) of this section to the parent or guardian of each student enrolled in the district. If the district does not have a continuous improvement plan, the district shall develop such a plan in accordance with division (B) of this section and provide a written description of the plan to the parent or guardian of each student enrolled in the district.

(2) If a school district has been identified for improvement for two consecutive school years, the district shall continue to implement the continuous improvement plan developed by the district pursuant to division (B) or (F)(1) of



this section.

(3) If a school district has been identified for improvement for three consecutive school years, the department shall take at least one of the following corrective actions with respect to the district:

(a) Withhold a portion of the funds the district is entitled to receive under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339;

(b) Direct the district to replace key district personnel;

(c) Institute a new curriculum that is consistent with the statewide academic standards adopted pursuant to division (A) of section 3301.079 of the Revised Code;

(d) Establish alternative forms of governance for individual school buildings within the district;

(e) Appoint a trustee to manage the district in place of the district superintendent and board of education.

The department shall conduct individual audits of a sampling of districts subject to this division to determine compliance with the corrective actions taken by the department.

(4) If a school district has been identified for improvement for four consecutive school years, the department shall continue to monitor implementation of the corrective action taken under division (F)(3) of this section with respect to the district.

(5) If a school district has been identified for improvement for five consecutive school years, the department shall take at least one of the corrective actions identified in division (F)(3) of this section with respect to the district, provided that the corrective action the department takes is different from the corrective action previously taken under division (F)(3) of this section with respect to the district.

(G) The department may establish a state intervention team to evaluate all aspects of a school district or building, including management, curriculum, instructional methods, resource allocation, and scheduling. Any such intervention team shall be appointed by the department and shall include teachers and administrators recognized as outstanding in their fields. The intervention team shall make recommendations regarding methods for improving the performance of the district or building.

The department shall not approve a district's request for an intervention team under division (E)(3) of this section if the department cannot adequately fund the work of the team, unless the district agrees to pay for the expenses of the team.

(H) The department shall conduct individual audits of a sampling of

community schools established under Chapter 3314. of the Revised Code to determine compliance with this section.

(I) The state board shall adopt rules for implementing this section."

In line 51547, after " 3317.14" insert " or 3317.141"

Between lines 58538 and 58539, insert:

" (i) If the school is the recipient of moneys from a grant awarded under the federal race to the top program, Division (A), Title XIV, Sections 14005 and 14006 of the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the school will pay teachers based upon performance in accordance with section 3317.141 and will comply with section 3319.111 of the Revised Code as if it were a school district."

Strike through lines 60726 through 60728

Between lines 63831 and 63832, insert:

"**Sec. 3317.14.** Any school district board of education or educational service center governing board participating in funds distributed under Chapter 3317. of the Revised Code shall annually adopt a teachers' salary schedule with provision for increments based upon training and years of service. Notwithstanding sections 3317.13 and 3319.088 of the Revised Code, the board may establish its own service requirements and may grant service credit for such activities as teaching in public or nonpublic schools in this state or in another state, for service as an educational assistant other than as a classroom aide employed in accordance with section 5107.541 of the Revised Code, and for service in the military or in an appropriate state or federal governmental agency, provided no teacher receives less than the amount required to be paid pursuant to section 3317.13 of the Revised Code and provided full credit for a minimum of five years of actual teaching and military experience as defined in division (A) of section 3317.13 of the Revised Code is given to each teacher.

On the fifteenth day of October of each year ~~the salary schedule in effect on that date in each school district and each educational service center shall be filed with the superintendent of public instruction. A~~ a copy of such the salary schedule in effect on that date shall also annually be filed by the board of education of each local school district with the educational service center superintendent, who thereupon shall certify to the treasurer of such local district the correct salary to be paid to each teacher in accordance with the adopted schedule.

Each teacher who has completed training which would qualify such teacher for a higher salary bracket pursuant to this section shall file by the fifteenth day of September with the treasurer of the board of education or educational service center satisfactory evidence of the completion of such additional training. The treasurer shall then immediately place the teacher, pursuant to this section and section 3317.13 of the Revised Code, in the proper salary bracket in accordance with training and years of service before certifying

such salary, training, and years of service to the superintendent of public instruction. No teacher shall be paid less than the salary to which such teacher is entitled pursuant to section 3317.13 of the Revised Code.

**Sec. 3317.141.** The board of education of any city, exempted village, local, or joint vocational school district that is the recipient of moneys from a grant awarded under the federal race to the top program, Division (A), Title XIV, Sections 14005 and 14006 of the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, shall comply with this section in accordance with the timeline contained in the board's scope of work, as approved by the superintendent of public instruction, and shall not be subject to sections 3317.13 and 3317.14 of the Revised Code. The board of education of any other school district, and the governing board of each educational service center, shall comply with either this section or sections 3317.13 and 3317.14 of the Revised Code.

(A) The board annually shall adopt a salary schedule for teachers based upon performance as described in division (B) of this section.

(B) For purposes of the schedule, a board shall measure a teacher's performance by considering all of the following:

(1) The level of license issued under section 3319.22 of the Revised Code that the teacher holds;

(2) Whether the teacher is a highly qualified teacher, as defined in section 3319.074 of the Revised Code;

(3) Ratings received by the teacher on performance evaluations conducted under section 3319.111 of the Revised Code.

(C) The schedule shall provide for annual adjustments based on performance on the evaluations conducted under section 3319.111 of the Revised Code. The annual performance-based adjustment for a teacher rated as accomplished shall be greater than the annual performance-based adjustment for a teacher rated as proficient.

(D) The salary schedule adopted under this section may provide for additional compensation for teachers who agree to perform duties, not contracted for under a supplemental contract, that the employing board determines warrant additional compensation. Those duties may include, but are not limited to, assignment to a school building eligible for funding under Title I of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6301 et seq.; assignment to a building in "school improvement" status under the "No Child Left Behind Act of 2001," as defined in section 3302.01 of the Revised Code; teaching in a grade level or subject area in which the board has determined there is a shortage within the district or service center; or assignment to a hard-to-staff school, as determined by the board."

Between lines 65856 and 65857, insert:

**"Sec. 3319.02.** (A)(1) As used in this section, "other administrator" means any of the following:

(a) Except as provided in division (A)(2) of this section, any employee in a position for which a board of education requires a license designated by rule of the department of education for being an administrator issued under section 3319.22 of the Revised Code, including a professional pupil services employee or administrative specialist or an equivalent of either one who is not employed as a school counselor and spends less than fifty per cent of the time employed teaching or working with students;

(b) Any nonlicensed employee whose job duties enable such employee to be considered as either a "supervisor" or a "management level employee," as defined in section 4117.01 of the Revised Code;

(c) A business manager appointed under section 3319.03 of the Revised Code.

(2) As used in this section, "other administrator" does not include a superintendent, assistant superintendent, principal, or assistant principal.

(B) The board of education of each school district and the governing board of an educational service center may appoint one or more assistant superintendents and such other administrators as are necessary. An assistant educational service center superintendent or service center supervisor employed on a part-time basis may also be employed by a local board as a teacher. The board of each city, exempted village, and local school district shall employ principals for all high schools and for such other schools as the board designates, and those boards may appoint assistant principals for any school that they designate.

(C) In educational service centers and in city, exempted village, and local school districts, assistant superintendents, principals, assistant principals, and other administrators shall only be employed or reemployed in accordance with nominations of the superintendent, except that a board of education of a school district or the governing board of a service center, by a three-fourths vote of its full membership, may reemploy any assistant superintendent, principal, assistant principal, or other administrator whom the superintendent refuses to nominate.

The board of education or governing board shall execute a written contract of employment with each assistant superintendent, principal, assistant principal, and other administrator it employs or reemploys. The term of such contract shall not exceed three years except that in the case of a person who has been employed as an assistant superintendent, principal, assistant principal, or other administrator in the district or center for three years or more, the term of the contract shall be for not more than five years and, unless the superintendent of the district recommends otherwise, not less than two years. If the superintendent so recommends, the term of the contract of a person who has been employed by the district or service center as an assistant superintendent, principal, assistant principal, or other administrator for three years or more may

be one year, but all subsequent contracts granted such person shall be for a term of not less than two years and not more than five years. When a teacher with continuing service status becomes an assistant superintendent, principal, assistant principal, or other administrator with the district or service center with which the teacher holds continuing service status, the teacher retains such status in the teacher's nonadministrative position as provided in sections 3319.08 and 3319.09 of the Revised Code.

A board of education or governing board may reemploy an assistant superintendent, principal, assistant principal, or other administrator at any regular or special meeting held during the period beginning on the first day of January of the calendar year immediately preceding the year of expiration of the employment contract and ending on the last day of March of the year the employment contract expires.

Except by mutual agreement of the parties thereto, no assistant superintendent, principal, assistant principal, or other administrator shall be transferred during the life of a contract to a position of lesser responsibility. No contract may be terminated by a board except pursuant to section 3319.16 of the Revised Code. No contract may be suspended except pursuant to section 3319.17 or 3319.171 of the Revised Code. The salaries and compensation prescribed by such contracts shall not be reduced by a board unless such reduction is a part of a uniform plan affecting the entire district or center. The contract shall specify the employee's administrative position and duties as included in the job description adopted under division (D) of this section, the salary and other compensation to be paid for performance of duties, the number of days to be worked, the number of days of vacation leave, if any, and any paid holidays in the contractual year.

An assistant superintendent, principal, assistant principal, or other administrator is, at the expiration of the current term of employment, deemed reemployed at the same salary plus any increments that may be authorized by the board, unless such employee notifies the board in writing to the contrary on or before the first day of June, or unless such board, on or before the last day of March of the year in which the contract of employment expires, either reemploys such employee for a succeeding term or gives written notice of its intention not to reemploy the employee. The term of reemployment of a person reemployed under this paragraph shall be one year, except that if such person has been employed by the school district or service center as an assistant superintendent, principal, assistant principal, or other administrator for three years or more, the term of reemployment shall be two years.

(D)(1) Each board shall adopt procedures for the evaluation of all assistant superintendents, principals, assistant principals, and other administrators and shall evaluate such employees in accordance with those procedures. The procedures for the evaluation of principals shall be based on principles comparable to the teacher evaluation policy adopted by the board under section 3319.111 of the Revised Code, but shall be tailored to the duties and responsibilities of principals and the environment in which principals work.

An evaluation based upon ~~such~~ procedures adopted under this division shall be considered by the board in deciding whether to renew the contract of employment of an assistant superintendent, principal, assistant principal, or other administrator.

(2) The evaluation shall measure each assistant superintendent's, principal's, assistant principal's, and other administrator's effectiveness in performing the duties included in the job description and the evaluation procedures shall provide for, but not be limited to, the following:

(a) Each assistant superintendent, principal, assistant principal, and other administrator shall be evaluated annually through a written evaluation process.

(b) The evaluation shall be conducted by the superintendent or designee.

(c) In order to provide time to show progress in correcting the deficiencies identified in the evaluation process, the evaluation process shall be completed as follows:

(i) In any school year that the employee's contract of employment is not due to expire, at least one evaluation shall be completed in that year. A written copy of the evaluation shall be provided to the employee no later than the end of the employee's contract year as defined by the employee's annual salary notice.

(ii) In any school year that the employee's contract of employment is due to expire, at least a preliminary evaluation and at least a final evaluation shall be completed in that year. A written copy of the preliminary evaluation shall be provided to the employee at least sixty days prior to any action by the board on the employee's contract of employment. The final evaluation shall indicate the superintendent's intended recommendation to the board regarding a contract of employment for the employee. A written copy of the evaluation shall be provided to the employee at least five days prior to the board's acting to renew or not renew the contract.

(3) Termination of an assistant superintendent, principal, assistant principal, or other administrator's contract shall be pursuant to section 3319.16 of the Revised Code. Suspension of any such employee shall be pursuant to section 3319.17 or 3319.171 of the Revised Code.

(4) Before taking action to renew or nonrenew the contract of an assistant superintendent, principal, assistant principal, or other administrator under this section and prior to the last day of March of the year in which such employee's contract expires, the board shall notify each such employee of the date that the contract expires and that the employee may request a meeting with the board. Upon request by such an employee, the board shall grant the employee a meeting in executive session. In that meeting, the board shall discuss its reasons for considering renewal or nonrenewal of the contract. The employee shall be permitted to have a representative, chosen by the employee, present at the meeting.

(5) The establishment of an evaluation procedure shall not create an

expectancy of continued employment. Nothing in division (D) of this section shall prevent a board from making the final determination regarding the renewal or nonrenewal of the contract of any assistant superintendent, principal, assistant principal, or other administrator. However, if a board fails to provide evaluations pursuant to division (D)(2)(c)(i) or (ii) of this section, or if the board fails to provide at the request of the employee a meeting as prescribed in division (D)(4) of this section, the employee automatically shall be reemployed at the same salary plus any increments that may be authorized by the board for a period of one year, except that if the employee has been employed by the district or service center as an assistant superintendent, principal, assistant principal, or other administrator for three years or more, the period of reemployment shall be for two years.

(E) On nomination of the superintendent of a service center a governing board may employ supervisors who shall be employed under written contracts of employment for terms not to exceed five years each. Such contracts may be terminated by a governing board pursuant to section 3319.16 of the Revised Code. Any supervisor employed pursuant to this division may terminate the contract of employment at the end of any school year after giving the board at least thirty days' written notice prior to such termination. On the recommendation of the superintendent the contract or contracts of any supervisor employed pursuant to this division may be suspended for the remainder of the term of any such contract pursuant to section 3319.17 or 3319.171 of the Revised Code.

(F) A board may establish vacation leave for any individuals employed under this section. Upon such an individual's separation from employment, a board that has such leave may compensate such an individual at the individual's current rate of pay for all lawfully accrued and unused vacation leave credited at the time of separation, not to exceed the amount accrued within three years before the date of separation. In case of the death of an individual employed under this section, such unused vacation leave as the board would have paid to the individual upon separation under this section shall be paid in accordance with section 2113.04 of the Revised Code, or to the estate.

(G) The board of education of any school district may contract with the governing board of the educational service center from which it otherwise receives services to conduct searches and recruitment of candidates for assistant superintendent, principal, assistant principal, and other administrator positions authorized under this section.

**Sec. 3319.08.** (A) The board of education of each city, exempted village, local, and joint vocational school district and the governing board of each educational service center shall enter into written contracts for the employment and reemployment of all teachers. Contracts for the employment of teachers shall be of two types, limited contracts and continuing contracts. The board of each school district or service center that authorizes compensation in addition to the base salary ~~stated in the teachers' salary schedule~~ paid under section 3317.14

or 3317.141 of the Revised Code for the performance of duties by a teacher that are in addition to the teacher's regular teaching duties, shall enter into a supplemental written contract with each teacher who is to perform additional duties. Such supplemental written contracts shall be limited contracts. Such written contracts and supplemental written contracts shall set forth the teacher's duties and shall specify the salaries and compensation to be paid for regular teaching duties and additional teaching duties, respectively, either or both of which may be increased but not diminished during the term for which the contract is made, except as provided in section 3319.12 of the Revised Code.

If a board adopts a motion or resolution to employ a teacher under a limited or continuing contract and the teacher accepts such employment, the failure of such parties to execute a written contract shall not void such employment contract.

(B) Teachers must be paid for all time lost when the schools in which they are employed are closed due to an epidemic or other public calamity, and for time lost due to illness or otherwise for not less than five days annually as authorized by regulations which each board shall adopt.

(C) A limited contract is:

(1) For a superintendent, a contract for such term as authorized by section 3319.01 of the Revised Code;

(2) For an assistant superintendent, principal, assistant principal, or other administrator, a contract for such term as authorized by section 3319.02 of the Revised Code;

(3) For all other teachers, a contract for a term not to exceed five years.

(D) A continuing contract is a contract that remains in effect until the teacher resigns, elects to retire, or is retired pursuant to former section 3307.37 of the Revised Code, or until it is terminated or suspended and shall be granted only to the following:

(1) Any teacher holding a professional, permanent, or life teacher's certificate;

(2) Any teacher who meets the following conditions:

(a) The teacher was initially issued a teacher's certificate or educator license prior to January 1, 2011.

(b) The teacher holds a professional educator license issued under section 3319.22 or 3319.222 or former section 3319.22 of the Revised Code or a senior professional educator license or lead professional educator license issued under section 3319.22 of the Revised Code.

(c) The teacher has completed the applicable one of the following:

(i) If the teacher did not hold a master's degree at the time of initially receiving a teacher's certificate under former law or an educator license, thirty



semester hours of coursework in the area of licensure or in an area related to the teaching field since the initial issuance of such certificate or license, as specified in rules which the state board of education shall adopt;

(ii) If the teacher held a master's degree at the time of initially receiving a teacher's certificate under former law or an educator license, six semester hours of graduate coursework in the area of licensure or in an area related to the teaching field since the initial issuance of such certificate or license, as specified in rules which the state board shall adopt.

(3) Any teacher who meets the following conditions:

(a) The teacher never held a teacher's certificate and was initially issued an educator license on or after January 1, 2011.

(b) The teacher holds a professional educator license, senior professional educator license, or lead professional educator license issued under section 3319.22 of the Revised Code.

(c) The teacher has held an educator license for at least seven years.

(d) The teacher has completed the applicable one of the following:

(i) If the teacher did not hold a master's degree at the time of initially receiving an educator license, thirty semester hours of coursework in the area of licensure or in an area related to the teaching field since the initial issuance of that license, as specified in rules which the state board shall adopt;

(ii) If the teacher held a master's degree at the time of initially receiving an educator license, six semester hours of graduate coursework in the area of licensure or in an area related to the teaching field since the initial issuance of that license, as specified in rules which the state board shall adopt.

(E) Division (D) of this section applies only to continuing contracts entered into on or after ~~the effective date of this amendment~~ October 16, 2009. Nothing in that division shall be construed to void or otherwise affect a continuing contract entered into prior to that date.

Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the requirements of division (D)(3) of this section prevail over any conflicting provisions of a collective bargaining agreement entered into on or after ~~the effective date of this amendment~~ October 16, 2009.

(F) Wherever the term "educator license" is used in this section without reference to a specific type of educator license, the term does not include an educator license for substitute teaching issued under section 3319.226 of the Revised Code."

Between lines 66011 and 66012, insert:

"**Sec. 3319.11.** (A) As used in this section:

(1) "Evaluation procedures" means the procedures required by the policy

adopted pursuant to division ~~(B)~~ (A) of section 3319.111 of the Revised Code.

(2) "Limited contract" means a limited contract, as described in section 3319.08 of the Revised Code, that a school district board of education or governing board of an educational service center enters into with a teacher who is not eligible for continuing service status.

(3) "Extended limited contract" means a limited contract, as described in section 3319.08 of the Revised Code, that a board of education or governing board enters into with a teacher who is eligible for continuing service status.

(B) Teachers eligible for continuing service status in any city, exempted village, local, or joint vocational school district or educational service center shall be those teachers qualified as described in division (D) of section 3319.08 of the Revised Code, who within the last five years have taught for at least three years in the district or center, and those teachers who, having attained continuing contract status elsewhere, have served two years in the district or center, but the board, upon the recommendation of the superintendent, may at the time of employment or at any time within such two-year period, declare any of the latter teachers eligible.

(1) Upon the recommendation of the superintendent that a teacher eligible for continuing service status be reemployed, a continuing contract shall be entered into between the board and the teacher unless the board by a three-fourths vote of its full membership rejects the recommendation of the superintendent. If the board rejects by a three-fourths vote of its full membership the recommendation of the superintendent that a teacher eligible for continuing service status be reemployed and the superintendent makes no recommendation to the board pursuant to division (C) of this section, the board may declare its intention not to reemploy the teacher by giving the teacher written notice on or before the thirtieth day of April of its intention not to reemploy the teacher. If evaluation procedures have not been complied with pursuant to ~~division (A)~~ of section 3319.111 of the Revised Code or the board does not give the teacher written notice on or before the thirtieth day of April of its intention not to reemploy the teacher, the teacher is deemed reemployed under an extended limited contract for a term not to exceed one year at the same salary plus any increment provided by the salary schedule. The teacher is presumed to have accepted employment under the extended limited contract for a term not to exceed one year unless such teacher notifies the board in writing to the contrary on or before the first day of June, and an extended limited contract for a term not to exceed one year shall be executed accordingly. Upon any subsequent reemployment of the teacher only a continuing contract may be entered into.

(2) If the superintendent recommends that a teacher eligible for continuing service status not be reemployed, the board may declare its intention not to reemploy the teacher by giving the teacher written notice on or before the thirtieth day of April of its intention not to reemploy the teacher. If evaluation procedures have not been complied with pursuant to ~~division (A)~~ of section 3319.111 of the Revised Code or the board does not give the teacher written

notice on or before the thirtieth day of April of its intention not to reemploy the teacher, the teacher is deemed reemployed under an extended limited contract for a term not to exceed one year at the same salary plus any increment provided by the salary schedule. The teacher is presumed to have accepted employment under the extended limited contract for a term not to exceed one year unless such teacher notifies the board in writing to the contrary on or before the first day of June, and an extended limited contract for a term not to exceed one year shall be executed accordingly. Upon any subsequent reemployment of a teacher only a continuing contract may be entered into.

(3) Any teacher receiving written notice of the intention of a board not to reemploy such teacher pursuant to this division is entitled to the hearing provisions of division (G) of this section.

(C)(1) If a board rejects the recommendation of the superintendent for reemployment of a teacher pursuant to division (B)(1) of this section, the superintendent may recommend reemployment of the teacher, if continuing service status has not previously been attained elsewhere, under an extended limited contract for a term not to exceed two years, provided that written notice of the superintendent's intention to make such recommendation has been given to the teacher with reasons directed at the professional improvement of the teacher on or before the thirtieth day of April. Upon subsequent reemployment of the teacher only a continuing contract may be entered into.

(2) If a board of education takes affirmative action on a superintendent's recommendation, made pursuant to division (C)(1) of this section, of an extended limited contract for a term not to exceed two years but the board does not give the teacher written notice of its affirmative action on the superintendent's recommendation of an extended limited contract on or before the thirtieth day of April, the teacher is deemed reemployed under a continuing contract at the same salary plus any increment provided by the salary schedule. The teacher is presumed to have accepted employment under such continuing contract unless such teacher notifies the board in writing to the contrary on or before the first day of June, and a continuing contract shall be executed accordingly.

(3) A board shall not reject a superintendent's recommendation, made pursuant to division (C)(1) of this section, of an extended limited contract for a term not to exceed two years except by a three-fourths vote of its full membership. If a board rejects by a three-fourths vote of its full membership the recommendation of the superintendent of an extended limited contract for a term not to exceed two years, the board may declare its intention not to reemploy the teacher by giving the teacher written notice on or before the thirtieth day of April of its intention not to reemploy the teacher. If evaluation procedures have not been complied with pursuant to ~~division (A) of~~ section 3319.111 of the Revised Code or if the board does not give the teacher written notice on or before the thirtieth day of April of its intention not to reemploy the teacher, the teacher is deemed reemployed under an extended limited contract for a term not to exceed one year at the same salary plus any increment provided by the salary schedule.

The teacher is presumed to have accepted employment under the extended limited contract for a term not to exceed one year unless such teacher notifies the board in writing to the contrary on or before the first day of June, and an extended limited contract for a term not to exceed one year shall be executed accordingly. Upon any subsequent reemployment of the teacher only a continuing contract may be entered into.

Any teacher receiving written notice of the intention of a board not to reemploy such teacher pursuant to this division is entitled to the hearing provisions of division (G) of this section.

(D) A teacher eligible for continuing contract status employed under an extended limited contract pursuant to division (B) or (C) of this section, is, at the expiration of such extended limited contract, deemed reemployed under a continuing contract at the same salary plus any increment granted by the salary schedule, unless evaluation procedures have been complied with pursuant to ~~division (A) of~~ section 3319.111 of the Revised Code and the employing board, acting on the superintendent's recommendation that the teacher not be reemployed, gives the teacher written notice on or before the thirtieth day of April of its intention not to reemploy such teacher. A teacher who does not have evaluation procedures applied in compliance with ~~division (A) of~~ section 3319.111 of the Revised Code or who does not receive notice on or before the thirtieth day of April of the intention of the board not to reemploy such teacher is presumed to have accepted employment under a continuing contract unless such teacher notifies the board in writing to the contrary on or before the first day of June, and a continuing contract shall be executed accordingly.

Any teacher receiving a written notice of the intention of a board not to reemploy such teacher pursuant to this division is entitled to the hearing provisions of division (G) of this section.

(E) A The board shall enter into a limited contract ~~may be entered into by each board with each teacher who has not been in the employ of the board for at least three years and shall be entered into, regardless of length of previous employment,~~ with each teacher employed by the board who is not eligible to be considered for a continuing contract.

Any teacher employed under a limited contract, and not eligible to be considered for a continuing contract, is, at the expiration of such limited contract, considered reemployed under the provisions of this division at the same salary plus any increment provided by the salary schedule unless evaluation procedures have been complied with pursuant to ~~division (A) of~~ section 3319.111 of the Revised Code and the employing board, acting upon the superintendent's written recommendation that the teacher not be reemployed, gives such teacher written notice of its intention not to reemploy such teacher on or before the thirtieth day of April. A teacher who does not have evaluation procedures applied in compliance with ~~division (A) of~~ section 3319.111 of the Revised Code or who does not receive notice of the intention of the board not to reemploy such teacher on or before the thirtieth day of April is presumed to have

accepted such employment unless such teacher notifies the board in writing to the contrary on or before the first day of June, and a written contract for the succeeding school year shall be executed accordingly.

Any teacher receiving a written notice of the intention of a board not to reemploy such teacher pursuant to this division is entitled to the hearing provisions of division (G) of this section.

(F) The failure of a superintendent to make a recommendation to the board under any of the conditions set forth in divisions (B) to (E) of this section, or the failure of the board to give such teacher a written notice pursuant to divisions (C) to (E) of this section shall not prejudice or prevent a teacher from being deemed reemployed under either a limited or continuing contract as the case may be under the provisions of this section. A failure of the parties to execute a written contract shall not void any automatic reemployment provisions of this section.

(G)(1) Any teacher receiving written notice of the intention of a board of education not to reemploy such teacher pursuant to division (B), (C)(3), (D), or (E) of this section may, within ten days of the date of receipt of the notice, file with the treasurer of the board a written demand for a written statement describing the circumstances that led to the board's intention not to reemploy the teacher.

(2) The treasurer of a board, on behalf of the board, shall, within ten days of the date of receipt of a written demand for a written statement pursuant to division (G)(1) of this section, provide to the teacher a written statement describing the circumstances that led to the board's intention not to reemploy the teacher.

(3) Any teacher receiving a written statement describing the circumstances that led to the board's intention not to reemploy the teacher pursuant to division (G)(2) of this section may, within five days of the date of receipt of the statement, file with the treasurer of the board a written demand for a hearing before the board pursuant to divisions (G)(4) to (6) of this section.

(4) The treasurer of a board, on behalf of the board, shall, within ten days of the date of receipt of a written demand for a hearing pursuant to division (G)(3) of this section, provide to the teacher a written notice setting forth the time, date, and place of the hearing. The board shall schedule and conclude the hearing within forty days of the date on which the treasurer of the board receives a written demand for a hearing pursuant to division (G)(3) of this section.

(5) Any hearing conducted pursuant to this division shall be conducted by a majority of the members of the board. The hearing shall be held in executive session of the board unless the board and the teacher agree to hold the hearing in public. The superintendent, assistant superintendent, the teacher, and any person designated by either party to take a record of the hearing may be present at the hearing. The board may be represented by counsel and the teacher may be represented by counsel or a designee. A record of the hearing may be

taken by either party at the expense of the party taking the record.

(6) Within ten days of the conclusion of a hearing conducted pursuant to this division, the board shall issue to the teacher a written decision containing an order affirming the intention of the board not to reemploy the teacher reported in the notice given to the teacher pursuant to division (B), (C)(3), (D), or (E) of this section or an order vacating the intention not to reemploy and expunging any record of the intention, notice of the intention, and the hearing conducted pursuant to this division.

(7) A teacher may appeal an order affirming the intention of the board not to reemploy the teacher to the court of common pleas of the county in which the largest portion of the territory of the school district or service center is located, within thirty days of the date on which the teacher receives the written decision, on the grounds that the board has not complied with this section or section 3319.111 of the Revised Code.

Notwithstanding section 2506.04 of the Revised Code, the court in an appeal under this division is limited to the determination of procedural errors and to ordering the correction of procedural errors and shall have no jurisdiction to order a board to reemploy a teacher, except that the court may order a board to reemploy a teacher in compliance with the requirements of division (B), (C)(3), (D), or (E) of this section when the court determines that evaluation procedures have not been complied with pursuant to ~~division (A) of~~ section 3319.111 of the Revised Code or the board has not given the teacher written notice on or before the thirtieth day of April of its intention not to reemploy the teacher pursuant to division (B), (C)(3), (D), or (E) of this section. Otherwise, the determination whether to reemploy or not reemploy a teacher is solely a board's determination and not a proper subject of judicial review and, except as provided in this division, no decision of a board whether to reemploy or not reemploy a teacher shall be invalidated by the court on any basis, including that the decision was not warranted by the results of any evaluation or was not warranted by any statement given pursuant to division (G)(2) of this section.

No appeal of an order of a board may be made except as specified in this division.

(H)(1) In giving a teacher any notice required by division (B), (C), (D), or (E) of this section, the board or the superintendent shall do either of the following:

(a) Deliver the notice by personal service upon the teacher;

(b) Deliver the notice by certified mail, return receipt requested, addressed to the teacher at the teacher's place of employment and deliver a copy of the notice by certified mail, return receipt requested, addressed to the teacher at the teacher's place of residence.

(2) In giving a board any notice required by division (B), (C), (D), or (E) of this section, the teacher shall do either of the following:

(a) Deliver the notice by personal delivery to the office of the superintendent during regular business hours;

(b) Deliver the notice by certified mail, return receipt requested, addressed to the office of the superintendent and deliver a copy of the notice by certified mail, return receipt requested, addressed to the president of the board at the president's place of residence.

(3) When any notice and copy of the notice are mailed pursuant to division (H)(1)(b) or (2)(b) of this section, the notice or copy of the notice with the earlier date of receipt shall constitute the notice for the purposes of division (B), (C), (D), or (E) of this section.

(I) The provisions of this section shall not apply to any supplemental written contracts entered into pursuant to section 3319.08 of the Revised Code.

**Sec. 3319.111.** (A) ~~Any~~ Not later than July 1, 2013, the board of education that of each school district, in consultation with teachers employed by the board, shall adopt a standards-based teacher evaluation policy that conforms with the framework for evaluation of teachers developed under section 3319.112 of the Revised Code. The policy shall become operative at the expiration of any collective bargaining agreement covering teachers employed by the board that is in effect on the effective date of this section and shall be included in any renewal or extension of such an agreement.

(B) When using measures of student academic growth as a component of a teacher's evaluation, those measures shall include the value-added progress dimension prescribed by section 3302.021 of the Revised Code. For teachers of grade levels and subjects for which the value-added progress dimension is not applicable, the board shall administer assessments on the list developed under division (B)(2) of section 3319.112 of the Revised Code.

(C)(1) The board shall conduct an evaluation of each teacher employed by the board at least once each school year, except as provided in divisions (C)(2) and (3) of this section. The evaluation shall be completed by the first day of April and the teacher shall receive a written report of the results of the evaluation by the tenth day of April.

(2) If the board has entered into any a limited contract or extended limited contract with a the teacher pursuant to section 3319.11 of the Revised Code, the board shall evaluate such a the teacher in compliance with the requirements of this section at least twice in any school year in which the board may wish to declare its intention not to re-employ the teacher pursuant to division (B), (C)(3), (D), or (E) of that section 3319.11 of the Revised Code.

~~This evaluation shall be conducted at least twice in the school year in which the board may wish to declare its intention not to re-employ the teacher. One evaluation shall be conducted and completed not later than the fifteenth day of January and the teacher being evaluated shall receive a written report of the results of this evaluation not later than the twenty-fifth day of January. One~~

evaluation shall be conducted and completed between the tenth day of February and the first day of April and the teacher being evaluated shall receive a written report of the results of this evaluation not later than the tenth day of April.

(3) The board may elect, by adoption of a resolution, to evaluate each teacher who received a rating of accomplished on the teacher's most recent evaluation conducted under this section once every two school years. In that case, the biennial evaluation shall be completed by the first day of April of the applicable school year, and the teacher shall receive a written report of the results of the evaluation by the tenth day of April of that school year.

~~Any~~ (D) Each evaluation conducted pursuant to this section shall be conducted by one or more of the following:

(1) A person who is under contract with a ~~the~~ the board of education pursuant to section 3319.01 or 3319.02 of the Revised Code and holds a license designated for being a superintendent, assistant superintendent, or principal issued under section 3319.22 of the Revised Code;

(2) A person who is under contract with a ~~the~~ the board of education pursuant to section 3319.02 of the Revised Code and holds a license designated for being a vocational director or a supervisor in any educational area issued under section 3319.22 of the Revised Code;

(3) A person designated to conduct evaluations under an agreement providing for peer review entered into by a ~~the~~ the board of education and representatives of teachers employed by ~~that~~ the board.

~~(B) Any board of education evaluating a teacher pursuant to this section shall adopt evaluation procedures that shall be applied each time a teacher is evaluated pursuant to this section. These evaluation procedures shall include, but not be limited to:~~

~~(1) Criteria of expected job performance in the areas of responsibility assigned to the teacher being evaluated;~~

~~(2) Observation of the teacher being evaluated by the person conducting the evaluation on at least two occasions for not less than thirty minutes on each occasion;~~

~~(3) A written report of the results of the evaluation that includes specific recommendations regarding any improvements needed in the performance of the teacher being evaluated and regarding the means by which the teacher may obtain assistance in making such improvements.~~

~~(C)~~ (E) The board shall include in its evaluation policy procedures for using the evaluation results for retention and promotion decisions and for removal of poorly performing teachers. Seniority shall not be the basis for a decision to retain a teacher, except when making a decision between teachers who have comparable evaluations.

(F) This section does not apply to teachers superintendents and



administrators subject to evaluation procedures under sections 3319.01 and 3319.02 of the Revised Code or to any teacher employed as a substitute for less than one hundred twenty days during a school year pursuant to section 3319.10 of the Revised Code.

**Sec. 3319.112.** (A) Not later than December 31, 2011, the state board of education shall develop a standards-based state framework for the evaluation of teachers. The framework shall establish an evaluation system that does the following:

(1) Provides for multiple evaluation factors, including student academic growth which shall account for fifty per cent of each evaluation;

(2) Is aligned with the standards for teachers adopted under section 3319.61 of the Revised Code;

(3) Requires observation of the teacher being evaluated, including at least two formal observations by the evaluator of at least thirty minutes each and classroom walkthroughs;

(4) Assigns a rating on each evaluation in accordance with division (B) of this section;

(5) Requires each teacher to be provided with a written report of the results of the teacher's evaluation;

(6) Identifies measures of student academic growth for grade levels and subjects for which the value-added progress dimension prescribed by section 3302.021 of the Revised Code does not apply;

(7) Implements a classroom-level, value-added program developed by a nonprofit organization described in division (B) of section 3302.021 of the Revised Code;

(8) Provides for professional development to accelerate and continue teacher growth and provide support to poorly performing teachers;

(9) Provides for the allocation of financial resources to support professional development.

(B) For purposes of the framework developed under this section, the state board also shall do the following:

(1) Develop specific standards and criteria that distinguish between the following levels of performance for teachers and principals for the purpose of assigning ratings on the evaluations conducted under sections 3319.02 and 3319.111 of the Revised Code:

(a) Accomplished;

(b) Proficient;

(c) Developing;

(d) Ineffective.

(2) For grade levels and subjects for which the assessments prescribed under sections 3301.0710 and 3301.0712 of the Revised Code and the value-added progress dimension prescribed by section 3302.021 of the Revised Code do not apply, develop a list of student assessments that measure mastery of the course content for the appropriate grade level, which may include nationally normed standardized assessments, industry certification examinations, or end-of-course examinations.

(C) The state board shall consult with experts, teachers and principals employed in public schools, and representatives of stakeholder groups in developing the standards and criteria required by division (B)(1) of this section.

(D) To assist school districts in developing evaluation policies under sections 3319.02 and 3319.111 of the Revised Code, the department shall do both of the following:

(1) Serve as a clearinghouse of promising evaluation procedures and evaluation models that districts may use;

(2) Provide technical assistance to districts in creating evaluation policies."

In line 66053, strike through "first"; strike through "and then to"

Strike through lines 66054 through 66058

In line 66059, strike through all before the period and insert " . The board shall not give preference to any teacher based on seniority, except when making a decision between teachers who have comparable evaluations"

In line 66068, strike through "in the order of"

In line 66069, strike through all before "if"

In line 66079, after the period insert " Seniority shall not be the basis for rehiring a teacher, except when making a decision between teachers who have comparable evaluations."

In line 66081, strike through ", the" and insert " :

(1) The"; after "section" insert " , as it existed prior to the effective date of this amendment,"

In line 66083, strike through "after" and insert " between"

In line 66084, after "2005" insert " , and that effective date;

(2) The requirements of this section, as it exists on and after the effective date of this amendment, prevail over any conflicting provisions of agreements between employee organizations and public employers entered into on or after that effective date"

Between lines 66084 and 66085, insert:

**"Sec. 3319.18.** If an entire school district or that part of a school district

which comprises the territory in which a school is situated is transferred to any other district, or if a new school district is created, the teachers in such districts or schools employed on continuing contracts immediately prior to such transfer, or creation shall, subject to section 3319.17 or 3319.171 of the Revised Code, have continuing service status in the newly created district, or in the district to which the territory is transferred.

The limited contracts of the teachers employed in such districts or schools immediately prior to such transfer, or creation, shall become the legal obligations of the board of education in the newly created district, or in the district to which the territory is transferred, subject to section 3319.17 or 3319.171 of the Revised Code. The teaching experience of such teachers in such prior districts or schools shall be included in the three years of service required under section 3319.11 of the Revised Code for a teacher to become eligible for continuing service status.

Teachers employed on limited or continuing contracts in an entire school district or that part of a school district which comprises the territory in which a school is situated which is transferred to any other district or which is merged with other school territory to create a new school district, shall be placed, on the effective date of such transfer or merger, on the salary schedule of the district to which the territory is transferred or the newly created district, according to their training and experience. Such experience shall be the total sum of the years taught in the district whose territory was transferred or merged to create a new district, plus the total number of years of teaching experience recognized by such previous district upon its first employment of such teachers.

The placement of the teachers on the salary schedule, pursuant to this section, shall not result, however, in the salary of any teacher being less than the teacher's current annual salary for regular duties, in existence immediately prior to the merger or transfer.

~~In making any reduction in the number of teachers under section 3319.17 of the Revised Code by reason of the transfer or consolidation of school territory, the years of teaching service of the teachers employed in the district or schools transferred to any other district or merged with any school territory to create a new district, shall be included as a part of the seniority on which the recommendation of the superintendent of schools shall be based, under section 3319.17 of the Revised Code. Such service shall have been continuous and shall include years of service in the previous district as well as the years of continuous service in any district which had been previously transferred to or consolidated to form such district. When suspending contracts in accordance with an administrative personnel suspension policy adopted under section 3319.171 of the Revised Code, a board may consider years of teaching service in the previous district in its decision if it is a part of the suspension policy."~~

Between lines 67330 and 67331, insert:

**" Sec. 3326.111. If a science, technology, engineering, and mathematics school is the recipient of moneys from a grant awarded under the federal race to**

the top program, Division (A), Title XIV, Sections 14005 and 14006 of the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the governing body of the school shall pay teachers based upon performance in accordance with section 3317.141 and shall comply with section 3319.111 of the Revised Code as if it were a school district board of education."

In line 135756, after "3302.031," insert "3302.04,"

In line 135773, after "3317.12," insert "3317.14,"

In line 135776, after "3318.44," insert "3319.02, 3319.08,"; after "3319.081," insert "3319.11, 3319.111,"; after "3319.17," insert "3319.18,"

In line 135887, after "3317.17," insert "3319.112,"

In line 152951, delete "3317.01,"

Between lines 153025h and 153026, insert:

"3317.01	The amendment striking division (C)	All amendments except as described in the middle column"
----------	-------------------------------------	--

In line 153030, delete "The amendment to division (B)" and insert "All amendments except as described in the right-hand column"

In line 106 of the title, after "3302.031," insert "3302.04,"

In line 128 of the title, after "3317.12," insert "3317.14,"

In line 132 of the title, after "3318.44," insert "3319.02, 3319.08,"; after "3319.081," insert "3319.11, 3319.111,"; after "3319.17," insert "3319.18,"

In line 298 of the title, after "3314.20," insert "3319.112,"

In line 326 of the title, after "3316.21," insert "3317.141,"

In line 328 of the title, after "3323.052," insert "3326.111,"

In line 360 of the title, after "3317.17," insert "3319.112,"

In line 423, after "126.021," insert "126.11,"

In line 638, delete "126.10,"

Delete lines 11088 through 11090 and insert:

**"Sec. 126.11.** (A)(1) The director of budget and management shall, upon consultation with the treasurer of state, coordinate and approve the scheduling of initial sales of publicly offered securities of the state and of publicly offered fractionalized interests in or securitized issues of public obligations of the state. The director shall from time to time develop and distribute to state issuers an approved sale schedule for each of the obligations covered by division (A) or (B) of this section. Division (A) of this section applies only to those obligations on which the state or a state agency is the direct obligor or obligor on any backup security or related credit enhancement facility or source of money subject to state appropriations that is intended for payment of those obligations.

(2) The issuers of obligations pursuant to section 151.03, 151.04, 151.05, 151.07, 151.08, or 151.09 or Chapter 152. or 5537. of the Revised Code shall submit to the director:

(a) For review and approval: the projected sale date, amount, and type of obligations proposed to be sold; their purpose, security, and source of payment; the proposed structure and maturity schedule; the trust agreement and any supplemental agreements; and any credit enhancement facilities or interest rate hedges for the obligations;

(b) For review and comment: the authorizing order or resolution; preliminary and final offering documents; method of sale; preliminary and final pricing information; and any written reports or recommendations of financial advisors or consultants relating to those obligations;

(c) Promptly after each sale of those obligations: final terms, including sale price, maturity schedule and yields, and sources and uses; names of the original purchasers or underwriters; a copy of the final offering document and of the transcript of proceedings; and any other pertinent information requested by the director.

(3) The issuer of obligations pursuant to section 151.06 or 151.40 or Chapter 154. of the Revised Code shall submit to the director:

(a) For review and mutual agreement: the projected sale date, amount, and type of obligations proposed to be sold; their purpose, security, and source of payment; the proposed structure and maturity schedule; the trust agreement and any supplemental agreements; and any credit enhancement facilities or interest rate hedges for the obligations;

(b) For review and comment: the authorizing order or resolution; preliminary and final offering documents; method of sale; preliminary and final pricing information; and any written reports or recommendations of financial advisors or consultants relating to those obligations;

(c) Promptly after each sale of those obligations: final terms, including sale price, maturity schedule and yields, and sources and uses; names of the original purchasers or underwriters; a copy of the final offering document and of the transcript of proceedings; and any other pertinent information requested by the director.

(4) The issuers of obligations pursuant to Chapter 166., 4981., 5540., or 6121., or section 5531.10, of the Revised Code shall submit to the director:

(a) For review and comment: the projected sale date, amount, and type of obligations proposed to be sold; the purpose, security, and source of payment; and preliminary and final offering documents;

(b) Promptly after each sale of those obligations: final terms, including a maturity schedule; names of the original purchasers or underwriters; a copy of the complete continuing disclosure agreement pursuant to S.E.C. rule 15c2-12 or

equivalent rule as from time to time in effect; and any other pertinent information requested by the director.

(5) Not later than thirty days after the end of a fiscal year, each issuer of obligations subject to divisions (A) and (B) of this section shall submit to the director and to the treasurer of state a sale plan for the then current fiscal year for each type of obligation, projecting the amount and term of each issuance, the method of sale, and the month of sale.

(B) Issuers of obligations pursuant to section 3318.085 or Chapter 175., 3366., 3706., 3737., 6121., or 6123. of the Revised Code shall submit to the director copies of the preliminary and final offering documents upon their availability if not previously submitted pursuant to division (A) of this section.

(C) Not later than the first day of January of each year, every state agency obligated to make payments on outstanding public obligations with respect to which fractionalized interests have been publicly issued, such as certificates of participation, shall submit a report to the director of the amounts payable from state appropriations under those public obligations during the then current and next two fiscal years, identifying the appropriation or intended appropriation from which payment is expected to be made.

(D)(1) Information relating generally to the historic, current, or future demographics or economy or financial condition or funds or general operations of the state, and descriptions of any state contractual obligations relating to public obligations, to be contained in any offering document, continuing disclosure document, or written presentation prepared, approved, or provided, or committed to be provided, by an issuer in connection with the original issuance and sale of, or rating, remarketing, or credit enhancement facilities relating to, public obligations referred to in division (A) of this section shall be approved as to format and accuracy by the director before being presented, published, or disseminated in preliminary, draft, or final form, or publicly filed in paper, electronic, or other format.

(2) Except for information described in division (D)(1) of this section that is to be contained in an offering document, continuing disclosure document, or written presentation, division (D)(1) of this section does not inhibit direct communication between an issuer and a rating agency, remarketing agent, or credit enhancement provider concerning an issuance of public obligations referred to in division (A) of this section or matters associated with that issuance.

(3) The materials approved and provided pursuant to division (D) of this section are the information relating to the particular subjects provided by the state or state agencies that are required or contemplated by any applicable state or federal securities laws and any commitments by the state or state agencies made under those laws. Reliance for the purpose should not be placed on any other information publicly provided, in any format including electronic, by any state agency for other purposes, including general information provided to the public or to portions of the public. A statement to that effect shall be included in

those materials so approved or provided.

(E) Issuers of obligations referred to in division (A) of this section may take steps, by formal agreement, covenants in the proceedings, or otherwise, as may be necessary or appropriate to comply or permit compliance with applicable lawful disclosure requirements relating to those obligations, and may, subject to division (D) of this section, provide, make available, or file copies of any required disclosure materials as necessary or appropriate. Any such formal agreement or covenant relating to subjects referred to in division (D) of this section, and any description of that agreement or covenant to be contained in any offering document, shall be approved by the director before being entered into or published or publicly disseminated in preliminary, draft, or final form or publicly filed in paper, electronic, or other format. The director shall be responsible for making all filings in compliance with those requirements relating to direct obligations of the state, including fractionalized interests in those obligations.

(F) No state agency or official shall, without the approval of the director of budget and management and either the general assembly or the state controlling board, do either of the following:

(1) Enter into or commit to enter into a public obligation under which fractionalized interests in the payments are to be publicly offered, which payments are anticipated to be made from money from any source appropriated or to be appropriated by the general assembly or in which the provision stated in section 9.94 of the Revised Code is not included;

(2) Except as otherwise expressly authorized for the purpose by law, agree or commit to provide, from money from any source to be appropriated in the future by the general assembly, financial assistance to or participation in the costs of capital facilities, or the payment of debt charges, directly or by way of a credit enhancement facility, a reserve, rental payments, or otherwise, on obligations issued to pay costs of capital facilities.

(G) As used in this section, "interest rate hedge" has the same meaning as in section 9.98 of the Revised Code; "credit enhancement facilities," "debt charges," "fractionalized interests in public obligations," "obligor," "public issuer," and "securities" have the same meanings as in section 133.01 of the Revised Code; "public obligation" has the same meaning as in division (GG)(2) of section 133.01 of the Revised Code; "obligations" means securities or public obligations or fractionalized interests in them; "issuers" means issuers of securities or state obligors on public obligations; "offering document" means an official statement, offering circular, private placement memorandum, or prospectus, or similar document; and "director" means the director of budget and management or the employee of the office of budget and management designated by the director for the purpose."

In line 135688, after "126.021," insert "126.11,"

In line 14 of the title, after "126.021," insert "126.11,"

In line 304 of the title, delete "126.10,"

In line 486, delete "2915.01,"

Delete lines 44962 through 45559

In line 135750, delete "2915.01,"

In line 98 of the title, delete "2915.01,"

In line 482, after "2105.09," insert "2117.25,"

In line 520, after "3701.83," insert "3702.52, 3702.57,"

In line 522, after "3721.02," insert "3721.022,"

In line 523, after "3721.04," insert "3721.16,"; after "3721.51," insert "3721.511, 3721.512, 3721.513, 3721.52, 3721.53, 3721.55,"

In line 567, after "5104.99," insert "5111.011,"; after "5111.0112," insert "5111.0116,"

In line 573, after "5111.52," insert "5111.54, 5111.62,"

In line 583, after "5123.352," insert "5123.42,"

In line 662, after "3701.032," insert "3702.523,"; after "3717.54," insert "3721.531, 3721.532, 3721.533,"

In line 668, after "5111.1711," insert "5111.212,"; after "5111.259," insert "5111.271,"; after "5111.331," insert "5111.511,"

Between lines 41955 and 41956, insert:

**"Sec. 2117.25.** (A) Every executor or administrator shall proceed with diligence to pay the debts of the decedent and shall apply the assets in the following order:

(1) Costs and expenses of administration;

(2) An amount, not exceeding four thousand dollars, for funeral expenses that are included in the bill of a funeral director, funeral expenses other than those in the bill of a funeral director that are approved by the probate court, and an amount, not exceeding three thousand dollars, for burial and cemetery expenses, including that portion of the funeral director's bill allocated to cemetery expenses that have been paid to the cemetery by the funeral director.

For purposes of ~~this division~~ (A)(2) of this section, burial and cemetery expenses shall be limited to the following:

(a) The purchase of a right of interment;

(b) Monuments or other markers;

(c) The outer burial container;

(d) The cost of opening and closing the place of interment;



(e) The urn.

(3) The allowance for support made to the surviving spouse, minor children, or both under section 2106.13 of the Revised Code;

(4) Debts entitled to a preference under the laws of the United States;

(5) Expenses of the last sickness of the decedent;

(6) If the total bill of a funeral director for funeral expenses exceeds four thousand dollars, then, in addition to the amount described in division (A)(2) of this section, an amount, not exceeding two thousand dollars, for funeral expenses that are included in the bill and that exceed four thousand dollars;

(7) Expenses of the decedent's last continuous stay in a nursing home as defined in section 3721.01 of the Revised Code, residential facility as defined in section 5123.19 of the Revised Code, or hospital long-term care unit as defined in section 3721.50 of the Revised Code.

For purposes of division (A)(7) of this section, a decedent's last continuance stay includes up to thirty consecutive days during which the decedent was temporarily absent from the nursing home, residential facility, or hospital long-term care unit.

(8) Personal property taxes, claims made under the medicaid estate recovery program instituted pursuant to section 5111.11 of the Revised Code, and obligations for which the decedent was personally liable to the state or any of its subdivisions;

~~(8)~~ (9) Debts for manual labor performed for the decedent within twelve months preceding the decedent's death, not exceeding three hundred dollars to any one person;

~~(9)~~ (10) Other debts for which claims have been presented and finally allowed.

(B) The part of the bill of a funeral director that exceeds the total of six thousand dollars as described in divisions (A)(2) and (6) of this section, and the part of a claim included in division (A) ~~(8)~~ (9) of this section that exceeds three hundred dollars shall be included as a debt under division (A) ~~(9)~~ (10) of this section, depending upon the time when the claim for the additional amount is presented.

(C) Any natural person or fiduciary who pays a claim of any creditor described in division (A) of this section shall be subrogated to the rights of that creditor proportionate to the amount of the payment and shall be entitled to reimbursement for that amount in accordance with the priority of payments set forth in that division.

(D)(1) Chapters 2113. to 2125. of the Revised Code, relating to the manner in which and the time within which claims shall be presented, shall apply to claims set forth in divisions (A)(2), (6), and ~~(8)~~ (9) of this section.

Claims for an expense of administration or for the allowance for support need not be presented. The executor or administrator shall pay debts included in divisions (A)(4) and ~~(7)~~ (8) of this section, of which the executor or administrator has knowledge, regardless of presentation.

(2) The giving of written notice to an executor or administrator of a motion or application to revive an action pending against the decedent at the date of death shall be equivalent to the presentation of a claim to the executor or administrator for the purpose of determining the order of payment of any judgment rendered or decree entered in such an action.

(E) No payments shall be made to creditors of one class until all those of the preceding class are fully paid or provided for. If the assets are insufficient to pay all the claims of one class, the creditors of that class shall be paid ratably.

(F) If it appears at any time that the assets have been exhausted in paying prior or preferred charges, allowances, or claims, those payments shall be a bar to an action on any claim not entitled to that priority or preference."

In line 71285, after " ~~3722.04,~~" insert " 3721.022,"

Between lines 71296 and 71297, insert:

"**Sec. 3702.52.** The director of health shall administer a state certificate of need program in accordance with sections 3702.51 to 3702.62 of the Revised Code and rules adopted under those sections.

(A) The director shall issue rulings on whether a particular proposed project is a reviewable activity. The director shall issue a ruling not later than forty-five days after receiving a request for a ruling accompanied by the information needed to make the ruling. If the director does not issue a ruling in that time, the project shall be considered to have been ruled not a reviewable activity.

(B) ~~The director shall review applications for certificates of need.~~ Each application for a certificate of need shall be submitted to the director on forms prescribed by the director ~~, shall include all information required by rules adopted under division (B) of section 3702.57 of the Revised Code, and .~~ Each application shall include a plan for obligating the capital expenditures or implementing the proposed project on a timely basis in accordance with section 3702.525 of the Revised Code. Each application shall also include all other information required by rules adopted under division (B) of section 3702.57 of the Revised Code.

Each application shall be accompanied by the application fee established in rules adopted under division (G) of ~~that~~ section :

~~Application~~ 3702.57 of the Revised Code. Application fees received by the director under this division shall be deposited into the state treasury to the credit of the certificate of need fund, which is hereby created. The director shall use the fund only to pay the costs of administering sections 3702.11 to 3702.20, 3702.30, and 3702.51 to 3702.62 of the Revised Code and rules adopted under

those sections.

The director shall review applications for certificates of need. As part of a review, the director shall determine whether an application is complete. The director shall not consider an application to be complete unless the application meets all criteria for a complete application specified in rules adopted under section 3702.57 of the Revised Code. The director shall mail to the applicant a written notice that the application meets the criteria for a complete application specified in rules adopted under section 3702.57 of the Revised Code is complete, or a written request for additional information, not later than thirty days after receiving an application or a response to an earlier request for information. The Except as provided in section 3702.523 of the Revised Code, the director shall not make more than two requests for additional information.

The director may conduct a public informational hearing in the course of reviewing any application for a certificate of need, and shall conduct one if requested to do so by any affected person not later than fifteen days after the director mails the notice that the application is complete. The hearing shall be conducted in the community in which the activities authorized by the certificate of need would be carried out. Any affected person may testify at the hearing. The director may, with the health service agency's consent, designate a health service agency to conduct the hearing.

Except during a public hearing or as necessary to comply with a subpoena issued under division (E) of this section, after a notice of completeness has been received, no person shall make revisions to information that was submitted to the director before the director mailed the notice of completeness or knowingly discuss in person or by telephone the merits of the application with the director. A person may supplement an application after a notice of completeness has been received by submitting clarifying information to the director. If one or more persons request a meeting in person or by telephone, the director shall make a reasonable effort to invite interested parties to the meeting or conference call.

(C) All of the following apply to the process of granting or denying a certificate of need:

(1) If the project proposed in a certificate of need application meets all of the applicable certificate of need criteria for approval under sections 3702.51 to 3702.62 of the Revised Code and the rules adopted under those sections, the director shall grant a certificate of need for all or part of the project that is the subject of the application by the applicable deadline specified in division (C)(4) of this section or any extension of it under division (C)(5) of this section.

(2) The director's grant of a certificate of need does not affect, and sets no precedent for, the director's decision to grant or deny other applications for similar reviewable activities proposed to be conducted in the same or different health service areas.

(3) If the director receives written objections to an application from any

affected person by the thirtieth day after mailing the notice of completeness, the director shall notify the applicant and assign a hearing examiner to conduct an adjudication hearing concerning the application in accordance with Chapter 119. of the Revised Code. In the case of applications under comparative review, if the director receives written objections to any of the applications from any affected person by the thirtieth day after the director mails the last notice of completeness, the director shall notify all of the applicants and appoint a hearing examiner to conduct a consolidated adjudication hearing concerning the applications in accordance with Chapter 119. of the Revised Code. The hearing examiner shall be employed by or under contract with the department of health.

The adjudication hearings may be conducted in the health service area in which the reviewable activity is proposed to be conducted. Consolidated adjudication hearings for applications in comparative review may be conducted in the geographic region in which all of the reviewable activities will be conducted. The applicant, the director, and the affected persons that filed objections to the application shall be parties to the hearing. If none of the affected persons that submitted written objections to the application appears or prosecutes the hearing, the hearing examiner shall dismiss the hearing and the director shall grant a certificate of need for all or part of the project that is the subject of the application if the proposed project meets all of the applicable certificate of need criteria for approval under sections 3702.51 to 3702.62 of the Revised Code and the rules adopted under those sections. The affected persons bear the burden of proving by a preponderance of evidence that the project is not needed or that granting the certificate would not be in accordance with sections 3702.51 to 3702.62 of the Revised Code or the rules adopted under those sections.

(4) Except as provided in division (C)(5) of this section, the director shall grant or deny certificate of need applications for which an adjudication hearing is not conducted under division (C)(3) of this section not later than sixty days after mailing the notice of completeness or, in the case of an application proposing addition of long-term care beds, not later than sixty days after such other time as is specified in rules adopted under section 3702.57 of the Revised Code. Except as provided in division (C)(5) of this section, the director shall grant or deny certificate of need applications for which an adjudication hearing is conducted under division (C)(3) of this section not later than thirty days after the expiration of the time for filing objections to the report and recommendation of the hearing examiner under section 119.09 of the Revised Code. The director shall base decisions concerning applications for which an adjudication hearing is conducted under division (C)(3) of this section on the report and recommendations of the hearing examiner.

(5) Except as otherwise provided in division (C) (6) of this section, the director or the applicant may extend the deadline prescribed in division (C)(4) of this section once, for no longer than thirty days, by written notice before the end of the deadline prescribed by division (C)(4) of this section. An extension by the director under division (C)(5) of this section shall apply to all applications that

are in comparative review.

(6) No applicant in a comparative review may extend the deadline specified in division (C)(4) of this section.

(7) If the director does not grant or deny the certificate by the applicable deadline specified in division (C)(4) of this section or any extension of it under division (C)(5) of this section, the certificate shall be considered to have been granted.

(8) In granting a certificate of need, the director shall specify as the maximum capital expenditure the certificate holder may obligate under the certificate a figure equal to one hundred ten per cent of the approved project cost.

(9) In granting a certificate of need, the director may grant the certificate with conditions that must be met by the holder of the certificate.

(D) The director shall monitor the activities of persons granted certificates of need during the period beginning with the granting of the certificate of need and ending five years after implementation of the activity for which the certificate was granted.

(E) When reviewing applications for certificates of need or monitoring activities of persons granted certificates of need, the director may issue and enforce, in the manner provided in section 119.09 of the Revised Code, subpoenas duces tecum to compel the production of documents relevant to review of the application or monitoring of the activities. In addition, the director or the director's designee, which may include a health service agency, may visit the sites where the activities are or will be conducted.

(F) The director may withdraw certificates of need.

(G) The director shall conduct, on a regular basis, health system data collection and analysis activities and prepare reports. The director shall make recommendations based upon these activities to the public health council concerning the adoption of appropriate rules under section 3702.57 of the Revised Code. All health care facilities and other health care providers shall submit to the director, upon request, any information that is necessary to conduct reviews of certificate of need applications and to develop recommendations for criteria for reviews, and that is prescribed by rules adopted under division (H) of section 3702.57 of the Revised Code.

(H) Any decision to grant or deny a certificate of need shall consider the special needs and circumstances resulting from moral and ethical values and the free exercise of religious rights of health care facilities administered by religious organizations, and the special needs and circumstances of inner city and rural communities.

**Sec. 3702.523. A person who has an application for a certificate of need pending with the director of health may revise the application to change the site**

of the proposed project unless either of the following applies:

(A) The director, under section 3702.52 of the Revised Code, has mailed the applicant a written notice that the application is complete.

(B) The application is subject to a comparative review under section 3702.593 of the Revised Code.

The only revision that may be made in the revised application is the site of the proposed project. The revised site of the proposed project must be located in the same county as the site of the proposed project specified in the original application. The director may not accept a revised application if it includes revisions other than the site of the proposed project or if the revised site is located in a different county than the county in which the site specified in the original application is located.

A revised application shall be accompanied by an additional, non-refundable fee equal to twenty-five per cent of the fee charged under section 3702.52 of the Revised Code for the original application. The additional fee shall be deposited into the certificate of need fund created under section 3702.52 of the Revised Code.

On acceptance of a revised application, the director shall continue to review the application as revised in accordance with section 3702.52 of the Revised Code to determine whether it is complete and, if necessary and regardless of whether the director previously made two requests for additional information, may make a final written request to the applicant for additional information not later than thirty days after the date the director accepts the revised application.

**Sec. 3702.57.** (A) The public health council shall adopt rules establishing procedures and criteria for reviews of applications for certificates of need and issuance, denial, or withdrawal of certificates.

(1) In adopting rules that establish criteria for reviews of applications of certificates of need, the council shall consider the availability of and need for long-term care beds to provide care and treatment to persons diagnosed as having traumatic brain injuries and shall prescribe criteria for reviewing applications that propose to add long-term care beds to provide care and treatment to persons diagnosed as having traumatic brain injuries.

(2) The criteria for reviews of applications for certificates of need shall relate to the need for the reviewable activity and shall pertain to all of the following matters:

(a) The impact of the reviewable activity on the cost and quality of health services in the relevant geographic area, including, but not limited, to the historical and projected utilization of the services to which the application pertains and the effect of the reviewable activity on utilization of other providers of similar services;

(b) The quality of the services to be provided as the result of the activity, as evidenced by the historical performance of the persons that will be involved in providing the services and by the provisions that are proposed in the application to ensure quality, including but not limited to adequate available personnel, available ancillary and support services, available equipment, size and configuration of physical plant, and relations with other providers;

(c) The impact of the reviewable activity on the availability and accessibility of the type of services proposed in the application to the population of the relevant geographic area, and the level of access to the services proposed in the application that will be provided to medically underserved individuals such as recipients of public assistance and individuals who have no health insurance or whose health insurance is insufficient;

(d) The activity's short- and long-term financial feasibility and cost-effectiveness, the impact of the activity on the applicant's costs and charges, and a comparison of the applicant's costs and charges with those of providers of similar services in the applicant's proposed service area;

(e) The advantages, disadvantages, and costs of alternatives to the reviewable activity;

(f) The impact of the activity on all other providers of similar services in the health service area or other relevant geographic area, including the impact on their utilization, market share, and financial status;

(g) The historical performance of the applicant and related or affiliated parties in complying with previously granted certificates of need and any applicable certification, accreditation, or licensure requirements;

(h) The relationship of the activity to the current edition of the state health resources plan issued under section 3702.521 of the Revised Code;

(i) The historical performance of the applicant and related or affiliated parties in providing cost-effective health care services;

(j) The special needs and circumstances of the applicant or population proposed to be served by the proposed project, including research activities, prevalence of particular diseases, unusual demographic characteristics, cost-effective contractual affiliations, and other special circumstances;

(k) The appropriateness of the zoning status of the proposed site of the activity;

(l) The participation by the applicant in research conducted by the United States food and drug administration or clinical trials sponsored by the national institutes of health.

(3) The criteria for reviews of applications shall include a formula for determining each county's long-term care bed need for purposes of section 3702.593 of the Revised Code and may include other formulas for determining need for beds.

Any rules prescribing criteria that establish ratios of beds to population shall specify the bases for establishing the ratios or mitigating factors or exceptions to the ratios.

(B) The council shall adopt rules specifying all of the following:

(1) Information that must be provided in applications for certificates of need, ~~which shall include a plan for obligating the capital expenditure or implementing the proposed project on a timely basis in accordance with section 3702.525 of the Revised Code;~~

(2) Procedures for reviewing applications for completeness of information;

(3) Criteria for determining that the application is complete.

(C) The council shall adopt rules specifying requirements that holders of certificates of need must meet in order for the certificates to remain valid and establishing definitions and requirements for obligation of capital expenditures and implementation of projects authorized by certificates of need.

(D) The council shall adopt rules establishing criteria and procedures under which the director of health may withdraw a certificate of need if the holder fails to meet requirements for continued validity of the certificate.

(E) The council shall adopt rules establishing procedures under which the department of health shall monitor project implementation activities of holders of certificates of need. The rules adopted under this division also may establish procedures for monitoring implementation activities of persons that have received nonreviewability rulings.

(F) The council shall adopt rules establishing procedures under which the director of health shall review certificates of need whose holders exceed or appear likely to exceed an expenditure maximum specified in a certificate.

(G) The council shall adopt rules establishing certificate of need application fees sufficient to pay the costs incurred by the department for administering sections 3702.51 to 3702.62 of the Revised Code and to pay health service agencies for the functions they perform under division (D)(5) of section 3702.58 of the Revised Code. Unless rules are adopted under this division establishing different application fees, the application fee for a project not involving a capital expenditure shall be three thousand dollars and the application fee for a project involving a capital expenditure shall be nine-tenths of one per cent of the capital expenditure proposed subject to a minimum of three thousand dollars and a maximum of twenty thousand dollars.

(H) The council shall adopt rules specifying information that is necessary to conduct reviews of certificate of need applications and to develop recommendations for criteria for reviews that health care facilities and other health care providers are to submit to the director under division (G) of section 3702.52 of the Revised Code.



(I) The council shall adopt rules defining "affiliated person," "related person," and "ultimate controlling interest" for purposes of section 3702.524 of the Revised Code.

(J) The council shall adopt rules prescribing requirements for holders of certificates of need to demonstrate to the director under section 3702.526 of the Revised Code that reasonable progress is being made toward completion of the reviewable activity and establishing standards by which the director shall determine whether reasonable progress is being made.

(K) The public health council shall adopt all rules under divisions (A) to (J) of this section in accordance with Chapter 119. of the Revised Code. The council may adopt other rules as necessary to carry out the purposes of sections 3702.51 to 3702.62 of the Revised Code."

Between lines 73338 and 73339, insert:

"**Sec. 3721.022.** (A) As used in this section:

(1) "Nursing facility" has the same meaning as in section 5111.20 of the Revised Code.

(2) "Deficiency" and "survey" have the same meanings as in section 5111.35 of the Revised Code.

(B) The department of health is hereby designated the state agency responsible for establishing and maintaining health standards and serving as the state survey agency for the purposes of Titles XVIII and XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended. The department shall carry out these functions in accordance with the regulations, guidelines, and procedures issued under Titles XVIII and XIX by the United States secretary of health and human services and with sections 5111.35 to 5111.62 of the Revised Code. The director of health shall enter into agreements with regard to these functions with the department of job and family services and the United States department of health and human services. The director may also enter into agreements with the department of job and family services under which the department of health is designated to perform functions under sections 5111.35 to 5111.62 of the Revised Code.

The director, in accordance with Chapter 119. of the Revised Code, shall adopt rules necessary to implement the survey and certification requirements for skilled nursing facilities and nursing facilities established by the United States secretary of health and human services under Titles XVIII and XIX of the "Social Security Act," and the survey requirements established under sections 5111.35 to 5111.62 of the Revised Code. The rules shall include an informal process by which a facility may obtain ~~a review~~ up to two reviews of any deficiencies that have been cited on a statement of deficiencies made by the department of health under ~~section 5111.42 of the Revised Code~~ 42 C.F.R. Part 488 and cause the facility to be in noncompliance as defined in 42 C.F.R. 488.301. The first review shall be conducted by an employee of the department

who did not participate in and was not otherwise involved in any way with the survey. ~~If the employee conducting the review determines~~ A facility that is not satisfied with the results of a first review may receive a second review on payment of a fee to the department. The amount of the fee shall be specified in rules adopted under this section. The fee shall be deposited into the state treasury to the credit of the general operations fund created in section 3701.83 of the Revised Code for use in the implementation of this section. The second review shall be conducted by either of the following as selected by the facility: a hearing officer employed by the department or a hearing officer included on a list the department shall provide the facility. A final determination that any deficiency citation is unjustified, that determination shall be reflected clearly in all records relating to the survey.

The director need not adopt as rules any of the regulations, guidelines, or procedures issued under Titles XVIII and XIX of the "Social Security Act" by the United States secretary of health and human services."

Delete lines 73400 through 73645 and insert:

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

(1) The minimum space requirements for occupants and equipping of the buildings in which homes are housed so as to ensure healthful, safe, sanitary, and comfortable conditions for all residents, so long as they are not inconsistent with Chapters 3781. and 3791. of the Revised Code or with any rules adopted by the board of building standards and by the state fire marshal;

(2) The number and qualifications of personnel, including management and nursing staff, for each class of home, and the qualifications of nurse aides, as defined in section 3721.21 of the Revised Code, used by long-term care facilities, as defined in that section;

(3) The medical, rehabilitative, and recreational services to be provided by each class of home;

(4) Dietetic services, including but not limited to sanitation, nutritional adequacy, and palatability of food;

(5) The personal and social services to be provided by each class of home;

(6) The business and accounting practices to be followed and the type of patient and business records to be kept by such homes;

(7) The operation of adult day-care programs provided by and on the same site as homes licensed under this chapter;

(8) The standards and procedures to be followed by residential care facilities in admitting and retaining a resident who requires the application of

dressings, including requirements for charting and evaluating on a weekly basis;

(9) The requirements for conducting weekly evaluations of residents receiving skilled nursing care in residential care facilities.

(B) The public health council may adopt whatever additional rules are necessary to carry out or enforce the provisions of sections 3721.01 to 3721.09 and 3721.99 of the Revised Code.

(C) The following apply to the public health council when adopting rules under division (A)(1) of this section regarding the equipping of the buildings in which homes are housed:

(1) The rules shall not require that each resident sleeping room, or a percentage of the resident sleeping rooms, have a bathtub or shower that is directly accessible from or exclusively for the room.

(2) The rules shall require that the privacy and dignity of residents be protected when the residents are transported to and from bathing facilities, prepare for bathing, and bathe.

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

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

(a) Provision of personal care services;

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

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

(2) When adopting rules applicable to nursing homes, the public health council shall require each nursing home to do both of the following:

(a) Have sufficient direct care staff on each shift to meet the needs of the residents in an appropriate and timely manner;

(b) Have the following individuals provide a minimum daily average of two and one-half hours of direct care per resident:

(i) Registered nurses, including registered nurses who perform administrative and supervisory duties;

(ii) Licensed practical nurses, including licensed practical nurses who perform administrative and supervisory duties;

(iii) Nurse aides.

(3) The rules prescribing qualifications of nurse aides used by long-term

care facilities, as those terms are defined in section 3721.21 of the Revised Code, shall be no less stringent than the requirements, guidelines, and procedures established by the United States secretary of health and human services under sections 1819 and 1919 of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. A. 301, as amended.

**Sec. 3721.16.** For each resident of a home, notice of a proposed transfer or discharge shall be in accordance with this section.

(A)(1) The administrator of a home shall notify a resident in writing, and the resident's sponsor in writing by certified mail, return receipt requested, in advance of any proposed transfer or discharge from the home. The administrator shall send a copy of the notice to the state department of health. The notice shall be provided at least thirty days in advance of the proposed transfer or discharge, unless any of the following applies:

- (a) The resident's health has improved sufficiently to allow a more immediate discharge or transfer to a less skilled level of care;
- (b) The resident has resided in the home less than thirty days;
- (c) An emergency arises in which the safety of individuals in the home is endangered;
- (d) An emergency arises in which the health of individuals in the home would otherwise be endangered;
- (e) An emergency arises in which the resident's urgent medical needs necessitate a more immediate transfer or discharge.

In any of the circumstances described in divisions (A)(1)(a) to (e) of this section, the notice shall be provided as many days in advance of the proposed transfer or discharge as is practicable.

(2) The notice required under division (A)(1) of this section shall include all of the following:

- (a) The reasons for the proposed transfer or discharge;
- (b) The proposed date the resident is to be transferred or discharged;
- (c) The Subject to division (A)(3) of this section, a proposed location to which the resident is to be transferred or discharged may relocate and a notice that the resident and resident's sponsor may choose another location to which the resident will relocate;
- (d) Notice of the right of the resident and the resident's sponsor to an impartial hearing at the home on the proposed transfer or discharge, and of the manner in which and the time within which the resident or sponsor may request a hearing pursuant to section 3721.161 of the Revised Code;
- (e) A statement that the resident will not be transferred or discharged before the date specified in the notice unless the home and the resident or, if the resident is not competent to make a decision, the home and the resident's

sponsor, agree to an earlier date;

(f) The address of the legal services office of the department of health;

(g) The name, address, and telephone number of a representative of the state long-term care ombudsperson program and, if the resident or patient has a developmental disability or mental illness, the name, address, and telephone number of the Ohio legal rights service.

(3) The proposed location to which a resident may relocate as specified pursuant to division (A)(2)(c) of this section in the proposed transfer or discharge notice shall be capable of meeting the resident's healthcare and safety needs. The proposed location for relocation need not have accepted the resident at the time the notice is issued to the resident and resident's sponsor.

(B) No home shall transfer or discharge a resident before the date specified in the notice required by division (A) of this section unless the home and the resident or, if the resident is not competent to make a decision, the home and the resident's sponsor, agree to an earlier date.

(C) Transfer or discharge actions shall be documented in the resident's medical record by the home if there is a medical basis for the action.

(D) A resident or resident's sponsor may challenge a transfer or discharge by requesting an impartial hearing pursuant to section 3721.161 of the Revised Code, unless the transfer or discharge is required because of one of the following reasons:

(1) The home's license has been revoked under this chapter;

(2) The home is being closed pursuant to section 3721.08, sections 5111.35 to 5111.62, or section 5155.31 of the Revised Code;

(3) The resident is a recipient of medicaid and the home's participation in the medicaid program has been involuntarily terminated or denied by the federal government;

(4) The resident is a beneficiary under the medicare program and the home's certification under the medicare program has been involuntarily terminated or denied by the federal government.

(E) If a resident is transferred or discharged pursuant to this section, the home from which the resident is being transferred or discharged shall provide the resident with adequate preparation prior to the transfer or discharge to ensure a safe and orderly transfer or discharge from the home, and the home or alternative setting to which the resident is to be transferred or discharged shall have accepted the resident for transfer or discharge.

(F) At the time of a transfer or discharge of a resident who is a recipient of medicaid from a home to a hospital or for therapeutic leave, the home shall provide notice in writing to the resident and in writing by certified mail, return receipt requested, to the resident's sponsor, specifying the number of days, if

any, during which the resident will be permitted under the medicaid program to return and resume residence in the home and specifying the medicaid program's coverage of the days during which the resident is absent from the home. An individual who is absent from a home for more than the number of days specified in the notice and continues to require the services provided by the facility shall be given priority for the first available bed in a semi-private room.

**Sec. 3721.50.** As used in sections 3721.50 to 3721.58 of the Revised Code:

(A) "Bed surrender" means the following:

(1) In the case of a nursing home, the removal of a bed from a nursing home's licensed capacity in a manner that reduces the total licensed capacity of all nursing homes;

(2) In the case of a hospital, the removal of a hospital bed from registration under section 3701.07 of the Revised Code as a skilled nursing facility bed or long-term care bed in a manner that reduces the total number of hospital beds registered under that section as skilled nursing facility beds or long-term care beds.

(B) "Change of operator" means an entering operator becoming the operator of a nursing home or hospital in the place of the exiting operator.

(1) Actions that constitute a change of operator include the following:

(a) A change in an exiting operator's form of legal organization, including the formation of a partnership or corporation from a sole proprietorship;

(b) A transfer of all the exiting operator's ownership interest in the operation of the nursing home or hospital to the entering operator, regardless of whether ownership of any or all of the real property or personal property associated with the nursing home or hospital is also transferred;

(c) A lease of the nursing home or hospital to the entering operator or the exiting operator's termination of the exiting operator's lease;

(d) If the exiting operator is a partnership, dissolution of the partnership;

(e) If the exiting operator is a partnership, a change in composition of the partnership unless both of the following apply:

(i) The change in composition does not cause the partnership's dissolution under state law.

(ii) The partners agree that the change in composition does not constitute a change in operator.

(f) If the operator is a corporation, dissolution of the corporation, a merger of the corporation into another corporation that is the survivor of the merger, or a consolidation of one or more other corporations to form a new corporation.

(2) The following, alone, do not constitute a change of operator:

(a) A contract for an entity to manage a nursing home or hospital as the operator's agent, subject to the operator's approval of daily operating and management decisions;

(b) A change of ownership, lease, or termination of a lease of real property or personal property associated with a nursing home or hospital if an entering operator does not become the operator in place of an exiting operator;

(c) If the operator is a corporation, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator.

(C) "Effective date of a change of operator" means the day an entering operator becomes the operator of a nursing home or hospital.

(D) "Entering operator" means the person or government entity that will become the operator of a nursing home or hospital on the effective date of a change of operator.

(E) "Exiting operator" means an operator that will cease to be the operator of a nursing home or hospital on the effective date of a change of operator.

(F) "Franchise permit fee rate" means the amount determined as follows following:

(1) Determine the difference between the following:

(a) The total net patient revenue, less medicaid per diem payments, of all nursing homes and hospital long-term care units as shown on cost reports filed under section 5111.26 of the Revised Code for the calendar year immediately preceding the fiscal year for which the franchise permit fee is assessed under section 3721.51 of the Revised Code For fiscal year 2012, eleven dollars and forty-seven cents;

(b) The total net patient revenue, less medicaid per diem payments, of all nursing homes and hospital long-term care units as shown on cost reports filed under section 5111.26 of the Revised Code for the calendar year immediately preceding the calendar year that immediately precedes the fiscal year for which the franchise permit fee is assessed under section 3721.51 of the Revised Code.

(2) Multiply the amount determined under division (A)(1) of this section by five and five-tenths per cent;

(3) Divide the amount determined under division (A)(2) of this section by the total number of days in the fiscal year for which the franchise permit fee is assessed under section 3721.51 of the Revised Code;

(4) Subtract eleven dollars and ninety-five cents from the amount determined under division (A)(3) of this section;

~~(5) Add eleven dollars and ninety-five cents to the amount determined under division (A)(4) of this section For fiscal year 2013 and each fiscal year thereafter, eleven dollars and sixty-seven cents.~~

~~(B)~~ (G) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.

~~(C)~~ (H) "Hospital long-term care unit" means any distinct part of a hospital in which any of the following beds are located:

(1) Beds registered pursuant to section 3701.07 of the Revised Code as skilled nursing facility beds or long-term care beds;

(2) Beds licensed as nursing home beds under section 3721.02 or 3721.09 of the Revised Code.

~~(D)~~ (I) "Indirect guarantee percentage" means the percentage specified in section 1903(w)(4)(C)(ii) of the "Social Security Act," 120 Stat. 2994 (2006), 42 U.S.C. 1396b(w)(4)(C)(ii) that is to be used in determining whether a class of providers is indirectly held harmless for any portion of the costs of a broad-based health-care-related tax. If the indirect guarantee percentage changes during a fiscal year, the indirect guarantee percentage is the following:

(1) For the part of the fiscal year before the change takes effect, the percentage in effect before the change;

(2) For the part of the fiscal year beginning with the date the indirect guarantee percentage changes, the new percentage.

(J) "Inpatient days" means all days during which a resident of a nursing facility, regardless of payment source, occupies a bed in the nursing facility that is included in the facility's certified capacity under Title XIX. Therapeutic or hospital leave days for which payment is made under section 5111.26 of the Revised Code are considered inpatient days proportionate to the percentage of the facility's per resident per day rate paid for those days.

~~(E)~~ (K) "Medicaid" has the same meaning as in section 5111.01 of the Revised Code.

~~(F)~~ (L) "Medicaid day" means all days during which a resident who is a medicaid recipient occupies a bed in a nursing facility that is included in the facility's certified capacity under Title XIX. Therapeutic or hospital leave days for which payment is made under section 5111.26 of the Revised Code are considered medicaid days proportionate to the percentage of the nursing facility's per resident per day rate for those days.

~~(G)~~ (M) "Medicare" means the program established by Title XVIII.

~~(H)~~ (N) "Nursing facility" has the same meaning as in section 5111.20 of the Revised Code.

~~(I)~~ (O)(1) "Nursing home" means all of the following:



(a) A nursing home licensed under section 3721.02 or 3721.09 of the Revised Code, including any part of a home for the aging licensed as a nursing home;

(b) A facility or part of a facility, other than a hospital, that is certified as a skilled nursing facility under Title XVIII;

(c) A nursing facility, other than a portion of a hospital certified as a nursing facility.

(2) "Nursing home" does not include any of the following:

(a) A county home, county nursing home, or district home operated pursuant to Chapter 5155. of the Revised Code;

(b) A nursing home maintained and operated by the department of veterans services under section 5907.01 of the Revised Code;

(c) A nursing home or part of a nursing home licensed under section 3721.02 or 3721.09 of the Revised Code that is certified as an intermediate care facility for the mentally retarded under Title XIX.

~~(J)~~ (P) "Operator" means the person or government entity responsible for the daily operating and management decisions for a nursing home or hospital.

(Q) "Title XIX" means Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended.

~~(K)~~ (R) "Title XVIII" means Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended.

**Sec. 3721.51.** The department of job and family services shall do all of the following:

(A) Subject to sections 3721.512 ~~and~~ , 3721.513 , and 3721.531 of the Revised Code and divisions (C) and (D) of this section and for the purposes specified in ~~sections section~~ section 3721.56 ~~and 3721.561~~ of the Revised Code, determine an annual franchise permit fee on each nursing home in an amount equal to the franchise permit fee rate multiplied by the product of the following:

(1) The number of beds licensed as nursing home beds, plus any other beds certified as skilled nursing facility beds under Title XVIII or nursing facility beds under Title XIX on the first day of May of the calendar year in which the fee is determined pursuant to division (A) of section 3721.53 of the Revised Code;

(2) The number of days in the fiscal year beginning on the first day of July of the calendar year in which the fee is determined pursuant to division (A) of section 3721.53 of the Revised Code.

(B) Subject to sections 3721.512 ~~and~~ , 3721.513 , and 3721.531 of the Revised Code and divisions (C) and (D) of this section and for the purposes specified in ~~sections section~~ section 3721.56 ~~and 3721.561~~ of the Revised Code,

determine an annual franchise permit fee on each hospital in an amount equal to the franchise permit fee rate multiplied by the product of the following:

(1) The number of beds registered pursuant to section 3701.07 of the Revised Code as skilled nursing facility beds or long-term care beds, plus any other beds licensed as nursing home beds under section 3721.02 or 3721.09 of the Revised Code, on the first day of May of the calendar year in which the fee is determined pursuant to division (A) of section 3721.53 of the Revised Code;

(2) The number of days in the fiscal year beginning on the first day of July of the calendar year in which the fee is determined pursuant to division (A) of section 3721.53 of the Revised Code.

(C) If the total amount of the franchise permit fee assessed under divisions (A) and (B) of this section for a fiscal year exceeds ~~five and one-half per cent~~ the indirect guarantee percentage of the actual net patient revenue for all nursing homes and hospital long-term care units for that fiscal year, do both of the following:

(1) Recalculate the assessments under divisions (A) and (B) of this section using a per bed per day rate equal to ~~five and one-half per cent~~ the indirect guarantee percentage of actual net patient revenue for all nursing homes and hospital long-term care units for that fiscal year;

(2) Refund the difference between the amount of the franchise permit fee assessed for that fiscal year under divisions (A) and (B) of this section and the amount recalculated under division (C)(1) of this section as a credit against the assessments imposed under divisions (A) and (B) of this section for the subsequent fiscal year.

(D) If the United States centers for medicare and medicaid services determines that the franchise permit fee established by sections 3721.50 to 3721.58 of the Revised Code is an impermissible health care -related tax under section 1903(w) of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 1396b(w), as amended, take all necessary actions to cease implementation of sections 3721.50 to 3721.58 of the Revised Code in accordance with rules adopted under section 3721.58 of the Revised Code.

**Sec. 3721.511.** (A) Not later than four months after ~~the effective date of this section~~ July 17, 2009, the department of job and family services shall apply to the United States secretary of health and human services for a waiver under 42 U.S.C. 1396b(w)(3)(E) as necessary to do both of the following regarding the franchise permit fee ~~imposed by~~ assessed under section 3721.51 of the Revised Code:

(1) Reduce the franchise permit fee rate to zero dollars for each nursing home licensed under section 3721.02 or 3721.09 of the Revised Code to which either of the following applies:

(a) The nursing home:

(i) Is exempt from state taxation under section 140.08 of the Revised

Code or is exempt from state taxation as a home for the aged as defined in section 5701.13 of the Revised Code;

(ii) Is exempt from federal income taxation under section 501 of the Internal Revenue Code of 1986;

(iii) Does not participate in medicaid or medicare; and

(iv) Provides services for the life of each resident without regard to the resident's ability to secure payment for the services.

(b) The nursing home:

(i) Has had a written affiliation agreement with a university in this state for education and research related to Alzheimer's disease for each of the twenty years preceding ~~the effective date of this section~~ July 17, 2009, and has such an agreement on ~~the effective date of this section~~ July 17, 2009;

(ii) Was constructed pursuant to a certificate of need granted under Section 3 of Am. Sub. S.B. 256 of the 116th ~~General Assembly~~ general assembly; and

(iii) Does not participate in medicaid or medicare.

(2) For each nursing facility with more than two hundred beds certified as nursing facility beds under Title XIX, reduce the franchise permit fee rate for a number of the nursing facility's beds specified by the department to the amount necessary to obtain approval of the waiver sought under this section.

(B) The effective date of the waiver sought under this section shall be the first day of the ~~calendar~~ quarter beginning after the United States secretary approves the waiver.

**Sec. 3721.512.** If the United States secretary of health and human services approves the waiver sought under section 3721.511 of the Revised Code, the department of job and family services shall, for each nursing home and hospital that qualifies for a reduction of its franchise permit fee rate under the waiver, reduce the franchise permit fee rate in accordance with the terms of the waiver. For purposes of the first fiscal year during which the waiver takes effect, the department shall determine the amount of the reduction not later than the effective date of the waiver and shall mail to each nursing home and hospital qualifying for the reduction notice of the reduction not later than the last day of the first month of the ~~calendar~~ quarter that begins after the United States secretary approves the waiver. For purposes of subsequent fiscal years, the department shall make such determinations and mail such notices in accordance with section 3721.53 of the Revised Code.

**Sec. 3721.513.** (A) If the United States secretary of health and human services approves the waiver sought under section 3721.511 of the Revised Code, the department of job and family services may do both of the following regarding the franchise permit fee ~~imposed by~~ assessed under section 3721.51 of the Revised Code:

(1) Determine how much money the franchise permit fee would have raised in a fiscal year if not for the waiver;

(2) For each nursing home and hospital subject to the franchise permit fee, other than a nursing home or hospital that has its franchise permit fee rate reduced under section 3721.512 of the Revised Code, uniformly increase the amount of the franchise permit fee rate for a fiscal year to an amount that will have the franchise permit fee raise an amount of money that does not exceed the amount determined under division (A)(1) of this section for that fiscal year.

(B) If the department increases the franchise permit fee rate in accordance with division (A) of this section for the first fiscal year during which the waiver takes effect, the department shall determine the amount of the increase not later than the effective date of the waiver and shall mail to each nursing home and hospital subject to the increase notice of the increase not later than the last day of the first month of the ~~calendar~~ quarter that begins after the United States secretary approves the waiver. If the department increases the franchise permit fee rate in accordance with division (A) of this section for a subsequent fiscal year, the department shall make such determinations and mail such notices in accordance with section 3721.53 of the Revised Code.

**Sec. 3721.52.** The department of health shall do all of the following:

(A) For the purpose of the fee determinations made under division ~~divisions (A) and (B) of section 3721.51 of the Revised Code~~, ~~the department of health shall, and~~ not later than the first day of each June, report to the department of job and family services the following:

(1) For each nursing home, the number of beds in ~~each~~ the nursing home licensed on the preceding first day of May under section 3721.02 or 3721.09 of the Revised Code or certified on that date under Title XVIII or XIX :

~~(B) For the purpose of the fee under division (B) of section 3721.51 of the Revised Code, the department of health shall, not later than the first day of each June, report to the department of job and family services :~~

(2) For each hospital, the number of beds in ~~each~~ the hospital registered on the preceding first day of May pursuant to section 3701.07 of the Revised Code as skilled nursing facility or long-term care beds or licensed on that date under section 3721.02 or 3721.09 of the Revised Code as nursing home beds.

(B) For the purpose of the redetermination under section 3721.531 of the Revised Code and not later than the fifteenth day of each January, report to the department of job and family services, for each nursing home and hospital, the number of beds for which a bed surrender occurred during the period beginning on the first day of May of the preceding calendar year and ending on the first day of January of the calendar year in which the redetermination is made.

**Sec. 3721.53.** (A) Not later than the fifteenth day of September of each year, the department of job and family services shall determine the annual franchise permit fee for each nursing home and hospital in accordance with

section 3721.51 of the Revised Code and any adjustments made in accordance with sections 3721.512 and 3721.513 of the Revised Code.

(B) Not later than the first day of October of each year, the department shall mail to each nursing home and hospital notice of the amount of the franchise permit fee that has been determined for the nursing home or hospital.

(C) ~~Each~~ Subject to section 3721.531 of the Revised Code, each nursing home and hospital shall pay its fee under section 3721.51 of the Revised Code, as adjusted in accordance with sections 3721.512 and 3721.513 of the Revised Code, to the department in four installment payments not later than forty-five days after the last day of each October, December, March, and June.

~~(D) No nursing home or hospital shall directly bill its residents for the fee paid under this section, or otherwise directly pass the fee through to its residents.~~

**Sec. 3721.531.** (A) Not later than the last day of February of each year, the department of job and family services shall redetermine each nursing home's and hospital's franchise permit fee if one or more bed surrenders occur during the period beginning on the first day of May of the preceding calendar year and ending on the first day of January of the calendar year in which the redetermination is made.

(B) In redetermining nursing homes' and hospitals' franchise permit fees under this section, the department shall do both of the following:

(1) Provide for the redetermination to be conducted in a manner consistent with the terms of the waiver sought under section 3721.511 of the Revised Code;

(2) Recalculate each nursing home's and hospital's franchise permit fee in accordance with division (A) or (B) of section 3721.51 of the Revised Code with the following changes:

(a) In the case of a nursing home or hospital for which one or more bed surrenders occurred during the period beginning on the first day of May of the preceding calendar year and ending on the first day of January of the calendar year in which the redetermination is made, the number of beds included in the calculation for the purpose of division (A)(1) or (B)(1) of section 3721.51 of the Revised Code shall exclude the beds for which bed surrenders occurred during that period.

(b) The number of days used in the calculation under division (A)(2) or (B)(2) of section 3721.51 of the Revised Code shall be the number of days in the first half of the calendar year in which the redetermination is made.

(c) The franchise permit fee rate shall reflect adjustments made under sections 3721.512 and 3721.513 of the Revised Code.

(C) Not later than the first day of March of each year, the department shall mail to each nursing home and hospital notice of the amount of its redetermined franchise permit fee.

(D) Each nursing home and hospital shall pay its redetermined fee to the department in two installment payments not later than forty-five days after the last day of March and June of the calendar year in which the redetermination is made.

**Sec. 3721.532.** If a nursing home or hospital undergoes a change of operator during a fiscal year, the responsibility for paying the franchise permit fee that was determined for the nursing home or hospital under section 3721.53 of the Revised Code, or redetermined for the nursing home or hospital under section 3721.531 of the Revised Code, for that fiscal year shall be divided proportionally. The exiting operator shall be responsible for paying the amount of the fee that is for the part of the fiscal year that ends on the day before the effective date of the change of operator. The entering operator shall be responsible for paying the amount of the fee that is for the part of the fiscal year that begins on the effective date of the change of operator. The department of job and family services is not required to mail a notice to the entering operator regarding the amount of that fiscal year's fee for which the entering operator is responsible.

**Sec. 3721.533.** No nursing home or hospital shall directly bill its residents for the franchise permit fee paid under section 3721.53 or 3721.531 of the Revised Code or otherwise directly pass the fee through to its residents.

**Sec. 3721.55.** (A) A nursing home or hospital may appeal the fee ~~imposed~~ assessed under section 3721.51 of the Revised Code, as adjusted under section 3721.512 or 3721.513 of the Revised Code, and redetermined under section 3721.531 of the Revised Code solely on the grounds that the department of job and family services committed a material error in determining or redetermining the amount of the fee. A request for an appeal must be received by the department not later than fifteen days after the date the department mails the notice of the fee and must include written materials setting forth the basis for the appeal.

(B) If a nursing home or hospital submits a request for an appeal within the time required under division (A) of this section, the department of job and family services shall hold a public hearing in Columbus not later than thirty days after the date the department receives the request for an appeal. The department shall, not later than ten days before the date of the hearing, mail a notice of the date, time, and place of the hearing to the nursing home or hospital. The department may hear all the requested appeals in one public hearing.

(C) On the basis of the evidence presented at the hearing or any other evidence submitted by the nursing home or hospital, the department may adjust a fee. The department's decision is final.

**Sec. ~~3721.561~~ 3721.56.** (A) There is hereby created in the state treasury the nursing ~~facility stabilization~~ home franchise permit fee fund. All payments and penalties paid by nursing homes and hospitals under sections 3721.53, 3721.531, and 3721.54 of the Revised Code ~~that are not deposited into the home~~

~~and community-based services for the aged fund~~ shall be deposited into the fund. The fund shall also consist of money deposited into it pursuant to sections 3769.08 and 3769.26 of the Revised Code. Subject to division (B) of section 3769.08 of the Revised Code, the department of job and family services shall use the money in the fund to make medicaid payments to providers of nursing facilities facility services and providers of home and community-based services. Money in the fund may also be used for the residential state supplement program established under section 5119.69 of the Revised Code.

(B) Any money remaining in the nursing ~~facility stabilization home franchise permit fee~~ fund after payments specified in division (A) of this section are made shall be retained in the fund. Any interest or other investment proceeds earned on money in the fund shall be credited to the fund and used to make medicaid payments in accordance with division (A) of this section.

**Sec. 3721.58.** The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to do ~~all~~ both of the following:

(A) Prescribe the actions the department of job and family services will take to cease implementation of sections 3721.50 through 3721.57 of the Revised Code if the United States centers for medicare and medicaid services determines that the franchise permit fee established by those sections is an impermissible health-care related tax under section 1903(w) of the "Social Security Act," ~~49~~ 105 Stat. ~~620~~ 1793 ( ~~1935~~ 1991), 42 U.S.C. 1396b(w), as amended;

~~(B) Establish the method of distributing moneys in the home and community-based services for the aged fund created under section 3721.56 of the Revised Code;~~

~~(C)~~ Establish any requirements or procedures the director considers necessary to implement sections 3721.50 to 3721.58 of the Revised Code."

Between lines 101558 and 101559, insert:

**"Sec. 5111.011.** (A) The director of job and family services shall adopt rules establishing eligibility requirements for the medicaid program. The rules shall be adopted pursuant to section 111.15 of the Revised Code and shall be consistent with federal and state law. The rules shall include rules that do all of the following:

(1) Establish standards consistent with federal law for allocating income and resources as income and resources of the spouse, children, parents, or stepparents of a recipient of or applicant for medicaid;

(2) Define the term "resources" as used in division (A)(1) of this section;

(3) Specify the number of months that is to be used for the purpose of the term "look-back date" used in section 5111.0116 of the Revised Code;

(4) Establish processes to be used to determine both of the following:

(a) The date an institutionalized individual's ineligibility for services under section 5111.0116 of the Revised Code is to begin;

(b) The number of months an institutionalized individual's ineligibility for such services is to continue.

(5) ~~Establish exceptions to~~ For the purpose of division (C) of section 5111.0116 of the Revised Code, establish procedures for granting waivers of all or a portion of the period of ineligibility that an institutionalized individual would otherwise be subject to under that section 5111.0116 of the Revised Code and additional reasons for which such waivers may be granted;

(6) Define the term "other medicaid-funded long-term care services" as used in sections 5111.0117 and 5111.0118 of the Revised Code;

(7) For the purpose of division (C)(2)(c) of section 5111.0117 of the Revised Code, establish the process to determine whether the child of an aged, blind, or disabled individual is financially dependent on the individual for housing.

(B) Notwithstanding any provision of state law, including statutes, administrative rules, common law, and court rules, regarding real or personal property or domestic relations, the standards established under rules adopted under division (A)(1) of this section shall be used to determine eligibility for medicaid."

Between lines 101724 and 101725, insert:

"**Sec. 5111.0116.** (A) As used in this section:

(1) "Assets" include all of an individual's income and resources and those of the individual's spouse, including any income or resources the individual or spouse is entitled to but does not receive because of action by any of the following:

(a) The individual or spouse;

(b) A person or government entity, including a court or administrative agency, with legal authority to act in place of or on behalf of the individual or spouse;

(c) A person or government entity, including a court or administrative agency, acting at the direction or on the request of the individual or spouse.

(2) "Home and community-based services" means home and community-based services furnished under a medicaid waiver granted by the United States secretary of health and human services under 42 U.S.C. 1396n(c) or (d).

(3) "Institutionalized individual" means a resident of a nursing facility, an inpatient in a medical institution for whom a payment is made based on a level of care provided in a nursing facility, or an individual described in 42 U.S.C. 1396a(a)(10)(A)(ii)(VI).



(4) "Look-back date" means the date that is a number of months specified in rules adopted under section 5111.011 of the Revised Code immediately before either of the following:

(a) The date an individual becomes an institutionalized individual if the individual is eligible for medicaid on that date;

(b) The date an individual applies for medicaid while an institutionalized individual.

(5) "Nursing facility" has the same meaning as in section 5111.20 of the Revised Code.

(6) "Nursing facility equivalent services" means services that are covered by the medicaid program, equivalent to nursing facility services, provided by an institution that provides the same level of care as a nursing facility, and provided to an inpatient of the institution who is a medicaid recipient eligible for medicaid-covered nursing facility equivalent services.

(7) "Nursing facility services" means nursing facility services covered by the medicaid program that a nursing facility provides to a resident of the nursing facility who is a medicaid recipient eligible for medicaid-covered nursing facility services.

(8) "Undue hardship" means being deprived of either of the following:

(a) Medical care such that an individual's health or life is endangered;

(b) Food, clothing, shelter, or other necessities of life.

(B) Except as provided in division (C) of this section and rules adopted under section 5111.011 of the Revised Code, an institutionalized individual is ineligible for nursing facility services, nursing facility equivalent services, and home and community-based services if the individual or individual's spouse disposes of assets for less than fair market value on or after the look-back date. The institutionalized individual's ineligibility shall begin on a date determined in accordance with rules adopted under section 5111.011 of the Revised Code and shall continue for a number of months determined in accordance with such rules.

(C) An institutionalized individual may be granted a waiver of all or a portion of the period of ineligibility to which the individual would otherwise be subjected under division (B) of this section if the ineligibility would cause an undue hardship for the individual. An institutionalized individual shall be granted a waiver of all or a portion of the period of ineligibility if the administrator of the nursing facility in which the individual resides has notified the individual of a proposed transfer or discharge under section 3721.16 of the Revised Code due to failure to pay for the care the nursing facility has provided to the individual, the individual or the individual's sponsor requests a hearing on the proposed transfer or discharge in accordance with section 3721.161 of the Revised Code, and the transfer or discharge is upheld by a final determination that is not subject to further appeal. Waivers shall be granted in accordance with

rules adopted under section 5111.011 of the Revised Code.

(D) To secure compliance with this section, the director of job and family services may require an individual, as a condition of initial or continued eligibility for medicaid, to provide documentation of the individual's assets up to five years before the date the individual becomes an institutionalized individual if the individual is eligible for medicaid on that date or the date the individual applies for medicaid while an institutionalized individual. Documentation may include tax returns, records from financial institutions, and real property records."

In line 103560, after the first comma insert " behavioral and mental health services,"

Between lines 103873 and 103874, insert:

" **Sec. 5111.212.** As used in this section, "effective date of an involuntary termination" and "involuntary termination" have the same meanings as in section 5111.65 of the Revised Code.

Medicaid payments may be made for nursing facility services and intermediate care facility for the mentally retarded services provided not later than thirty days after the effective date of an involuntary termination of the facility that provides the services if the services are provided to a medicaid recipient who is eligible for the services and resided in the facility before the effective date of the involuntary termination."

In line 103959, delete " , if any,"

Delete lines 104156 through 104443 and insert:

"**Sec. 5111.231.** (A) As used in this section, ~~"applicable~~ :

(1) "Applicable calendar year" means the following:

(1) ~~(a)~~ (a) For the purpose of the department of job and family services' initial determination under division (D) of this section of each peer group's cost per case-mix unit, calendar year 2003;

(2) ~~(b)~~ (b) For the purpose of the department's ~~subsequent determinations under division (D) of this section of each peer group's cost per case-mix unit rebasings,~~ the calendar year the department selects.

(2) "Rebasing" means a redetermination under division (D) of this section of each peer groups' cost per case-mix unit using information from cost reports for an applicable calendar year that is later than the applicable calendar year used for the previous determination of such costs.

(B) The department of job and family services shall pay a provider for each of the provider's eligible nursing facilities a per resident per day rate for direct care costs determined semiannually by multiplying the cost per case-mix unit determined under division (D) of this section for the facility's peer group by the facility's semiannual case-mix score determined under section 5111.232 of

the Revised Code.

(C) For the purpose of determining nursing facilities' rate for direct care costs, the department shall establish three peer groups.

Each nursing facility located in any of the following counties shall be placed in peer group one: Brown, Butler, Clermont, Clinton, Hamilton, and Warren.

Each nursing facility located in any of the following counties shall be placed in peer group two: Ashtabula, Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, Lorain, Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, Union, and Wood.

Each nursing facility located in any of the following counties shall be placed in peer group three: Adams, Allen, Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, Washington, Wayne, Williams, and Wyandot.

(D)(1) ~~At least once every ten years, the~~ The department shall determine a cost per case-mix unit for each peer group established under division (C) of this section. ~~A The department is not required to conduct a rebasing more than once every ten years. Except as necessary to implement the amendments made by this act to this section, the~~ cost per case-mix unit determined under this division for a peer group shall be used for subsequent years until the department ~~redetermines it~~ conducts a rebasing. To determine a peer group's cost per case-mix unit, the department shall do all of the following:

(a) Determine the cost per case-mix unit for each nursing facility in the peer group for the applicable calendar year by dividing each facility's desk-reviewed, actual, allowable, per diem direct care costs for the applicable calendar year by the facility's annual average case-mix score determined under section 5111.232 of the Revised Code for the applicable calendar year : ;

(b) Subject to division (D)(2) of this section, identify which nursing facility in the peer group is at the twenty-fifth percentile of the cost per case-mix units determined under division (D)(1)(a) of this section : ;

(c) Calculate the amount that is ~~seven~~ two per cent above the cost per case-mix unit determined under division (D)(1)(a) of this section for the nursing facility identified under division (D)(1)(b) of this section : ;

(d) ~~Multiply the amount calculated under division (D)(1)(c) of this section by~~ Using the index specified in division (D)(3) of this section, multiply the rate of inflation for the eighteen-month period beginning on the first day of

July of the applicable calendar year and ending the last day of December of the calendar year immediately following the applicable calendar year ~~using the following:~~

~~(i) In the case of the initial calculation made under division (D)(1)(d) of this section, the employment cost index for total compensation, health services component, published by the United States bureau of labor statistics, as the index existed on July 1, 2005;~~

~~(ii) In the case of subsequent calculations made under division (D)(1)(d) of this section and except as provided in division (D)(1)(d)(iii) of this section, the employment cost index for total compensation, nursing and residential care facilities occupational group, published by the United States bureau of labor statistics;~~

~~(iii) If the United States bureau of labor statistics ceases to publish the index specified in division (D)(1)(d)(ii) of this section, the index the bureau subsequently publishes that covers nursing facilities' staff costs by the amount calculated under division (D)(1)(c) of this section;~~

(e) Until the first rebasing occurs, add one dollar and eighty-eight cents to the amount calculated under division (D)(1)(d) of this section.

(2) In making the identification under division (D)(1)(b) of this section, the department shall exclude both of the following:

(a) Nursing facilities that participated in the medicaid program under the same provider for less than twelve months in the applicable calendar year;

(b) Nursing facilities whose cost per case-mix unit is more than one standard deviation from the mean cost per case-mix unit for all nursing facilities in the nursing facility's peer group for the applicable calendar year.

(3) The following index shall be used for the purpose of the calculation made under division (D)(1)(d) of this section:

(a) Until the first rebasing occurs, the employment cost index for total compensation, health services component, published by the United States bureau of labor statistics, as the index existed on July 1, 2005;

(b) Effective with the first rebasing and except as provided in division (D)(3)(c) of this section, the employment cost index for total compensation, nursing and residential care facilities occupational group, published by the United States bureau of labor statistics;

(c) If the United States bureau of labor statistics ceases to publish the index specified in division (D)(3)(b) of this section, the index the bureau subsequently publishes that covers nursing facilities' staff costs.

(4) The department shall not redetermine a peer group's cost per case-mix unit under this division based on additional information that it receives after the peer group's per case-mix unit is determined. The department shall redetermine a peer group's cost per case-mix unit only if it made an error in determining the

peer group's cost per case-mix unit based on information available to the department at the time of the original determination.

**Sec. 5111.232.** (A)(1) The department of job and family services shall determine semiannual and annual average case-mix scores for nursing facilities by using all of the following:

(a) Data from a resident assessment instrument specified in rules adopted under section 5111.02 of the Revised Code pursuant to section 1919(e)(5) of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 1396r(e)(5), as amended, for the following residents:

(i) When determining semiannual case-mix scores for fiscal year 2012, each resident who is a medicaid recipient;

(ii) When determining semiannual case-mix scores for fiscal year 2013 and thereafter, each resident who is a medicaid recipient and not placed in either of the two lowest resource utilization groups, excluding any resource utilization group that is a default group used for residents with incomplete assessment data;

(iii) When determining annual average case-mix scores, each resident regardless of payment source.

(b) Except as provided in rules authorized by divisions (A)(2)(a) and (b) of this section, the case-mix values established by the United States department of health and human services;

(c) Except as modified in rules authorized by division (A)(2)(c) of this section, the grouper methodology used on June 30, 1999, by the United States department of health and human services for prospective payment of skilled nursing facilities under the medicare program established by Title XVIII.

(2) The director of job and family services may adopt rules under section 5111.02 of the Revised Code that do any of the following:

(a) Adjust the case-mix values specified in division (A)(1)(b) of this section to reflect changes in relative wage differentials that are specific to this state;

(b) Express all of those case-mix values in numeric terms that are different from the terms specified by the United States department of health and human services but that do not alter the relationship of the case-mix values to one another;

(c) Modify the grouper methodology specified in division (A)(1)(c) of this section as follows:

(i) Establish a different hierarchy for assigning residents to case-mix categories under the methodology;

(ii) Prohibit the use of the index maximizer element of the methodology;

(iii) Incorporate changes to the methodology the United States department of health and human services makes after June 30, 1999;

(iv) Make other changes the department determines are necessary.

(B) The department shall determine case-mix scores for intermediate care facilities for the mentally retarded using data for each resident, regardless of payment source, from a resident assessment instrument and grouper methodology prescribed in rules adopted under section 5111.02 of the Revised Code and expressed in case-mix values established by the department in those rules.

(C) Each calendar quarter, each provider shall compile complete assessment data, from the resident assessment instrument specified in rules authorized by division (A) or (B) of this section, for each resident of each of the provider's facilities, regardless of payment source, who was in the facility or on hospital or therapeutic leave from the facility on the last day of the quarter. Providers of a nursing facility shall submit the data to the department of health and, if required by rules, the department of job and family services. Providers of an intermediate care facility for the mentally retarded shall submit the data to the department of job and family services. The data shall be submitted not later than fifteen days after the end of the calendar quarter for which the data is compiled.

Except as provided in division (D) of this section, the department, every six months and after the end of each calendar year, shall calculate a semiannual and annual average case-mix score for each nursing facility using the facility's quarterly case-mix scores for that six-month period or calendar year. Also except as provided in division (D) of this section, the department, after the end of each calendar year, shall calculate an annual average case-mix score for each intermediate care facility for the mentally retarded using the facility's quarterly case-mix scores for that calendar year. The department shall make the calculations pursuant to procedures specified in rules adopted under section 5111.02 of the Revised Code.

(D)(1) If a provider does not timely submit information for a calendar quarter necessary to calculate a facility's case-mix score, or submits incomplete or inaccurate information for a calendar quarter, the department may assign the facility a quarterly average case-mix score that is five per cent less than the facility's quarterly average case-mix score for the preceding calendar quarter. If the facility was subject to an exception review under division (C) of section 5111.27 of the Revised Code for the preceding calendar quarter, the department may assign a quarterly average case-mix score that is five per cent less than the score determined by the exception review. If the facility was assigned a quarterly average case-mix score for the preceding quarter, the department may assign a quarterly average case-mix score that is five per cent less than that score assigned for the preceding quarter.

The department may use a quarterly average case-mix score assigned under division (D)(1) of this section, instead of a quarterly average case-mix score calculated based on the provider's submitted information, to calculate the facility's rate for direct care costs being established under section 5111.23 or 5111.231 of the Revised Code for one or more months, as specified in rules

authorized by division (E) of this section, of the quarter for which the rate established under section 5111.23 or 5111.231 of the Revised Code will be paid.

Before taking action under division (D)(1) of this section, the department shall permit the provider a reasonable period of time, specified in rules authorized by division (E) of this section, to correct the information. In the case of an intermediate care facility for the mentally retarded, the department shall not assign a quarterly average case-mix score due to late submission of corrections to assessment information unless the provider fails to submit corrected information prior to the eighty-first day after the end of the calendar quarter to which the information pertains. In the case of a nursing facility, the department shall not assign a quarterly average case-mix score due to late submission of corrections to assessment information unless the provider fails to submit corrected information prior to the earlier of the forty-sixth day after the end of the calendar quarter to which the information pertains or the deadline for submission of such corrections established by regulations adopted by the United States department of health and human services under Titles XVIII and XIX.

(2) If a provider is paid a rate for a facility calculated using a quarterly average case-mix score assigned under division (D)(1) of this section for more than six months in a calendar year, the department may assign the facility a cost per case-mix unit that is five per cent less than the facility's actual or assigned cost per case-mix unit for the preceding calendar year. The department may use the assigned cost per case-mix unit, instead of calculating the facility's actual cost per case-mix unit in accordance with section 5111.23 or 5111.231 of the Revised Code, to establish the facility's rate for direct care costs for the following fiscal year.

(3) The department shall take action under division (D)(1) or (2) of this section only in accordance with rules authorized by division (E) of this section. The department shall not take an action that affects rates for prior payment periods except in accordance with sections 5111.27 and 5111.28 of the Revised Code.

(E) The director shall adopt rules under section 5111.02 of the Revised Code that do all of the following:

(1) Specify whether providers of a nursing facility must submit the assessment data to the department of job and family services;

(2) Specify the medium or media through which the completed assessment data shall be submitted;

(3) Establish procedures under which the assessment data shall be reviewed for accuracy and providers shall be notified of any data that requires correction;

(4) Establish procedures for providers to correct assessment data and specify a reasonable period of time by which providers shall submit the corrections. The procedures may limit the content of corrections by providers of

nursing facilities in the manner required by regulations adopted by the United States department of health and human services under Titles XVIII and XIX.

(5) Specify when and how the department will assign case-mix scores or costs per case-mix unit under division (D) of this section if information necessary to calculate the facility's case-mix score is not provided or corrected in accordance with the procedures established by the rules. Notwithstanding any other provision of sections 5111.20 to ~~5111.33~~ 5111.331 of the Revised Code, the rules also may provide for the following:

(a) Exclusion of case-mix scores assigned under division (D) of this section from calculation of an intermediate care facility for the mentally retarded's annual average case-mix score and the maximum cost per case-mix unit for the facility's peer group;

(b) Exclusion of case-mix scores assigned under division (D) of this section from calculation of a nursing facility's semiannual or annual average case-mix score and the cost per case-mix unit for the facility's peer group."

Delete lines 104727 through 104803 and insert:

"**Sec. 5111.244.** (A) As used in this section, "deficiency" and "standard survey" have the same meanings as in section 5111.35 of the Revised Code.

(B) ~~Each fiscal year, the~~ The department of job and family services shall pay the provider of each nursing facility a quality incentive payment. The amount of a quality incentive payment paid to a provider ~~for a fiscal year~~ shall be based on the number of points the provider's nursing facility is awarded ~~under division (C) of this section for that fiscal year~~ meeting accountability measures. The amount of a quality incentive payment paid to a provider of a nursing facility that is awarded no points may be zero. ~~The mean payment for fiscal year 2007, weighted by medicaid days, shall be three dollars per medicaid day. The department shall adjust the mean payment for subsequent fiscal years by the same adjustment factors the department uses to adjust, pursuant to division (B) of section 5111.222 of the Revised Code, nursing facilities' rates otherwise determined under divisions (A)(1), (2), (3), and (6) of that section.~~

(C)(1) ~~Except as provided by~~ For fiscal year 2012 only and subject to division (C)(2) of this section, the department shall ~~annually~~ award each nursing facility participating in the medicaid program ~~one point points for each of meeting~~ the following accountability measures ~~the facility meets~~:

(a) The facility had no health deficiencies on the facility's most recent standard survey.

(b) The facility had no health deficiencies with a scope and severity level greater than E, as determined under nursing facility certification standards established under Title XIX, on the facility's most recent standard survey.

(c) The facility's resident satisfaction is above the statewide average.

(d) The facility's family satisfaction is above the statewide average.



(e) The number of hours the facility employs nurses is above the statewide average.

(f) The facility's employee retention rate is above the average for the facility's peer group established in division (C) of section 5111.231 of the Revised Code.

(g) The facility's occupancy rate is above the statewide average.

~~(h) The facility's medicaid utilization rate is above the statewide average.~~

~~(i) The facility's case-mix score is above the statewide average.~~

(i) The facility's medicaid utilization rate is above the statewide average.

(2) A nursing facility shall be awarded one point for each of the accountability measures specified in divisions (C)(1)(a) to (h) of this section that the nursing facility meets. A nursing facility shall be awarded three points for meeting the accountability measure specified in division (C)(1)(i) of this section. The department shall award points pursuant to division (C)(1)(c) or (d) of this section to a nursing facility only for a fiscal year immediately following a calendar year for which if a survey of resident or family satisfaction has been conducted under section 173.47 of the Revised Code for the nursing facility in calendar year 2010.

(D) (1) For fiscal year 2013 and thereafter, the department shall award each nursing facility participating in the medicaid program points for meeting accountability measures in accordance with amendments to be made to this section not later than December 31, 2011, that provide for all of the following:

(a) Meaningful accountability measures of quality of care, quality of life, and nursing facility staffing;

(b) The maximum number of points that a nursing facility may earn for meeting accountability measures;

(c) A methodology for calculating the quality incentive payment that recognizes different business and care models in nursing facilities by providing flexibility in nursing facilities' ability to earn the entire quality incentive payment;

(d) A quality bonus to be paid at the end of a fiscal year in a manner that provides for all funds that the general assembly intends to be used for the quality incentive payment for that fiscal year are distributed to nursing facilities.

(2) For the purpose of division (D)(1)(d) of this section, the amount of funds that the general assembly intends to be used for the quality incentive payment for a fiscal year shall be the product of the following:

(a) The number of medicaid days in the fiscal year;

(b) The maximum quality incentive payment the general assembly has specified in law to be paid to nursing facilities for that fiscal year.

(E) The director of job and family services shall adopt rules under section 5111.02 of the Revised Code as necessary to implement this section. ~~The rules shall include rules establishing the system for awarding points under division (C) of this section.~~"

In line 105559, delete " , if any, "

In line 105822, after the underlined period insert " An audit report regarding a nursing facility shall include notice of any fine imposed under section 5111.271 of the Revised Code."

Between lines 105939 and 105940, insert:

" **Sec. 5111.271.** (A) Subject to division (D) of this section, the department of job and family services shall fine the provider of a nursing facility if the report of an audit conducted under division (B) of section 5111.27 of the Revised Code regarding a cost report for the nursing facility includes either of the following:

(1) Adverse findings that exceed three per cent of the total amount of medicaid-reimbursable costs reported in the cost report;

(2) Adverse findings that exceed twenty per cent of medicaid-reimbursable costs for a particular cost center reported in the cost report.

(B) A fine issued under this section shall equal the greatest of the following:

(1) If the adverse findings exceed three per cent but do not exceed ten per cent of the total amount of medicaid-reimbursable costs reported in the cost report, the greater of three per cent of those reported costs or ten thousand dollars;

(2) If the adverse findings exceed ten per cent but do not exceed twenty per cent of the total amount of medicaid-reimbursable costs reported in the cost report, the greater of six per cent of those reported costs or twenty-five thousand dollars;

(3) If the adverse findings exceed twenty per cent of the total amount of medicaid-reimbursable costs reported in the cost report, the greater of ten per cent of those reported costs or fifty thousand dollars;

(4) If the adverse findings exceed twenty per cent but do not exceed twenty-five per cent of medicaid-reimbursable costs for a particular cost center reported in the cost report, the greater of three per cent of the total amount of medicaid-reimbursable costs reported in the cost report or ten thousand dollars;

(5) If the adverse findings exceed twenty-five per cent but do not exceed thirty per cent of medicaid-reimbursable costs for a particular cost center reported in the cost report, the greater of six per cent of the total amount of medicaid-reimbursable costs reported in the cost report or twenty-five thousand

dollars:

(6) If the adverse findings exceed thirty per cent of medicaid-reimbursable costs for a particular cost center reported in the cost report, the greater of ten per cent of the total amount of medicaid-reimbursable costs reported in the cost report or fifty thousand dollars.

(C) Fines paid under this section shall be deposited into the health care services administration fund created under section 5111.94 of the Revised Code.

(D) The department may not collect a fine under this section until all appeal rights relating to the audit report that is the basis for the fine are exhausted."

Delete lines 106168 through 106196 and insert:

" **Sec. 5111.331.** (A) The department of job and family services may make payments to a provider of a nursing facility under sections 5111.20 to 5111.331 of the Revised Code to reserve a bed for a recipient during a temporary absence under conditions prescribed by the department, to include hospitalization for an acute condition, visits with relatives and friends, and participation in therapeutic programs outside the facility, when the resident's plan of care provides for such absence and federal participation in the payments is available.

(B) The maximum period for which payments may be made to reserve a bed in a nursing facility shall not exceed thirty days in a calendar year.

(C) The department shall establish the per diem rates to be paid to providers of nursing facilities for reserving beds under this section. In establishing the per diem rates, the department shall do the following:

(1) In the case of a payment to reserve a bed for a day during calendar year 2011, set the per diem rate at an amount not exceeding fifty per cent of the per diem rate the provider would be paid if the recipient were not absent from the nursing facility that day;

(2) In the case of a payment to reserve a bed for a day during calendar year 2012 and each calendar year thereafter, set the per diem rate at an amount equal to the following:

(a) In the case of a nursing facility that had an occupancy rate in the preceding calendar year exceeding ninety-five per cent, an amount not exceeding fifty per cent of the per diem rate the provider would be paid if the recipient were not absent from the nursing facility that day;

(b) In the case of a nursing facility that had an occupancy rate in the preceding calendar year not exceeding ninety-five per cent, an amount not exceeding eighteen per cent of the per diem rate the provider would be paid if the recipient were not absent from the nursing facility that day."

Between lines 106349 and 106350, insert:

" Sec. 5111.511. (A) If the department of job and family services determines that a nursing facility is experiencing or is likely to experience a serious financial loss or failure that jeopardizes or is likely to jeopardize the health, safety, and welfare of its residents, the department, subject to the provider's consent, may appoint a temporary resident safety assurance manager in the nursing facility to take actions the department determines are appropriate to ensure the health, safety, and welfare of the residents.

(B) A temporary resident safety assurance manager appointed under this section is vested with the authority necessary to take actions the department of job and family services determines are appropriate to ensure the health, safety, and welfare of the residents.

(C) A temporary resident safety assurance manager appointed under this section may use any of the following funds to pay for costs the manager incurs on behalf of the nursing facility:

(1) Medicaid payments made in accordance with the provider agreement for the nursing facility;

(2) Funds from the residents protection fund that the department provides the manager under section 5111.62 of the Revised Code;

(3) Other funds the department determines are appropriate if such use of the funds is consistent with the appropriations that authorize the use of the funds and all other state and federal laws governing the use of the funds.

(D) The provider is liable to the department for the amount of any payments the department makes to the temporary resident safety assurance manager, other than payments specified in division (C)(1) of this section. The department may recover the amount the provider owes the department by doing any of the following:

(1) Offsetting medicaid payments made to the provider in accordance with the provider agreement;

(2) Placing a lien on any of the provider's real and personal property;

(3) Initiating other collection actions.

(E) No action the department takes under this section is subject to appeal under Chapter 119. of the Revised Code.

(F) In rules adopted under section 5111.36 of the Revised Code, the director of job and family services may establish all of the following:

(1) Qualifications persons must meet to be appointed temporary resident safety assurance managers under this section;

(2) Procedures for maintaining a list of qualified temporary resident safety assurance managers;

(3) Procedures consistent with federal law for paying for the services of

temporary resident safety assurance managers:

(4) Accounting and reporting requirements for temporary resident safety assurance managers:

(5) Other procedures and requirements the director determines are necessary to implement this section."

Delete lines 106394 through 106538 and insert:

"**Sec. 5111.54.** (A) A temporary manager of a nursing facility appointed by the department of job and family services or a contracting agency under sections 5111.35 to 5111.62 of the Revised Code shall meet all of the following qualifications:

(1) Be licensed as a nursing home administrator under Chapter 4751. of the Revised Code;

(2) Have demonstrated competence as a nursing home administrator;

(3) Have had no disciplinary action taken against the temporary manager by any licensing board or professional society in this state.

(B) The salary of a temporary manager or special master appointed under sections 5111.35 to 5111.62 of the Revised Code shall be paid by the facility and set by the department of job and family services or contracting agency, in the case of a temporary manager, or by the court, in the case of a special master, at a rate not to exceed the maximum allowable compensation for an administrator under the medical assistance program. The extent to which this compensation is allowable under the medical assistance program is subject to and limited by this chapter and rules of the department.

Subject to division (C) of this section, any costs incurred on behalf of a nursing facility by a temporary manager or special master appointed under sections 5111.35 to 5111.62 of the Revised Code shall be paid by the facility. The allowability of these costs under the medical assistance program shall be subject to and governed by this chapter and the rules of the department. This division does not prohibit a facility from applying for or receiving any waiver of cost ceilings available under rules of the department.

(C) No temporary manager or special master appointed under sections 5111.35 to 5111.62 of the Revised Code shall enter into any employment contract on behalf of a facility, or purchase any capital goods using facility funds totaling more than ten thousand dollars, unless the temporary manager or special master has obtained prior approval for the contract or purchase from either the provider or the court.

(D)(1) A temporary manager appointed for a nursing facility under section 5111.46 of the Revised Code is hereby vested, subject to division (C) of this section, with the legal authority necessary to correct any deficiency or cluster of deficiencies at a facility, bring the facility into compliance with certification requirements, and otherwise ensure the health and safety of the

residents.

(2) A temporary manager appointed under section 5111.51 of the Revised Code is hereby vested, subject to division (C) of this section, with the authority necessary to eliminate the emergency, bring the facility into compliance with certification requirements, and otherwise ensure the health and safety of the residents.

(3) A temporary manager appointed under section 5111.53 of the Revised Code is hereby vested, subject to division (C) of this section, with the authority necessary to ensure the transfer of medicaid eligible residents to other appropriate care settings and, if applicable, the orderly closure of the facility, and to otherwise ensure the health and safety of the residents.

(E) Prior to acting under division (A)(1)(b) or (2)(b) of section 5111.46 of the Revised Code to appoint a temporary manager or apply for a special master, the department of job and family services or contracting agency shall order the facility to substantially correct the deficiency or deficiencies within five days after receiving the statement and inform the facility, in the statement it provides pursuant to division (B) of section 5111.49 of the Revised Code, of the order and that it will not take that action unless the facility fails to substantially correct the deficiency or deficiencies within that five-day period. At the end of the five-day period, the department of health shall conduct a follow-up survey that focuses on the deficiency or deficiencies. If the department of health determines that the facility has substantially corrected the deficiency or deficiencies within that time, the department of job and family services or contracting agency shall not appoint a temporary manager or apply for a special master. If the department of health determines that the facility has failed to substantially correct the deficiency or deficiencies within that time, the department of job and family services or contracting agency may proceed with appointment of the temporary manager or application for a special master. Until the statement required under division (B) of section 5111.49 of the Revised Code is actually delivered, no action taken by the department or agency to appoint a temporary manager or apply for a temporary manager under division (A)(1)(b) or (2)(b) of section 5111.46 of the Revised Code shall have any legal effect. No action taken by a facility under this division to substantially correct a deficiency or deficiencies shall be considered an admission by the facility of the existence of a deficiency or deficiencies.

(F) Appointment of a temporary manager under division (A)(1)(b) or (2)(b) of section 5111.46 or division (A)(1)(d) of section 5111.51 of the Revised Code shall expire at the end of the seventh day following the appointment. If the department of job and family services or contracting agency finds that the deficiency or deficiencies that prompted the appointment under division (A)(1)(b) or (2)(b) of section 5111.46 of the Revised Code cannot be substantially corrected, or the condition of immediate jeopardy that prompted the appointment under division (A)(1)(d) of section 5111.51 of the Revised Code cannot be eliminated, prior to the expiration of the appointment, it may take one

of the following actions:

(1) Appoint, subject to the continuing consent of the provider, a temporary manager for the facility;

(2) Apply to the common pleas court of the county in which the facility is located for an order appointing a special master who, under the authority and direct supervision of the court and subject to divisions (B) and (C) of this section, may take such additional actions as are necessary to correct the deficiency or deficiencies or eliminate the condition of immediate jeopardy and bring the facility into compliance with certification requirements.

(G) The court, on finding that the deficiency or deficiencies for which a special master was appointed under division (F)(2) of this section or division (A)(1)(b) or (2)(b) of section 5111.46 of the Revised Code has been substantially corrected, or the emergency for which a special master was appointed under division (F)(2) of this section or division (A)(1)(b) or (B)(2) of section 5111.51 of the Revised Code has been eliminated, that the facility has been brought into compliance with certification requirements, and that the provider has established the management capability to ensure continued compliance with the certification requirements, shall immediately terminate its jurisdiction over the facility and return control and management of the facility to the provider. If the deficiency or deficiencies cannot be substantially corrected, or the emergency cannot be eliminated practicably within a reasonable time following appointment of the special master, the court may order the special master to close the facility and transfer all residents to other nursing facilities or other appropriate care settings.

(H) This section does not apply to temporary resident safety assurance managers appointed under section 5111.511 of the Revised Code.

**Sec. 5111.62.** The proceeds of all fines, including interest, collected under sections 5111.35 to 5111.62 of the Revised Code shall be deposited in the state treasury to the credit of the residents protection fund, which is hereby created. The proceeds of all fines, including interest, collected under section 173.42 of the Revised Code shall be deposited in the state treasury to the credit of the residents protection fund.

~~Moneys~~ Money in the fund shall be used for the protection of the health or property of residents of nursing facilities in which the department of health finds deficiencies, including payment for the costs of relocation of residents to other facilities, maintenance of operation of a facility pending correction of deficiencies or closure, and reimbursement of residents for the loss of money managed by the facility under section 3721.15 of the Revised Code. Money in the fund may also be used to make payments under section 5111.511 of the Revised Code.

The fund shall be maintained and administered by the department of job and family services under rules developed in consultation with the departments of health and aging and adopted by the director of job and family services under Chapter 119. of the Revised Code.

**Sec. 5111.65.** As used in sections 5111.65 to 5111.689 of the Revised Code:

(A) "Affiliated operator" means an operator affiliated with either of the following:

(1) The exiting operator for whom the affiliated operator is to assume liability for the entire amount of the exiting operator's debt under the medicaid program or the portion of the debt that represents the franchise permit fee the exiting operator owes;

(2) The entering operator involved in the change of operator with the exiting operator specified in division (A)(1) of this section.

(B) "Change of operator" means an entering operator becoming the operator of a nursing facility or intermediate care facility for the mentally retarded in the place of the exiting operator.

(1) Actions that constitute a change of operator include the following:

(a) A change in an exiting operator's form of legal organization, including the formation of a partnership or corporation from a sole proprietorship;

(b) A transfer of all the exiting operator's ownership interest in the operation of the facility to the entering operator, regardless of whether ownership of any or all of the real property or personal property associated with the facility is also transferred;

(c) A lease of the facility to the entering operator or the exiting operator's termination of the exiting operator's lease;

(d) If the exiting operator is a partnership, dissolution of the partnership;

(e) If the exiting operator is a partnership, a change in composition of the partnership unless both of the following apply:

(i) The change in composition does not cause the partnership's dissolution under state law.

(ii) The partners agree that the change in composition does not constitute a change in operator.

(f) If the operator is a corporation, dissolution of the corporation, a merger of the corporation into another corporation that is the survivor of the merger, or a consolidation of one or more other corporations to form a new corporation.

(2) The following, alone, do not constitute a change of operator:

(a) A contract for an entity to manage a nursing facility or intermediate care facility for the mentally retarded as the operator's agent, subject to the operator's approval of daily operating and management decisions;

(b) A change of ownership, lease, or termination of a lease of real



property or personal property associated with a nursing facility or intermediate care facility for the mentally retarded if an entering operator does not become the operator in place of an exiting operator;

(c) If the operator is a corporation, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator.

(C) "Effective date of a change of operator" means the day the entering operator becomes the operator of the nursing facility or intermediate care facility for the mentally retarded.

(D) "Effective date of a facility closure" means the last day that the last of the residents of the nursing facility or intermediate care facility for the mentally retarded resides in the facility.

(E) "Effective date of an involuntary termination" means the following:

(1) In the context of a nursing facility, the date the department of job and family services terminates the operator's provider agreement for the nursing facility;

(2) In the context of an intermediate care facility for the mentally retarded, the date the department terminates the operator's provider agreement for the facility or the last day that such a provider agreement is in effect when the department cancels or refuses to renew it.

(~~E~~) "Effective date of a voluntary termination" means the day the intermediate care facility for the mentally retarded ceases to accept medicaid patients.

(~~F~~) (~~G~~) "Effective date of a voluntary withdrawal of participation" means the day the nursing facility ceases to accept new medicaid patients other than the individuals who reside in the nursing facility on the day before the effective date of the voluntary withdrawal of participation.

(~~G~~) (~~H~~) "Entering operator" means the person or government entity that will become the operator of a nursing facility or intermediate care facility for the mentally retarded when a change of operator occurs or following an involuntary termination.

(~~H~~) (~~I~~) "Exiting operator" means any of the following:

(1) An operator that will cease to be the operator of a nursing facility or intermediate care facility for the mentally retarded on the effective date of a change of operator;

(2) An operator that will cease to be the operator of a nursing facility or intermediate care facility for the mentally retarded on the effective date of a facility closure;

(3) An operator of an intermediate care facility for the mentally retarded that is undergoing or has undergone a voluntary termination;

(4) An operator of a nursing facility that is undergoing or has undergone a voluntary withdrawal of participation ;

(5) An operator of a nursing facility or intermediate care facility for the mentally retarded that is undergoing or has undergone an involuntary termination.

~~(J)~~ (J)(1) "Facility Subject to divisions (J)(2) and (3) of this section, "facility closure" means discontinuance either of the following:

(a) Discontinuance of the use of the building, or part of the building, that houses the facility as a nursing facility or intermediate care facility for the mentally retarded that results in the relocation of all of the facility's residents ;

(b) Conversion of the building, or part of the building, that houses a nursing facility or intermediate care facility for the mentally retarded to a different use with any necessary license or other approval needed for that use being obtained and one or more of the facility's residents remaining in the facility to receive services under the new use. A

(2) A facility closure occurs regardless of any of the following:

(a) The operator completely or partially replacing the facility by constructing a new facility or transferring the facility's license to another facility;

(b) The facility's residents relocating to another of the operator's facilities;

(c) Any action the department of health takes regarding the facility's certification under Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended, that may result in the transfer of part of the facility's survey findings to another of the operator's facilities;

(d) Any action the department of health takes regarding the facility's license under Chapter 3721. of the Revised Code;

(e) Any action the department of developmental disabilities takes regarding the facility's license under section 5123.19 of the Revised Code.

~~(2)~~ (3) A facility closure does not occur if all of the facility's residents are relocated due to an emergency evacuation and one or more of the residents return to a medicaid-certified bed in the facility not later than thirty days after the evacuation occurs.

~~(K)~~ (K) "Fiscal year," "franchise permit fee," "intermediate care facility for the mentally retarded," "nursing facility," "operator," "owner," and "provider agreement" have the same meanings as in section 5111.20 of the Revised Code.

~~(L)~~ (L) "Involuntary termination" means the following:

(1) In the context of a nursing facility, the department of job and family services' termination of the operator's provider agreement for the nursing facility when the termination is not taken at the operator's request;

(2) In the context of an intermediate care facility for the mentally retarded, the department's termination of, cancellation of, or refusal to renew the operator's provider agreement for the facility when such action is not taken at the operator's request.

(M) "Voluntary termination" means an operator's voluntary election to terminate the participation of an intermediate care facility for the mentally retarded in the medicaid program but to continue to provide service of the type provided by a residential facility as defined in section 5123.19 of the Revised Code.

~~(L)~~ (N) "Voluntary withdrawal of participation" means an operator's voluntary election to terminate the participation of a nursing facility in the medicaid program but to continue to provide service of the type provided by a nursing facility."

Delete lines 106653 through 106705 and insert:

"**Sec. 5111.672.** (A) The department of job and family services may enter into a provider agreement with an entering operator that goes into effect at 12:01 a.m. on the date determined under division (B) of this section if all of the following are the case:

(1) The department receives a properly completed written notice required by section 5111.67 of the Revised Code.

(2) ~~The entering operator furnishes to the department copies of all the fully executed leases, management agreements, merger agreements and supporting documents, and sales contracts and supporting documents relating to the change of operator~~ receives, from the entering operator and in accordance with the method specified in rules adopted under section 5111.689 of the Revised Code, a completed application for a provider agreement and all other forms and documents specified in rules adopted under that section.

(3) The department receives, from the exiting operator or owner and in accordance with the method specified in rules adopted under section 5111.689 of the Revised Code, all forms and documents specified in rules adopted under that section.

~~(3) The~~ (4) One or more of the following apply:

(a) The requirement of division (A)(1) of this section is met after the time required by section 5111.67 of the Revised Code ~~;~~ ;

(b) The requirement of division (A)(2) of this section is met more than ten days after the effective date of the change of operator ~~;~~ ;

(c) The requirement of division (A)(3) of this section is met more than ten days after the effective date of the change of operator.

~~(4)~~ (5) The entering operator is eligible for medicaid payments as provided in section 5111.21 of the Revised Code.

(B) The department shall determine the date a provider agreement entered into under this section is to go into effect as follows:

(1) The effective date shall give the department sufficient time to process the change of operator, assure no duplicate payments are made, and make the withholding required by section 5111.681 of the Revised Code, ~~and withhold the final payment to the exiting operator until one hundred eighty days after either of the following:~~

~~(a) The date that the exiting operator submits to the department a properly completed cost report under section 5111.682 of the Revised Code;~~

~~(b) The date that the department waives the cost report requirement of section 5111.682 of the Revised Code.~~

(2) The effective date shall be not earlier than the ~~later~~ latest of the following:

(a) The effective date of the change of operator or the :

(b) The date that the exiting operator or owner and entering operator ~~comply~~ complies with section 5111.67 of the Revised Code and division (A)(2) of this section;

(c) The date that the exiting operator or owner complies with section 5111.67 of the Revised Code and division (A)(3) of this section.

(3) The effective date shall be not later than the following after the later of the dates specified in division (B)(2) of this section:

(a) Forty-five days if the change of operator does not entail the relocation of residents;

(b) Ninety days if the change of operator entails the relocation of residents."

In line 107922, after " Code" insert " ;

(7) The fines collected under section 5111.271 of the Revised Code"

Between lines 114187 and 114188, insert:

"**Sec. 5123.42.** (A) Beginning nine months after March 31, 2003, MR/DD personnel who are not specifically authorized by other provisions of the Revised Code to administer prescribed medications, perform health-related activities, or perform tube feedings may do so pursuant to this section as part of the specialized services the MR/DD personnel provide to individuals with mental retardation and developmental disabilities in the following categories:

(1) Recipients of early intervention, preschool, and school-age services offered or provided pursuant to this chapter or Chapter 5126. of the Revised Code;

(2) Recipients of adult services offered or provided pursuant to this

chapter or Chapter 5126. of the Revised Code;

(3) Recipients of family support services offered or provided pursuant to this chapter or Chapter 5126. of the Revised Code;

(4) Recipients of services from certified supported living providers, if the services are offered or provided pursuant to this chapter or Chapter 5126. of the Revised Code;

(5) Recipients of residential support services from certified home and community-based services providers, if the services are received in a community living arrangement that includes not more than four individuals with mental retardation and developmental disabilities and the services are offered or provided pursuant to this chapter or Chapter 5126. of the Revised Code;

(6) Recipients of services not included in divisions (A)(1) to (5) of this section that are offered or provided pursuant to this chapter or Chapter 5126. of the Revised Code;

(7) Residents of a residential facility with five or fewer resident beds;

(8) Residents of a residential facility with at least six but not more than sixteen resident beds;

(9) Residents of a residential facility with seventeen or more resident beds who are on a field trip from the facility, if all of the following are the case:

(a) The field trip is sponsored by the facility for purposes of complying with federal medicaid statutes and regulations, state medicaid statutes and rules, or other federal or state statutes, regulations, or rules that require the facility to provide habilitation, community integration, or normalization services to its residents.

(b) Not more than ~~five~~ ten field trip participants are residents who have health needs requiring the administration of prescribed medications, excluding participants who self-administer prescribed medications or receive assistance with self-administration of prescribed medications.

(c) The facility staffs the field trip with MR/DD personnel in such a manner that one person will administer prescribed medications, perform health-related activities, or perform tube feedings for not more than ~~two~~ four participants if one or ~~both~~ more of those participants have health needs requiring the person to administer prescribed medications through a gastrostomy or jejunostomy tube.

(d) According to the instructions of a health care professional acting within the scope of the professional's practice, the health needs of the participants who require administration of prescribed medications by MR/DD personnel are such that the participants must receive the medications during the field trip to avoid jeopardizing their health and safety.

(B)(1) In the case of recipients of early intervention, preschool, and

school-age services, as specified in division (A)(1) of this section, all of the following apply:

(a) With nursing delegation, MR/DD personnel may perform health-related activities.

(b) With nursing delegation, MR/DD personnel may administer oral and topical prescribed medications.

(c) With nursing delegation, MR/DD personnel may administer prescribed medications through gastrostomy and jejunostomy tubes, if the tubes being used are stable and labeled.

(d) With nursing delegation, MR/DD personnel may perform routine tube feedings, if the gastrostomy and jejunostomy tubes being used are stable and labeled.

(2) In the case of recipients of adult services, as specified in division (A)(2) of this section, all of the following apply:

(a) With nursing delegation, MR/DD personnel may perform health-related activities.

(b) With nursing delegation, MR/DD personnel may administer oral and topical prescribed medications.

(c) With nursing delegation, MR/DD personnel may administer prescribed medications through gastrostomy and jejunostomy tubes, if the tubes being used are stable and labeled.

(d) With nursing delegation, MR/DD personnel may perform routine tube feedings, if the gastrostomy and jejunostomy tubes being used are stable and labeled.

(3) In the case of recipients of family support services, as specified in division (A)(3) of this section, all of the following apply:

(a) Without nursing delegation, MR/DD personnel may perform health-related activities.

(b) Without nursing delegation, MR/DD personnel may administer oral and topical prescribed medications.

(c) With nursing delegation, MR/DD personnel may administer prescribed medications through gastrostomy and jejunostomy tubes, if the tubes being used are stable and labeled.

(d) With nursing delegation, MR/DD personnel may perform routine tube feedings, if the gastrostomy and jejunostomy tubes being used are stable and labeled.

(e) With nursing delegation, MR/DD personnel may administer routine doses of insulin through subcutaneous injections and insulin pumps.

(4) In the case of recipients of services from certified supported living providers, as specified in division (A)(4) of this section, all of the following apply:

(a) Without nursing delegation, MR/DD personnel may perform health-related activities.

(b) Without nursing delegation, MR/DD personnel may administer oral and topical prescribed medications.

(c) With nursing delegation, MR/DD personnel may administer prescribed medications through gastrostomy and jejunostomy tubes, if the tubes being used are stable and labeled.

(d) With nursing delegation, MR/DD personnel may perform routine tube feedings, if the gastrostomy and jejunostomy tubes being used are stable and labeled.

(e) With nursing delegation, MR/DD personnel may administer routine doses of insulin through subcutaneous injections and insulin pumps.

(5) In the case of recipients of residential support services from certified home and community-based services providers, as specified in division (A)(5) of this section, all of the following apply:

(a) Without nursing delegation, MR/DD personnel may perform health-related activities.

(b) Without nursing delegation, MR/DD personnel may administer oral and topical prescribed medications.

(c) With nursing delegation, MR/DD personnel may administer prescribed medications through gastrostomy and jejunostomy tubes, if the tubes being used are stable and labeled.

(d) With nursing delegation, MR/DD personnel may perform routine tube feedings, if the gastrostomy and jejunostomy tubes being used are stable and labeled.

(e) With nursing delegation, MR/DD personnel may administer routine doses of insulin through subcutaneous injections and insulin pumps.

(6) In the case of recipients of services not included in divisions (A)(1) to (5) of this section, as specified in division (A)(6) of this section, all of the following apply:

(a) With nursing delegation, MR/DD personnel may perform health-related activities.

(b) With nursing delegation, MR/DD personnel may administer oral and topical prescribed medications.

(c) With nursing delegation, MR/DD personnel may administer prescribed medications through gastrostomy and jejunostomy tubes, if the tubes

being used are stable and labeled.

(d) With nursing delegation, MR/DD personnel may perform routine tube feedings, if the gastrostomy and jejunostomy tubes being used are stable and labeled.

(7) In the case of residents of a residential facility with five or fewer beds, as specified in division (A)(7) of this section, all of the following apply:

(a) Without nursing delegation, MR/DD personnel may perform health-related activities.

(b) Without nursing delegation, MR/DD personnel may administer oral and topical prescribed medications.

(c) With nursing delegation, MR/DD personnel may administer prescribed medications through gastrostomy and jejunostomy tubes, if the tubes being used are stable and labeled.

(d) With nursing delegation, MR/DD personnel may perform routine tube feedings, if the gastrostomy and jejunostomy tubes being used are stable and labeled.

(e) With nursing delegation, MR/DD personnel may administer routine doses of insulin through subcutaneous injections and insulin pumps.

(8) In the case of residents of a residential facility with at least six but not more than sixteen resident beds, as specified in division (A)(8) of this section, all of the following apply:

(a) With nursing delegation, MR/DD personnel may perform health-related activities.

(b) With nursing delegation, MR/DD personnel may administer oral and topical prescribed medications.

(c) With nursing delegation, MR/DD personnel may administer prescribed medications through gastrostomy and jejunostomy tubes, if the tubes being used are stable and labeled.

(d) With nursing delegation, MR/DD personnel may perform routine tube feedings, if the gastrostomy and jejunostomy tubes being used are stable and labeled.

(9) In the case of residents of a residential facility with seventeen or more resident beds who are on a field trip from the facility, all of the following apply during the field trip, subject to the limitations specified in division (A)(9) of this section:

(a) With nursing delegation, MR/DD personnel may perform health-related activities.

(b) With nursing delegation, MR/DD personnel may administer oral and topical prescribed medications.



(c) With nursing delegation, MR/DD personnel may administer prescribed medications through gastrostomy and jejunostomy tubes, if the tubes being used are stable and labeled.

(d) With nursing delegation, MR/DD personnel may perform routine tube feedings, if the gastrostomy and jejunostomy tubes being used are stable and labeled.

(C) The authority of MR/DD personnel to administer prescribed medications, perform health-related activities, and perform tube feedings pursuant to this section is subject to all of the following:

(1) To administer prescribed medications, perform health-related activities, or perform tube feedings for individuals in the categories specified under divisions (A)(1) to (8) of this section, MR/DD personnel shall obtain the certificate or certificates required by the department of developmental disabilities and issued under section 5123.45 of the Revised Code. MR/DD personnel shall administer prescribed medication, perform health-related activities, and perform tube feedings only as authorized by the certificate or certificates held.

(2) To administer prescribed medications, perform health-related activities, or perform tube feedings for individuals in the category specified under division (A)(9) of this section, MR/DD personnel shall successfully complete the training course or courses developed under section 5123.43 of the Revised Code for the MR/DD personnel. MR/DD personnel shall administer prescribed medication, perform health-related activities, and perform tube feedings only as authorized by the training completed.

(3) If nursing delegation is required under division (B) of this section, MR/DD personnel shall not act without nursing delegation or in a manner that is inconsistent with the delegation.

(4) The employer of MR/DD personnel shall ensure that MR/DD personnel have been trained specifically with respect to each individual for whom they administer prescribed medications, perform health-related activities, or perform tube feedings. MR/DD personnel shall not administer prescribed medications, perform health-related activities, or perform tube feedings for any individual for whom they have not been specifically trained.

(5) If the employer of MR/DD personnel believes that MR/DD personnel have not or will not safely administer prescribed medications, perform health-related activities, or perform tube feedings, the employer shall prohibit the action from continuing or commencing. MR/DD personnel shall not engage in the action or actions subject to an employer's prohibition.

(D) In accordance with section 5123.46 of the Revised Code, the department of developmental disabilities shall adopt rules governing its implementation of this section. The rules shall include the following:

(1) Requirements for documentation of the administration of prescribed

medications, performance of health-related activities, and performance of tube feedings by MR/DD personnel pursuant to the authority granted under this section;

(2) Procedures for reporting errors that occur in the administration of prescribed medications, performance of health-related activities, and performance of tube feedings by MR/DD personnel pursuant to the authority granted under this section;

(3) Other standards and procedures the department considers necessary for implementation of this section."

In line 135747, after "2105.09," insert "2117.25,"

In line 135784, after "3701.83," insert "3702.52, 3702.57,"

In line 135787, after "3721.02," insert "3721.022,"; after "3721.04," insert "3721.16,"; after "3721.51," insert "3721.511, 3721.512, 3721.513, 3721.52, 3721.53, 3721.55,"

In line 135832, after "5104.99," insert "5111.011,"; after "5111.0112," insert "5111.0116,"

In line 135838, after "5111.52," insert "5111.54, 5111.62,"

In line 135849, after "5123.352," insert "5123.42,"

Delete lines 135909 through 136000 and insert:

"**Sec. 3721.16.** For each resident of a home, notice of a proposed transfer or discharge shall be in accordance with this section.

(A)(1) The administrator of a home shall notify a resident in writing, and the resident's sponsor in writing by certified mail, return receipt requested, in advance of any proposed transfer or discharge from the home. The administrator shall send a copy of the notice to the state department of health. The notice shall be provided at least thirty days in advance of the proposed transfer or discharge, unless any of the following applies:

(a) The resident's health has improved sufficiently to allow a more immediate discharge or transfer to a less skilled level of care;

(b) The resident has resided in the home less than thirty days;

(c) An emergency arises in which the safety of individuals in the home is endangered;

(d) An emergency arises in which the health of individuals in the home would otherwise be endangered;

(e) An emergency arises in which the resident's urgent medical needs necessitate a more immediate transfer or discharge.

In any of the circumstances described in divisions (A)(1)(a) to (e) of this section, the notice shall be provided as many days in advance of the proposed

transfer or discharge as is practicable.

(2) The notice required under division (A)(1) of this section shall include all of the following:

(a) The reasons for the proposed transfer or discharge;

(b) The proposed date the resident is to be transferred or discharged;

(c) Subject to division (A)(3) of this section, a proposed location to which the resident may relocate and a notice that the resident and resident's sponsor may choose another location to which the resident will relocate;

(d) Notice of the right of the resident and the resident's sponsor to an impartial hearing at the home on the proposed transfer or discharge, and of the manner in which and the time within which the resident or sponsor may request a hearing pursuant to section 3721.161 of the Revised Code;

(e) A statement that the resident will not be transferred or discharged before the date specified in the notice unless the home and the resident or, if the resident is not competent to make a decision, the home and the resident's sponsor, agree to an earlier date;

(f) The address of the legal services office of the department of health;

(g) The name, address, and telephone number of a representative of the state long-term care ombudsperson program and, if the resident or patient has a developmental disability or mental illness, the name, address, and telephone number of the Ohio ~~legal rights service~~ protection and advocacy system.

(3) The proposed location to which a resident may relocate as specified pursuant to division (A)(2)(c) of this section in the proposed transfer or discharge notice shall be capable of meeting the resident's health-care and safety needs. The proposed location for relocation need not have accepted the resident at the time the notice is issued to the resident and resident's sponsor.

(B) No home shall transfer or discharge a resident before the date specified in the notice required by division (A) of this section unless the home and the resident or, if the resident is not competent to make a decision, the home and the resident's sponsor, agree to an earlier date.

(C) Transfer or discharge actions shall be documented in the resident's medical record by the home if there is a medical basis for the action.

(D) A resident or resident's sponsor may challenge a transfer or discharge by requesting an impartial hearing pursuant to section 3721.161 of the Revised Code, unless the transfer or discharge is required because of one of the following reasons:

(1) The home's license has been revoked under this chapter;

(2) The home is being closed pursuant to section 3721.08, sections 5111.35 to 5111.62, or section 5155.31 of the Revised Code;

(3) The resident is a recipient of medicaid and the home's participation in the medicaid program has been involuntarily terminated or denied by the federal government;

(4) The resident is a beneficiary under the medicare program and the home's certification under the medicare program has been involuntarily terminated or denied by the federal government.

(E) If a resident is transferred or discharged pursuant to this section, the home from which the resident is being transferred or discharged shall provide the resident with adequate preparation prior to the transfer or discharge to ensure a safe and orderly transfer or discharge from the home, and the home or alternative setting to which the resident is to be transferred or discharged shall have accepted the resident for transfer or discharge.

(F) At the time of a transfer or discharge of a resident who is a recipient of medicaid from a home to a hospital or for therapeutic leave, the home shall provide notice in writing to the resident and in writing by certified mail, return receipt requested, to the resident's sponsor, specifying the number of days, if any, during which the resident will be permitted under the medicaid program to return and resume residence in the home and specifying the medicaid program's coverage of the days during which the resident is absent from the home. An individual who is absent from a home for more than the number of days specified in the notice and continues to require the services provided by the facility shall be given priority for the first available bed in a semi-private room."

Between lines 139142 and 139143, insert:

**"Section 209. \_\_. UNIFIED LONG-TERM CARE SYSTEM  
ADVISORY WORKGROUP**

(A) As used in this section, "long-term care services" means both of the following:

(1) Services of long-term care facilities as defined in section 173.14 of the Revised Code;

(2) Community-based long-term care services as defined in section 173.14 of the Revised Code.

(B) There is hereby created for fiscal year 2012 and fiscal year 2013 the Unified Long-Term Care System Advisory Workgroup. The Workgroup shall consist of the following members:

(1) The Director of Aging, or the Director's designee;

(2) The following persons appointed by the Governor:

(a) Advocates for individuals who use long-term care services;

(b) Representatives of providers of long-term care services;

(c) Representatives of managed care organizations under contract with

the Department of Job and Family Services under section 5111.17 of the Revised Code;

(d) State policy makers.

(3) One member of the House of Representatives from the majority party and one member of the House of Representatives from the minority party, appointed by the Speaker of the House of Representatives;

(4) One member of the Senate from the majority party and one member of the Senate from the minority party, appointed by the President of the Senate.

(C) Members of the Workgroup shall be appointed not later than fifteen days after the effective date of this section. Except to the extent that serving on the Workgroup is part of a member's regular employment duties, a member of the Workgroup shall not be paid for the member's service on the Workgroup. Members of the Workgroup shall not be reimbursed for their expenses incurred in serving on the Workgroup.

(D) The Director of Aging or the Director's designee shall serve as chairperson of the Workgroup. The Departments of Aging and Job and Family Services shall provide staff and other support services for the Workgroup.

(E) The Workgroup shall serve in an advisory capacity in the implementation of a unified system of long-term care services that facilitates all of the following:

(1) Providing consumers choices of long-term care services that meet their health-care needs and improve their quality of life;

(2) Providing a continuum of long-term care services that meets consumers' needs throughout life and promotes consumers' independence and autonomy;

(3) Assuring that the state has a system of long-term care services that is cost effective and connects disparate services across agencies and jurisdictions.

(F) The Workgroup, with the assistance of the Directors of Job and Family Services and Budget and Management, shall submit two reports to the General Assembly in accordance with section 101.68 of the Revised Code regarding a unified system of long-term care services. The first report is due not later than July 1, 2012. The second report is due not later than July 1, 2013. A report due before the unified system of long-term care services is established shall discuss the progress being made in establishing the system. A report due after the system is established shall discuss the system's effectiveness.

#### **Section 209.\_\_. UNIFIED LONG-TERM CARE SYSTEM ADVISORY WORKGROUP SUBCOMMITTEES**

The Unified Long-Term Care System Advisory Workgroup shall convene four subcommittees.

The first subcommittee shall study the current and future capacity of

nursing facilities in this state, the configuration of that capacity, and strategies for addressing nursing facility capacity, including the ability of nursing facility operators to determine the number of beds to certify for participation in the Medicaid program. The subcommittee shall complete a report of the part of the study regarding the ability of nursing facility operators to determine the number of beds to certify for participation in the Medicaid program not later than September 1, 2011.

For purposes related to division (D) of section 5111.244 of the Revised Code, the second subcommittee shall study the quality incentive payments to be paid to nursing facilities under the Medicaid program for fiscal year 2013, including accountability measures to be used in awarding points for the quality incentive payments and the methodology for calculating the quality incentive payments. The subcommittee shall complete a report of its study not later than September 1, 2011.

The third subcommittee shall study the process of making Medicaid eligibility determinations for individuals seeking nursing facility services. The subcommittee shall complete a report of its study not later than December 31, 2011.

The fourth subcommittee shall study Medicaid reimbursement for nursing facility services, including issues related to the composition of peer groups, methodologies used to calculate reimbursement for capital costs, and the proportion of the total nursing facility reimbursement rate that should be based on the quality of care nursing facilities provide. The subcommittee shall complete a report of its study not later than December 31, 2012.

Each subcommittee shall submit its report to the General Assembly in accordance with section 101.68 of the Revised Code and to the Directors of Aging, Health, and Job and Family Services. A subcommittee shall cease to exist on the submission of its report."

Delete lines 144081 through 144164 and insert:

**"Section 309.30.60. FISCAL YEAR 2012 MEDICAID  
REIMBURSEMENT SYSTEM FOR NURSING FACILITIES**

(A) As used in this section:

"Franchise permit fee," "Medicaid days," "nursing facility," and "provider" have the same meanings as in section 5111.20 of the Revised Code.

"Nursing facility services" means nursing facility services covered by the Medicaid program that a nursing facility provides to a resident of the nursing facility who is a Medicaid recipient eligible for Medicaid-covered nursing facility services.

(B) Except as otherwise provided by this section, the provider of a nursing facility that has a valid Medicaid provider agreement on June 30, 2011, and a valid Medicaid provider agreement during fiscal year 2012 shall be paid,

for nursing facility services the nursing facility provides during fiscal year 2012, the rate calculated for the nursing facility under sections 5111.20 to 5111.331 of the Revised Code with the following adjustments:

(1) For the purpose of determining the nursing facility's rate for direct care costs under section 5111.231 of the Revised Code, the nursing facility's semiannual case-mix score for the period beginning July 1, 2011, and ending January 1, 2012, shall be the same as the semiannual case-mix score, as determined under section 5111.232 of the Revised Code, used in calculating the nursing facility's June 30, 2011, rate for direct care costs.

(2) The cost per case mix-unit calculated under section 5111.231 of the Revised Code, the rate for ancillary and support costs calculated under section 5111.24 of the Revised Code, the rate for tax costs calculated under section 5111.242 of the Revised Code, and the rate for capital costs calculated under section 5111.25 of the Revised Code shall each be increased by 5.08 per cent.

(3) The per resident per day rate paid under section 5111.243 of the Revised Code for the franchise permit fee shall be \$11.47.

(4) The mean payment used in the calculation of the quality incentive payment made under section 5111.244 of the Revised Code shall be, weighted by Medicaid days, \$3.03 per Medicaid day.

(C) If the rate determined for a nursing facility under division (B) of this section for nursing facility services provided during fiscal year 2012 is less than 90 per cent of the rate the provider is paid for nursing facility services the nursing facility provides on June 30, 2011, the Department of Job and Family Services, except as provided in division (D) of this section, shall provide for the nursing facility's rate for fiscal year 2012 to be the percentage determined as follows less than its June 30, 2011, rate:

(1) Determine the percentage difference between the nursing facility's June 30, 2011, rate and the rate determined for the nursing facility under division (B) of this section;

(2) Reduce the percentage determined under division (C)(1) of this section by ten percentage points;

(3) Divide the percentage determined under division (C)(2) of this section by two;

(4) Increase the percentage determined under division (C)(3) of this section by ten percentage points.

(D) If the franchise permit fee must be reduced or eliminated to comply with federal law, the Department of Job and Family Services shall reduce the amount it pays providers of nursing facility services under this section as necessary to reflect the loss to the state of the revenue and federal financial participation generated from the franchise permit fee.

(E) The Department of Job and Family Services shall follow this section

in determining the rate to be paid to the provider of a nursing facility that has a valid Medicaid provider agreement on June 30, 2011, and a valid Medicaid provider agreement during fiscal year 2012 notwithstanding anything to the contrary in sections 5111.20 to 5111.331 of the Revised Code.

**Section 309.30.70. FISCAL YEAR 2013 MEDICAID  
REIMBURSEMENT SYSTEM FOR NURSING FACILITIES**

(A) As used in this section:

"Franchise permit fee," "Medicaid days," "nursing facility," and "provider" have the same meanings as in section 5111.20 of the Revised Code.

"Low resource utilization resident" means a Medicaid recipient residing in a nursing facility who, for purposes of calculating the nursing facility's Medicaid reimbursement rate for direct care costs, is placed in either of the two lowest resource utilization groups, excluding any resource utilization group that is a default group used for residents with incomplete assessment data.

"Nursing facility services" means nursing facility services covered by the Medicaid program that a nursing facility provides to a resident of the nursing facility who is a Medicaid recipient eligible for Medicaid-covered nursing facility services.

(B) Except as otherwise provided by this section, the provider of a nursing facility that has a valid Medicaid provider agreement on June 30, 2012, and a valid Medicaid provider agreement during fiscal year 2013 shall be paid, for nursing facility services the nursing facility provides during fiscal year 2013, the rate calculated for the nursing facility under sections 5111.20 to 5111.331 of the Revised Code with the following adjustments:

(1) The cost per case mix-unit calculated under section 5111.231 of the Revised Code, the rate for ancillary and support costs calculated under section 5111.24 of the Revised Code, the rate for tax costs calculated under section 5111.242 of the Revised Code, and the rate for capital costs calculated under section 5111.25 of the Revised Code shall each be increased by 5.08 per cent;

(2) The maximum quality incentive payment made under section 5111.244 of the Revised Code shall be \$16.44 per Medicaid day.

(C) The rate determined under division (B) of this section shall not be paid for nursing facility services provided to low resource utilization residents. Except as provided in division (D) of this section, the provider of a nursing facility that has a valid Medicaid provider agreement on June 30, 2012, and a valid Medicaid provider agreement during fiscal year 2013 shall be paid, for nursing facility services the nursing facility provides during fiscal year 2013 to low resource utilization residents, \$130.00 per Medicaid day.

(D) If the franchise permit fee must be reduced or eliminated to comply with federal law, the Department of Job and Family Services shall reduce the amount it pays providers of nursing facility services under this section as



necessary to reflect the loss to the state of the revenue and federal financial participation generated from the franchise permit fee.

(E) The Department of Job and Family Services shall follow this section in determining the rate to be paid to the provider of a nursing facility that has a valid Medicaid provider agreement on June 30, 2012, and a valid Medicaid provider agreement during fiscal year 2013 notwithstanding anything to the contrary in sections 5111.20 to 5111.331 of the Revised Code."

Delete lines 144165 through 144211 and insert:

**"Section 309.30. JOINT LEGISLATIVE COMMITTEE FOR  
UNIFIED LONG-TERM SERVICES AND SUPPORTS**

(A) There is hereby created the Joint Legislative Committee for Unified Long-Term Services and Supports. The Committee shall consist of the following members:

(1) Two members of the House of Representatives from the majority party, appointed by the Speaker of the House of Representatives;

(2) One member of the House of Representatives from the minority party, appointed by the Speaker of the House of Representatives;

(3) Two members of the Senate from the majority party, appointed by the President of the Senate;

(4) One member of the Senate from the minority party, appointed by the President of the Senate.

(B) The Speaker of the House of Representatives shall designate one of the members of the Committee appointed under division (A)(1) of this section to serve as co-chairperson of the Committee. The President of the Senate shall designate one of the members of the Committee appointed under division (A)(3) of this section to serve as the other co-chairperson of the Committee. The Committee shall meet at the call of the co-chairpersons. The co-chairpersons may request assistance for the Committee from the Legislative Service Commission.

(C) The Committee may examine the following issues:

(1) The implementation of the dual eligible integrated care demonstration project authorized by section 5111.981 of the Revised Code;

(2) The implementation of a unified long-term services and support Medicaid waiver component under section 5111.864 of the Revised Code;

(3) Providing consumers choices regarding a continuum of services that meet their health-care needs, promote autonomy and independence, and improve quality of life;

(4) Ensuring that long-term care services and supports are delivered in a cost effective and quality manner;

(5) Subjecting county homes, county nursing homes, and district homes operated pursuant to Chapter 5155. of the Revised Code to the franchise permit fee under sections 3721.50 to 3721.58 of the Revised Code;

(6) Other issues of interest to the committee.

(D) The co-chairpersons of the Committee shall provide for the Director of the Office of Ohio Health Plans in the Department of Job and Family Services to testify before the Committee not later than September 30, 2011, and at least quarterly thereafter regarding the issues that the Committee examines."

In line 152973, after "3721.51," insert "3721.511, 3721.512, 3721.513, 3721.52, 3721.53, 3721.531, 3721.532, 3721.533, 3721.55,"

In line 152983, delete "5111.243,"

Between lines 152989 and 152990, insert:

"The repeal of section 5111.243 of the Revised Code takes effect July 1, 2012."

In line 93 of the title, after "2105.09," insert "2117.25,"

In line 144 of the title, after "3701.83," insert "3702.52, 3702.57,"

In line 147 of the title, after "3721.02," insert "3721.022,"

In line 148 of the title, after "3721.04," insert "3721.16,"; after "3721.51," insert "3721.511, 3721.512, 3721.513, 3721.52, 3721.53, 3721.55,"

In line 209 of the title, after "5104.99," insert "5111.011,"; after "5111.0112," insert "5111.0116,"

In line 217 of the title, after "5111.52," insert "5111.54, 5111.62,"

In line 230 of the title, after "5123.352," insert "5123.42,"

In line 333 of the title, after "3701.032," insert "3702.523,"

In line 334 of the title, after "3717.54," insert "3721.531, 3721.532, 3721.533,"

In line 340 of the title, after "5111.1711," after "5111.212,"

In line 341 of the title, after "5111.259," insert "5111.271,"; after "5111.331," insert "5111.511,"

In line 392 of the title, after "sections" insert "3721.16,"

In line 395 of the title, delete "3721.16,"

Delete lines 151140 through 151174

In line 516, delete "3333.38,"

In line 517, delete "3345.32,"

In line 661, delete "3333.93, 3333.94,"

Delete lines 68613 through 68661

Delete lines 69128 through 69233

Delete lines 69527 through 69607

In line 135780, delete "3333.38,"

In line 135782, delete "3345.32,"

In line 138 of the title, delete "3333.38,"

In line 140 of the title, delete "3345.32,"

In line 332 of the title, delete "3333.93, 3333.94,"

Delete lines 152856 through 152870

In line 603, after "5747.53," insert "5747.98,"

In line 637, after "122.175," insert "122.86,"

In line 672, after "5729.17," insert "5747.81,"

Between lines 8477 and 8478, insert:

" **Sec. 122.86.** (A) As used in this section and section 5747.81 of the Revised Code:

(1) "Small business enterprise" means a corporation, pass-through entity, or other person satisfying all of the following:

(a) At the time of a qualifying investment, the enterprise's assets according to generally accepted accounting principles do not exceed fifty million dollars, or its annual sales do not exceed ten million dollars;

(b) The enterprise employs at least fifty full-time equivalent employees in this state for whom the enterprise is required to withhold income tax under section 5747.06 of the Revised Code, or more than one-half the enterprise's total number of full-time equivalent employees employed anywhere in the United States are employed in this state and are subject to that withholding requirement.

(c) The enterprise, within six months after an eligible investor's qualifying investment is made, invests in or incurs cost for one or more of the following in an amount at least equal to the amount of the qualifying investment:

(i) Tangible personal property, other than motor vehicles operated on public roads and highways, used in business and physically located in this state from the time of its acquisition by the enterprise until the end of the investor's holding period;

(ii) Motor vehicles operated on public roads and highways if, from the time of acquisition by the enterprise until the end of the investor's holding period, the motor vehicles are purchased in this state, registered in this state under Chapter 4503. of the Revised Code, are used primarily for business purposes, and are necessary for the operation of the enterprise's business;

(iii) Real property located in this state that is used in business from the time of its acquisition by the enterprise until the end of the holding period;

(iv) Intangible personal property, including patents, copyrights, trademarks, service marks, or licenses used in business primarily in this state from the time of its acquisition by the enterprise until the end of the holding period;

(v) Compensation for new employees of the enterprise for whom the enterprise is required to withhold income tax under section 5747.06 of the Revised Code, not including increased compensation for owners, officers, or managers of the enterprise. For this purpose compensation for new employees includes compensation for newly hired or retained employees.

(2) "Qualifying investment" means an investment of money made on or after July 1, 2011, to acquire capital stock or other equity interest in a small business enterprise. "Qualifying investment" does not include any investment of money an eligible investor derives, directly or indirectly, from a grant or loan from the federal government or the state or a political subdivision, including the third frontier program under Chapter 184, of the Revised Code.

(3) "Eligible investor" means an individual, estate, or trust subject to the tax imposed by section 5747.02 of the Revised Code, or a pass-through entity in which such an individual, estate, or trust holds a direct or indirect ownership or other equity interest.

(4) "Holding period" means:

(a) For qualifying investments made on or after July 1, 2011, but before July 1, 2013, the two-year period beginning on the day the investment was made;

(b) For qualifying investments made on or after July 1, 2013, the five-year period beginning on the day the investment was made.

(5) "Pass-through entity" has the same meaning as in section 5733.04 of the Revised Code.

(B) Any eligible investor that makes a qualifying investment in a small business enterprise on or after July 1, 2011, may apply to the director of development to obtain a small business investment certificate from the director. Alternatively, a small business enterprise may apply on behalf of eligible investors to obtain the certificates for those investors. The director, in consultation with the tax commissioner, shall prescribe the form or manner in which an applicant shall apply for the certificate, devise the form of the certificate, and prescribe any records or other information an applicant shall furnish with the application to evidence the qualifying investment. The applicant shall state the amount of the intended investment.

A small business investment certificate entitles the certificate holder to receive a tax credit under section 5747.81 of the Revised Code if the certificate holder qualifies for the credit as otherwise provided in this section. If the

certificate holder is a pass-through entity, the certificate entitles the entity's equity owners to receive their distributive or proportionate shares of the credit. In any fiscal biennium, an eligible investor may not apply for small business investment certificates representing intended investment amounts in excess of ten million dollars. Such certificates are not transferable.

The director of development shall issue small business investment certificates to qualifying applicants in the order in which the director receives applications. To qualify for a certificate, an eligible investor must satisfy both of the following, subject to the limitation on the amount of qualifying investments for which certificates may be issued under division (C) of this section:

(1) The eligible investor makes a qualifying investment on or after July 1, 2011.

(2) The eligible investor pledges not to sell or otherwise dispose of the qualifying investment before the conclusion of the applicable holding period.

(C)(1) The amount of any eligible investor's qualifying investments for which small business investment certificates may be issued for a fiscal biennium shall not exceed ten million dollars.

(2) The director of development shall not issue a small business investment certificate to an eligible investor representing an amount of qualifying investment in excess of the amount of the intended investment indicated on the investor's application for the certificate.

(3) The director of development shall not issue small business investment certificates in a total amount that would cause the tax credits claimed in any fiscal biennium to exceed one hundred million dollars.

(D) Before the end of the applicable holding period of a qualifying investment, each enterprise in which a qualifying investment was made for which a small business investment certificate has been issued, upon the request of the director of development, shall provide to the director records or other evidence satisfactory to the director that the enterprise is a small business enterprise for the purposes of this section. No credit may be claimed under this section and section 5747.81 of the Revised Code if the director finds that an enterprise is not a small business enterprise for the purposes of this section. The director shall compile and maintain a register of small business enterprises qualifying under this section and shall certify the register to the tax commissioner.

(E) After the conclusion of the applicable holding period for a qualifying investment, a person to whom a small business investment certificate has been issued under this section may claim a credit as provided under section 5747.81 of the Revised Code.

(F) The director of development, in consultation with the tax commissioner, may adopt rules for the administration of this section, including rules governing the following:

(1) Documents, records, or other information eligible investors shall provide to the director;

(2) Any information a small business enterprise shall provide for the purposes of this section and section 5747.81 of the Revised Code;

(3) Determination of the number of full-time equivalent employees of a small business enterprise;

(4) Verification of a small business enterprise's investment in tangible personal property and intangible personal property under division (A)(1)(c) of this section, including when such investments have been made and where the property is used in business;

(5) Circumstances under which small business enterprises or eligible investors may be subverting the purposes of this section and section 5747.81 of the Revised Code."

Between lines 131087 and 131088, insert:

" **Sec. 5747.81.** (A) Any term used in this section that is defined in section 122.86 of the Revised Code has the same meaning as defined in that section.

(B) For the purpose of encouraging new capital investment in small businesses in this state and thereby promoting the economic welfare of all Ohioans, a nonrefundable credit is allowed against the tax imposed by section 5747.02 of the Revised Code for a taxpayer to whom a small business investment certificate was issued under section 122.86 of the Revised Code if the taxpayer did not sell or otherwise dispose of the qualifying investment before the conclusion of the applicable holding period and if the small business enterprise on the basis of which the certificate was issued is included in the register maintained under division (D) of section 122.86 of the Revised Code.

The credit shall be claimed for the taxpayer's taxable year that includes the last day of the holding period of the qualifying investment. If the certificate was issued to a pass-through entity that made the qualifying investment, a taxpayer that holds a direct or indirect equity interest in the pass-through entity on the last day of the entity's taxable year that includes the last day of the holding period may claim the taxpayer's distributive or proportionate share of the credit for the taxpayer's taxable year that includes the last day of the entity's taxable year.

The credit equals the amount of the taxpayer's qualifying investment as indicated on the certificate multiplied by ten per cent. If a taxpayer claims a credit on the basis of more than one small business investment certificate issued for the same fiscal biennium, including a certificate issued to a pass-through entity in which the taxpayer owns an equity interest, the total amount of credit claimed by the taxpayer on the basis of all such certificates shall not exceed one million dollars. If a taxpayer and the taxpayer's spouse file a joint return under section 5747.08 of the Revised Code, the credit shall be computed on the basis

of the total qualifying investments made by both spouses or by any pass-through entities in which either spouse owns an equity interest, but the total amount of credit claimed on the basis of all certificates issued to the spouses or to such pass-through entities for a fiscal biennium shall not exceed two million dollars.

The credit shall be claimed in the order prescribed by section 5747.98 of the Revised Code. If the credit exceeds the amount of tax otherwise due for the taxable year, the excess may be carried forward and applied against the tax due for not more than seven succeeding taxable years, provided that the amount applied to the tax due for any taxable year shall be subtracted from the amount available to carry forward to succeeding years.

**Sec. 5747.98.** (A) To provide a uniform procedure for calculating the amount of tax due under section 5747.02 of the Revised Code, a taxpayer shall claim any credits to which the taxpayer is entitled in the following order:

(1) The retirement income credit under division (B) of section 5747.055 of the Revised Code;

(2) The senior citizen credit under division (C) of section 5747.05 of the Revised Code;

(3) The lump sum distribution credit under division (D) of section 5747.05 of the Revised Code;

(4) The dependent care credit under section 5747.054 of the Revised Code;

(5) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;

(6) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;

(7) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;

(8) The low-income credit under section 5747.056 of the Revised Code;

(9) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;

(10) The campaign contribution credit under section 5747.29 of the Revised Code;

(11) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;

(12) The joint filing credit under division (G) of section 5747.05 of the Revised Code;

(13) The nonresident credit under division (A) of section 5747.05 of the Revised Code;

(14) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;

(15) The credit for employers that enter into agreements with child day-care centers under section 5747.34 of the Revised Code;

(16) The credit for employers that reimburse employee child care expenses under section 5747.36 of the Revised Code;

(17) The credit for adoption of a minor child under section 5747.37 of the Revised Code;

(18) The credit for purchases of lights and reflectors under section 5747.38 of the Revised Code;

(19) The nonrefundable job retention credit under division (B) of section 5747.058 of the Revised Code;

(20) The credit for selling alternative fuel under section 5747.77 of the Revised Code;

(21) The second credit for purchases of new manufacturing machinery and equipment and the credit for using Ohio coal under section 5747.31 of the Revised Code;

(22) The job training credit under section 5747.39 of the Revised Code;

(23) The enterprise zone credit under section 5709.66 of the Revised Code;

(24) The credit for the eligible costs associated with a voluntary action under section 5747.32 of the Revised Code;

(25) The credit for employers that establish on-site child day-care centers under section 5747.35 of the Revised Code;

(26) The ethanol plant investment credit under section 5747.75 of the Revised Code;

(27) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;

(28) ~~The export sales credit under section 5747.057~~ small business investment credit under section 5747.81 of the Revised Code;

(29) The credit for research and development and technology transfer investors under section 5747.33 of the Revised Code;

(30) The enterprise zone credits under section 5709.65 of the Revised Code;

(31) The research and development credit under section 5747.331 of the Revised Code;

(32) The credit for rehabilitating a historic building under section



5747.76 of the Revised Code;

(33) The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;

(34) The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;

(35) The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;

(36) The refundable credits for taxes paid by a qualifying pass-through entity granted under division (J) of section 5747.08 of the Revised Code;

(37) The refundable credit for tax withheld under division (B)(1) of section 5747.062 of the Revised Code;

(38) The refundable credit for tax withheld under section 5747.063 of the Revised Code;

(39) The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;

(40) The refundable motion picture production credit under section 5747.66 of the Revised Code.

(B) For any credit, except the refundable credits enumerated in this section and the credit granted under division (I) of section 5747.08 of the Revised Code, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year."

In line 135869, after "5747.53," insert "5747.98,"

In line 259 of the title, after "5747.53," insert "5747.98,"

In line 303 of the title, after "122.175," insert "122.86,"

In line 346 of the title, after "5729.17," insert "5747.81,"

In line 636, delete "101.36,"

Delete lines 2748 through 2875

In line 301 of the title, delete "101.36,"

In line 426, delete "135.80,"

In line 439, delete "309.09,"

In line 560, delete "4928.01,"

In line 643, delete all after "317.06,"

Delete line 644

In line 645, delete all before "505.483,"

In line 672, delete "5705.55,"

In line 12464, delete " (19)" and insert " (18)"

In line 12467, delete the underlined semicolon

Delete line 12468

In line 12469, delete all before the period

Delete lines 12691 and 12692

In line 12693, delete " (19)" and insert " (18)"

In line 12723, delete " (19)" and insert " (18)"

In line 12726, delete the underlined semicolon

In line 12727, delete all before the period

Delete lines 13506 through 13561

Delete lines 21523 through 21678

Delete lines 23997 through 24769

Delete lines 96509 through 96808

In line 118734, delete " a lake"

Delete line 118735

In line 118736, delete " Code:"

In line 118771, delete all after the semicolon

In line 118772, delete " directors:"

In line 118825, delete all after the semicolon

In line 118826, delete all before "in"

In line 119029, reinsert "or"; delete the first underlined comma; delete " or lake facilities"

In line 119030, delete " authorities"

Delete lines 120642 through 120714

In line 128992, delete the underlined semicolon

Delete lines 128993 through 128995

In line 128996, delete " Revised Code"

In line 135691, delete "135.80,"

In line 135703, delete "309.09,"

In line 135824, delete "4928.01,"

Delete lines 153113 and 153114

In line 18 of the title, delete "135.80,"

In line 33 of the title, delete "309.09,"

In line 199 of the title, delete "4928.01,"

In line 311 of the title, delete all after "317.06,"

Delete lines 312 and 313 of the title

In line 345 of the title, delete "5705.55,"

In line 512, after "3319.081," insert "3319.141,"

Between lines 66011 and 66012, insert:

**"Sec. 3319.141.** Each person who is employed by any board of education in this state , except for substitutes, adult education instructors who are scheduled to work the full-time equivalent of less than one hundred twenty days per school year, or persons who are employed on an as-needed, seasonal, or intermittent basis, shall be entitled to fifteen days sick leave with pay, for each year under contract, which shall be credited at the rate of one and one-fourth days per month. Teachers and regular nonteaching school employees, upon approval of the responsible administrative officer of the school district, may use sick leave for absence due to personal illness, pregnancy, injury, exposure to contagious disease which could be communicated to others, and for absence due to illness, injury, or death in the employee's immediate family. Unused sick leave shall be cumulative up to one hundred twenty work days, unless more than one hundred twenty days are approved by the employing board of education. The previously accumulated sick leave of a person who has been separated from public service, whether accumulated pursuant to section 124.38 of the Revised Code or pursuant to this section, shall be placed to ~~his~~ the person's credit upon ~~his~~ re-employment in the public service, provided that such re-employment takes place within ten years of the date of the last termination from public service. A teacher or nonteaching school employee who transfers from one public agency to another shall be credited with the unused balance of ~~his~~ the teacher's or nonteaching employee's accumulated sick leave up to the maximum of the sick leave accumulation permitted in the public agency to which the employee transfers. Teachers and nonteaching school employees who render regular part-time, ~~seasonal, intermittent,~~ per diem, or hourly service shall be entitled to sick leave for the time actually worked at the same rate as that granted like full-time employees , calculated in the same manner as the ratio of sick leave granted to hours of service established by section 124.38 of the Revised Code. Each board of education may establish regulations for the entitlement, crediting

and use of sick leave by those substitute teachers employed by such board pursuant to section 3319.10 of the Revised Code who are not otherwise entitled to sick leave pursuant to such section. A board of education shall require a teacher or nonteaching school employee to furnish a written, signed statement on forms prescribed by such board to justify the use of sick leave. If medical attention is required, the employee's statement shall list the name and address of the attending physician and the dates when ~~he~~ the physician was consulted. Nothing in this section shall be construed to waive the physician-patient privilege provided by section 2317.02 of the Revised Code. Falsification of a statement is grounds for suspension or termination of employment under sections 3319.081 and 3319.16 of the Revised Code. No sick leave shall be granted or credited to a teacher after ~~his~~ the teacher's retirement or termination of employment.

Except to the extent used as sick leave, leave granted under regulations adopted by a board of education pursuant to section 3319.08 of the Revised Code shall not be charged against sick leave earned or earnable under this section. Nothing in this section shall be construed to affect in any other way the granting of leave pursuant to section 3319.08 of the Revised Code and any granting of sick leave pursuant to such section shall be charged against sick leave accumulated pursuant to this section.

This section shall not be construed to interfere with any unused sick leave credit in any agency of government where attendance records are maintained and credit has been given for unused sick leave. Unused sick leave accumulated by teachers and nonteaching school employees under section 124.38 of the Revised Code shall continue to be credited toward the maximum accumulation permitted in accordance with this section. Each newly hired regular nonteaching and each regular nonteaching employee of any board of education who has exhausted ~~his~~ the employee's accumulated sick leave shall be entitled to an advancement of not less than five days of sick leave each year, as authorized by rules which each board shall adopt, to be charged against the sick leave ~~he~~ the employee subsequently accumulates under this section.

This section shall be uniformly administered."

In line 135776, after "3319.081," insert "3319.141,"

In line 132 of the title, after "3319.081," insert "3319.141,"

Between lines 147640 and 147641, insert:

**"Section \_\_\_\_.** CO-OP INTERNSHIP PROGRAM

Of the foregoing appropriation item 235649, Co-op Internship Program, \$75,000 in each fiscal year shall be used by the Chancellor of the Board of Regents to support the operations of Ohio University's Voinovich School.

Of the foregoing appropriation item 235649, Co-op Internship Program, \$75,000 in each fiscal year, shall be used by the Chancellor of the Board of Regents to support the operations of The Ohio State University's John Glenn

School of Public Affairs.

Of the foregoing appropriation item 235649, Co-op Internship Program, \$75,000 in each fiscal year shall be used to support the Bliss Institute of Applied Politics at the University of Akron.

Of the foregoing appropriation item 235649, Co-op Internship Program, \$75,000 in each fiscal year shall be used to support the Center for Public Management and Regional Affairs at Miami University.

Of the foregoing appropriation item 235649, Co-op Internship Program, \$75,000 in each fiscal year shall be used to support the Washington Center Internship Program.

Of the foregoing appropriation item 235649, Co-op Internship Program, \$75,000 in each fiscal year shall be used to support the Maxine Goodman Levin College of Urban Affairs at Cleveland State University.

Of the foregoing appropriation item 235649, Co-op Internship Program, \$75,000 in each fiscal year shall be used to support the University of Cincinnati Internship Program."

In line 11871, delete " as being in full compliance with"

In line 11872, delete " competitive selection"

In line 11874, delete " substantially complied with" and insert " utilized"

In line 11885, after " Code" insert " ;

(e) An agency released competitive opportunity that demonstrates a competitive process involving a request for proposals, request for qualifications, or request for information"

In line 11887, delete " type of"

In line 11888, delete " with which"; delete " was seeking to" and insert " utilized."

Delete lines 11889 through 11891

In line 11895, delete " substantial"

In line 11896, delete " compliance with the relevant" and insert " it utilized one of the"

In line 11897, after " requirements" insert " described in division (A)(1) of this section"

In line 140930, delete "five" and insert "two"

In line 140944, delete "four years" and insert "one year"

In line 428, delete "153.012,"

In line 640, delete "153.504, 153.505,"

In line 655, delete "3318.111,"

Delete lines 1698 through 1927 and insert:

"**Sec. 9.33.** As used in sections 9.33 to ~~9.333~~ 9.335 of the Revised Code:

(A) "Construction manager" means a person with substantial discretion and authority to plan, coordinate, manage, and direct all phases of a project for the construction, demolition, alteration, repair, or reconstruction of any public building, structure, or other improvement, but does not mean the person who provides the professional design services or who actually performs the construction, demolition, alteration, repair, or reconstruction work on the project.

(B) (1) "Construction manager at risk" means a person with substantial discretion and authority to plan, coordinate, manage, direct, and construct all phases of a project for the construction, demolition, alteration, repair, or reconstruction of any public building, structure, or other improvement and who provides the public authority a guaranteed maximum price as determined in section 9.334 of the Revised Code.

(2) As used in division (B)(1) of this section:

(a) "Construct" includes performing, or subcontracting for performing, construction, demolition, alteration, repair, or reconstruction.

(b) "Manage" includes approving bidders and awarding subcontracts for furnishing materials regarding, or for performing, construction, demolition, alteration, repair, or reconstruction.

(C) "Construction management contract" means a contract between a public authority and another person obligating the person to provide construction management services.

(D) "Construction management services" or "management services" means the range of services that either a construction manager or a construction manager at risk may provide.

(E) "Qualified" means having the following qualifications:

(1) Competence to perform the required management services as indicated by the technical training, education, and experience of the construction manager's or construction manager at risk's personnel, especially the technical training, education, and experience of the construction manager's or construction manager at risk's employees who would be assigned to perform the services;

(2) Ability in terms of workload and the availability of qualified personnel, equipment, and facilities to perform the required management services competently and expeditiously;

(3) Past performance as reflected by the evaluations of previous clients with respect to factors such as control of costs, quality of work, and meeting of deadlines;

(4) Financial responsibility as evidenced by the capability to provide a letter of credit pursuant to Chapter 1305. of the Revised Code, a surety bond, certified check, or cashier's check in an amount equal to the value of the construction management contract, or by other means acceptable to the public ~~owner~~ authority;

(5) Other similar factors.

~~(C)~~ ~~(F)~~ ~~(1)~~ "Public ~~owner~~ authority" means the state, ~~or any state~~ institution of higher education as defined in section 3345.011 of the Revised Code, any county, township, municipal corporation, school district, or other political subdivision, or any public agency, authority, board, commission, instrumentality, or special purpose district of the state or of a political subdivision.

(2) "Public authority" does not include the Ohio turnpike commission.

(G) "Open book pricing method" means a method in which a construction manager at risk provides the public authority, at the public authority's request, all books, records, documents, and other data in its possession pertaining to the bidding, pricing, or performance of a construction management contract awarded to the construction manager at risk.

**Sec. 9.331.** (A) Before entering into a contract to employ a construction manager or construction manager at risk, a public ~~owner~~ authority shall advertise, in a newspaper of general circulation in the county where the contract is to be performed, and may advertise by electronic means pursuant to rules adopted by the director of administrative services, notice of its intent to employ a construction manager or construction manager at risk. The notice shall invite interested parties to submit proposals for consideration and shall be published at least thirty days prior to the date for accepting the proposals. The public ~~owner~~ authority also may advertise the information contained in the notice in appropriate trade journals and otherwise notify persons believed to be interested in employment as a construction manager or construction manager at risk.

(B) The advertisement shall include a general description of the project, a statement of the specific management services required, and a description of the qualifications required for the project.

**Sec. 9.332.** ~~For every construction management contract, the~~ Every public ~~owner~~ authority planning to contract for construction management services with a construction manager shall evaluate the proposals submitted and may hold discussions with individual construction managers to explore further their proposals, the scope and nature of the services they would provide, and the various technical approaches they may take regarding the project. Following this evaluation, the public ~~owner~~ authority shall:

(A) Select and rank no fewer than three construction managers that it considers to be the most qualified to provide the required construction management services, except when the public ~~owner~~ authority determines in

writing that fewer than three qualified construction managers are available in which case it shall select and rank them;

(B) Negotiate a contract with the construction manager ranked most qualified to perform the required services at a compensation determined in writing to be fair and reasonable. Contract negotiations shall be directed toward:

(1) Ensuring that the construction manager and the public ~~owner~~ authority have a mutual understanding of the essential requirements involved in providing the required services;

(2) Determining that the construction manager will make available the necessary personnel, equipment, and facilities to perform the services within the required time.

(C) Upon failure to negotiate a contract with the construction manager ranked most qualified, the public ~~owner~~ authority shall inform the construction manager in writing of the termination of negotiations and enter into negotiations with the construction manager ranked next most qualified. If negotiations again fail, the same procedure ~~shall~~ may be followed with each next most qualified construction manager selected and ranked pursuant to division (A) of this section, in order of ranking, until a contract is negotiated.

(D) If the public ~~owner~~ authority fails to negotiate a contract with any of the construction managers selected pursuant to division (A) of this section, the public ~~owner~~ authority ~~shall~~ may select and rank additional construction managers, based on their qualifications, and negotiations ~~shall~~ may continue as with the construction managers selected and ranked initially until a contract is negotiated.

(E) Nothing in this section affects a public authority's right to accept or reject any or all proposals in whole or in part.

**Sec. 9.333.** (A) No public ~~owner~~ authority shall enter into a construction management contract with a construction manager unless the construction manager provides a letter of credit pursuant to Chapter 1305. of the Revised Code, a surety bond pursuant to sections 153.54 and 153.57 of the Revised Code, a certified check or cashier's check in an amount equal to the value of the construction management contract for the project, or provides other reasonable financial assurance of a nature and in an amount satisfactory to the ~~owner~~ public authority. The public ~~owner~~ authority may waive this requirement for good cause.

(B) Before construction begins pursuant to a construction management contract with a construction manager at risk, the construction manager at risk shall provide a surety bond to the public authority in accordance with rules adopted by the director of administrative services under Chapter 119. of the Revised Code.

**Sec. 9.334.** (A) Every public authority planning to contract for construction management services with a construction manager at risk shall



evaluate the proposals submitted and select not fewer than three construction managers at risk the public authority considers to be the most qualified to provide the required construction management services, except that the public authority shall select and rank fewer than three when the public authority determines in writing that fewer than three qualified construction managers at risk are available.

(B) The public authority shall provide each construction manager at risk selected under division (A) of this section with a description of the project, including a statement of available design detail, a description of how the guaranteed maximum price for the project shall be determined, including the estimated level of design detail upon which the guaranteed maximum price shall be based, the form of the construction management contract, and a request for a pricing proposal.

(C) The pricing proposal of each construction manager at risk shall include at least the following regarding the construction manager at risk:

(1) A list of key personnel for the project;

(2) A statement of the general conditions and contingency requirements;

(3) A fee proposal divided into a preconstruction fee, a construction fee, and the portion of the construction fee to be at risk in a guaranteed maximum price.

(D) The public authority shall evaluate the submitted pricing proposals and may hold discussions with individual construction managers at risk to explore their proposals further, including the scope and nature of the proposed services and potential technical approaches.

(E) After evaluating the pricing proposals, the public authority shall rank the selected construction managers at risk based on its evaluation of the value of each pricing proposal, with such evaluation considering the proposed cost and qualifications.

(F) The public authority shall enter into negotiations for a construction management contract with the construction manager at risk whose pricing proposal the public authority determines to be the best value under division (E) of this section. Contract negotiations shall be directed toward:

(1) Ensuring that the construction manager at risk and the public authority mutually understand the essential requirements involved in providing the required construction management services, including the provisions for the use of contingency funds and the possible distribution of savings in the final costs of the project;

(2) Ensuring that the construction manager at risk will be able to provide the necessary personnel, equipment, and facilities to perform the construction management services within the time required by the construction management contract;

(3) Agreeing upon a procedure and schedule for determining a guaranteed maximum price using an open book pricing method that shall represent the total maximum amount to be paid by the public authority to the construction manager at risk for the project and that shall include the costs of all the work, the cost of its general conditions, the contingency, and the fee payable to the construction manager at risk.

(G)(1) If the public authority fails to negotiate a construction management contract with the construction manager at risk whose pricing proposal the public authority determines to be the best value under division (E) of this section, the public authority shall inform the construction manager at risk, in writing, of the termination of negotiations.

(2) Upon terminating negotiations, the public authority may enter into negotiations as provided in this section with the construction manager at risk that the public authority ranked next highest under division (E) of this section. If negotiations fail, the public authority may enter into negotiations as provided in this section with the construction manager at risk the public authority ranked next highest under division (E) of this section.

(3) If a public authority fails to negotiate a construction management contract with a construction manager at risk whose pricing proposal the public authority determines to be the best value under division (E) of this section, the public authority may select additional construction managers at risk to provide pricing proposals to the public authority pursuant to this section or may select an alternative delivery method for the project.

(H) If the public authority and construction manager at risk fail to agree on a guaranteed maximum price, nothing in this section shall prohibit the public authority from allowing the construction manager at risk to provide the management services that a construction manager is authorized to provide.

(I) Nothing in this section affects a public authority's right to accept or reject any or all proposals in whole or in part.

**Sec. 9.335.** The requirements set forth in sections 9.33 to 9.334 of the Revised Code for the bidding, selection, and award of a construction management contract by a public authority prevail in the event of any conflict with a provision of Chapter 153. of the Revised Code."

Delete lines 11124 through 11143 and insert:

" **Sec. 126.141.** Any request for release of capital appropriations by the director of budget and management or the controlling board for facilities projects shall contain a contingency reserve, the amount of which shall be determined by the public authority, for payment of unanticipated project expenses. Any amount deducted from the encumbrance for a contractor's contract as an assessment for liquidated damages shall be added to the encumbrance for the contingency reserve. Contingency reserve funds shall be used to pay costs resulting from unanticipated job conditions, to comply with rulings regarding building and

other codes, to pay costs related to errors, omissions, or other deficiencies in contract documents, to pay costs associated with changes in the scope of work, to pay interest due on late payments, and to pay the costs of settlements and judgments related to the project.

Any funds remaining upon completion of a project may, upon approval of the controlling board, be released for the use of the agency or instrumentality to which the appropriation was made for other capital facilities projects."

Delete lines 15051 through 15125 and insert:

"**Sec. 153.01.** (A) Whenever any building or structure for the use of the state or any institution supported in whole or in part by the state or in or upon the public works of the state that is administered by the director of administrative services or by any other state officer or state agency authorized by law to administer a project, including an educational institution listed in section 3345.50 of the Revised Code, is to be erected or constructed, whenever additions, alterations, or structural or other improvements are to be made, or whenever heating, cooling, or ventilating plants or other equipment is to be installed or material supplied therefor, the ~~aggregate estimated~~ cost of which amounts to ~~fifty two hundred thousand dollars or more~~, or the amount determined pursuant to section 153.53 of the Revised Code or more, each officer, board, or other authority upon which devolves the duty of constructing, erecting, altering, or installing the same, referred to in sections 153.01 to 153.60 of the Revised Code as the ~~owner~~ public authority, shall cause to be made, by an architect or engineer whose contract of employment shall be prepared and approved by the attorney general, the following:

(A) (1) Full and accurate plans, suitable for the use of mechanics and other builders in the construction, improvement, addition, alteration, or installation;

(B) (2) Details to scale and full-sized, so drawn and represented as to be easily understood;

(C) ~~Accurate bills showing the exact quantity of different kinds of material necessary to the construction;~~

(D) (3) Definite and complete specifications of the work to be performed, together with directions that will enable a competent mechanic or other builder to carry them out and afford bidders all needful information;

(E) (4) A full and accurate estimate of each item of expense and the aggregate cost of those items of expense;

(F) (5) A life-cycle cost analysis;

(G) (6) Further data as may be required by the department of administrative services.

(B) Division (A) of this section shall not be required with respect to a construction management contract entered into with a construction manager at

risk as described in section 9.334 of the Revised Code or a design-build contract entered into with a design-build firm as described in section 153.693 of the Revised Code."

In line 15405, strike through "bills of material,"

In line 15427, delete " owner" and insert " authority"

Delete lines 15450 through 15952 and insert:

**"Sec. 153.50.** (A) ~~An~~ As used in sections 153.50 to 153.52 of the Revised Code:

(1) "Construction manager at risk" has the same meaning as in section 9.33 of the Revised Code.

(2) "Design-assist services" means monitoring and assisting in the completion of the plans and specifications.

(3) "Design-assist firm" means a person capable of providing design-assist services.

(4) "Design-build firm" has the same meaning as in section 153.65 of the Revised Code.

(5) "General contracting" means constructing and managing an entire public improvement project, including the branches or classes of work specified in division (B) of this section, under the award of a single aggregate lump sum contract.

(6) "General contracting firm" means a person capable of performing general contracting.

(B) Except for contracts made with a construction manager at risk, with a design-build firm, or with a general contracting firm, an officer, board, or other authority of the state, a county, township, municipal corporation, or school district, or of any public institution belonging thereto, authorized to contract for the erection, repair, alteration, or rebuilding of a public building, institution, bridge, culvert, or improvement and required by law to advertise and receive bids for furnishing of materials and doing the work necessary for the erection thereof, shall require separate and distinct bids to be made for furnishing such materials or doing such work, or both, in their discretion, for each of the following branches or classes of work to be performed, and all work kindred thereto, entering into the improvement:

(1) Plumbing and gas fitting;

(2) Steam and hot-water heating, ventilating apparatus, and steam-power plant;

(3) Electrical equipment.

~~(B) A public authority is not required to solicit separate bids for a branch or class of work specified in division (A) of this section for an improvement if~~

~~the estimated cost for that branch or class of work is less than five thousand dollars.~~

**Sec. 153.501.** (A) A public authority may accept a subcontract awarded by a construction manager at risk, a design-build firm, or a general contracting firm, or may reject any such subcontract if the public authority determines that the bidder is not responsible.

(B) A public authority may authorize a construction manager at risk or design-build firm to utilize a design-assist firm on any public improvement project without transferring any design liability to the design-assist firm.

(C) If the construction manager at risk or design-build firm intends and is permitted by the public authority to self-perform a portion of the work to be performed, the construction manager at risk or design-build firm shall submit a sealed bid for the portion of the work prior to accepting and opening any bids for the same work.

**Sec. 153.502.** (A) Each construction manager at risk and design-build firm shall establish criteria by which it will prequalify prospective bidders on subcontracts awarded for work to be performed under the construction management or design-build contract. The criteria established by a construction manager at risk or design-build firm shall be subject to the approval of the public authority involved in the project and shall be consistent with the rules adopted by the department of administrative services pursuant to section 153.503 of the Revised Code.

(B) For each subcontract to be awarded, the construction manager at risk or design-build firm shall identify at least three prospective bidders that are prequalified to bid on that subcontract, except that the construction manager at risk or design-build firm shall identify fewer than three if the construction manager at risk or design-build firm establishes to the satisfaction of the public authority that fewer than three prequalified bidders are available. The public authority shall verify that each prospective bidder meets the prequalification criteria and may eliminate any bidder it determines is not qualified.

(C) Once the prospective bidders are prequalified and found acceptable by the public authority, the construction manager at risk or design-build firm shall solicit proposals from each of those bidders. The solicitation and selection of a subcontractor shall be conducted under an open book pricing method. As used in this division, "open book pricing method" has the same meaning as in section 9.33 of the Revised Code, in the case of a construction manager at risk, and the same meaning as in section 153.65 of the Revised Code, in the case of a design-build firm.

(D) A construction manager at risk or design-build firm shall not be required to award a subcontract to a low bidder.

**Sec. 153.503.** The department of administrative services, pursuant to Chapter 119. of the Revised Code and not later than June 30, 2012, shall adopt

rules to do all of the following:

(A) Prescribe the procedures and criteria for determining the best value selection of a construction manager at risk or design-build firm;

(B) In consultation with the state architect's office, set forth standards to be followed by construction managers at risk and design-build firms when establishing prequalification criteria pursuant to section 153.502 of the Revised Code;

(C) Prescribe the form for the contract documents to be used by a construction manager at risk, design-build firm, or general contractor when entering into a subcontract;

(D) Prescribe the form for the contract documents to be used by a public authority when entering into a contract with a construction manager at risk or design-build firm.

**Sec. 153.51.** ~~(A) When more than one branch or class of work specified in division (A) of~~ If separate and distinct bids are required pursuant to section 153.50 of the Revised Code is required, no contract for the entire job, or for a greater portion thereof than is embraced in one such branch or class of work ~~shall~~ may be awarded, unless the separate bids do not cover all the work and materials required or the bids for the whole or for two or more kinds of work or materials are lower than the separate bids in the aggregate.

~~(B)(1) The~~ If the public authority referred to in section 153.50 of the Revised Code also may award awards a single, aggregate contract for the entire project pursuant to division (A) of this section ~~-. This , the~~ award shall be made to the bidder who is the lowest responsive and responsible bidder or the lowest and best bidder, as applicable, as specified in section 153.52 of the Revised Code.

~~(2) The public authority referred to in section 153.50 of the Revised Code~~ may assign all or any portion of its interest in the contract of the lowest responsive and responsible bidder or the lowest and best bidder, as applicable, to another successful bidder as an agreed condition for an award of the contract for the amount of its respective bid. Such assignment may include, but is not limited to, the duty to schedule, coordinate, and administer the contracts.

~~(C) A public authority referred to in division (A) of section 153.50 of the Revised Code is not required to award separate contracts for a branch or class of work specified in division (A) of section 153.50 of the Revised Code entering into an improvement if the estimated cost for that branch or class of work is less than five thousand dollars.~~

**Sec. 153.52.** ~~The~~ A contract for general contracting or for doing the work belonging to each separate branch or class of work specified in division ~~(A)~~ (B) of section 153.50 of the Revised Code, or for the furnishing of materials therefor, ~~or both,~~ shall be awarded by the public authority referred to in section 153.50 of the Revised Code, in its discretion, to the lowest responsive and responsible separate bidder therefor, in accordance with section 9.312 of the

Revised Code in the case of any public authority of the state or any public institution belonging thereto, and to the lowest and best separate bidder in the case of a county, township, ~~or municipal corporation, or school district,~~ or any public institution belonging thereto, and to the lowest responsive and responsible bidder in the case of a school district, and shall be made directly with the bidder in the manner and upon the terms, conditions, and limitations as to giving bond or bid guaranties as prescribed by law ~~unless it is let as a whole, or to bidders for more than one kind of work or materials. Sections 153.50 to 153.52 of the Revised Code do not apply to the erection of buildings and other structures which cost less than fifty thousand dollars.~~

**Sec. 153.53.** (A) As used in this section, "rate of inflation" has the same meaning as in section 107.032 of the Revised Code.

(B) Five years after the effective date of this section and every five years thereafter, the director of administrative services shall evaluate the monetary threshold specified in section 153.01 of the Revised Code and adopt rules adjusting that amount based on the average rate of inflation during each of the previous five years immediately preceding such adjustment.

**Sec. 153.54.** (A) ~~Each~~ Except with respect to a contract described in section 9.334 or 153.693 of the Revised Code, each person bidding for a contract with the state or any political subdivision, district, institution, or other agency thereof, excluding therefrom the department of transportation, for any public improvement shall file with the bid, a bid guaranty in the form of either:

(1) A bond in accordance with division (B) of this section for the full amount of the bid;

(2) A certified check, cashier's check, or letter of credit pursuant to Chapter 1305. of the Revised Code, in accordance with division (C) of this section. Any such letter of credit is revocable only at the option of the beneficiary state, political subdivision, district, institution, or agency. The amount of the certified check, cashier's check, or letter of credit shall be equal to ten per cent of the bid.

(B) A bid guaranty filed pursuant to division (A)(1) of this section shall be conditioned to:

(1) Provide that, if the bid is accepted, the bidder, after the awarding or the recommendation for the award of the contract, whichever the contracting authority designates, will enter into a proper contract in accordance with the bid, plans, details, and specifications ~~and bills of material~~. If for any reason, other than as authorized by section 9.31 of the Revised Code or division (G) of this section, the bidder fails to enter into the contract, and the contracting authority awards the contract to the next lowest bidder, the bidder and the surety on the bidder's bond are liable to the state, political subdivision, district, institution, or agency for the difference between the bid and that of the next lowest bidder, or for a penal sum not to exceed ten per cent of the amount of the bond, whichever is less. If the state, political subdivision, district, institution, or agency does not

award the contract to the next lowest bidder but resubmits the project for bidding, the bidder failing to enter into the contract and the surety on the bidder's bond, except as provided in division (G) of this section, are liable to the state, political subdivision, district, institution, or agency for a penal sum not to exceed ten per cent of the amount of the bid or the costs in connection with the resubmission of printing new contract documents, required advertising, and printing and mailing notices to prospective bidders, whichever is less.

(2) Indemnify the state, political subdivision, district, institution, or agency against all damage suffered by failure to perform the contract according to its provisions and in accordance with the plans, details, and specifications ; ~~and bills of material~~ therefor and to pay all lawful claims of subcontractors, material suppliers, and laborers for labor performed or material furnished in carrying forward, performing, or completing the contract; and agree and assent that this undertaking is for the benefit of any subcontractor, material supplier, or laborer having a just claim, as well as for the state, political subdivision, district, institution, or agency.

(C)(1) A bid guaranty filed pursuant to division (A)(2) of this section shall be conditioned to provide that if the bid is accepted, the bidder, after the awarding or the recommendation for the award of the contract, whichever the contracting authority designates, will enter into a proper contract in accordance with the bid, plans, details, specifications, and bills of material. If for any reason, other than as authorized by section 9.31 of the Revised Code or division (G) of this section, the bidder fails to enter into the contract, and the contracting authority awards the contract to the next lowest bidder, the bidder is liable to the state, political subdivision, district, institution, or agency for the difference between the bidder's bid and that of the next lowest bidder, or for a penal sum not to exceed ten per cent of the amount of the bid, whichever is less. If the state, political subdivision, district, institution, or agency does not award the contract to the next lowest bidder but resubmits the project for bidding, the bidder failing to enter into the contract, except as provided in division (G) of this section, is liable to the state, political subdivision, district, institution, or agency for a penal sum not to exceed ten per cent of the amount of the bid or the costs in connection with the resubmission, of printing new contract documents, required advertising, and printing and mailing notices to prospective bidders, whichever is less.

If the bidder enters into the contract, the bidder, at the time the contract is entered to, shall file a bond for the amount of the contract to indemnify the state, political subdivision, district, institution, or agency against all damage suffered by failure to perform the contract according to its provisions and in accordance with the plans, details, and specifications ; ~~and bills of material~~ therefor and to pay all lawful claims of subcontractors, material suppliers, and laborers for labor performed or material furnished in carrying forward, performing, or completing the contract; and agree and assent that this undertaking is for the benefit of any subcontractor, material supplier, or laborer having a just claim, as well as for the state, political subdivision, district, institution, or agency.

(2) A construction manager who enters into a contract pursuant to



sections 9.33 to 9.333 of the Revised Code, if required by the public ~~owner~~ authority at the time the construction manager enters into the contract, shall file a letter of credit pursuant to Chapter 1305. of the Revised Code, bond, certified check, or cashier's check, for the value of the construction management contract to indemnify the state, political subdivision, district, institution, or agency against all damage suffered by the construction manager's failure to perform the contract according to its provisions, and shall agree and assent that this undertaking is for the benefit of the state, political subdivision, district, institution, or agency. A letter of credit provided by the construction manager is revocable only at the option of the beneficiary state, political subdivision, district, institution, or agency.

(D) Where the state, political subdivision, district, institution, or agency accepts a bid but the bidder fails or refuses to enter into a proper contract in accordance with the bid, plans, details, and specifications ~~and bills of material~~ within ten days after the awarding of the contract, the bidder and the surety on any bond, except as provided in division (G) of this section, are liable for the amount of the difference between the bidder's bid and that of the next lowest bidder, but not in excess of the liability specified in division (B)(1) or (C) of this section. Where the state, political subdivision, district, institution, or agency then awards the bid to such next lowest bidder and such next lowest bidder also fails or refuses to enter into a proper contract in accordance with the bid, plans, details, and specifications ~~and bills of material~~ within ten days after the awarding of the contract, the liability of such next lowest bidder, except as provided in division (G) of this section, is the amount of the difference between the bids of such next lowest bidder and the third lowest bidder, but not in excess of the liability specified in division (B)(1) or (C) of this section. Liability on account of an award to any lowest bidder beyond the third lowest bidder shall be determined in like manner.

(E) Notwithstanding division (C) of this section, where the state, political subdivision, district, institution, or agency resubmits the project for bidding, each bidder whose bid was accepted but who failed or refused to enter into a proper contract, except as provided in division (G) of this section, is liable for an equal share of a penal sum in connection with the resubmission, of printing new contract documents, required advertising, and printing and mailing notices to prospective bidders, but no bidder's liability shall exceed the amount of the bidder's bid guaranty.

(F) All bid guaranties filed pursuant to this section shall be payable to the state, political subdivision, district, institution, or agency, be for the benefit of the state, political subdivision, district, institution, or agency or any person having a right of action thereon, and be deposited with, and held by, the board, officer, or agent contracting on behalf of the state, political subdivision, district, institution, or agency. All bonds filed pursuant to this section shall be issued by a surety company authorized to do business in this state as surety approved by the board, officer, or agent awarding the contract on behalf of the state, political subdivision, district, institution, or agency.

(G) A bidder for a contract with the state or any political subdivision, district, institution, or other agency thereof, excluding therefrom the Ohio department of transportation, for a public improvement costing less than one-half million dollars may withdraw the bid from consideration if the bidder's bid for some other contract with the state or any political subdivision, district, institution, or other agency thereof, excluding therefrom the department of transportation, for the public improvement costing less than one-half million dollars has already been accepted, if the bidder certifies in good faith that the total amount of all the bidder's current contracts is less than one-half million dollars, and if the surety certifies in good faith that the bidder is unable to perform the subsequent contract because to do so would exceed the bidder's bonding capacity. If a bid is withdrawn under authority of this division, the contracting authority may award the contract to the next lowest bidder or reject all bids and resubmit the project for bidding, and neither the bidder nor the surety on the bidder's bond are liable for the difference between the bidder's bid and that of the next lowest bidder, for a penal sum, or for the costs of printing new contract documents, required advertising, and printing and mailing notices to prospective bidders.

(H) Bid guaranties filed pursuant to division (A) of this section shall be returned to all unsuccessful bidders immediately after the contract is executed. The bid guaranty filed pursuant to division (A)(2) of this section shall be returned to the successful bidder upon filing of the bond required in division (C) of this section.

(I) For the purposes of this section, "next lowest bidder" means, in the case of a political subdivision that has adopted the model Ohio and United States preference requirements promulgated pursuant to division (E) of section 125.11 of the Revised Code, the next lowest bidder that qualifies under those preference requirements.

(J) For the purposes of this section and sections 153.56, 153.57, and 153.571 of the Revised Code, "public improvement," "subcontractor," "material supplier," "laborer," and "materials" have the same meanings as in section 1311.25 of the Revised Code.

**Sec. 153.55.** (A) For purposes of calculating the amount of a public improvement project to determine whether it is subject to section 153.01 of the Revised Code, no officer, board, or other authority of the state or any institution supported by the state shall subdivide a public improvement project into component parts or separate projects in order to avoid the threshold of that section, unless the component parts or separate projects thus created are conceptually separate and unrelated to each other, or encompass independent or unrelated needs.

(B) In calculating the project amount for purposes of the threshold in section 153.01 of the Revised Code, the following expenses shall be included as costs of the project:

(1) Professional fees and expenses for services associated with the preparation of plans;

(2) Permit costs, testing costs, and other fees associated with the work;

(3) Project construction costs;

(4) A contingency reserve fund."

Delete lines 16007 through 16340 and insert:

"**Sec. 153.65.** As used in sections 153.65 to ~~153.71~~ 153.73 of the Revised Code:

(A) (1) "Public authority" means the state, a state institution of higher education as defined in section 3345.011 of the Revised Code, a county, township, municipal corporation, school district, or other political subdivision, or any public agency, authority, board, commission, instrumentality, or special purpose district of the state or of a county, township, municipal corporation, school district, or other political subdivision.

(2) "Public authority" does not include the Ohio turnpike commission.

(B) "Professional design firm" means any person legally engaged in rendering professional design services.

(C) "Professional design services" means services within the scope of practice of an architect or landscape architect registered under Chapter 4703. of the Revised Code or a professional engineer or surveyor registered under Chapter 4733. of the Revised Code.

(D) "Qualifications" means all of the following:

~~(1) Competence of the~~ (a) For a professional design firm, competence to perform the required professional design services as indicated by the technical training, education, and experience of the firm's personnel, especially the technical training, education, and experience of the employees within the firm who would be assigned to perform the services;

(b) For a design-build firm, competence to perform the required design-build services as indicated by the technical training, education, and experience of the design-build firm's personnel and key consultants, especially the technical training, education, and experience of the employees and consultants of the design-build firm who would be assigned to perform the services, including the proposed architect or engineer of record.

(2) Ability of the firm in terms of its workload and the availability of qualified personnel, equipment, and facilities to perform the required professional design services or design-build services competently and expeditiously;

(3) Past performance of the firm as reflected by the evaluations of previous clients with respect to such factors as control of costs, quality of work,

and meeting of deadlines;

(4) Any other relevant factors as determined by the public authority ;

(5) With respect to a design-build firm, compliance with sections 4703.182, 4703.332, and 4733.16 of the Revised Code, including the use of a licensed design professional for all design services.

(E) "Design-build contract" means a contract between a public authority and another person that obligates the person to provide design-build services.

(F) "Design-build firm" means a person capable of providing design-build services.

(G) "Design-build services" means services that form an integrated delivery system for which a person is responsible to a public authority for both the design and construction, demolition, alteration, repair, or reconstruction of a public improvement.

(H) "Architect or engineer of record" means the architect or engineer that serves as the final signatory on the plans and specifications for the design-build project.

(I) "Criteria architect or engineer" means the architect or engineer retained by a public authority to prepare conceptual plans and specifications, to assist the public authority in connection with the establishment of the design criteria for a design-build project, and, if requested by the public authority, to serve as the representative of the public authority and provide, during the design-build project, other design and construction administration services on behalf of the public authority, including but not limited to, confirming that the design prepared by the design-build firm reflects the original design intent established in the design criteria package.

(J) "Open book pricing method" means a method in which a design-build firm provides the public authority, at the public authority's request, all books, records, documents, contracts, subcontracts, purchase orders, and other data in its possession pertaining to the bidding, pricing, or performance of a contract for design-build services awarded to the design-build firm.

**Sec. 153.66. (A)** Each public authority planning to contract for professional design services or design-build services shall encourage professional design firms and design-build firms to submit a statement of qualifications and update the statements at regular intervals.

(B) Notwithstanding any contrary requirements in sections 153.65 to 153.70 of the Revised Code, for every design-build contract, each public authority planning to contract for design-build services shall evaluate the statements of qualifications submitted by design-build firms for the project, including the qualifications of the design-build firm's proposed architect or engineer of record, in consultation with the criteria architect or engineer before selecting a design-build firm pursuant to section 153.693 of the Revised Code.

**Sec. 153.67.** Each public authority planning to contract for professional design services or design-build services shall publicly announce all contracts available from it for such services. The announcements shall:

(A) Be made in a uniform and consistent manner and shall be made sufficiently in advance of the time that responses must be received from qualified professional design firms or design-build firms for the firms to have an adequate opportunity to submit a statement of interest in the project;

(B) Include a general description of the project, a statement of the specific professional design services or design-build services required, and a description of the qualifications required for the project;

(C) Indicate how qualified professional design firms or design-build firms may submit statements of qualifications in order to be considered for a contract to design or design-build the project;

(D) Be sent to ~~either~~ any of the following that the public authority considers appropriate:

(1) ~~Each professional design firm that has a current statement of qualifications on file with the public authority and is qualified to perform the required professional design services~~ Design-build firms, including contractors or other entities that seek to perform the work as a design-build firm;

(2) Architect, landscape architect, engineer, and surveyor ~~trade~~ associations ~~;~~ the ;

(3) The news media ~~;~~ and any ;

(4) Any publications or other public media ~~that the public authority considers appropriate~~ , including electronic media.

**Sec. 153.69.** For every professional design services contract, each public authority planning to contract for professional design services shall evaluate the statements of qualifications ~~of professional design firms currently on file, together with those that are~~ submitted by ~~other~~ professional design firms specifically regarding the project, and may hold discussions with individual firms to explore further the firms' statements of qualifications, the scope and nature of the services the firms would provide, and the various technical approaches the firms may take toward the project. Following this evaluation, the public authority shall:

(A) Select and rank no fewer than three firms which it considers to be the most qualified to provide the required professional design services, except when the public authority determines in writing that fewer than three qualified firms are available in which case the public authority shall select and rank those firms;

(B) Negotiate a contract with the firm ranked most qualified to perform the required services at a compensation determined in writing to be fair and reasonable to the public authority. Contract negotiations shall be directed toward:

(1) Ensuring that the professional design firm and the agency have a mutual understanding of the essential requirements involved in providing the required services;

(2) Determining that the firm will make available the necessary personnel, equipment, and facilities to perform the services within the required time;

(3) Agreeing upon compensation which is fair and reasonable, taking into account the estimated value, scope, complexity, and nature of the services.

(C) If a contract is negotiated with the firm ranked to perform the required services most qualified, the public authority shall, if applicable under section 127.16 of the Revised Code, request approval of the board to make expenditures under the contract.

(D) Upon failure to negotiate a contract with the firm ranked most qualified, the public authority shall inform the firm in writing of the termination of negotiations and may enter into negotiations with the firm ranked next most qualified. If negotiations again fail, the same procedure ~~shall~~ may be followed with each next most qualified firm selected and ranked pursuant to division (A) of this section, in order of ranking, until a contract is negotiated.

(E) Should the public authority fail to negotiate a contract with any of the firms selected pursuant to division (A) of this section, the public authority ~~shall~~ may select and rank additional firms, based on their qualifications, and negotiations ~~shall~~ may continue as with the firms selected and ranked initially until a contract is negotiated.

(F) Nothing in this section affects a public authority's right to accept or reject any or all proposals in whole or in part.

**Sec. 153.692.** For every design-build contract, the public authority planning to contract for design-build services shall first obtain the services of a criteria architect or engineer by doing either of the following:

(A) Contracting for the services consistent with sections 153.65 to 153.70 of the Revised Code;

(B) Obtaining the services through an architect or engineer who is an employee of the public authority and notifying the department of administrative services before the services are performed.

**Sec. 153.693.** (A) For every design-build contract, the public authority planning to contract for design-build services, in consultation with the criteria architect or engineer, shall evaluate the statements of qualifications submitted by design-build firms specifically regarding the project, including the design-build firm's proposed architect or engineer of record. Following this evaluation, the public authority shall:

(1) Select and rank not fewer than three firms which it considers to be the most qualified to provide the required design-build services, except that the

public authority shall select and rank fewer than three firms when the public authority determines in writing that fewer than three qualified firms are available;

(2) Provide each selected design-build firm with all of the following:

(a) A description of the project and project delivery;

(b) The design criteria produced by the criteria architect or engineer under section 153.692 of the Revised Code;

(c) A preliminary project schedule;

(d) A description of any preconstruction services;

(e) A description of the proposed design services;

(f) A description of a guaranteed maximum price, including the estimated level of design on which such guaranteed maximum price is based;

(g) The form of the design-build services contract;

(h) A request for a pricing proposal that shall be divided into a design services fee and a preconstruction and design-build services fee. The pricing proposal of each design-build firm shall include at least all of the following:

(i) A list of key personnel and consultants for the project;

(ii) Design concepts adhering to the design criteria produced by the criteria architect or engineer under section 153.692 of the Revised Code;

(iii) The design-build firm's statement of general conditions and estimated contingency requirements;

(iv) A preliminary project schedule.

(3) Evaluate the pricing proposal submitted by each selected firm and, at its discretion, hold discussions with each firm to further investigate its pricing proposal, including the scope and nature of the firm's proposed services and potential technical approaches;

(4) Rank the selected firms based on the public authority's evaluation of the value of each firm's pricing proposal, with such evaluation considering each firm's proposed costs and qualifications;

(5) Enter into contract negotiations for design-build services with the design-build firm whose pricing proposal the public authority determines to be the best value under this section.

(B) In complying with division (A)(5) of this section, contract negotiations shall be directed toward:

(1) Ensuring that the design-build firm and the public authority mutually understand the essential requirements involved in providing the required design-build services, the provisions for the use of contingency funds, and the

terms of the contract, including terms related to the possible distribution of savings in the final costs of the project;

(2) Ensuring that the design-build firm shall be able to provide the necessary personnel, equipment, and facilities to perform the design-build services within the time required by the design-build construction contract;

(3) Agreeing upon a procedure and schedule for determining a guaranteed maximum price using an open book pricing method that shall represent the total maximum amount to be paid by the public authority to the design-build firm for the project and that shall include the costs of all work, the cost of its general conditions, the contingency, and the fee payable to the design-build firm.

(C) If the public authority fails to negotiate a contract with the design-build firm whose pricing proposal the public authority determines to be the best value as determined under this section, the public authority shall inform the design-build firm in writing of the termination of negotiations. The public authority may then do the following:

(1) Negotiate a contract with a design-build firm ranked next highest under this section following the negotiation procedure described in this section;

(2) If negotiations fail with the design-build firm under division (C)(1) of this section, negotiate a contract with the design-build firm ranked next highest under this section following the negotiation procedure described in this section and continue negotiating with the design-build firms selected under this section in the order of their ranking until a contract is negotiated.

(D) If the public authority fails to negotiate a contract with a design-build firm whose pricing proposal the public authority determines to be the best value as determined under this section, it may select additional design-build firms to provide pricing proposals to the public authority pursuant to this section or may select an alternative delivery method for the project.

(E) The public authority may provide a stipend for pricing proposals received from design-build firms.

(F) Nothing in this section affects a public authority's right to accept or reject any or all proposals in whole or in part.

**Sec. 153.694.** If a professional design firm selected as the criteria architect or engineer creates the preliminary criteria and design criteria for a project and provides professional design services to a public authority to assist that public authority in evaluating the design-build requirements provided to the public authority by a design-build firm pursuant to section 153.692 of the Revised Code, that professional design firm shall not provide any design-build services pursuant to the design-build contract under section 153.693 of the Revised Code for the project for which the professional design firm was selected as the criteria architect or engineer.



**Sec. 153.70.** (A) Except for any person providing professional design services of a research or training nature, any person rendering professional design services to a public authority or to a design-build firm, including a criteria architect or engineer and person performing architect or engineer of record services, shall have and maintain, or be covered by, during the period the services are rendered, a professional liability insurance policy or policies with a company or companies that are authorized to do business in this state and that afford professional liability coverage for the professional design services rendered. The insurance shall be in amount considered sufficient by the public authority. At the public authority's discretion, the design-build firm shall carry contractor's professional liability insurance and any other insurance the public authority considers appropriate.

(B) The requirement for professional liability insurance set forth in division (A) of this section may be waived by the public authority for good cause, or the public authority may allow the person providing the professional design services to provide other assurances of financial responsibility.

(C) Before construction begins pursuant to a contract for design-build services with a design-build firm, the design-build firm shall provide a surety bond to the public authority in accordance with rules adopted by the director of administrative services under Chapter 119. of the Revised Code.

**Sec. 153.71.** Any public authority planning to contract for professional design services or design-build services may adopt, amend, or rescind rules, in accordance with Chapter 119. of the Revised Code, to implement sections 153.66 to 153.70 of the Revised Code. Sections 153.66 to 153.70 of the Revised Code do not apply to any of the following:

(A) Any project with an estimated professional design fee of less than twenty-five thousand dollars;

(B) Any project determined in writing by the public authority head to be an emergency requiring immediate action including, but not limited to, any projects requiring multiple contracts let as part of a program requiring a large number of professional design firms of the same type;

(C) Any public authority that is not empowered by law to contract for professional design services.

**Sec. 153.72.** A design-build firm contracted for design-build services by a public authority may do either of the following:

(A) Perform design, construction, demolition, alteration, repair, or reconstruction work pursuant to such contract;

(B) Perform professional design services when contracted by a public authority for design-build services even if the design-build firm is not a professional design firm.

**Sec. 153.73.** The requirements set forth in sections 153.65 to 153.72 of

the Revised Code for the bidding, selection, and award of a contract for professional design services or design-build services by a public authority prevail in the event of any conflict with any other provision of this chapter."

In line 54989, delete " (4)" and insert " (3)"

Delete lines 64913 through 64923

Delete lines 69982 through 70039 and insert:

"**Sec. 3354.16.** (A) When the board of trustees of a community college district has by resolution determined to let by contract the work of improvements pursuant to the official plan of such district, contracts in amounts exceeding a dollar amount set by the board, which dollar amount shall not exceed fifty two hundred thousand dollars, shall be advertised after notices calling for bids have been published once a week for three consecutive weeks or as provided in section 7.16 of the Revised Code, in ~~at least one~~ a newspaper of general circulation within the community college district wherein the work is to be done. Subject to section 3354.10 of the Revised Code, the board of trustees of the district may let such contract to the lowest responsive and responsible bidder, in accordance with section 9.312 of the Revised Code, who meets the requirements of section 153.54 of the Revised Code. Such contract shall be in writing and shall be accompanied by or shall refer to plans and specifications for the work to be done. Such contract shall be approved by the board of trustees and signed by the president of the board and by the contractor.

(B) On the first day of January of every even-numbered year, the chancellor of the board of regents shall adjust the fifty two hundred thousand dollar contract limit set forth in division (A) of this section, as adjusted in any previous year pursuant to this division. The chancellor shall adjust the limit according to the average increase or decrease for each of the two years immediately preceding the adjustment as set forth in the United States department of commerce, bureau of economic analysis implicit price deflator for gross domestic product, nonresidential structures, or an alternative if the federal government ceases to publish this metric, provided that no increase or decrease for any year shall exceed three per cent of the contract limit in existence at the time of the adjustment. Notwithstanding division (A) of this section, the limit adjusted under this division shall be used thereafter in lieu of the limit in division (A) of this section.

(C) Before entering into an improvement pursuant to division (A) of this section, and except for contracts made with a construction manager at risk, a design-build firm, or a general contracting firm, as those terms are defined in section 153.50 of the Revised Code, the board of trustees of a community college district shall require separate and distinct proposals to be made for furnishing materials or doing work on the improvement, or both, in the board's discretion, for each separate and distinct branch or class of work entering into the improvement. The board of trustees also may require a single, combined proposal for the entire project for materials or doing work, or both, in the board's

discretion, that includes each separate and distinct branch or class of work entering into the improvement. ~~The board of trustees need not solicit separate proposals for a branch or class of work for an improvement if the estimate cost for that branch or class of work is less than five thousand dollars.~~

(D) When more than one branch or class of work is required, no contract for the entire job, or for a greater portion thereof than is embraced in one such branch or class of work shall be awarded, unless the separate bids do not cover all the work and materials required or the bids for the whole or for two or more kinds of work or materials are lower than the separate bids in the aggregate. ~~The board of trustees need not award separate contracts for a branch or class of work entering into an improvement if the estimated cost for that branch or class of work is less than five thousand dollars."~~

Delete lines 70090 through 70146 and insert:

"**Sec. 3357.16.** (A) When the board of trustees of a technical college district has by resolution determined to let by contract the work of improvements pursuant to the official plan of such district, contracts in amounts exceeding a dollar amount set by the board, which dollar amount shall not exceed fifty two hundred thousand dollars, shall be advertised after notice calling for bids has been published once a week for three consecutive weeks or as provided in section 7.16 of the Revised Code, in ~~at least one~~ a newspaper of general circulation within the technical college district where the work is to be done. The board of trustees of the technical college district may let such contract to the lowest responsive and responsible bidder, in accordance with section 9.312 of the Revised Code, who meets the requirements of section 153.54 of the Revised Code. Such contract shall be in writing and shall be accompanied by or shall refer to plans and specifications for the work to be done. Such contract shall be approved by the board of trustees and signed by the president of the board and by the contractor.

(B) On the first day of January of every even-numbered year, the chancellor of the board of regents shall adjust the fifty two hundred thousand dollar contract limit set forth in division (A) of this section, as adjusted in any previous year pursuant to this division. The chancellor shall adjust the limit according to the average increase or decrease for each of the two years immediately preceding the adjustment as set forth in the United States department of commerce, bureau of economic analysis implicit price deflator for gross domestic product, nonresidential structures, or an alternative if the federal government ceases to publish this metric, provided that no increase or decrease for any year shall exceed three per cent of the contract limit in existence at the time of the adjustment. Notwithstanding division (A) of this section, the limit adjusted under this division shall be used thereafter in lieu of the limit in division (A) of this section.

(C) Before entering into an improvement pursuant to division (A) of this section, and except for contracts made with a construction manager at risk, a design-build firm, or a general contracting firm, as those terms are defined in

section 153.50 of the Revised Code, the board of trustees of a technical college district shall require separate and distinct proposals to be made for furnishing materials or doing work on the improvement, or both, in the board's discretion, for each separate and distinct branch or class of work entering into the improvement. The board of trustees also may require a single, combined proposal for the entire project for materials or doing work, or both, in the board's discretion, that includes each separate and distinct branch or class of work entering into the improvement. ~~The board of trustees need not solicit separate proposals for a branch or class of work for an improvement if the estimate cost for that branch or class of work is less than five thousand dollars.~~

(D) When more than one branch or class of work is required, no contract for the entire job, or for a greater portion thereof than is embraced in one such branch or class of work shall be awarded, unless the separate bids do not cover all the work and materials required or the bids for the whole or for two or more kinds of work or materials are lower than the separate bids in the aggregate. ~~The board of trustees need not award separate contracts for a branch or class of work entering into an improvement if the estimated cost for that branch or class of work is less than five thousand dollars."~~

In line 135693, delete "153.012,"

Delete lines 150564 through 150602 and insert:

**"Section 701.10.** The Department of Administrative Services shall post on the Department's Internet web site the form for the contract documents that a public authority contracting for services with a construction manager at risk or a design-build firm must use on and after the date of the posting and until the rules adopted under section 153.503 of the Revised Code are implemented."

In line 150611, delete "153.012,"

In line 150612, delete "153.504, 153.505,"

In line 150615, delete "3318.111,"

In line 20 of the title, delete "153.012,"

In line 307 of the title, delete "153.504, 153.505,"

In line 326 of the title, delete "3318.111,"

In line 125307, after " 2013," insert " and"; delete " , and 2015"

In line 125309, delete " 2014" and insert " 2013"

In line 125319, delete " 2015" and insert " 2014"

In line 125337, after " 2013," insert " or"; delete " or 2015,"

In line 125340, delete " 2016" and insert " 2015"

In line 125341, delete " 2016" and insert " 2015"

In line 125356, delete " 2020" and insert " 2019"

In line 125384, delete " 2014" and insert " 2013"

In line 125386, delete " 2016" and insert " 2015"

In line 125584, after " 2014," insert " and"

In line 125585, delete " , and as of December 31, 2015, for tax"

In line 125586, delete " year 2016"

Delete lines 58100 through 58105 and insert:

" (2) The entity is not ranked in the lowest twenty per cent of community school sponsors on the ranking prescribed by division (B) of this section.

(B) For purposes of this section, the department shall develop a composite performance index score, as defined in section 3302.01 of the Revised Code, that measures the academic performance of students enrolled in community schools sponsored by the same entity. In calculating the composite performance index score, the department shall exclude all community schools described in division (A)(3) of section 3314.35 of the Revised Code, but the department shall cease to exclude those schools beginning January 1, 2013, if the general assembly does not enact by that date separate performance standards for community schools that operate dropout prevention and recovery programs and for community schools that serve students with disabilities. The department annually shall rank all entities that sponsor community schools from highest to lowest according to the entities' composite performance index scores."

In line 58106, delete " (B)" and insert " (C)"

Between lines 142583 and 142584, insert:

**"Section \_\_\_\_.** Not later than July 1, 2012, the State Board of Education shall review its March 2008 legislative recommendations for performance standards for community schools that operate dropout prevention and recovery programs and shall make new recommendations to the General Assembly regarding legislation to enact performance standards for those schools."

In line 654, after "3314.0210," insert "3314.102,"

Between lines 59945 and 59946, insert:

**" Sec. 3314.102.** As used in this section, "municipal school district" and "mayor" have the same meanings as in section 3311.71 of the Revised Code.

Notwithstanding section 3314.10 and sections 4117.03 to 4117.18 of the Revised Code and Section 4 of Amended Substitute Senate Bill No. 133 of the 115th general assembly, the employees of a conversion community school that is sponsored by the board of education of a municipal school district shall cease to be subject to any future collective bargaining agreement, if the mayor submits to the board of education sponsoring the school and to the state employment relations board a statement requesting that all employees of the community school be removed from a collective bargaining unit. The employees of the

community school who are covered by a collective bargaining agreement in effect on the date the mayor submits the statement shall remain subject to that collective bargaining agreement until the collective bargaining agreement expires on its terms. Upon expiration of that collective bargaining agreement, the employees of that school are not subject to Chapter 4117. of the Revised Code and may not organize or collectively bargain pursuant to that chapter."

In line 152949, after "3314.10," insert "3314.102,"

In line 325 of the title, after "3314.0210," insert "3314.102,"

Delete lines 58318 through 58336

In line 654, delete "3314.46,"

Delete lines 60299 through 60310

In line 325 of the title, delete "3314.46,"

Delete lines 58381 through 58384

In line 58827, delete " March" and insert " February"

In line 143141, delete "\$0" and insert "\$1,000,000"

In line 143142, add \$1,000,000 to fiscal year 2013

In line 143143, add \$1,000,000 to fiscal year 2013

Between lines 143284 and 143285, insert:

"GENERAL REVENUE FUND TRANSFER TO THE TOBACCO USE PREVENTION FUND

On July 1, 2012, or as soon as possible thereafter, the Director of Budget and Management shall transfer up to \$500,000 cash from the General Revenue Fund to the Tobacco Use Prevention Fund (Fund 5BX0), used by the Department of Health."

In line 139737, delete "on or after June 1, 2012" and insert "during the FY 2012-FY 2013 biennium"

In line 139739, delete "\$115,000,000" and insert "\$215,000,000"

In line 139742, delete everything after the period

In line 139743, delete "been made, the" and insert "The"; delete "prior" and insert "at the times requested by the Director of Budget and Management."

Delete lines 139744 through 139753

In line 152744, delete "2010" and insert "2009"

In line 152748, delete "2010" and insert "2009"

In line 152749, delete "2010" and insert "2009"

In line 152762, delete "twenty-four"

Delete line 152763

In line 152764, delete everything before the period and insert "seven years"

In line 152766, after the comma insert "the consumer is liable for interest, computed at the rate per annum prescribed by section 5703.47 of the Revised Code, on the amount of use tax owed by the consumer and payable under the payment plan, and"

In line 152767, after "amount" insert ", including the interest charge,"

In line 414, delete "9.03,"

In line 441, delete "340.033,"

Delete lines 852 through 909

In line 23203, after "(6)" reinsert the balance of the line

Reinsert lines 23204 through 23210

In line 23211, reinsert "(7)"

In line 23213, reinsert "(8)"; delete " (7)"

In line 23243, reinsert "(8)"; delete " (7)"

In line 23286, reinsert "(8)"; delete " (7)"

In line 23291, reinsert "(8)"; delete " (7)"

In line 23310, reinsert "(8)"; delete " (7)"

In line 23311, reinsert "(8)"; delete " (7)"

In line 23317, reinsert "(9)"; delete " (8)"

In line 23323, reinsert "(10)"; delete " (9)"

In line 23327, reinsert "(11)"; delete " (10)"

In line 23361, reinsert "(12)"; delete " (11)"

In line 23375, reinsert "(13)"; delete " (12)"

In line 23382, reinsert "(14)"; delete " (13)"

In line 23391, reinsert "(15)"; delete " (14)"

In line 23395, reinsert "(16)"; delete " (15)"

Delete lines 23441 through 23581

In line 108931, reinsert "(16)"; delete " (15)"

In line 109092, reinsert "(8)"; delete " (7)"

In line 109237, reinsert "(8)"; delete " (7)"

In line 109583, reinsert "(14)"; delete " (13)"

In line 110070, reinsert "(8)"; delete " (7)"

In line 111008, reinsert "(8)"; delete " (7)"

In line 111304, reinsert "(8)"; delete " (7)"

In line 135679, delete "9.03,"

In line 135705, delete "340.033,"

In line 145713, delete "(11)" and insert "(12)"

In line 145722, delete "(11)" and insert "(12)"

In line 152974, after "3721.58," insert "3722.01 (5119.70),"

In line 152975, after "(5119.72)," insert "3722.04 (5119.73),"

Delete lines 153032 through 153033b

In line 1 of the title, delete "9.03,"

In line 37 of the title, delete "340.033,"

Between lines 143725 and 143726, insert:

**"Section 309.30.\_\_\_\_. MEDICAID RESERVE FUND**

There is hereby created in the state treasury the Medicaid Reserve Fund. The Director of Budget and Management may transfer up to \$129,113,790 cash from the General Revenue Fund to the Medicaid Reserve Fund during the FY 2012-FY 2013 biennium. Money in the fund may be used for the Medicaid Program upon request of the Director of Job and Family Services and approval of the Director of Budget and Management. As necessary, the Director of Budget and Management is authorized to transfer cash from the Medicaid Reserve Fund to the General Revenue Fund. Appropriations in appropriation item 600525, Health Care/Medicaid, shall be increased by the amounts of such transfers and corresponding federal matching funds. Such amounts are hereby appropriated."

In line 579, delete "5119.16,"

In line 638, delete "125.024,"

Delete lines 10779 through 10810

Delete lines 108611 through 108689

In line 135844, delete "5119.16,"

Delete lines 153121 and 153122

In line 224 of the title, delete "5119.16,"

In line 303 of the title, delete "125.024,"



In line 58203, reinsert ", as"

Reinsert lines 58204 and 58205

In line 58206, reinsert "county"

Reinsert lines 58309 through 58317

In line 654, delete "3314.0210,"

Delete lines 58385 through 58431

In line 325 of the title, delete "3314.0210,"

In line 531, delete "3733.41," and insert "3733.99,"

In line 586, delete "5321.01,"

In line 629, delete "3733.49 (3733.43),"

In line 663, delete "3733.42,"

In line 71286, reinsert "3733.43,"

Delete lines 73854 through 73946 and insert:

**"Sec. 3733.99. (A) Whoever violates division (A) of section 3733.08 of the Revised Code is guilty of a misdemeanor of the fourth degree.**

~~**(B) Whoever violates section 3733.30 of the Revised Code is guilty of a minor misdemeanor. Each day that such violation continues is a separate offense.**~~

~~**(C) Whoever violates section 3733.48 of the Revised Code is guilty of a minor misdemeanor."**~~

Delete lines 85315 through 85317

Delete lines 116439 through 116531

In line 135795, delete "3733.41, 3733.49," and insert "3733.99,"

In line 135807, delete "4141.031,"

In line 135852, delete "5321.01,"

In line 135889, delete "3733.42,"

Delete line 135890

In line 135891, delete "3733.48, 3733.99,"

Delete lines 151045 through 151075

In line 159 of the title, delete "3733.41," and insert "3733.99,"

In line 235 of the title, delete "5321.01,"

In line 292 of the title, delete "3733.49"

In line 293 of the title, delete "(3733.43),"

In line 298 of the title, delete "3733.42,"

In line 364 of the title, delete "3733.42,"

Delete line 365 of the title

In line 366 of the title, delete "3733.47, 3733.471, 3733.48, 3733.99,"

In line 149050, delete "during"

In line 149051, delete "fiscal years 2012 and 2013,"

In line 149052, after "\$60,000,000" insert "in each fiscal year"

In line 41078, after the underlined comma, insert "or upon an order of the court, subject to the court making an annual report available to the public listing the use of all such funds,"

In line 41090, after "funds" insert ", or upon an order of the court, subject to the court making an annual report available to the public listing the use of all such funds, expend those surplus funds,"

In line 41146, after "disbursed" insert "either"

In line 41150, after "court" insert ", or upon an order of the court, subject to the court making an annual report available to the public listing the use of all such funds"

In line 41159, after "moneys" insert ", or upon an order of the court, subject to the court making an annual report available to the public listing the use of all such funds, expend the surplus moneys"

In line 41508, after "disbursed" insert "either"

In line 41510, after the underlined comma, insert "or upon an order of the court, subject to the court making an annual report available to the public listing the use of all such funds,"

In line 41519, after "funds" insert ", or upon an order of the court, subject to the court making an annual report available to the public listing the use of all such funds, expend those surplus funds,"

In line 41564, after "disbursed" insert "either"

In line 41566, after "commissioners" insert ", or upon an order of the court, subject to the court making an annual report available to the public listing the use of all such funds"

In line 41573, after "moneys" insert ", or upon an order of the court, subject to the court making an annual report available to the public listing the use of all such funds, expend the surplus moneys,"

In line 43176, strike through the comma and insert "either"

In line 43178, after the underlined comma insert "or upon an order of the juvenile judge, subject to the court making an annual report available to the

public listing the use of all such funds."

In line 43188, after "funds" insert " , or upon an order of the court, subject to the court making an annual report available to the public listing the use of all such funds, expend those surplus funds."

In line 43412, strike through the comma and insert " either"

In line 43414, after the underlined comma insert " or upon an order of the domestic relations judge, subject to the court making an annual report available to the public listing the use of all such funds."

In line 43424, after "funds" insert " , or upon an order of the court, subject to the court making an annual report available to the public listing the use of all such funds, expend those surplus funds."

In line 43470, strike through the comma and insert " either"

In line 43472, after the underlined comma insert " or upon an order of the court, subject to the court making an annual report available to the public listing the use of all such funds."

In line 43481, after "funds" insert " , or upon an order of the court, subject to the court making an annual report available to the public listing the use of all such funds, expend those surplus funds."

In line 654, after "3313.88," insert "3314.029,"

Between lines 58384 and 58385, insert:

" **Sec. 3314.029.** This section establishes the Ohio school sponsorship program. The department of education shall establish an office of Ohio school sponsorship to perform the department's duties prescribed by this section.

(A)(1) Notwithstanding anything to the contrary in this chapter, but subject to section 3314.20 of the Revised Code, any person, group of individuals, or entity may apply to the department for direct authorization to establish a community school and, upon approval of the application, may establish the school. Notwithstanding anything to the contrary in this chapter, the governing authority of an existing community school, upon the expiration or termination of its contract with the school's sponsor entered into under section 3314.03 of the Revised Code, may apply to the department for direct authorization to continue operating the school and, upon approval of the application, may continue to operate the school.

Each application submitted to the department shall include the following:

(a) Evidence that the applicant will be able to comply with division (C) of this section;

(b) A statement indicating that the applicant agrees to comply with all applicable provisions of this chapter, including the requirement to be established as a nonprofit corporation or public benefit corporation in accordance with division (A)(1) of section 3314.03 of the Revised Code;

(c) A statement attesting that no unresolved finding of recovery has been issued by the auditor of state against any person, group of individuals, or entity that is a party to the application and that no person who is party to the application has been a member of the governing authority of any community school that has permanently closed and against which an unresolved finding of recovery has been issued by the auditor of state. In the case of an application submitted by the governing authority of an existing community school, a person who is party to the application shall include each individual member of that governing authority.

(d) A statement that the school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution;

(e) A statement of whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school. If it is a converted public school or service center building, the statement shall include a specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees, provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees.

(f) A statement that the school's teachers will be licensed in the manner prescribed by division (A)(10) of section 3314.03 of the Revised Code;

(g) A statement that the school will comply with all of the provisions of law enumerated in divisions (A)(11)(d) and (e) of section 3314.03 of the Revised Code and of division (A)(11)(h) of that section, if applicable;

(h) A statement that the school's graduation and curriculum requirements will comply with division (A)(11)(f) of section 3314.03 of the Revised Code;

(i) A description of each of the following:

(i) The school's mission and educational program, the characteristics of the students the school is expected to attract, the ages and grade levels of students, and the focus of the curriculum;

(ii) The school's governing authority, which shall be in compliance with division (E) of section 3314.02 of the Revised Code;

(iii) The school's admission and dismissal policies, which shall be in compliance with divisions (A)(5) and (6) of section 3314.03 of the Revised Code;

(iv) The school's business plan, including a five-year financial forecast;

(v) In the case of an application to establish a community school, the applicant's resources and capacity to establish and operate the school;

(vi) The school's academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;

(vii) The facilities to be used by the school and their locations;

(viii) A description of the learning opportunities that will be offered to students including both classroom-based and nonclassroom-based learning opportunities that are in compliance with criteria for student participation established by the department under division (L)(2) of section 3314.08 of the Revised Code.

(2) Subject to division (A)(3) of this section, the department shall approve each application, unless, within thirty days after receipt of the application, the department determines that the application does not satisfy the requirements of division (A)(1) of this section and provides the applicant a written explanation of the reasons for the determination. In that case, the department shall grant the applicant thirty days to correct the insufficiencies in the application. If the department determines that the insufficiencies have been corrected, it shall approve the application. If the department determines that the insufficiencies have not been corrected, it shall deny the application and provide the applicant with a written explanation of the reasons for the denial. The denial of an application may be appealed in accordance with section 119.12 of the Revised Code.

(3) For each of five school years, beginning with the school year that begins in the calendar year in which this section takes effect, the department may approve up to twenty applications for community schools to be established or to continue operation under division (A) of this section; however, of the twenty applications that may be approved each school year, only up to five may be for the establishment of new schools.

(B) The department and the governing authority of each community school authorized under this section shall enter into a contract under section 3314.03 of the Revised Code. Notwithstanding division (A)(13) of that section, the contract with an existing community school may begin at any time during the academic year. The length of the initial contract of any community school under this section may be for any term up to five years. The contract may be renewed in accordance with division (E) of that section. The contract may provide for the school's governing authority to pay a fee for oversight and monitoring of the school that does not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.

(C) The department may require a community school authorized under this section to post and file with the superintendent of public instruction a bond payable to the state or to file with the state superintendent a guarantee, which shall be used to pay the state any moneys owed by the community school in the event the school closes.

(D) Except as otherwise provided in this section, a community school

authorized under this section shall comply with all applicable provisions of this chapter. The department may take any action that a sponsor may take under this chapter to enforce the school's compliance with this division and the terms of the contract entered into under division (B) of this section.

(E) Not later than December 31, 2012, and annually thereafter, the department shall issue a report on the program, including information about the number of community schools participating in the program and their compliance with the provisions of this chapter. In its fifth report, the department shall include a complete evaluation of the program and recommendations regarding the program's continuation. Each report shall be provided to the general assembly, in accordance with section 101.68 of the Revised Code, and to the governor."

In line 325 of the title, after "3313.88," insert "3314.029,"

In line 606, delete "5753.01,"

In line 132109, delete " In the case of a person that is a"

Delete lines 132110 through 132113

Delete lines 133962 through 133984

In line 135871, delete "5753.01,"

In line 262 of the title, delete "5753.01,"

In appropriate lines, make the following appropriation changes and adjust totals accordingly:

CAS AGE	ALI 490613	ALI Title Long Term Care Consumers Guide	FY 2012 Delete \$820,400	FY 2013 Delete \$820,400	FY 2012 Insert \$1,059,400	FY 2013 Insert \$1,059,400	FY 2012 Change \$239,000	FY 2013 Change \$239,000
AGO	055612	General Reimbursement	\$43,197,968	\$43,011,277	\$43,357,968	\$43,011,277	\$160,000	\$0
ART	370321	Operating Expenses	\$1,305,704	\$1,305,704	\$1,605,704	\$1,605,704	\$300,000	\$300,000
BOR	235649	Co-Op Internship Program	\$14,000,000	\$14,000,000	\$12,000,000	\$12,000,000	-\$2,000,000	-\$2,000,000
BOR	235599	National Guard Scholarship Program	\$16,912,271	\$16,912,271	\$16,912,271	\$18,143,293	\$0	\$1,231,022
COM	800401	Construction Compliance	\$920,000	\$920,000	\$0	\$0	-\$920,000	-\$920,000
DAS	100616	DAS Administration	\$4,900,000	\$4,900,000	\$5,974,625	\$5,886,524	\$1,074,625	\$986,524
DAS	100637	Fleet Management	\$2,000,000	\$2,000,000	\$3,978,827	\$4,204,066	\$1,978,827	\$2,204,066
DAS	100606	Risk Management Reserve	\$6,000,000	\$7,000,000	\$10,349,494	\$12,149,884	\$4,349,494	\$5,149,884
DAS	100612	State Printing	\$25,000,000	\$25,000,000	\$17,597,054	\$16,659,526	-\$7,402,946	-\$8,340,474
DAS	102321	Construction Compliance	\$0	\$0	\$920,000	\$920,000	\$920,000	\$920,000
DEV	195615	Facilities Establishment	\$55,000,000	\$55,000,000	\$50,000,000	\$50,000,000	-\$5,000,000	-\$5,000,000
DEV	195526	Ohio Workforce Job Training	\$6,000,000	\$16,000,000	\$20,000,000	\$30,000,000	\$14,000,000	\$14,000,000
DEV	195622	Defense Development Assistance	\$10,000,000	\$10,000,000	\$5,000,000	\$5,000,000	-\$5,000,000	-\$5,000,000
DEV	195640	Local Government Innovation	\$0	\$0	\$0	\$45,000,000	\$0	\$45,000,000
DEV	195401	Thomas Edison Program	\$13,820,354	\$0	\$14,820,354	\$0	\$1,000,000	\$0
DEV	195528	Economic Development Projects	\$0	\$25,943,518	\$0	\$26,943,518	\$0	\$1,000,000

DMH	335505	Local Mental Health Systems of Care	\$44,963,776	\$54,087,955	\$49,963,776	\$59,087,955	\$5,000,000	\$5,000,000
DNR	725693	Grand Lake St. Marys Mitigation Division of Natural Areas and Preserves	\$4,000,000	\$0	\$0	\$0	-\$4,000,000	\$0
DNR	741321	Tobacco Use Prevention	\$0	\$0	\$1,200,000	\$1,200,000	\$1,200,000	\$1,200,000
DOH	440656	Local	\$1,000,000	\$0	\$1,000,000	\$1,000,000	\$0	\$1,000,000
DOH	440454	Environmental Health	\$1,135,141	\$1,135,362	\$1,310,141	\$1,310,362	\$175,000	\$175,000
EDU	200550	Foundation Funding	\$5,536,347,861	\$5,610,117,686	\$5,536,347,861	\$5,610,290,686	\$0	\$173,000
JFS	600525	Health Care/Medicaid - State	\$4,297,729,447	\$4,671,583,382	\$4,313,761,372	\$4,689,051,017	\$16,031,925	\$17,467,635
JFS	600525	Health Care/Medicaid - Federal	\$7,507,443,548	\$8,404,313,207	\$7,530,008,024	\$8,429,762,527	\$22,564,476	\$25,449,320
JFS	600525	Health Care/Medicaid	\$11,805,172,995	\$13,075,896,589	\$11,843,769,396	\$13,118,813,544	\$38,596,401	\$42,916,955
JFS	600526	Medicare Part D	\$275,154,963	\$300,140,824	\$277,996,490	\$296,964,743	\$2,841,527	-\$3,176,081
JFS	600523	Children and Families Services	\$53,105,323	\$53,105,323	\$53,605,323	\$53,105,323	\$500,000	\$0
LSC	035411	Ohio Constitutional Modernization Commission	\$0	\$0	\$50,000	\$50,000	\$50,000	\$50,000
LSC	035407	Legislative Task Force on Redistricting	\$750,000	\$750,000	\$590,000	\$750,000	-\$160,000	\$0
OBM	042409	Commission Closures	\$0	\$0	\$50,000	\$50,000	\$50,000	\$50,000
OHS	360508	State Historical Grants	\$390,570	\$390,570	\$1,140,570	\$390,570	\$750,000	\$0
RDF	110969	Local Government Fund	\$577,000,000	\$391,000,000	\$577,000,000	\$348,000,000	\$0	-\$43,000,000
						GRF state	\$27,738,452	\$23,470,576
						GRF federal	\$22,564,476	\$25,449,320
						GRF total	\$50,302,928	\$48,919,896
						Non-GRF total	-\$1,601,000	\$5,239,000
						All-fund total	\$48,701,928	\$54,158,896

Managers on the Part of the  
House of RepresentativesManagers on the Part of the  
Senate/S/ RON AMSTUTZ  
RON AMSTUTZ/S/ CHRIS WIDENER  
CHRIS WIDENER/S/ JOHN A. CAREY, JR.  
JOHN A. CAREY, JR./S/ SHANNON JONES  
SHANNON JONESVERNON SYKESMICHAEL J. SKINDELL

The question being, "Shall the report of the committee of Conference be agreed to?"

The yeas and nays were taken and resulted - yeas 59, nays 40, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Balderson	Beck	Blair
Blessing	Boose	Brenner	Bubp
Buchy	Burke	Butler	Carey
Combs	Conditt	Damschroder	Derickson
Dovilla	Duffey	Gardner	Gonzales
Goodwin	Grossman	Hackett	Hagan, C.
Hall	Hayes	Henne	Hollington
Hottinger	Huffman	Johnson	Kozlowski
Landis	Maag	Martin	McClain
McGregor	McKenney	Mecklenborg	Newbold

Peterson	Roegner	Rosenberger	Ruhl
Schuring	Sears	Slaby	Sprague
Stautberg	Stebelton	Thompson	Uecker
Wachtmann	Young		Batchelder-59.

Those who voted in the negative were: Representatives

Antonio	Ashford	Barnes	Boyd
Budish	Carney	Celeste	Clyde
DeGeeter	Driehaus	Fedor	Fende
Foley	Garland	Gentile	Gerberry
Goyal	Hagan, R.	Heard	Letson
Luckie	Lundy	Mallory	Milkovich
Murray	O'Brien	Okey	Patmon
Phillips	Pillich	Ramos	Reece
Slesnick	Stinziano	Sykes	Szollasi
Weddington	Williams	Winburn	Yuko-40.

The report of the committee of Conference was agreed to.

### MOTIONS AND RESOLUTIONS

Representative Adams, J. moved that majority party members asking leave to be absent or absent the week of Tuesday, June 28, 2011, 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 Tuesday, June 28, 2011, be excused, so long as a written request is on file in the minority leadership offices.

The motion was agreed to.

Representative Blessing moved that the Rules and Reference Committee Report on resolutions be agreed to and that the resolution contained therein 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:

**H. R. No. 160**-Speaker Batchelder, Representatives Budish, Adams, J., Adams, R., Amstutz, Anielski, Antonio, Ashford, Baker, Balderson, Barnes, Beck, Blair, Blessing, Boose, Boyd, Brenner, Bulp, Buchy, Burke, Butler, Carey, Carney, Celeste, Clyde, Combs, Conditt, Damschroder, DeGeeter, Derickson, Dovilla, Driehaus, Duffey, Fedor, Fende, Foley, Gardner, Garland, Gentile, Gerberry, Gonzales, Goodwin, Goyal, Grossman, Hackett, Hagan, C., Hagan, R., Hall, Hayes, Heard, Henne, Hollington, Hottinger, Huffman, Johnson, Kozlowski, Landis, Letson, Luckie, Lundy, Maag, Mallory, Martin, McClain, McGregor, McKenney, Mecklenborg, Milkovich, Murray, Newbold,



O'Brien, Okey, Patmon, Peterson, Phillips, Pillich, Ramos, Reece, Roegner, Rosenberger, Ruhl, Schuring, Sears, Slaby, Slesnick, Sprague, Stautberg, Stebelton, Stinziano, Sykes, Szollosi, Thompson, Uecker, Wachtmann, Weddington, Williams, Winburn, Young, Yuko.

In memory of William N. Taylor.

WHEREAS, The members of the House of Representatives of the 129th General Assembly of Ohio were deeply saddened to learn of the death of William N. Taylor and extend our heartfelt condolences to his family and friends; and

WHEREAS, Bill Taylor 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. Among his endeavors, he served in the U.S. Navy as an aviation electronics mate during World War II and as a dental officer from 1952 to 1956, and he was a retired dentist. In addition, he was a former member of the Ohio House of Representatives, and he was active with The Ohio State University Alumni Association, the Delta Sigma Delta Dental Fraternity, and Mt. Vernon Lodge 64 of the Free and Accepted Masons, Chapter, Council, and Commandery; and

WHEREAS, Bill Taylor'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 loving husband to his wife, the late Avryl, a devoted father to his son, Patrick, and the proud grandfather of two grandchildren, William and Laura, and five great-grandchildren, Katie, Andrew, Erin, Caleb, and Hannah, Bill Taylor 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 House of Representatives of the 129th General Assembly of Ohio, in adopting this Resolution, express a profound sense of loss and sincere regret at the death of William N. Taylor and, in so doing, pay tribute to the memory of a truly unique individual; and be it further

RESOLVED, That the Clerk of the House of Representatives transmit a duly authenticated copy of this Resolution to the family of William N. Taylor.

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

The 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 passage of the following bill:

**Sub. H. B. No. 194** -Representatives Mecklenborg, Blessing

Cosponsors: Representatives Combs, Anielski, Baker, Boose, Brenner, Bulp, Buchy, Coley, Grossman, Hackett, Huffman, Maag, Martin, Newbold, Slaby, Uecker, Speaker Batchelder Senators Faber, Bacon, Beagle, Coley, Hite, Jones, Jordan, Lehner, Niehaus, Schaffer, Seitz, Widener

To amend sections 3.02, 7.101, 302.09, 305.02, 503.24, 511.27, 733.31, 1545.21, 1901.10, 2101.44, 2301.02, 3501.01, 3501.02, 3501.05, 3501.051, 3501.053, 3501.10, 3501.11, 3501.13, 3501.14, 3501.17, 3501.18, 3501.20, 3501.22, 3501.26, 3501.27, 3501.28, 3501.29, 3501.30, 3501.301, 3501.31, 3501.32, 3501.33, 3501.35, 3501.37, 3501.38, 3503.02, 3503.06, 3503.14, 3503.15, 3503.16, 3503.18, 3503.19, 3503.21, 3503.24, 3503.26, 3503.28, 3504.02, 3504.04, 3504.05, 3505.07, 3505.08, 3505.11, 3505.13, 3505.16, 3505.17, 3505.18, 3505.181, 3505.182, 3505.183, 3505.20, 3505.21, 3505.23, 3505.24, 3505.26, 3505.28, 3505.29, 3505.30, 3505.31, 3506.05, 3506.12, 3506.15, 3509.01, 3509.02, 3509.03, 3509.031, 3509.04, 3509.05, 3509.06, 3509.07, 3509.08, 3509.09, 3511.02, 3511.04, 3511.05, 3511.06, 3511.07, 3511.08, 3511.09, 3511.10, 3511.11, 3511.13, 3511.14, 3513.02, 3513.05, 3513.12, 3513.131, 3513.18, 3513.19, 3513.21, 3513.262, 3513.30, 3513.31, 3515.04, 3517.01, 3517.012, 3517.014, 3517.015, 3517.10, 3517.102, 3517.103, 3517.106, 3517.107, 3517.1011, 3517.11, 3517.153, 3517.154, 3517.155, 3517.992, 3519.01, 3519.16, 3599.03, 3599.07, 3599.17, 3599.19, and 3599.31, to enact new section 3504.01 and sections 3501.111, 3501.302, 3501.40, 3501.50, 3503.05, 3503.20, 3503.22, 3505.05, 3506.021, 3509.051, 3517.211, and 3599.30, and to repeal sections 3503.29, 3504.01, 3506.16, 3517.016, and 3517.1010 of the Revised Code to revise the Election Law.

As a substitute bill with the following additional amendments, in which the concurrence of the House is requested.

After line 11567, insert:

**"Section 8.** It is the intent of the General Assembly that the provisions of H.B. 159 of the 129th General Assembly, if enacted, prevail over any conflicting provisions of this act for the purpose of determining the types of identification that are acceptable for voting under Title XXXV of the Revised Code."

Attest:

Vincent L. Keeran,  
Clerk.

Pursuant to Joint Rule 16, Representative Blessing moved that the Senate amendments to **Am. Sub. H. B. No. 194**-Representatives Mecklenborg, Blessing, et al., be taken up for immediate consideration.

The motion was agreed to without objection.

The Senate amendments to **Am. Sub. H. B. No. 194**-Representatives Mecklenborg, Blessing, et al., were taken up for consideration.

**Am. Sub. H. B. No. 194**-Representatives Mecklenborg, Blessing.

Cosponsors: Representatives Combs, Anielski, Baker, Boose, Brenner, Bulp, Buchy, Coley, Grossman, Hackett, Huffman, Maag, Martin, Newbold, Slaby, Uecker, Speaker Batchelder. Senators Faber, Bacon, Beagle, Coley, Hite, Jones, Jordan, Lehner, Niehaus, Schaffer, Seitz, Widener.

To amend sections 3.02, 7.101, 302.09, 305.02, 503.24, 511.27, 733.31, 1545.21, 1901.10, 2101.44, 2301.02, 3501.01, 3501.02, 3501.05, 3501.051, 3501.053, 3501.10, 3501.11, 3501.13, 3501.14, 3501.17, 3501.18, 3501.20, 3501.22, 3501.26, 3501.27, 3501.28, 3501.29, 3501.30, 3501.301, 3501.31, 3501.32, 3501.33, 3501.35, 3501.37, 3501.38, 3503.02, 3503.06, 3503.14, 3503.15, 3503.16, 3503.18, 3503.19, 3503.21, 3503.24, 3503.26, 3503.28, 3504.02, 3504.04, 3504.05, 3505.07, 3505.08, 3505.11, 3505.13, 3505.16, 3505.17, 3505.18, 3505.181, 3505.182, 3505.183, 3505.20, 3505.21, 3505.23, 3505.24, 3505.26, 3505.28, 3505.29, 3505.30, 3505.31, 3506.05, 3506.12, 3506.15, 3509.01, 3509.02, 3509.03, 3509.031, 3509.04, 3509.05, 3509.06, 3509.07, 3509.08, 3509.09, 3511.02, 3511.04, 3511.05, 3511.06, 3511.07, 3511.08, 3511.09, 3511.10, 3511.11, 3511.13, 3511.14, 3513.02, 3513.05, 3513.12, 3513.131, 3513.18, 3513.19, 3513.21, 3513.262, 3513.30, 3513.31, 3515.04, 3517.01, 3517.012, 3517.014, 3517.015, 3517.10, 3517.102, 3517.103, 3517.106, 3517.107, 3517.1011, 3517.11, 3517.153, 3517.154, 3517.155, 3517.992, 3519.01, 3519.16, 3599.03, 3599.07, 3599.17, 3599.19, and 3599.31, to enact new section 3504.01 and sections 3501.111, 3501.302, 3501.40, 3501.50, 3503.05, 3503.20, 3503.22, 3505.05, 3506.021, 3509.051, 3517.211, and 3599.30, and to repeal sections 3503.29, 3504.01, 3506.16, 3517.016, and 3517.1010 of the Revised Code to revise the Election Law.

The question being, "Shall the Senate amendments be concurred in?"

The yeas and nays were taken and resulted - yeas 59, nays 40, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Balderson	Beck	Blair
Blessing	Boose	Brenner	Bulp
Buchy	Burke	Butler	Carey
Combs	Conditt	Damschroder	Derickson
Dovilla	Duffey	Gardner	Gonzales
Goodwin	Grossman	Hackett	Hagan, C.
Hall	Hayes	Henne	Hollington
Hottinger	Huffman	Johnson	Kozlowski

Landis	Maag	Martin	McClain
McGregor	McKenney	Mecklenborg	Newbold
Peterson	Roegner	Rosenberger	Ruhl
Schuring	Sears	Slaby	Sprague
Stautberg	Stebelton	Thompson	Uecker
Wachtmann	Young		Batchelder-59.

Those who voted in the negative were: Representatives

Antonio	Ashford	Barnes	Boyd
Budish	Carney	Celeste	Clyde
DeGeeter	Driehaus	Fedor	Fende
Foley	Garland	Gentile	Gerberry
Goyal	Hagan, R.	Heard	Letson
Luckie	Lundy	Mallory	Milkovich
Murray	O'Brien	Okey	Patmon
Phillips	Pillich	Ramos	Reece
Slesnick	Stinziano	Sykes	Szollosi
Weddington	Williams	Winburn	Yuko-40.

The Senate amendments were concurred in.

#### Message from the Speaker

The Speaker of the House of Representatives, on June 27, 2011, signed the following:

**S. B. No. 122** - Senator Oelslager - et al.

**Sub. S. B. No. 171** - Senators Gillmor, Wagoner - et al.

#### Message from the Speaker

The Speaker of the House of Representatives, on June 29, 2011, signed the following:

**Am. Sub. H. B. No. 194** - Representatives Mecklenborg, Blessing - et al.

**Sub. H. B. No. 64** - Representatives Ruhl, Burke - et al.

**Am. H. B. No. 188** - Speaker Batchelder - et al.

**Sub. H. B. No. 229** - Representative Buchy - et al.

**Sub. H. B. No. 231** - Representative Wachtmann - et al.

**Sub. H. B. No. 277** - Representatives Blessing, Gerberry - et al.

**Am. H. J. R. No. 1** - Representatives Huffman, Fende - et al.

On motion of Representative Blessing, the House adjourned until Thursday, June 30, 2011 at 8:45 a.m.

Attest:

LAURA P. CLEMENS,  
Clerk.