moved to amend as follows:

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

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11 Various line item changes, attached

12 The motion was _________ agreed to.
moved to amend as follows:

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

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

Between lines 63815 and 63816, insert:

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

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

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

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

(1) In a state liquor store;

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

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

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

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

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

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

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

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

(2) A person may have in the person's possession on an F liquor permit premises an opened container of beer or intoxicating liquor that was not purchased from the holder of the F permit if the premises for which the F permit is issued is a music festival
and the holder of the F permit grants permission for that possession on the premises during the period for which the F permit is issued. As used in this division, "music festival" means a series of outdoor live musical performances, extending for a period of at least three consecutive days and located on an area of land of at least forty acres.

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

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

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

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

(4) A person may have in the person's possession an opened or unopened container of beer or intoxicating liquor at an outdoor location at which the person is attending an orchestral performance as defined in division (C)(3)(b)(i) of this section if the person with supervision and control over the performance grants permission for the possession and consumption of beer or intoxicating liquor in certain predesignated areas of that outdoor location.
(5) A person may have in the person's possession on an F-9 liquor permit premises an opened or unopened container of beer or intoxicating liquor that was not purchased from the holder of the F-9 permit if the person is attending an orchestral performance and the holder of the F-9 permit grants permission for the possession and consumption of beer or intoxicating liquor in certain predesignated areas of the premises during the period for which the F-9 permit is issued.

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

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

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

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

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

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

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

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

Delete lines 63825 through 63876 and insert:

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

(2) The division may issue separate F-9 permits to a nonprofit corporation that operates a park on property leased from a municipal corporation and a nonprofit corporation that provides or manages entertainment programming pursuant to an agreement with a nonprofit corporation that operates a park on property leased from a municipal corporation to be effective during the same time period. However, the permit privileges may be exercised by only one of the holders of an F-9 permit at specific events. The other
holder of an F-9 permit shall certify to the division that it will not exercise its permit privileges during that specific event.

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

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

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

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

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

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

In line 94746, delete "4303.208,"

In line 130 of the title, after "4301.43," insert "4301.62,";
delete "4303.208,"

In line 238 of the title, after "3903.301," insert "4303.209,"

The motion was _______ agreed to.

SYNOPSIS

Issuance of F-9 Liquor Permits to Certain City Parks

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

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

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

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

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

Between lines 66682 and 66683, insert:

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

At the end of each quarter, the director of budget and management shall transfer from the occupational licensing and regulatory fund to the nurse education assistance fund created in section 3333.28 of the Revised Code the amount certified to the director under division (B) of section 4723.08 of the Revised Code."
At the end of each quarter, the director shall transfer from the occupational licensing and regulatory fund to the certified public accountant education assistance fund created in section 4701.26 of the Revised Code the amount certified to the director under division (H)(2) of section 4701.10 of the Revised Code."

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

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

Between lines 67293 and 67294, insert: 

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

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

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

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

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

Between lines 68116 and 68117 insert:
"Sec. 4781.54. There is hereby created in the state treasury the manufactured homes commission regulatory fund. The fund shall consist of fees collected under section 4781.121 of the Revised Code and fees paid under section 4781.28 of the Revised Code and shall be used for the purposes described in those sections."

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

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

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

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

The motion was ________ agreed to.

**SYNOPSIS**

Manufactured Homes Commission

R.C. 4743.05, 4781.04, 4781.121, 4781.26, 4781.28, 4781.33, and 4781.54

Creates the Manufactured Homes Commission Regulatory Fund and
requires licensing fees and certain other fees to be deposited in
that fund rather than the Occupational Licensing and Regulatory
Fund as required under the bill.

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

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

Requires a Board of health to issue to the Commission a
report of an inspection of a manufactured home park that was
completed in response to a flood event within ten days after the
inspection is completed.
moved to amend as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Between lines 106456 and 106457, insert:
(2) For each month in the period beginning August 1, 2011, and ending June 30, 2013, an amount sufficient to make the distributions required for that month under divisions (E)(2)(a), (b), and (c) of this section.

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

(a)"

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

Between lines 106503 and 106504, insert:

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

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

(b) For each month in the period beginning August 1, 2011, and ending June 30, 2012, if a county undivided local government fund's total distribution in fiscal year 2011 exceeded five hundred thousand dollars and if the sum of the amount allocated to the fund in July 2011 and the amounts to be allocated to the
fund between August 1, 2011, and June 30, 2012, under division (E)(1)(a) of this section is less than five hundred thousand dollars, the fund shall receive a distribution equal to one-eleventh of the difference between five hundred thousand dollars and that sum.

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

The motion was agreed to.

**SYNOPSIS**

**Local Government Fund Distributions**

**Sections 371.10, 371.20.60, and 757.10**

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

Guarantees that any county undivided LGF that received over $500,000 in FY 2011 must receive at least $500,000 in FY 2012
and 2013, regardless of the pending bill's proposed reductions in LGF distributions.

**Revenue Distribution Funds**

**Section 379.10**

Adds $1,000,000 to FY 2012 and $2,000,000 to FY 2013 to appropriation item 110969, Local Government Fund, to cover the additional costs of setting the floor of $500,000 per fiscal year under distributions to a county undivided local government fund.
In line 421, after "5705.392," insert "5705.412,"

Between lines 87079 and 87080, insert:

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

(1) Five hundred thousand dollars;

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

(B) (1) Notwithstanding section 5705.41 of the Revised Code, no school district shall adopt any appropriation measure, make any qualifying contract, or increase during any school year any wage or salary schedule unless there is attached thereto a certificate, signed as required by this section, that the school district has in effect the authorization to levy taxes including the renewal or replacement of existing levies which, when combined with the
estimated revenue from all other sources available to the district at the time of certification, are sufficient to provide the operating revenues necessary to enable the district to maintain all personnel and programs for all the days set forth in its adopted school calendars for the current fiscal year and for a number of days in succeeding fiscal years equal to the number of days instruction was held or is scheduled for the current fiscal year, as follows:

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

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

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

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

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

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

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

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

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

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

(D) The department of education and the auditor of state
jointly shall adopt rules governing the methods by which
treasurers, presidents of boards of education, superintendents,
and members of financial planning and supervision commissions shall estimate revenue and determine whether such revenue is sufficient to provide necessary operating revenue for the purpose of making certifications required by this section.

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

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

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

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

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

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

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

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

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

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

The motion was __________ agreed to.

SYNOPSIS

School District Expenditure Certification

R.C. 5705.412
Authorizes a school district to enter into a contract without attaching the certificate required under current law if an alternative certificate is attached certifying the following:

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

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

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

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

Between lines 54480 and 54481, insert:

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

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

(a) Supervision of special diets;

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

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

(2) Subject to division (C) of this section, provide other skilled nursing care provided on a part-time, intermittent basis for not more than a total of one hundred twenty days in a twelve-month period;"
(5) Subject to division (D) of this section, (3) provide skilled nursing care provided for more than one hundred twenty days in a twelve-month period to a hospice patient, as defined in section 3712.01 of the Revised Code resident when the requirements of division (D) of this section are met.

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

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

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

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

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

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

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

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

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

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

(C) A residential care facility may admit or retain individuals who require skilled nursing care beyond the supervision of special diets, application of dressings, or administration of medication, only if the care will be provided on a part-time, intermittent basis for not more than a total of one hundred twenty days in any
twelve-month period. In accordance with Chapter 119. of the Revised Code, the public health council shall adopt rules specifying what constitutes the need for skilled nursing care on a part-time, intermittent basis. The council shall adopt rules that are consistent with rules pertaining to home health care adopted by the director of job and family services for the medical assistance medicaid program established under Chapter 5111. of the Revised Code. Skilled nursing care provided pursuant to this division may be provided by a home health agency certified under Title XVIII of the "Social Security Act," a hospice care program licensed under Chapter 3712. of the Revised Code, or a member of the staff of a residential care facility who is qualified to perform skilled nursing care.

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

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

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

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

(a) The individual or individual's sponsor;

(b) The individual's personal physician;

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

(d) If the individual is a hospice patient as defined in
section 3712.01 of the Revised Code, a hospice care program licensed under Chapter 3712 of the Revised Code. The

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

(a) That the hospice patient individual will be provided skilled nursing care in the facility only if a determination has been made that the patient’s individual’s needs can be met at the facility;

(b) That the hospice patient individual will be retained in the facility only if periodic redeterminations are made that the patient’s individual’s needs are being met at the facility;

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

(d) If the individual is a hospice patient, that the individual has been given an opportunity to choose the hospice care program that best meets the patient’s individual’s needs;

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

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

Between lines 54572 and 54573, 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)(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 residents pursuant to division (D) of section 3721.011 of the Revised Code.

(2) 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."

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

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

The motion was ________ agreed to.
SYNOPSIS

Skilled Nursing Care in Residential Care Facilities

R.C. 3721.011 and 3721.04

Revises current law that permits a residential care facility to admit or retain a hospice patient who requires skilled nursing care for more than 120 days in a 12-month period as follows:

(1) Permits a residential care facility to admit or retain any individual who requires such skilled nursing care if the facility enters into a written agreement with (a) the individual or individual's sponsor, (b) the individual's personal physician, (c) unless the individual's personal physician oversees the skilled nursing care, the provider of the skilled nursing care, and (d) if the individual is a hospice patient, a hospice care program;

(2) Provides for the agreement to include the same provisions that current law requires an agreement between a residential care facility and hospice care program to include, except that an agreement regarding an individual who is not a hospice patient must also include a provision that the individual's personal physician has determined that the skilled nursing care the individual needs is routine.
moved to amend as follows:

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

The motion was ______ agreed to.

SYNOPSIS

Prohibition of OCC Advocacy Against Competitive Markets

R.C. 4911.02

Includes, in the bill's prohibition of OCC advocacy against development of competitive markets, a prohibition of advocacy against (1) natural gas retail auctions and (2) merchant-function exit.
moved to amend as follows:

In line 458, after "349.17," insert "717.08,"

Between lines 16388 and 16389, insert:

"Sec. 717.08. The largest municipal corporation located in the Southwestern portion of the state that has a retirement system for its employees may enter into an agreement with the board of trustees of the retirement system for a single payment by the municipal corporation of all or a portion of the municipal corporation's accrued liability to the retirement system. The agreement may provide for a reduction in the amount of the accrued liability based on the value to the retirement system of receiving a single payment.

The legislative authority of the municipal corporation may issue securities under Section 3 of Article XVIII, Ohio Constitution, or under Chapter 133. of the Revised Code, including Chapter 133. special obligation securities that pledge taxes, other than ad valorem property taxes, or other revenues for the purpose of providing some or all of the funds required
to satisfy the municipal corporation's obligation under the agreement."

In line 223 of the title, after "349.17," insert "717.08,"

The motion was _______ agreed to.

SYNOPSIS

Municipal Corporation Securities

R.C. 717.08

Permits the largest municipal corporation located in the Southwestern portion of the state with a retirement system for its employees to enter into an agreement with the retirement system to issue securities for a single payment of its accrued liability to the system.

Specifies that the agreement may provide for a reduction in the amount of the accrued liability owed to the retirement system based on the value to the system of receiving a single payment.
moved to amend as follows:

In line 389, after "4507.164," insert "4510.037, 4510.038,"

Between lines 64654 and 64655, insert:

"Sec. 4510.037. (A) When the registrar of motor vehicles determines that the total points charged against any person under section 4510.036 of the Revised Code exceed five, the registrar shall send a warning letter to the person at the person's last known address by regular mail. The warning letter shall list the reported violations that are the basis of the points charged, list the number of points charged for each violation, and outline the suspension provisions of this section.

(B) When the registrar determines that the total points charged against any person under section 4510.036 of the Revised Code within any two-year period beginning on the date of the first conviction within the two-year period is equal to twelve or more, the registrar shall send a written notice to the person at the person's last known address by regular mail. The notice shall list the reported violations that are the basis of the points charged, list the number of points charged for each violation, and state that, because the total number of points charged against the
person within the applicable two-year period is equal to twelve or more, the registrar is imposing a class D suspension of the person's driver's or commercial driver's license or permit or nonresident operating privileges for the period of time specified in division (B)(4) of section 4510.02 of the Revised Code. The notice also shall state that the suspension is effective on the twentieth day after the mailing of the notice, unless the person files a petition appealing the determination and suspension in the municipal court, county court, or, if the person is under the age of eighteen, the juvenile division of the court of common pleas in whose jurisdiction the person resides or, if the person is not a resident of this state, in the Franklin county municipal court or juvenile division of the Franklin county court of common pleas. By filing the appeal of the determination and suspension, the person agrees to pay the cost of the proceedings in the appeal of the determination and suspension and alleges that the person can show cause why the person's driver's or commercial driver's license or permit or nonresident operating privileges should not be suspended.

(C)(1) Any person against whom at least two but less than twelve points have been charged under section 4510.036 of the Revised Code may enroll in a course of remedial driving instruction that is approved by the director of public safety. Upon the person's completion of an approved course of remedial driving instruction, the person may apply to the registrar on a form prescribed by the registrar for a credit of two points on the person's driving record. Upon receipt of the application and proof of completion of the approved remedial driving course, the registrar shall approve the two-point credit. The registrar shall not approve any credits for a person who completes an approved course of remedial driving instruction pursuant to a judge's order under section 4510.02 of the Revised Code.
(2) In any three-year period, the registrar shall approve only one two-point credit on a person's driving record under division (C)(1) of this section. The registrar shall approve not more than five two-point credits on a person's driving record under division (C)(1) of this section during that person's lifetime.

(D) When a judge of a court of record suspends a person's driver's or commercial driver's license or permit or nonresident operating privilege and charges points against the person under section 4510.036 of the Revised Code for the offense that resulted in the suspension, the registrar shall credit that period of suspension against the time of any subsequent suspension imposed under this section for which those points were used to impose the subsequent suspension. When a United States district court that has jurisdiction within this state suspends a person's driver's or commercial driver's license or permit or nonresident operating privileges pursuant to the "Assimilative Crimes Act," 102 Stat. 4381 (1988), 18 U.S.C.A. 13, as amended, the district court prepares an abstract pursuant to section 4510.031 of the Revised Code, and the district court charges points against the person under section 4510.036 of the Revised Code for the offense that resulted in the suspension, the registrar shall credit the period of suspension imposed by the district court against the time of any subsequent suspension imposed under this section for which the points were used to impose the subsequent suspension.

(E) The registrar, upon the written request of a licensee who files a petition under division (B) of this section, shall furnish the licensee a certified copy of the registrar's record of the convictions and bond forfeitures of the person. This record shall include the name, address, and date of birth of the licensee; the name of the court in which each conviction or bail forfeiture took
place; the nature of the offense that was the basis of the conviction or bond forfeiture; and any other information that the registrar considers necessary. If the record indicates that twelve points or more have been charged against the person within a two-year period, it is prima-facie evidence that the person is a repeat traffic offender, and the registrar shall suspend the person's driver's or commercial driver's license or permit or nonresident operating privilege pursuant to division (B) of this section.

In hearing the petition and determining whether the person filing the petition has shown cause why the person's driver's or commercial driver's license or permit or nonresident operating privilege should not be suspended, the court shall decide the issue on the record certified by the registrar and any additional relevant, competent, and material evidence that either the registrar or the person whose license is sought to be suspended submits.

(F) If a petition is filed under division (B) of this section in a county court, the prosecuting attorney of the county in which the case is pending shall represent the registrar in the proceedings, except that, if the petitioner resides in a municipal corporation within the jurisdiction of the county court, the city director of law, village solicitor, or other chief legal officer of the municipal corporation shall represent the registrar in the proceedings. If a petition is filed under division (B) of this section in a municipal court, the registrar shall be represented in the resulting proceedings as provided in section 1901.34 of the Revised Code.

(G) If the court determines from the evidence submitted that a person who filed a petition under division (B) of this section has failed to show cause why the person's driver's or commercial
driver's license or permit or nonresident operating privileges should not be suspended, the court shall assess against the person the cost of the proceedings in the appeal of the determination and suspension and shall impose the applicable suspension under this section or suspend all or a portion of the suspension and impose any conditions upon the person that the court considers proper or impose upon the person a community control sanction pursuant to section 2929.15 or 2929.25 of the Revised Code. If the court determines from the evidence submitted that a person who filed a petition under division (B) of this section has shown cause why the person's driver's or commercial driver's license or permit or nonresident operating privileges should not be suspended, the costs of the appeal proceeding shall be paid out of the county treasury of the county in which the proceedings were held.

(H) Any person whose driver's or commercial driver's license or permit or nonresident operating privileges are suspended under this section is not entitled to apply for or receive a new driver's or commercial driver's license or permit or to request or be granted nonresident operating privileges during the effective period of the suspension.

(I) Upon the termination of any suspension or other penalty imposed under this section involving the surrender of license or permit and upon the request of the person whose license or permit was suspended or surrendered, the registrar shall return the license or permit to the person upon determining that the person has complied with all provisions of section 4510.038 of the Revised Code or, if the registrar destroyed the license or permit pursuant to section 4510.52 of the Revised Code, shall reissue the person's license or permit.

(J) Any person whose driver's or commercial driver's license or permit or nonresident operating privileges are suspended as a
repeat traffic offender under this section and who, during the suspension, operates any motor vehicle upon any public roads and highways is guilty of a misdemeanor of the first degree, and the court shall sentence the offender to a minimum term of three days in jail. No court shall suspend the first three days of jail time imposed pursuant to this division.

(K) The registrar, in accordance with specific statutory authority, may suspend the privilege of driving a motor vehicle on the public roads and highways of this state that is granted to nonresidents by section 4507.04 of the Revised Code.

(L) Any course of remedial driving instruction the director of public safety approves under this section shall require its students to attend at least fifty per cent of the course in person. The director shall not approve any course of remedial driving instruction that permits its students to take more than fifty per cent of the course in any other manner, including via video teleconferencing or the internet.

(2) The director may approve a course of remedial instruction that permits students to take the entire course via video teleconferencing. In accordance with division (C) of this section, upon receiving an application with a certificate or other proof of completion of a course approved under this division, the registrar shall approve the two-point reduction.

Sec. 4510.038. (A) Any person whose driver's or commercial driver's license or permit is suspended or who is granted limited driving privileges under section 4510.037, under division (H) of section 4511.19, or under section 4510.07 of the Revised Code for a violation of a municipal ordinance that is substantially equivalent to division (B) of section 4511.19 of the Revised Code...
is not eligible to retain the license, or to have the driving
privileges reinstated, until each of the following has occurred:

(1) The person successfully completes a course of remedial
driving instruction approved by the director of public safety. A
minimum of twenty-five per cent of the number of hours of
instruction included in the course shall be devoted to instruction
on driver attitude.

The course also shall devote a number of hours to instruction
in the area of alcohol and drugs and the operation of vehicles.
The instruction shall include, but not be limited to, a review of
the laws governing the operation of a vehicle while under the
influence of alcohol, drugs, or a combination of them, the dangers
of operating a vehicle while under the influence of alcohol,
drugs, or a combination of them, and other information relating to
the operation of vehicles and the consumption of alcoholic
beverages and use of drugs. The director, in consultation with the
director of alcohol and drug addiction services, shall prescribe
the content of the instruction. The number of hours devoted to the
area of alcohol and drugs and the operation of vehicles shall
comprise a minimum of twenty-five per cent of the number of hours
of instruction included in the course.

(2) The person is examined in the manner provided for in
section 4507.20 of the Revised Code, and found by the registrar of
motor vehicles to be qualified to operate a motor vehicle;

(3) The person gives and maintains proof of financial
responsibility, in accordance with section 4509.45 of the Revised
Code.

(B) Any (1) Except as provided in division (B)(2) of this
section, any course of remedial driving instruction the director
of public safety approves under this section shall require its
students to attend at least fifty per cent of the course in
The motion was agreed to.

SYNOPSIS

Entirely Electronic Remedial Driving Course
R.C. 4510.037 and 4510.038

Allows the Director of Public Safety to approve a course of remedial driving instruction that permits students to take the entire course electronically, rather than permitting only 50% of such a course to be taken electronically as in current law, and requires the Registrar of Motor Vehicles to approve a two-point reduction in a person's driving record upon receiving a certificate of completion of an entirely electronic remedial driving course.
moved to amend as follows:

In line 97540, delete "development," and insert "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."

Delete lines 97541 through 97550

The motion was agreed to.

SYNOPSIS

Ohio Educational Computer Network

Section 267.10.60

Changes the earmark of the remainder of appropriation item 200426, Ohio Educational Computer Network, to support the College of Education and Human Ecology at the Ohio State University in its work reviewing course content for the distance learning clearinghouse instead of to support a network of uniform and compatible computer-based information and instructional systems.
moved to amend as follows:

In line 471, after "3709.341," insert "3727.60,"

Between lines 54854 and 54855, insert:

"Sec. 3727.60. (A) As used in this section:

(1) "Discharge planning" means the formal process for determining, prior to a patient's discharge from a hospital, the coordination and management of the care that the patient is to receive following discharge from the hospital.

(2) "Home health agency" has the same meaning as in section 3701.881 of the Revised Code.

(B) If a hospital conducts discharge planning for a medicaid recipient and determines that the recipient has a need for rehabilitation on a temporary basis, as opposed to a need for long-term care services, the hospital shall first attempt to secure rehabilitation for the recipient through a home health agency. To facilitate this responsibility, the hospital shall maintain a resource guide of the home health agencies operating in the community in which the hospital is located."
In line 238 of the title, after "3709.341," insert "3727.60,"

The motion was agreed to.

SYNOPSIS

Hospital Discharge Planning - Home Care Preference

R.C. 3727.60

Requires a hospital that conducts discharge planning for a Medicaid recipient and determines the recipient has a need for rehabilitation on a temporary basis (as opposed to a need for long-term care services) to first attempt to secure rehabilitation for the recipient through a home health agency.

Requires a hospital to maintain a resource guide of the home health agencies operating in the community in which the hospital is located.
moved to amend as follows:

In line 398, after "5101.61," insert "5104.04,"

Between lines 70304 and 70305, insert:

"Sec. 5104.04. (A) The department of job and family services shall establish procedures to be followed in investigating, inspecting, and licensing child day-care centers and type A family day-care homes.

(B)(1)(a) The department shall, at least once during every twelve-month period of operation of a center or type A home, inspect the center or type A home. The department shall inspect a part-time center or part-time type A home at least once during every twelve-month period of operation. The department shall provide a written inspection report to the licensee within a reasonable time after each inspection. The licensee shall display all written reports of inspections conducted during the current licensing period in a conspicuous place in the center or type A home.

Inspections may be unannounced. No person, firm, organization, institution, or agency shall interfere with the inspection of a center or type A home by any state or local
official engaged in performing duties required of the state or local official by Chapter 5104. of the Revised Code or rules adopted pursuant to Chapter 5104. of the Revised Code, including inspecting the center or type A home, reviewing records, or interviewing licensees, employees, children, or parents.

(b) Upon receipt of any complaint that a center or type A home is out of compliance with the requirements of Chapter 5104. of the Revised Code or rules adopted pursuant to Chapter 5104. of the Revised Code, the department shall investigate the center or home, and both of the following apply:

(i) If the complaint alleges that a child suffered physical harm while receiving child care at the center or home or that the noncompliance alleged in the complaint involved, resulted in, or poses a substantial risk of physical harm to a child receiving child care at the center or home, the department shall inspect the center or home.

(ii) If division (B)(1)(b)(i) of this section does not apply regarding the complaint, the department may inspect the center or home.

(c) Division (B)(1)(b) of this section does not limit, restrict, or negate any duty of the department to inspect a center or type A home that otherwise is imposed under this section, or any authority of the department to inspect a center or type A home that otherwise is granted under this section when the department believes the inspection is necessary and it is permitted under the grant.

(2) If the department implements an instrument-based program monitoring information system, it may use an indicator checklist to comply with division (B)(1) of this section.

(3) The department shall contract with a third party by the
first day of October in each even-numbered year to collect information concerning the amounts charged by the center or home for providing child care services for use in establishing reimbursement ceilings and payment pursuant to section 5104.30 of the Revised Code. The third party shall compile the information and report the results of the survey to the department not later than the first day of December in each even-numbered year.

(C) In the event a licensed center or type A home is determined to be out of compliance with the requirements of Chapter 5104. of the Revised Code or rules adopted pursuant to Chapter 5104. of the Revised Code, the department shall notify the licensee of the center or type A home in writing regarding the nature of the violation, what must be done to correct the violation, and by what date the correction must be made. If the correction is not made by the date established by the department, the department may commence action under Chapter 119. of the Revised Code to revoke the license. The department's commencement of an action to revoke the license is sufficient notice that the correction has not been made, and no other notice regarding the correction is required.

(D) The department may deny an application or revoke a license, or refuse to renew a license of a center or type A home, if the applicant knowingly makes a false statement on the application, the center or home does not comply with the requirements of Chapter 5104. or rules adopted pursuant to Chapter 5104. of the Revised Code, or the applicant or owner has pleaded guilty to or been convicted of an offense described in section 5104.09 of the Revised Code.

(E)(D) If the department finds, after notice and hearing pursuant to Chapter 119. of the Revised Code, that any applicant, person, firm, organization, institution, or agency applying for
licensure or licensed under section 5104.03 of the Revised Code is in violation of any provision of Chapter 5104. of the Revised Code or rules adopted pursuant to Chapter 5104. of the Revised Code, the department may issue an order of denial to the applicant or an order of revocation to the center or type A home revoking the license previously issued by the department. Upon the issuance of any such an order of revocation, the person whose application is denied or whose license is revoked may appeal in accordance with section 119.12 of the Revised Code.

(F)(E) The surrender of a center or type A home license to the department or the withdrawal of an application for licensure by the owner or administrator of the center or type A home shall not prohibit the department from instituting any of the actions set forth in this section.

(C)(F) Whenever the department receives a complaint, is advised, or otherwise has any reason to believe that a center or type A home is providing child care without a license issued or renewed pursuant to section 5104.03 and is not exempt from licensing pursuant to section 5104.02 of the Revised Code, the department shall investigate the center or type A home and may inspect the areas children have access to or areas necessary for the care of children in the center or type A home during suspected hours of operation to determine whether the center or type A home is subject to the requirements of Chapter 5104. or rules adopted pursuant to Chapter 5104. of the Revised Code.

(H)(G) The department, upon determining that the center or type A home is operating without a license, shall notify the attorney general, the prosecuting attorney of the county in which the center or type A home is located, or the city attorney, village solicitor, or other chief legal officer of the municipal corporation in which the center or type A home is located, that
the center or type A home is operating without a license. Upon receipt of the notification, the attorney general, prosecuting attorney, city attorney, village solicitor, or other chief legal officer of a municipal corporation shall file a complaint in the court of common pleas of the county in which the center or type A home is located requesting that the court grant an order enjoining the owner from operating the center or type A home in violation of section 5104.02 of the Revised Code. The court shall grant such injunctive relief upon a showing that the respondent named in the complaint is operating a center or type A home and is doing so without a license.

+I+(H) The department shall prepare an annual report on inspections conducted under this section. The report shall include the number of inspections conducted, the number and types of violations found, and the steps taken to address the violations. The department shall file the report with the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives on or before the first day of January of each year, beginning in 1999."

In line 94756, after "5101.61," insert "5104.04,"

In line 144 of the title, after "5101.61," insert "5104.04,"

The motion was ________ agreed to.

SYNOPSIS

Child Day-Care Centers and Type A Family Day-Care Homes

Licensure Enforcement

R.C. 5104.04

Adds a provision to the bill that does the following:
- Eliminates the requirement that the Ohio Department of Job and Family Services (ODJFS) notify a child day-care center or type A family day-care home that it is out of compliance with the laws governing centers and homes;

- Eliminates ODJFS's express authority to commence a license revocation action against a child day-care center or type A family home for failing to correct a compliance violation.
moved to amend as follows:

In line 398, after "5101.61," insert "5104.01, 5104.011,"

Between lines 70304 and 70305, insert:

"Sec. 5104.01. As used in this chapter:

(A) "Administrator" means the person responsible for the daily operation of a center or type A home. The administrator and the owner may be the same person.

(B) "Approved child day camp" means a child day camp approved pursuant to section 5104.22 of the Revised Code.

(C) "Authorized provider" means a person authorized by a county director of job and family services to operate a certified type B family day-care home.

(D) "Border state child care provider" means a child care provider that is located in a state bordering Ohio and that is licensed, certified, or otherwise approved by that state to provide child care.

(E) "Career pathways model" means an alternative pathway to meeting the requirements for a child care staff member or administrator that uses one framework to integrate the pathways of
formal education, training, experience, and specialized credentials, and that allows the member or administrator to achieve a designation as an early childhood professional level one, two, three, four, five, or six.

(F) "Caretaker parent" means the father or mother of a child whose presence in the home is needed as the caretaker of the child, a person who has legal custody of a child and whose presence in the home is needed as the caretaker of the child, a guardian of a child whose presence in the home is needed as the caretaker of the child, and any other person who stands in loco parentis with respect to the child and whose presence in the home is needed as the caretaker of the child.

(F)(G) "Certified type B family day-care home" and "certified type B home" mean a type B family day-care home that is certified by the director of the county department of job and family services pursuant to section 5104.11 of the Revised Code to receive public funds for providing child care pursuant to this chapter and any rules adopted under it.

(G)(H) "Chartered nonpublic school" means a school that meets standards for nonpublic schools prescribed by the state board of education for nonpublic schools pursuant to section 3301.07 of the Revised Code.

(H)(I) "Child" includes an infant, toddler, preschool child, or school child.


(J)(K) "Child day camp" means a program in which only school children attend or participate, that operates for no more than seven hours per day, that operates only during one or more public
school district's regular vacation periods or for no more than
fifteen weeks during the summer, and that operates outdoor
activities for each child who attends or participates in the
program for a minimum of fifty per cent of each day that children
attend or participate in the program, except for any day when
hazardous weather conditions prevent the program from operating
outdoor activities for a minimum of fifty per cent of that day.
For purposes of this division, the maximum seven hours of
operation time does not include transportation time from a child's
home to a child day camp and from a child day camp to a child's
home.

(K)-(L) "Child care" means administering to the needs of
infants, toddlers, preschool children, and school children outside
of school hours by persons other than their parents or guardians,
custodians, or relatives by blood, marriage, or adoption for any
part of the twenty-four-hour day in a place or residence other
than a child's own home.

(L)-(M) "Child day-care center" and "center" mean any place in
which child care or publicly funded child care is provided for
thirteen or more children at one time or any place that is not the
permanent residence of the licensee or administrator in which
child care or publicly funded child care is provided for seven to
twelve children at one time. In counting children for the purposes
of this division, any children under six years of age who are
related to a licensee, administrator, or employee and who are on
the premises of the center shall be counted. "Child day-care
center" and "center" do not include any of the following:

(1) A place located in and operated by a hospital, as defined
in section 3727.01 of the Revised Code, in which the needs of
children are administered to, if all the children whose needs are
being administered to are monitored under the on-site supervision
of a physician licensed under Chapter 4731. of the Revised Code or
a registered nurse licensed under Chapter 4723. of the Revised
Code, and the services are provided only for children who, in the
opinion of the child's parent, guardian, or custodian, are
exhibiting symptoms of a communicable disease or other illness or
are injured;

(2) A child day camp;

(3) A place that provides child care, but not publicly funded
child care, if all of the following apply:

(a) An organized religious body provides the child care;

(b) A parent, custodian, or guardian of at least one child
receiving child care is on the premises and readily accessible at
all times;

(c) The child care is not provided for more than thirty days
a year;

(d) The child care is provided only for preschool and school
children.

(M)-(N) "Child care resource and referral service
organization" means a community-based nonprofit organization that
provides child care resource and referral services but not child
care.

(N)-(O) "Child care resource and referral services" means all
of the following services:

(1) Maintenance of a uniform data base of all child care
providers in the community that are in compliance with this
chapter, including current occupancy and vacancy data;

(2) Provision of individualized consumer education to
families seeking child care;

(3) Provision of timely referrals of available child care
providers to families seeking child care;

(4) Recruitment of child care providers;

(5) Assistance in the development, conduct, and dissemination of training for child care providers and provision of technical assistance to current and potential child care providers, employers, and the community;

(6) Collection and analysis of data on the supply of and demand for child care in the community;

(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;

(8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for their employees and for the community;

(9) Provision of written educational materials to caretaker parents and informational resources to child care providers;

(10) Coordination of services among child care resource and referral service organizations to assist in developing and maintaining a statewide system of child care resource and referral services if required by the department of job and family services;

(11) Cooperation with the county department of job and family services in encouraging the establishment of parent cooperative child care centers and parent cooperative type A family day-care homes.

(P) "Child-care staff member" means an employee of a child day-care center or type A family day-care home who is primarily responsible for the care and supervision of children. The administrator may be a part-time child-care staff member when not involved in other duties.
"Drop-in child day-care center," "drop-in center," "drop-in type A family day-care home," and "drop-in type A home" mean a center or type A home that provides child care or publicly funded child care for children on a temporary, irregular basis.

"Employee" means a person who either:

(1) Receives compensation for duties performed in a child day-care center or type A family day-care home;

(2) Is assigned specific working hours or duties in a child day-care center or type A family day-care home.

"Employer" means a person, firm, institution, organization, or agency that operates a child day-care center or type A family day-care home subject to licensure under this chapter.

"Federal poverty line" means the official poverty guideline as revised annually in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.

"Head start program" means a comprehensive child development program that receives funds distributed under the "Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as amended, and is licensed as a child day-care center.

"Income" means gross income, as defined in section 5107.10 of the Revised Code, less any amounts required by federal statutes or regulations to be disregarded.

"Indicator checklist" means an inspection tool, used in conjunction with an instrument-based program monitoring information system, that contains selected licensing requirements that are statistically reliable indicators or predictors of a child day-care center or type A family day-care home's compliance.
with licensing requirements.

(W)(X) "Infant" means a child who is less than eighteen months of age.

(X)(Y) "In-home aide" means a person who does not reside with the child but provides care in the child's home and is certified by a county director of job and family services pursuant to section 5104.12 of the Revised Code to provide publicly funded child care to a child in a child's own home pursuant to this chapter and any rules adopted under it.

(Y)(Z) "Instrument-based program monitoring information system" means a method to assess compliance with licensing requirements for child day-care centers and type A family day-care homes in which each licensing requirement is assigned a weight indicative of the relative importance of the requirement to the health, growth, and safety of the children that is used to develop an indicator checklist.

(Z)(AA) "License capacity" means the maximum number in each age category of children who may be cared for in a child day-care center or type A family day-care home at one time as determined by the director of job and family services considering building occupancy limits established by the department of commerce, number of available child-care staff members, amount of available indoor floor space and outdoor play space, and amount of available play equipment, materials, and supplies. For the purposes of a provisional license issued under this chapter, the director shall also consider the number of available child-care staff members when determining "license capacity" for the provisional license.

(AA)(BB) "Licensed preschool program" or "licensed school child program" means a preschool program or school child program, as defined in section 3301.52 of the Revised Code, that is licensed by the department of education pursuant to sections
3301.52 to 3301.59 of the Revised Code.

(CC) "Licensee" means the owner of a child day-care center or type A family day-care home that is licensed pursuant to this chapter and who is responsible for ensuring its compliance with this chapter and rules adopted pursuant to this chapter.

(DD) "Operate a child day camp" means to operate, establish, manage, conduct, or maintain a child day camp.

(EE) "Owner" includes a person, as defined in section 1.59 of the Revised Code, or government entity.

(FF) "Parent cooperative child day-care center," "parent cooperative center," "parent cooperative type A family day-care home," and "parent cooperative type A home" mean a corporation or association organized for providing educational services to the children of members of the corporation or association, without gain to the corporation or association as an entity, in which the services of the corporation or association are provided only to children of the members of the corporation or association, ownership and control of the corporation or association rests solely with the members of the corporation or association, and at least one parent-member of the corporation or association is on the premises of the center or type A home during its hours of operation.

(GG) "Part-time child day-care center," "part-time center," "part-time type A family day-care home," and "part-time type A home" mean a center or type A home that provides child care or publicly funded child care for no more than four hours a day for any child.

(HH) "Place of worship" means a building where activities of an organized religious group are conducted and includes the grounds and any other buildings on the grounds used for such activities.
"Preschool child" means a child who is three years old or older but is not a school child.

"Protective child care" means publicly funded child care for the direct care and protection of a child to whom either of the following applies:

1. A case plan prepared and maintained for the child pursuant to section 2151.412 of the Revised Code indicates a need for protective care and the child resides with a parent, stepparent, guardian, or another person who stands in loco parentis as defined in rules adopted under section 5104.38 of the Revised Code;

2. The child and the child's caretaker either temporarily reside in a facility providing emergency shelter for homeless families or are determined by the county department of job and family services to be homeless, and are otherwise ineligible for publicly funded child care.

"Publicly funded child care" means administering to the needs of infants, toddlers, preschool children, and school children under age thirteen during any part of the twenty-four-hour day by persons other than their caretaker parents for remuneration wholly or in part with federal or state funds, including funds available under the child care block grant act, Title IV-A, and Title XX, distributed by the department of job and family services.

"Religious activities" means any of the following: worship or other religious services; religious instruction; Sunday school classes or other religious classes conducted during or prior to worship or other religious services; youth or adult fellowship activities; choir or other musical group practices or programs; meals; festivals; or meetings conducted by an organized religious group.
"School child" means a child who is enrolled in or is eligible to be enrolled in a grade of kindergarten or above but is less than fifteen years old.

"School child day-care center," "school child center," "school child type A family day-care home," and "school child type A family home" mean a center or type A home that provides child care for school children only and that does either or both of the following:

1. Operates only during that part of the day that immediately precedes or follows the public school day of the school district in which the center or type A home is located;

2. Operates only when the public schools in the school district in which the center or type A home is located are not open for instruction with pupils in attendance.

"State median income" means the state median income calculated by the department of development pursuant to division (A)(1)(g) of section 5709.61 of the Revised Code.


"Toddler" means a child who is at least eighteen months of age but less than three years of age.

"Type A family day-care home" and "type A home" mean a permanent residence of the administrator in which child care or publicly funded child care is provided for seven to twelve children at one time or a permanent residence of the administrator in which child care is provided for four to twelve children at one time if four or more children at one time are under two years of age. In counting children for the purposes of this division, any
children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the type A home shall be counted. "Type A family day-care home" and "type A home" do not include any child day camp.

"Type B family day-care home" and "type B home" mean a permanent residence of the provider in which child care is provided for one to six children at one time and in which no more than three children are under two years of age at one time. In counting children for the purposes of this division, any children under six years of age who are related to the provider and who are on the premises of the type B home shall be counted. "Type B family day-care home" and "type B home" do not include any child day camp.

Sec. 5104.011. (A) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code governing the operation of child day-care centers, including, but not limited to, parent cooperative centers, part-time centers, drop-in centers, and school child centers, which rules shall reflect the various forms of child care and the needs of children receiving child care or publicly funded child care and shall include specific rules for school child care centers that are developed in consultation with the department of education. The rules shall not require an existing school facility that is in compliance with applicable building codes to undergo an additional building code inspection or to have structural modifications. The rules shall include the following:

(1) Submission of a site plan and descriptive plan of operation to demonstrate how the center proposes to meet the requirements of this chapter and rules adopted pursuant to this chapter for the initial license application;

(2) Standards for ensuring that the physical surroundings of
the center are safe and sanitary including, but not limited to, the physical environment, the physical plant, and the equipment of the center;

(3) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the center;

(4) Standards for a program of activities, and for play equipment, materials, and supplies, to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible. As used in this division, "program" does not include instruction in religious or moral doctrines, beliefs, or values that is conducted at child day-care centers owned and operated by churches and does include methods of disciplining children at child day-care centers.

(5) Admissions policies and procedures, health care policies and procedures, including, but not limited to, procedures for the isolation of children with communicable diseases, first aid and emergency procedures, procedures for discipline and supervision of children, standards for the provision of nutritious meals and snacks, and procedures for screening children and employees, including, but not limited to, that may include any necessary physical examinations and immunizations;

(6) Methods for encouraging parental participation in the center and methods for ensuring that the rights of children, parents, and employees are protected and that responsibilities of parents and employees are met;

(7) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the center while under the care of a center employee;
(8) Procedures for record keeping, organization, and administration;

(9) Procedures for issuing, renewing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;

(10) Inspection procedures;

(11) Procedures and standards for setting initial and renewal license application fees;

(12) Procedures for receiving, recording, and responding to complaints about centers;

(13) Procedures for enforcing section 5104.04 of the Revised Code;

(14) A standard requiring the inclusion, on and after July 1, 1987, of a current department of job and family services toll-free telephone number on each center provisional license or license which any person may use to report a suspected violation by the center of this chapter or rules adopted pursuant to this chapter;

(15) Requirements for the training of administrators and child-care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention. Training requirements for child day-care centers adopted under this division shall be consistent with divisions (B)(6) and (C)(1) of this section.

(16) Procedures to be used by licensees for checking the references of potential employees of centers and procedures to be used by the director for checking the references of applicants for licenses to operate centers;

(17) Standards providing for the special needs of children who are handicapped or who require treatment for health conditions.
while the child is receiving child care or publicly funded child care in the center;

(18)(17) A procedure for reporting of injuries of children that occur at the center;

(19)(18) Any other procedures and standards necessary to carry out this chapter.

(B)(1) The child day-care center shall have, for each child for whom the center is licensed, at least thirty-five square feet of usable indoor floor space wall-to-wall regularly available for the child care operation exclusive of any parts of the structure in which the care of children is prohibited by law or by rules adopted by the board of building standards. The minimum of thirty-five square feet of usable indoor floor space shall not include hallways, kitchens, storage areas, or any other areas that are not available for the care of children, as determined by the director, in meeting the space requirement of this division, and bathrooms shall be counted in determining square footage only if they are used exclusively by children enrolled in the center, except that the exclusion of hallways, kitchens, storage areas, bathrooms not used exclusively by children enrolled in the center, and any other areas not available for the care of children from the minimum of thirty-five square feet of usable indoor floor space shall not apply to:

(a) Centers licensed prior to or on September 1, 1986, that continue under licensure after that date;

(b) Centers licensed prior to or on September 1, 1986, that are issued a new license after that date solely due to a change of ownership of the center.

(2) The child day-care center shall have on the site a safe outdoor play space which is enclosed by a fence or otherwise protected from traffic or other hazards. The play space shall...
contain not less than sixty square feet per child using such space at any one time, and shall provide an opportunity for supervised outdoor play each day in suitable weather. The director may exempt a center from the requirement of this division, if an outdoor play space is not available and if all of the following are met:

(a) The center provides an indoor recreation area that has not less than sixty square feet per child using the space at any one time, that has a minimum of one thousand four hundred forty square feet of space, and that is separate from the indoor space required under division (B)(1) of this section.

(b) The director has determined that there is regularly available and scheduled for use a conveniently accessible and safe park, playground, or similar outdoor play area for play or recreation.

(c) The children are closely supervised during play and while traveling to and from the area.

The director also shall exempt from the requirement of this division a child day-care center that was licensed prior to September 1, 1986, if the center received approval from the director prior to September 1, 1986, to use a park, playground, or similar area, not connected with the center, for play or recreation in lieu of the outdoor space requirements of this section and if the children are closely supervised both during play and while traveling to and from the area and except if the director determines upon investigation and inspection pursuant to section 5104.04 of the Revised Code and rules adopted pursuant to that section that the park, playground, or similar area, as well as access to and from the area, is unsafe for the children.

(3) The child day-care center shall have at least two responsible adults available on the premises at all times when seven or more children are in the center. The center shall
organize the children in the center in small groups, shall provide child-care staff to give continuity of care and supervision to the children on a day-by-day basis, and shall ensure that no child is left alone or unsupervised. Except as otherwise provided in division (E) of this section, the maximum number of children per child-care staff member and maximum group size, by age category of children, are as follows:

<table>
<thead>
<tr>
<th>Age Category of Children</th>
<th>Maximum Number of Children Per Child-Care Staff Member</th>
<th>Maximum Group Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Infants:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(i) Less than twelve months old</td>
<td>5:1, or 12:2 if two child-care staff members are in the room</td>
<td>12</td>
</tr>
<tr>
<td>(ii) At least twelve months old, but less than eighteen months old</td>
<td>6:1</td>
<td>12</td>
</tr>
<tr>
<td>(b) Toddlers:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(i) At least eighteen months old, but less than thirty months old</td>
<td>7:1</td>
<td>14</td>
</tr>
<tr>
<td>(ii) At least thirty months old, but less than three years old</td>
<td>8:1</td>
<td>16</td>
</tr>
<tr>
<td>(c) Preschool children:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
(i) Three years old 12:1 24 477
(ii) Four years old and
five years old who
are not school
children 14:1 28 481
(d) School children:
(i) A child who is
enrolled in or is
eligible to be
enrolled in a grade
of kindergarten
or above, but
is less than
eleven years old 18:1 36 490
(ii) Eleven through fourteen
years old 20:1 40 492

Except as otherwise provided in division (E) of this section, the maximum number of children per child-care staff member and
maximum group size requirements of the younger age group shall
apply when age groups are combined.

(4) (a) The child day-care center administrator shall show the
director both of the following:

(i) Evidence of at least high school graduation or
certification of high school equivalency by the state board of
education or the appropriate agency of another state;

(ii) Evidence of having completed at least two years of
training in an accredited college, university, or technical
college, including courses in child development or early childhood
education, or at least two years of experience in supervising and
giving daily care to children attending an organized group
program, or the equivalent based on a designation as an "early
childhood professional level three" under the career pathways model of the quality-rating program established under section 5104.30 of the Revised Code.

(b) In addition to the requirements of division (B)(4)(a) of this section and except as provided in division (B)(4)(c) of this section, any administrator employed or designated on or after September 1, 1986, as such prior to the effective date of this section, as amended, shall show evidence of, and any administrator employed or designated prior to September 1, 1986, shall show evidence at least one of the following within six years after such the date of, at least one of the following employment or designation:

(i) Two years of experience working as a child-care staff member in a center and at least four courses in child development or early childhood education from an accredited college, university, or technical college, except that a person who has two years of experience working as a child-care staff member in a particular center and who has been promoted to or designated as administrator of that center shall have one year from the time the person was promoted to or designated as administrator to complete the required four courses;

(ii) Two years of training, including at least four courses in child development or early childhood education from an accredited college, university, or technical college;

(iii) A child development associate credential issued by the national child development associate credentialing commission;

(iv) An associate or higher degree in child development or early childhood education from an accredited college, technical college, or university, or a license designated for teaching in an associate teaching position in a preschool setting issued by the state board of education.
(c) For the purposes of division (B)(4)(b) of this section, any administrator employed or designated as such prior to the effective date of this section, as amended, may also show evidence of an administrator's credential as approved by the department of job and family services in lieu of, or in addition to, the evidence required under division (B)(4)(b) of this section. The evidence of an administrator's credential must be shown to the director not later than one year after the date of employment or designation.

(d) In addition to the requirements of division (B)(4)(a) of this section, any administrator employed or designated as such on or after the effective date of this section, as amended, shall show evidence of at least one of the following not later than one year after the date of employment or designation:

(i) Two years of experience working as a child-care staff member in a center and at least four courses in child development or early childhood education from an accredited college, university, or technical college, except that a person who has two years of experience working as a child-care staff member in a particular center and who has been promoted to or designated as administrator of that center shall have one year from the time the person was promoted to or designated as administrator to complete the required four courses;

(ii) Two years of training, including at least four courses in child development or early childhood education from an accredited college, university, or technical college;

(iii) A child development associate credential issued by the national child development associate credentialing commission;

(iv) An associate or higher degree in child development or early childhood education from an accredited college, technical college, or university, or a license designated for teaching in an
associate teaching position in a preschool setting issued by the state board of education:

(v) An administrator's credential as approved by the department of job and family services.

(5) All child-care staff members of a child day-care center shall be at least eighteen years of age, and shall furnish the director evidence of at least high school graduation or certification of high school equivalency by the state board of education or the appropriate agency of another state or evidence of completion of a training program approved by the department of job and family services or state board of education, except as follows:

(a) A child-care staff member may be less than eighteen years of age if the staff member is either of the following:

(i) A graduate of a two-year vocational child-care training program approved by the state board of education;

(ii) A student enrolled in the second year of a vocational child-care training program approved by the state board of education which leads to high school graduation, provided that the student performs the student's duties in the child day-care center under the continuous supervision of an experienced child-care staff member, receives periodic supervision from the vocational child-care training program teacher-coordinator in the student's high school, and meets all other requirements of this chapter and rules adopted pursuant to this chapter.

(b) A child-care staff member shall be exempt from the educational requirements of this division if the staff member:

(i) Prior to January 1, 1972, was employed or designated by a child day-care center and has been continuously employed since either by the same child day-care center employer or at the same
(ii) Is a student enrolled in the second year of a vocational child-care training program approved by the state board of education which leads to high school graduation, provided that the student performs the student's duties in the child day-care center under the continuous supervision of an experienced child-care staff member, receives periodic supervision from the vocational child-care training program teacher-coordinator in the student's high school, and meets all other requirements of this chapter and rules adopted pursuant to this chapter.

(6) Every child care staff member of a child day-care center annually shall complete fifteen hours of inservice training in child development or early childhood education, child abuse recognition and prevention, first aid, and in prevention, recognition, and management of communicable diseases, until a total of forty-five hours of training has been completed, unless the staff member furnishes one of the following to the director:

(a) Evidence of an associate or higher degree in child development or early childhood education from an accredited college, university, or technical college;

(b) A license designated for teaching in an associate teaching position in a preschool setting issued by the state board of education;

(c) Evidence of a child development associate credential;

(d) Evidence of a preprimary credential from the American Montessori society or the association Montessori internationale. For the purposes of division (B)(6) of this section, "hour" means sixty minutes.

(7) The administrator of each child day-care center shall prepare at least once annually and for each group of children at
the center shall have on the premises and readily available at all times at least one
child-care staff member who has completed a course in first aid
and, one staff member who has completed a course in prevention,
recognition, and management of communicable diseases which is
approved by the state department of health, and a staff member who
has completed a course in child abuse recognition and prevention
training which is approved by the department of job and family
services.

(2) The administrator of each child day-care center shall maintain enrollment, health, and attendance records for all
children attending the center and health and employment records
for all center employees. The records shall be confidential,
except as otherwise provided in division (B)(7) of this section
and except that they shall be disclosed by the administrator to
the director upon request for the purpose of administering and
enforcing this chapter and rules adopted pursuant to this chapter.
Neither the center nor the licensee, administrator, or employees of the center shall be civilly or criminally liable in damages or otherwise for records disclosed to the director by the administrator pursuant to this division. It shall be a defense to any civil or criminal charge based upon records disclosed by the administrator to the director that the records were disclosed pursuant to this division.

(3)(a) Any parent who is the residential parent and legal custodian of a child enrolled in a child day-care center and any custodian or guardian of such a child shall be permitted unlimited access to the center during its hours of operation for the purposes of contacting their children, evaluating the care provided by the center, evaluating the premises of the center, or for other purposes approved by the director. A parent of a child enrolled in a child day-care center who is not the child's residential parent shall be permitted unlimited access to the center during its hours of operation for those purposes under the same terms and conditions under which the residential parent of that child is permitted access to the center for those purposes. However, the access of the parent who is not the residential parent is subject to any agreement between the parents and, to the extent described in division (C)(3)(b) of this section, is subject to any terms and conditions limiting the right of access of the parent who is not the residential parent, as described in division (I) of section 3109.051 of the Revised Code, that are contained in a parenting time order or decree issued under that section, section 3109.12 of the Revised Code, or any other provision of the Revised Code.

(b) If a parent who is the residential parent of a child has presented the administrator or the administrator's designee with a copy of a parenting time order that limits the terms and conditions under which the parent who is not the residential
parent is to have access to the center, as described in division (I) of section 3109.051 of the Revised Code, the parent who is not the residential parent shall be provided access to the center only to the extent authorized in the order. If the residential parent has presented such an order, the parent who is not the residential parent shall be permitted access to the center only in accordance with the most recent order that has been presented to the administrator or the administrator's designee by the residential parent or the parent who is not the residential parent.

(c) Upon entering the premises pursuant to division (C)(3)(a) or (b) of this section, the parent who is the residential parent and legal custodian, the parent who is not the residential parent, or the custodian or guardian shall notify the administrator or the administrator's designee of the parent's, custodian's, or guardian's presence.

(D) The director of job and family services, in addition to the rules adopted under division (A) of this section, shall adopt rules establishing minimum requirements for child day-care centers. The rules shall include, but not be limited to, the requirements set forth in divisions (B) and (C) of this section. Except as provided in section 5104.07 of the Revised Code, the rules shall not change the square footage requirements of division (B)(1) or (2) of this section; the maximum number of children per child-care staff member and maximum group size requirements of division (B)(3) of this section; the educational and experience requirements of division (B)(4) of this section; the age, educational, and experience requirements of division (B)(5) of this section; the number and type of inservice training hours required under division (B)(6) of this section; or the requirement for at least annual preparation of a roster for each group of children of names and telephone numbers of parents, custodians, or
section; however, the rules shall provide procedures for determining compliance with those requirements.

(E)(1) When age groups are combined, the maximum number of children per child-care staff member shall be determined by the age of the youngest child in the group, except that when no more than one child thirty months of age or older receives services in a group in which all the other children are in the next older age group, the maximum number of children per child-care staff member established under division (B)(3) of this section shall apply.

(2) The maximum number of toddlers or preschool children per child-care staff member in a room where children are napping shall be twice the maximum number of children per child-care staff member established under division (B)(3) of this section if all the following criteria are met:

(a) At least one child-care staff member is present in the room.

(b) Sufficient child-care staff members are on the child day-care center premises to meet the maximum number of children per child-care staff member requirements established under division (B)(3) of this section.

(c) Naptime preparations are complete and all napping children are resting or sleeping on cots.

(d) The maximum number established under division (E)(2) of this section is in effect for no more than one-and-one-half two hours during a twenty-four-hour day.

(F) The director of job and family services shall adopt rules
pursuant to Chapter 119. of the Revised Code governing the operation of type A family day-care homes, including, but not limited to, parent cooperative type A homes, part-time type A homes, drop-in type A homes, and school child type A homes, which shall reflect the various forms of child care and the needs of children receiving child care. The rules shall include the following:

(1) Submission of a site plan and descriptive plan of operation to demonstrate how the type A home proposes to meet the requirements of this chapter and rules adopted pursuant to this chapter for the initial license application;

(2) Standards for ensuring that the physical surroundings of the type A home are safe and sanitary, including, but not limited to, the physical environment, the physical plant, and the equipment of the type A home;

(3) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the type A home;

(4) Standards for a program of activities, and for play equipment, materials, and supplies, to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible;

(5) Admissions policies and procedures, health care policies and procedures, including, but not limited to, procedures for the isolation of children with communicable diseases, first aid and emergency procedures, procedures for discipline and supervision of children, standards for the provision of nutritious meals and snacks, and procedures for screening children and employees, including, but not limited to, any necessary physical examinations.
and immunizations;

(6) Methods for encouraging parental participation in the type A home and methods for ensuring that the rights of children, parents, and employees are protected and that the responsibilities of parents and employees are met;

(7) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the type A home while under the care of a type A home employee;

(8) Procedures for record keeping, organization, and administration;

(9) Procedures for issuing, renewing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;

(10) Inspection procedures;

(11) Procedures and standards for setting initial and renewal license application fees;

(12) Procedures for receiving, recording, and responding to complaints about type A homes;

(13) Procedures for enforcing section 5104.04 of the Revised Code;

(14) A standard requiring the inclusion, on or after July 1, 1987, of a current department of job and family services toll-free telephone number on each type A home provisional license or license which any person may use to report a suspected violation by the type A home of this chapter or rules adopted pursuant to this chapter;

(15) Requirements for the training of administrators and child-care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse
recognition and prevention;

(16) Procedures to be used by licensees for checking the references of potential employees of type A homes and procedures to be used by the director for checking the references of applicants for licensees to operate type A homes;

(17) Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the type A home;

(18) Standards for the maximum number of children per child-care staff member;

(19) Requirements for the amount of usable indoor floor space for each child;

(20) Requirements for safe outdoor play space;

(21) Qualifications and training requirements for administrators and for child-care staff members;

(22) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type A home during its hours of operation;

(23) Standards for the preparation and distribution of a roster of parents, custodians, and guardians;

(24) Any other procedures and standards necessary to carry out this chapter.

(G) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code governing the certification of type B family day-care homes.

(1) The rules shall include all of the following:

(a) Procedures, standards, and other necessary provisions for
granting limited certification to type B family day-care homes that are operated by the following adult providers:

(i) Persons who provide child care for eligible children who are great-grandchildren, grandchildren, nieces, nephews, or siblings of the provider or for eligible children whose caretaker parent is a grandchild, child, niece, nephew, or sibling of the provider;

(ii) Persons who provide child care for eligible children all of whom are the children of the same caretaker parent;

(b) Procedures for the director to ensure, that type B homes that receive a limited certification provide child care to children in a safe and sanitary manner;

(c) Requirements for the type B home to notify parents with children in the type B home that the type B home is also certified as a foster home under section 5103.03 of the Revised Code.

With regard to providers who apply for limited certification, a provider shall be granted a provisional limited certification on signing a declaration under oath attesting that the provider meets the standards for limited certification. Such provisional limited certifications shall remain in effect for no more than sixty calendar days and shall entitle the provider to offer publicly funded child care during the provisional period. Except as otherwise provided in division (G)(1) of this section, section 5104.013 or 5104.09 of the Revised Code, or division (A)(2) of section 5104.11 of the Revised Code, prior to the expiration of the provisional limited certificate, a county department of job and family services shall inspect the home and shall grant limited certification to the provider if the provider meets the requirements of this division. Limited certificates remain valid for two years unless earlier revoked. Except as otherwise provided in division (G)(1) of this section, providers operating under
limited certification shall be inspected annually.

If a provider is a person described in division (G)(1)(a)(i) of this section or a person described in division (G)(1)(a)(ii) of this section who is a friend of the caretaker parent, the provider and the caretaker parent may verify in writing to the county department of job and family services that minimum health and safety requirements are being met in the home. Except as otherwise provided in section 5104.013 or 5104.09 or in division (A)(2) of section 5104.11 of the Revised Code, if such verification is provided, the county shall waive any inspection required by this chapter and grant limited certification to the provider.

(2) The rules shall provide for safeguarding the health, safety, and welfare of children receiving child care or publicly funded child care in a certified type B home and shall include the following:

(a) Standards for ensuring that the type B home and the physical surroundings of the type B home are safe and sanitary, including, but not limited to, physical environment, physical plant, and equipment;

(b) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the home;

(c) Standards for a program of activities, and for play equipment, materials, and supplies to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible;

(d) Admission policies and procedures, health care, first aid and emergency procedures, procedures for the care of sick
children, procedures for discipline and supervision of children, nutritional standards, and procedures for screening children and authorized providers, including, but not limited to, any necessary physical examinations and immunizations;

(e) Methods of encouraging parental participation and ensuring that the rights of children, parents, and authorized providers are protected and the responsibilities of parents and authorized providers are met;

(f) Standards for the safe transport of children when under the care of authorized providers;

(g) Procedures for issuing, renewing, denying, refusing to renew, or revoking certificates;

(h) Procedures for the inspection of type B homes that require, at a minimum, that each type B home be inspected prior to certification to ensure that the home is safe and sanitary;

(i) Procedures for record keeping and evaluation;

(j) Procedures for receiving, recording, and responding to complaints;

(k) Standards providing for the special needs of children who are handicapped or who receive treatment for health conditions while the child is receiving child care or publicly funded child care in the type B home;

(l) Requirements for the amount of usable indoor floor space for each child;

(m) Requirements for safe outdoor play space;

(n) Qualification and training requirements for authorized providers;

(o) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to
the type B home during its hours of operation;

(p) Requirements for the type B home to notify parents with children in the type B home that the type B home is also certified as a foster home under section 5103.03 of the Revised Code;

(q) Any other procedures and standards necessary to carry out this chapter.

(H) The director shall adopt rules pursuant to Chapter 119. of the Revised Code governing the certification of in-home aides. The rules shall include procedures, standards, and other necessary provisions for granting limited certification to in-home aides who provide child care for eligible children who are great-grandchildren, grandchildren, nieces, nephews, or siblings of the in-home aide or for eligible children whose caretaker parent is a grandchild, child, niece, nephew, or sibling of the in-home aide. The rules shall require, and shall include procedures for the director to ensure, that in-home aides that receive a limited certification provide child care to children in a safe and sanitary manner. The rules shall provide for safeguarding the health, safety, and welfare of children receiving publicly funded child care in their own home and shall include the following:

(1) Standards for ensuring that the child's home and the physical surroundings of the child's home are safe and sanitary, including, but not limited to, physical environment, physical plant, and equipment;

(2) Standards for the supervision, care, and discipline of children receiving publicly funded child care in their own home;

(3) Standards for a program of activities, and for play equipment, materials, and supplies to enhance the development of each child; however, any educational curricula, philosophies, and
methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible;

(4) Health care, first aid, and emergency procedures, procedures for the care of sick children, procedures for discipline and supervision of children, nutritional standards, and procedures for screening children and in-home aides, including, but not limited to, any necessary physical examinations and immunizations;

(5) Methods of encouraging parental participation and ensuring that the rights of children, parents, and in-home aides are protected and the responsibilities of parents and in-home aides are met;

(6) Standards for the safe transport of children when under the care of in-home aides;

(7) Procedures for issuing, renewing, denying, refusing to renew, or revoking certificates;

(8) Procedures for inspection of homes of children receiving publicly funded child care in their own homes;

(9) Procedures for record keeping and evaluation;

(10) Procedures for receiving, recording, and responding to complaints;

(11) Qualifications and training requirements for in-home aides;

(12) Standards providing for the special needs of children who are handicapped or who receive treatment for health conditions while the child is receiving publicly funded child care in the child's own home;

(13) Any other procedures and standards necessary to carry
out this chapter.

(I) To the extent that any rules adopted for the purposes of this section require a health care professional to perform a physical examination, the rules shall include as a health care professional a physician assistant, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse-midwife.

(J)(1) The director of job and family services shall do all of the following:

(a) Provide or make available in either paper or electronic form to each licensee notice of proposed rules governing the licensure of child day-care centers and type A homes;

(b) Give public notice of hearings regarding the rules to each licensee at least thirty days prior to the date of the public hearing, in accordance with section 119.03 of the Revised Code;

(c) At least thirty days before the effective date of a rule, provide, in either paper or electronic form, a copy of the adopted rule to each licensee.

(2) The director shall do all of the following:

(a) Send to each county director of job and family services a notice of proposed rules governing the certification of type B family homes and in-home aides that includes an internet web site address where the proposed rules can be viewed;

(b) Give public notice of hearings regarding the proposed rules not less than thirty days in advance;

(c) Provide to each county director of job and family services an electronic copy of each adopted rule at least forty-five days prior to the rule's effective date.

(3) The county director of job and family services shall provide or make available in either paper or electronic form to
each authorized provider and in-home aide copies of proposed rules
and shall give public notice of hearings regarding the rules to
each authorized provider and in-home aide at least thirty days
prior to the date of the public hearing, in accordance with
section 119.03 of the Revised Code. At least thirty days before
the effective date of a rule, the county director of job and
family services shall provide, in either paper or electronic form,
copies of the adopted rule to each authorized provider and in-home aide.

(4) Additional copies of proposed and adopted rules shall be
made available by the director of job and family services to the
public on request at no charge.

(5) The director of job and family services shall determine
standards may adopt rules pursuant to Chapter 119. of the Revised
Code for imposing sanctions on persons and entities that are
licensed or certified under this chapter and that violate any
provision of this chapter. The standards sanctions shall be based
on the scope and severity of the violations. The director shall
provide copies of the recommendations to the governor, the speaker
and minority leader of the house of representatives, and the
president and minority leader of the senate and, on request, shall
make copies available to the public.

(6) Sanctions adopted under division (J)(5) of this section
may be imposed only for a serious risk noncompliance violation of
licensure or certification standards. Sanctions for a serious risk
noncompliance violation identified in a single licensure or
certification visit that does not result in permanent harm to, or
death of, a child may include one or more of the following:

(a) Completion of training or technical assistance;

(b) Additional targeted monitoring or extension of a
provisional license or certification if applicable.
For the purposes of division (J)(5) of this section, "serious risk noncompliance violation" means a licensure or certification standard violation that leads to the greatest risk of permanent harm to, or death of, a child and is observable, not inferable.

(5) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code establishing incentives for persons and entities that are licensed or certified under this chapter and have a history of substantial compliance with licensure or certification standards. Incentives shall include, but not be limited to, less frequent or focused licensure or certification visits, participation in the quality-rating program established under section 5104.30 of the Revised Code, and scholarships for training.

(7) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code that establish standards for the training of individuals whom any county department of job and family services employs, with whom any county department of job and family services contracts, or with whom the director of job and family services contracts, to inspect or investigate type B family day-care homes pursuant to section 5104.11 of the Revised Code. The department shall provide training in accordance with those standards for individuals in the categories described in this division.

(K) The director of job and family services shall review all rules adopted pursuant to this chapter at least once every seven years.

(L) Notwithstanding any provision of the Revised Code, the director of job and family services shall not regulate in any way under this chapter or rules adopted pursuant to this chapter, instruction in religious or moral doctrines, beliefs, or values."

In line 70546, strike through "(II)(1)" and insert "(JJ)(1)"
In line 94756, after "5101.61," insert "5104.01, 5104.011,"

In line 144 of the title, after "5101.61," insert "5104.01, 5104.011,"

The motion was agreed to.

SYNOPSIS

Various Changes to Law Governing Child Care

R.C. 5104.01, 5104.011, and 5104.38

Adds a provision to the bill that does the following:

• Eliminates the requirements that the Director of Job and Family Services adopt rules to be used for checking the references of child day-care center and type A family care home license applicants and potential employees;

• Eliminates the requirement that child day-care center administrators prepare and distribute an annual roster of all parents, guardians, or custodians;

• Eliminates a provision that permits the administrator to prepare and distribute a telephone contact list for distribution;

• Replaces a provision that requires the Director to recommend standards to the Governor and General Assembly regarding sanctions to be imposed on persons violating the law governing child care with a provision that permits the Director to adopt rules regarding the sanctions and specifies when the Director is to impose the sanctions;

• Eliminates the requirement that the Director consider the number of available child-care staff members when determining license capacity for child day-care centers or type A family
day-care homes;

- Makes optional the existing requirement that the Director, when adopting rules for procedures for screening children and employees, include requirements for physical examinations and immunizations;

- Eliminates the requirement that the Director adopt rules regarding procedures for renewing a day-care center or type A home license not provided for under the Administrative Procedures Act and regarding the corresponding renewal license application fees;

- Permits a child day-care center administrator to meet existing employment standards by showing the Director evidence that the administrator holds a designation as an "early childhood professional level three" under Step-Up-To Quality Program;

- Specifies that an administrator employed or designated as such on or after the bill's effective date may provide an administrator's credential as an alternative to existing employment standards that must be met after the date of employment or designation but that the administrator must meet this, or the existing employment standards, within one year of employment or designation, rather than six;

- Increases to 2 from 1.5 hours the number of hours during a 24-hour day that the maximum number of toddlers or preschool children per child-care staff member may be double the amount established under current law;

- Requires the Director to adopt rules establishing incentives for persons and entities that are licensed or certified under this chapter and have a history of substantial compliance with licensure or certification standards.
moved to amend as follows:

In line 369, after "3702.31," insert "3702.59,"

Between lines 53784 and 53785, insert:

"Sec. 3702.59. (A) The director of health shall accept for
review certificate of need applications as provided in sections
3702.592, 3702.593, and 3702.594 of the Revised Code.

(B)(1) The director shall not approve an application for a
certificate of need for the addition of long-term care beds to an
existing health care facility or for the development of a new
health care facility if any of the following apply:

(a) The existing health care facility in which the beds are
being placed has one or more waivers for life safety code
deficiencies, one or more state fire code violations, or one or
more state building code violations, and the project identified in
the application does not propose to correct all life safety code
deficiencies for which a waiver has been granted, all state fire
code violations, and all state building code violations at the
existing health care facility in which the beds are being placed;

(b) During the sixty-month period preceding the filing of the
application, a notice of proposed license revocation was issued
under section 3721.03 of the Revised Code for the existing health care facility in which the beds are being placed or a nursing home owned or operated by the applicant or a principal participant.

(c) During the period that precedes the filing of the application and is encompassed by the three most recent standard surveys of the existing health care facility in which the beds are being placed, any of the following occurred:

(i) The facility was cited on three or more separate occasions for final, nonappealable actual harm but not immediate jeopardy deficiencies.

(ii) The facility was cited on two or more separate occasions for final, nonappealable immediate jeopardy deficiencies.

(iii) The facility was cited on two separate occasions for final, nonappealable actual harm but not immediate jeopardy deficiencies and on one occasion for a final, nonappealable immediate jeopardy deficiency.

(d) More than two nursing homes owned or operated in this state by the applicant or a principal participant or, if the applicant or a principal participant owns or operates more than twenty nursing homes in this state, more than ten per cent of those nursing homes, were each cited during the period that precedes the filing of the application for the certificate of need and is encompassed by the three most recent standard surveys of the nursing homes that were so cited in any of the following manners:

(i) On three or more separate occasions for final, nonappealable actual harm but not immediate jeopardy deficiencies;

(ii) On two or more separate occasions for final, nonappealable immediate jeopardy deficiencies;

(iii) On two separate occasions for final, nonappealable
actual harm but not immediate jeopardy deficiencies and on one occasion for a final, nonappealable immediate jeopardy deficiency.

(2) In applying divisions (B)(1)(a) to (d) of this section, the director shall not consider deficiencies or violations cited before the applicant or a principal participant acquired or began to own or operate the health care facility at which the deficiencies or violations were cited. The director may disregard deficiencies and violations cited after the health care facility was acquired or began to be operated by the applicant or a principal participant if the deficiencies or violations were attributable to circumstances that arose under the previous owner or operator and the applicant or principal participant has implemented measures to alleviate the circumstances. In the case of an application proposing development of a new health care facility by relocation of beds, the director shall not consider deficiencies or violations that were solely attributable to the physical plant of the existing health care facility from which the beds are being relocated.

(C) The director also shall accept for review any application for the conversion of infirmary beds to long-term care beds if the infirmary meets all of the following conditions:

(1) Is operated exclusively by a religious order;

(2) Provides care exclusively to members of religious orders who take vows of celibacy and live by virtue of their vows within the orders as if related;

(3) Was providing care exclusively to members of such a religious order on January 1, 1994.

At no time shall individuals other than those described in division (C)(2) of this section be admitted to a facility to use beds for which a certificate of need is approved under this
division.

(D) Notwithstanding division (C)(2) of this section, a facility that has been granted a certificate of need under division (C) of this section may provide care to any of the following family members of the individuals described in division (C)(2) of this section: mothers, fathers, brothers, sisters, brothers-in-law, sisters-in-law, or children.

The long-term care beds in a facility that have been granted a certificate of need under division (C) of this section may not be relocated pursuant to sections 3702.592 to 3702.594 of the Revised Code."

In line 94726, after "3702.31," insert "3702.59,"

In line 103 of the title, after "3702.31," insert "3702.59,"

The motion was agreed to.

SYNOPSIS

Nursing Facilities Operated by Religious Orders

R.C. 3702.59

Provides, in the case of a nursing facility that may provide care only to members of a religious order according to the terms of its certificate of need granted by the Director of Health, that the facility may provide care also to the family members of the facility's residents (mothers, fathers, brothers, sisters, brothers-in-law, sisters-in-law, or children).

Provides that long-term care beds in such a nursing facility may not be relocated to a new or existing long-term care facility.
moved to amend as follows:

Between lines 99948 and 99949, insert:

"Section ___.  NURSING FACILITY CAPACITY COUNCIL

(A) As used in this section, "nursing facility" has the same meaning as in section 5111.20 of the Revised Code.

(B) There is hereby created the Nursing Facility Capacity Council. The Council shall consist of the following members, each of whom shall be appointed not later than sixty days after the effective date of this section:

(1) One or more members of the Ohio Health Care Association, appointed by the executive director or chief administrative officer of the Association;

(2) One or more members of the Ohio Academy of Nursing Homes, appointed by the executive director or chief administrative officer of the Academy;

(3) One or more members of LeadingAge Ohio, appointed by the executive director or chief administrative officer of that organization;
(4) One or more employees of the Department of Job and Family Services, appointed by the Director of Job and Family Services;

(5) One or more employees of the Department of Aging, appointed by the Director of Aging;

(6) One or more employees of the Department of Health, appointed by the Director of Health;

(7) One or more employees of the Governor's Office of Health Transformation, appointed by the director of the Office.

Each member of the Council shall serve at the pleasure of the member's appointing authority. A member shall serve without compensation, except to the extent that serving on the Council is considered part of the member's regular duties of employment.

(C)(1) The Council shall examine the current and future capacity of nursing facilities in Ohio and the configuration of that capacity.

(2) If excess capacity in nursing facilities is identified pursuant to the examination conducted under division (C)(1) of this section, the Council shall determine the potential effects of the excess capacity and recommend actions the state or private industry may take to address the excess capacity. For each action recommended, the Council shall consider and explain the impact of the action on all of the following:

(a) The excess capacity;
(b) The nursing facilities that would be affected by the action;
(c) State revenues and expenditures.
(D) Not later than June 30, 2012, submit a written report of its findings and recommendations to the Governor and, in accordance with section 101.68 of the Revised Code, the General Assembly. On submission of the report, the Council shall cease to exist."

The motion was ______ agreed to.

SYNOPSIS

Nursing Facility Capacity Council

Section ___

Creates the Nursing Facility Capacity Council to study current and future nursing facility capacity in Ohio and to recommend actions for addressing any excess capacity that is identified.

Requires the Council to issue a written report by June 30, 2012, after which the Council is terminated.
moved to amend as follows:

In line 476, delete "5111.271,"

In line 74575, delete everything after the underlined period

Delete line 74576

In line 74577, delete everything before "The"

Delete lines 74695 through 74739

In line 244 of the title, delete "5111.271,"

The motion was ______ agreed to.

SYNOPSIS

Nursing Facility Fines for Adverse Audit Findings

R.C. 5111.27 and 5111.271

Removes from the bill a provision that would have required the Department of Job and Family Services to fine a nursing facility if an audit report included adverse findings exceeding (1) 3% of the total amount of Medicaid-reimbursable costs that were reported or (2) 20% of such costs for a particular cost center.
moved to amend as follows:

In line 404, delete "5111.54, 5111.62,"

In line 476, delete "5111.511,"

Delete lines 75038 through 75095

Delete lines 75140 through 75288

In line 94762, delete "5111.54,"

In line 94763, delete "5111.62,"

In line 152 of the title, delete "5111.54,"

In line 153 of the title, delete "5111.62,"

In line 244 of the title, delete "5111.511,"

The motion was ______ agreed to.

SYNOPSIS

Nursing Facility Fiscal Emergency

R.C. 5111.511, 5111.54, and 5111.62

Removes from the bill provisions that would have permitted the Department of Job and Family Services, if it determined that a nursing facility was experiencing or was likely to experience a serious financial loss or failure jeopardizing its residents, to (1) appoint a temporary fiscal emergency manager or (2) apply to a common pleas court for the appointment or injunctive or other relief.
moved to amend as follows:

In line 14141, after the stricken comma insert "One individual appointed by the governing board of the Ohio council for home care and hospice;"

{13}"

The motion was agreed to.

**SYNOPSIS**

**Patient Centered Medical Home Education Advisory Group**

**R.C. 185.03**

Adds a representative of the Ohio Council for Home Care and Hospice to the Patient Centered Medical Home Education Advisory Group.
moved to amend as follows:

In line 53454, delete the underlined comma and insert "and to"; after "provide" insert "family-centered"

In line 53455, after "education" delete the balance of the line

Delete lines 53456 and 53457

In line 53458, delete "118 Stat. 2744 (2004), 20 U.S.C. 1431 et seq" and insert "services, and support that acknowledge and support the vital role of families in ensuring the well-being of children and that promote the optimal social, emotional, cognitive, intellectual, and physical development of children"

In line 53461, delete "Home" and insert "Family-centered home"

In line 53462, after "families" insert "with family incomes below two hundred per cent of the federal poverty guidelines and"

In line 53463, delete "three" and insert "two"; after "age" insert "and other families"
In line 53470, after "(B)" insert "The department shall obtain written consent from a pregnant woman or a parent of an infant or toddler before providing any services under the help me grow program. Participation in home visiting services is voluntary."

(C)

In line 53476, delete "(C)" and insert "(D)"

In line 53479, delete "(D)" and insert "(E)"

In line 53482, delete "(E)" and insert "(F) Providers shall deliver home visiting services using the parents as teachers home visiting model, which is an evidence-based model that focuses on parent-child interaction, development-centered parenting, and family well-being. The director may select other home visiting models to be used by providers delivering services in addition to the parents as teachers home visiting model."

(G)

In line 53493, delete "(F)" and insert "(H)"

In line 53499, delete "providers of home visiting"

In line 53500, delete "services and"

In line 53501, delete "program" and insert "part C early intervention"

In line 53511, delete "(E)" and insert "(G)"

In line 53516, delete "(E)" and insert "(G)"

In line 53521, delete "(G)" and insert "(I)"
In line 99375, after "(c)" insert "Children who are at risk of a delay in their social, emotional, or cognitive development; (d)"

In line 99376, delete "either of"

In line 99377, delete "or" and insert a comma; after "(b)" insert ", or (c)"

In line 99852, after "Program" insert "and for services provided under the Program"

The motion was agreed to.

Help Me Grow

R.C. 3701.61 and Sections 291.30 and 309.30.50

Makes all of the following changes to Help Me Grow Program:

(1) In addition to the Program's existing purpose of encouraging early prenatal and well-baby care, specifies that the Program's purpose is to provide family-centered parenting education, services, and support.

(2) Requires that the Department of Health obtain written consent before providing any Help Me Grow services.

(3) Specifies that participation in home visiting services is voluntary.

(4) Specifies that families with incomes below 200% of the federal poverty guidelines and with a pregnant woman or an infant or toddler under age two (rather than age three) are eligible for home visiting services.

(5) Requires providers of home visiting services to deliver services using the "parents as teachers home visiting model" and
authorizes the Director of Health to select other home visiting models to be used by providers delivering services in addition to that model.

(6) Eliminates a requirement under the bill that the Director adopt rules regarding eligibility requirements for providers of home visiting services and standards and procedures for the provision of home visiting services.

(7) Authorizes the Department of Job and Family Services to submit a Medicaid state plan amendment to authorize payment for Help Me Grow Program services.

(8) If the Early Intervention Workgroup does not submit recommendations by October 1, 2011, adds that the eligibility criteria for Part C services to be implemented by the Director may include children who are at risk of a delay in their social, emotional, or cognitive development.
moved to amend as follows:

Between lines 106288 and 106289, insert:

"Section 753. (A) The Governor is authorized to execute a deed in the name of the state (Kent State University) conveying to the Board of Township Trustees of Jackson Township in Stark County and its successors and assigns all of the state's right, title, and interest in the following described real estate:

Known as and being a part of the Southeast and Southwest Quarters of Section 13, Township 11 (Jackson) R-9, County of Stark, State of Ohio. Also being a part of tracts of land conveyed to the state of Ohio as recorded in Deed Volume 3109, Page 573 of the records of Stark County and being more fully bounded and described as follows:

Commencing at a hex head iron bar in a monument box (JAC 080), being the southeast corner of said Southwest Quarter of Section 13 and also being an angle point on the centerline of Dressler Road (C.R. 224) (Variable Width) as recorded in file 106 of the Stark County Engineers Office;

Thence, along the centerline of Dressler Road, N 1803'31" E a distance of 223.09 feet to the True Place of beginning for the parcel herein described;
1. Thence N 56°56'23" W a distance of 241.46 feet to a 5/8" rebar set, said line passes over a 5/8" rebar set at 41.41 feet;

2. Thence N 01°44'30" W a distance of 230.40 feet to a 5/8" rebar set;

3. Thence N 67°27'21" E a distance of 150.00 feet to a 5/8" rebar set;

4. Thence S 63°25'06" E a distance of 199.60 feet to a point in the centerline of Dressler Road, said line passes over a 5/8" rebar set at 159.15 feet;

5. Thence, along the centerline of Dressler Road, S 18°03'31" W a distance of 347.32 feet to the true place of beginning and containing 2.025 acres of land, more or less of which 0.970 acres are located in the Southeast Quarter of Section 13 and 1.055 acres are located in the Southwest Quarter of Section 13.

The above described area is contained within the Stark County Auditor's Permanent Parcel Numbers 1680061 and 1680066.

The basis of bearings in this description is based on the Ohio North Zone, State Plane Coordinates NAD 83 (86).

The statement of "5/8" rebar Set" refers to a 5/8" x 30" Dia. Rebar set with a plastic i.d. cap stamped "SCE".

This description was prepared and reviewed by Daniel J. Houck, Professional Surveyor No. 7851 in March of 2010, of the Stark County Engineer's Office. This description is based on a survey made by the Stark County Engineer's Office in March of 2010, under the direction and supervision of Keith A. Bennett, Professional Surveyor No. 7615. (Attachment A)

(B) Consideration for conveyance of the real estate is the mutual benefit accruing to the state from Jackson Township's use of the real estate for a fire station.
(C) If the use of the real estate as a fire station is discontinued, the real estate reverts to Kent State University, and Jackson Township shall raze the building currently on the real estate and remove from the real estate any contaminants relating to the building's use as a fire station.

(D) The Board of Township Trustees of Jackson Township in Stark County shall pay the costs of the conveyance.

(E) The Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate. The deed shall state the consideration and the reverter. The deed shall be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the Board of Township Trustees of Jackson Township in Stark County. The Board of Township Trustees of Jackson Township in Stark County shall present the deed for recording in the Office of the Stark County Recorder.

(F) This section expires one year after its effective date."

The motion was __________ agreed to.

SYNOPSIS

Land Conveyance to the Jackson Township Board of Trustees

Section 753.

Authorizes the conveyance of Kent State University real estate to Jackson Township for use as a fire station.
moved to amend as follows:

In line 37678, strike through "suitable for use as classroom space"

The motion was ______ agreed to.

SYNOPSIS

Disposal of School District Property

R.C. 3313.41

Removes existing language that specifies that school district property to be offered to community schools be "suitable for use as classroom space."
moved to amend as follows:

In line 361, after "3319.14," insert "3319.141,"

Between lines 49022 and 49023, 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 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 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 subsequently accumulates under this section.

This section shall be uniformly administered."

In line 94718, after "3319.14," insert "3319.141,"

In line 92 of the title, after "3319.14," insert "3319.141,"

The motion was _________ agreed to.

SYNOPSIS

Board of Education Employee Sick Leave

R.C. 3319.141
Exempts from the current law 15 days of sick leave provided to each person employed by any board of education all of the following people: substitutes; adult education instructors who are scheduled to work the full-time equivalent of less than 120 days per school year; and persons who are employed on an as-needed, seasonal, or intermittent basis.

Requires that sick leave granted to employees who render regular part-time, per diem, or hourly service be granted at a rate of 4.6 hours of sick leave for each completed 80 hours of service.
Sub. H.B. 153
As Pending in H. Finance and Appropriations
LSC 129 1066-4
HC-1696

moved to amend as follows:

Between lines 104208 and 104209, insert:

"COMMUNITY PROGRAMS

Of the foregoing appropriation item 470401, RECLAIM Ohio, an amount equal to forty-five per cent of the unexpended, unencumbered balance used for the purpose of funding juvenile correctional facilities, at the end of each fiscal year, is hereby reappropriated to the next fiscal year, and shall be used for the purpose of expanding Targeted RECLAIM, the Behavioral Health Juvenile Justice Initiative, and other evidence-based community programs."

The motion was agreed to.

SYNOPSIS

Department of Youth Services

Section 415.10

Reappropriates, from one fiscal year to the next, 45% of the unspent amount allocated for juvenile correctional facility operations in GRF appropriation item 470401, RECLAIM Ohio, to be used to expand evidence-based community treatment programs.
moved to amend as follows:

In line 340, after "2945.402," insert "2949.14,"

Between lines 33562 and 33563 insert:

"Sec. 2949.14. Upon conviction of a nonindigent person for a felony, the clerk of the court of common pleas shall make and certify under his hand and seal of the court, a complete itemized bill of the costs made in such prosecution, including the sum paid by the board of county commissioners, certified by the county auditor, for the arrest and return of the person on the requisition of the governor, or on the request of the governor to the president of the United States, or on the return of the fugitive by a designated agent pursuant to a waiver of extradition except in cases of parole violation. Such bill of costs shall be presented by such clerk to the prosecuting attorney, who shall examine each item therein charged and certify to it if correct and legal. Upon certification by the prosecuting attorney, the clerk shall attempt to collect the costs from the person convicted."

In line 94698, after "2945.402," insert "2949.14,"

In line 64 of the title, after "2945.402," insert "2949.14,"

Sub. H.B. 153
As Pending in H. Finance and Appropriations
LSC 129 1066-4
HC-1705
The motion was agreed to.

**SYNOPSIS**

Collection of Court Costs from Felon

R.C. 2949.14

Removes the requirement that a prosecuting attorney examine and certify each item in the bill of costs prepared by the clerk of the court of common pleas upon the conviction of a nonindigent person for a felony.
moved to amend as follows:

In line 296, delete "111.15,"
Delete lines 3687 through 3881
In line 94654, delete "111.15,"
In line 4 of the title, delete "111.15,"

The motion was agreed to.

SYNOPSIS

Corrects Engrossing Error

R.C. 111.15

Cures an uncertainty pertaining to legislative review of State Lottery Commission (SLC) game rules. In preparing LSC 129 1066-4, an amendment (HC-0516) was incompletely engrossed such that an amendment in the bill exempting SLC game rules generally from legislative review was inadvertently retained in the bill. The intent of HC-0516, however, was to restore current law exempting only SLC instant game rules from legislative review. The present amendment fulfills the intent of the incompletely engrossed HC-0516 by completely restoring current law.
moved to amend as follows:

In line 353, after "3314.10," insert "3314.13,"

In line 390, delete "4705.021,"

In line 391, after "4517.44," insert "4705.021,"

In line 411, delete "5119.612,"

In line 451, after "2151.59," insert "3314.016,"

In line 458, delete "306.332," and insert "306.322,"

In line 4683, after the first "the" insert "village or"

In line 39447, delete ", as determined by its average daily membership."

In line 39491, after "by" insert "January 1, 2012, or by"

In line 41107, delete "3314.08" and insert "3314.03"

Between lines 42412 and 42413, insert:

"Sec. 3314.13. Payments and deductions under this section for fiscal years 2010, 2012, and 2014, 2013 shall be made in accordance with section 3314.088 of the Revised Code.

(A) As used in this section:
(1) "All-day kindergarten" has the same meaning as in section 3317.029 of the Revised Code.

(2) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code.

(B) Except as provided in division (C) of this section, the department of education annually shall pay each community school established under this chapter one-half of the formula amount for each student to whom both of the following apply:

(1) The student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code in a school district that is eligible to receive a payment under division (D) of section 3317.029 of the Revised Code if it provides all-day kindergarten;

(2) The student is reported by the community school as enrolled in all-day kindergarten at the community school.

(C) The department shall make no payments under this section to any internet- or computer-based community school.

(D) If a student for whom payment is made under division (B) of this section is entitled to attend school in a district that receives any payment for all-day kindergarten under division (D) of section 3317.029 of the Revised Code, the department shall deduct the payment to the community school under this section from the amount paid that school district under that division. If that school district does not receive payment for all-day kindergarten under that division because it does not provide all-day kindergarten, the department shall pay the community school from state funds appropriated generally for poverty-based assistance to school districts.

(E) The department shall adjust the amounts deducted from school districts and paid to community schools under this section to reflect any enrollments of students in all-day kindergarten in
community schools for less than the equivalent of a full school year."

In line 43188, after "3317.14," insert "3317.141."
In line 70378, delete "hourly"
Move lines 71036 through 71101 to between lines 70943 and 70944
In line 78090, reinsert "(A)(8)(a); delete "(B)(7)"
In line 88564, delete "(1)" and insert "(2)"
In line 91744, delete "and state"
In line 91745, delete "parks"; reinsert "1517.11"; delete "1541.62"
In line 91773, delete "and state parks"
In line 91807, delete "and state parks"
In line 91820, delete "and state parks"
In line 94710, after "3314.10," insert "3314.13,"
In line 94787, delete "122.12,"
In line 99793, delete "health insuring corporations" and insert "managed care organizations"
In line 106774, delete "3314.015,"
In line 106775, after "3314.10," insert "3314.13,"
In line 106812, delete "501.," and insert "501.10,"
In line 106835b, delete "3317.14,"
Delete lines 106837 and 106837a
In line 81 of the title, after "3314.10," insert "3314.13,"

In line 161 of the title, delete "5119.612,"

In line 213 of the title, after "2151.59," insert "3314.016,"

In line 222 of the title, delete "306.332, and insert "306.322,"

In line 249 of the title, delete "122.12,"

The motion was agreed to.

SYNOPSIS

LSC Technical Amendment

R.C. 3313.843, 3314.13, 3314.04, 5104.32, 5111.023, 5111.025, 5119.612 (5119.613), 5721.37, 5747.113, and Section 309.30.33

Corrects technical and engrossing errors.
In line 348, after "3313.46," insert "3313.482,"

Delete lines 33922 through 34169 and insert:

"Sec. 3301.07. The state board of education shall exercise under the acts of the general assembly general supervision of the system of public education in the state. In addition to the powers otherwise imposed on the state board under the provisions of law, the board shall have the powers described in this section.

(A) The state board shall exercise policy forming, planning, and evaluative functions for the public schools of the state except as otherwise provided by law.

(B) (1) The state board shall exercise leadership in the improvement of public education in this state, and administer the educational policies of this state relating to public schools, and relating to instruction and instructional material, building and equipment, transportation of pupils, administrative responsibilities of school officials and personnel, and finance and organization of school districts, educational service centers, and territory. Consultative and advisory services in such matters shall be provided by the board to school districts and educational
service centers of this state.

(2) The state board also shall develop a standard of financial reporting which shall be used by each school district board of education and educational service center governing board to make its financial information and annual budgets for each school building under its control available to the public in a format understandable by the average citizen. The format shall show, among other things, at the district and educational service center level or at the school building level, as determined appropriate by the department of education, revenue by source; expenditures for salaries, wages, and benefits of employees, showing such amounts separately for classroom teachers, other employees required to hold licenses issued pursuant to sections 3319.22 to 3319.31 of the Revised Code, and all other employees; expenditures other than for personnel, by category, including utilities, textbooks and other educational materials, equipment, permanent improvements, pupil transportation, extracurricular athletics, and other extracurricular activities; and per pupil expenditures.

(C) The state board shall administer and supervise the allocation and distribution of all state and federal funds for public school education under the provisions of law, and may prescribe such systems of accounting as are necessary and proper to this function. It may require county auditors and treasurers, boards of education, educational service center governing boards, treasurers of such boards, teachers, and other school officers and employees, or other public officers or employees, to file with it such reports as it may prescribe relating to such funds, or to the management and condition of such funds.

(D)(1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, XLVII, and LI of the Revised Code a reference is made to standards
prescribed under this section or division (D) of this section, that reference shall be construed to refer to the standards prescribed under division (D)(2) of this section, unless the context specifically indicates a different meaning or intent.

(2) The state board shall formulate and prescribe minimum standards to be applied to all elementary and secondary schools in this state for the purpose of requiring a general education of high quality. Such standards shall provide adequately for: the licensing of teachers, administrators, and other professional personnel and their assignment according to training and qualifications; efficient and effective instructional materials and equipment, including library facilities; the proper organization, administration, and supervision of each school, including regulations for preparing all necessary records and reports and the preparation of a statement of policies and objectives for each school; buildings, grounds, health and sanitary facilities and services; admission of pupils, and such requirements for their promotion from grade to grade as will assure that they are capable and prepared for the level of study to which they are certified; requirements for graduation; and such other factors as the board finds necessary.

In the formulation and administration of such standards for nonpublic schools the board shall also consider the particular needs, methods and objectives of those schools, provided they do not conflict with the provision of a general education of a high quality and provided that regular procedures shall be followed for promotion from grade to grade of pupils who have met the educational requirements prescribed.

In the formulation and administration of such standards as they relate to instructional materials and equipment in public schools, including library materials, the board shall require that
the material and equipment be aligned with and promote skills expected under the statewide academic standards adopted under section 3301.079 of the Revised Code.

(3) In addition to the minimum standards required by division (D)(2) of this section, the state board may formulate and prescribe the following additional minimum operating standards for school districts:

(a) Standards for the effective and efficient organization, administration, and supervision of each school district so that it becomes a thinking and learning organization according to principles of systems design and collaborative professional learning communities research as defined by the superintendent of public instruction, including a focus on the personalized and individualized needs of each student; a shared responsibility among school boards, administrators, faculty, and staff to develop a common vision, mission, and set of guiding principles; a shared responsibility among school boards, administrators, faculty, and staff to engage in a process of collective inquiry, action orientation, and experimentation to ensure the academic success of all students; commitment to teaching and learning strategies that utilize technological tools and emphasize inter-disciplinary, real-world, project-based, and technology-oriented learning experiences to meet the individual needs of every student; commitment to high expectations for every student and commitment to closing the achievement gap so that all students achieve core knowledge and skills in accordance with the statewide academic standards adopted under section 3301.079 of the Revised Code; commitment to the use of assessments to diagnose the needs of each student; effective connections and relationships with families and others that support student success; and commitment to the use of positive behavior intervention supports throughout a district to
ensure a safe and secure learning environment for all students;

(b) Standards for the establishment of business advisory
councils under section 3313.82 of the Revised Code;

(c) Standards for school district organizational units, as
defined in sections 3306.02 and 3306.04 of the Revised Code,
buildings that may require:

(i) The effective and efficient organization, administration,
and supervision of each school district organizational unit
building so that it becomes a thinking and learning organization
according to principles of systems design and collaborative
professional learning communities research as defined by the state
superintendent, including a focus on the personalized and
individualized needs of each student; a shared responsibility
among organizational unit building administrators, faculty, and
staff to develop a common vision, mission, and set of guiding
principles; a shared responsibility among organizational unit
building administrators, faculty, and staff to engage in a process
of collective inquiry, action orientation, and experimentation to
ensure the academic success of all students; commitment to job
embedded professional development and professional mentoring and
coaching; established periods of time for teachers to pursue
planning time for the development of lesson plans, professional
development, and shared learning; commitment to effective
management strategies that allow administrators reasonable access
to classrooms for observation and professional development
experiences; commitment to teaching and learning strategies that
utilize technological tools and emphasize inter-disciplinary,
real-world, project-based, and technology-oriented learning
experiences to meet the individual needs of every student;
commitment to high expectations for every student and commitment
to closing the achievement gap so that all students achieve core
knowledge and skills in accordance with the statewide academic standards adopted under section 3301.079 of the Revised Code; commitment to the use of assessments to diagnose the needs of each student; effective connections and relationships with families and others that support student success; commitment to the use of positive behavior intervention supports throughout the organizational-unit building to ensure a safe and secure learning environment for all students;

(ii) A school organizational-unit building leadership team to coordinate positive behavior intervention supports, learning environments, thinking and learning systems, collaborative planning, planning time, student academic interventions, student extended learning opportunities, and other activities identified by the team and approved by the district board of education. The team shall include the building principal, representatives from each collective bargaining unit, the building lead a classroom teacher, parents, business representatives, and others that support student success.

(E) The state board may require as part of the health curriculum information developed under section 2108.34 of the Revised Code promoting the donation of anatomical gifts pursuant to Chapter 2108. of the Revised Code and may provide the information to high schools, educational service centers, and joint vocational school district boards of education;

(F) The state board shall prepare and submit annually to the governor and the general assembly a report on the status, needs, and major problems of the public schools of the state, with recommendations for necessary legislative action and a ten-year projection of the state's public and nonpublic school enrollment, by year and by grade level.

(G) The state board shall prepare and submit to the director
of budget and management the biennial budgetary requests of the
state board of education, for its agencies and for the public
schools of the state.

(H) The state board shall cooperate with federal, state, and
local agencies concerned with the health and welfare of children
and youth of the state.

(I) The state board shall require such reports from school
districts and educational service centers, school officers, and
employees as are necessary and desirable. The superintendents and
treasurers of school districts and educational service centers
shall certify as to the accuracy of all reports required by law or
state board or state department of education rules to be submitted
by the district or educational service center and which contain
information necessary for calculation of state funding. Any
superintendent who knowingly falsifies such report shall be
subject to license revocation pursuant to section 3319.31 of the
Revised Code.

(J) In accordance with Chapter 119. of the Revised Code, the
state board shall adopt procedures, standards, and guidelines for
the education of children with disabilities pursuant to Chapter
3323. of the Revised Code, including procedures, standards, and
guidelines governing programs and services operated by county
boards of developmental disabilities pursuant to section 3323.09
of the Revised Code.

(K) For the purpose of encouraging the development of special
programs of education for academically gifted children, the state
board shall employ competent persons to analyze and publish data,
promote research, advise and counsel with boards of education, and
encourage the training of teachers in the special instruction of
gifted children. The board may provide financial assistance out of
any funds appropriated for this purpose to boards of education and
educational service center governing boards for developing and conducting programs of education for academically gifted children.

(L) The state board shall require that all public schools emphasize and encourage, within existing units of study, the teaching of energy and resource conservation as recommended to each district board of education by leading business persons involved in energy production and conservation, beginning in the primary grades.

(M) The state board shall formulate and prescribe minimum standards requiring the use of phonics as a technique in the teaching of reading in grades kindergarten through three. In addition, the state board shall provide in-service training programs for teachers on the use of phonics as a technique in the teaching of reading in grades kindergarten through three.

(N) The state board may adopt rules necessary for carrying out any function imposed on it by law, and may provide rules as are necessary for its government and the government of its employees, and may delegate to the superintendent of public instruction the management and administration of any function imposed on it by law. It may provide for the appointment of board members to serve on temporary committees established by the board for such purposes as are necessary. Permanent or standing committees shall not be created.

(O) Upon application from the board of education of a school district, the superintendent of public instruction may issue a waiver exempting the district from compliance with the standards adopted under divisions (B)(2) and (D) of this section, as they relate to the operation of a school operated by the district. The state board shall adopt standards for the approval or disapproval of waivers under this division. The state superintendent shall consider every application for a waiver, and shall determine
whether to grant or deny a waiver in accordance with the state
board's standards. For each waiver granted, the state
superintendent shall specify the period of time during which the
waiver is in effect, which shall not exceed five years. A district
board may apply to renew a waiver."

Delete lines 34960 through 35019 and insert:

"Sec. 3301.16. Pursuant to standards prescribed by the state
board of education as provided in division (D) of section 3301.07
of the Revised Code, the state board shall classify and charter
school districts and individual schools within each district
except that no charter shall be granted to a nonpublic school
unless the school complies with section 3313.612 of the Revised
Code.

In the course of considering the charter of a new school
district created under section 3311.26 or 3311.38 of the Revised
Code, the state board shall require the party proposing creation
of the district to submit to the board a map, certified by the
county auditor of the county in which the proposed new district is
located, showing the boundaries of the proposed new district. In
the case of a proposed new district located in more than one
county, the map shall be certified by the county auditor of each
county in which the proposed district is located.

The state board shall revoke the charter of any school
district or school which fails to meet the standards for
elementary and high schools as prescribed by the board. The state
board shall also revoke the charter of any nonpublic school that
does not comply with section 3313.612 of the Revised Code. The
state board may revoke the charter of any school district that
fails to meet the operating standards established under division
(D)(3) of section 3301.07 of the Revised Code.
In the issuance and revocation of school district or school
carters, the state board shall be governed by the provisions of
Chapter 119. of the Revised Code.

No school district, or individual school operated by a school
district, shall operate without a charter issued by the state
board under this section.

In case a school district charter is revoked pursuant to this
section, the state board may dissolve the school district and
transfer its territory to one or more adjacent districts. An
equitable division of the funds, property, and indebtedness of the
school district shall be made by the state board among the
receiving districts. The board of education of a receiving
district shall accept such territory pursuant to the order of the
state board. Prior to dissolving the school district, the state
board shall notify the appropriate educational service center
governing board and all adjacent school district boards of
education of its intention to do so. Boards so notified may make
recommendations to the state board regarding the proposed
dissolution and subsequent transfer of territory. Except as
provided in section 3301.161 of the Revised Code, the transfer
ordered by the state board shall become effective on the date
specified by the state board, but the date shall be at least
thirty days following the date of issuance of the order.

A high school is one of higher grade than an elementary
school, in which instruction and training are given in accordance
with sections 3301.07 and 3313.60 of the Revised Code and which
also offers other subjects of study more advanced than those
taugh in the elementary schools and such other subjects as may be
approved by the state board of education.

An elementary school is one in which instruction and training
are given in accordance with sections 3301.07 and 3313.60 of the
Revised Code and which offers such other subjects as may be approved by the state board of education. In districts wherein a junior high school is maintained, the elementary schools in that district may be considered to include only the work of the first six school years inclusive, plus the kindergarten year.

A high school or an elementary school may consist of less than one or more than one organizational unit, as defined in sections 3306.02 and 3306.04 of the Revised Code."

Delete lines 35548 through 35584 and insert:

"Sec. 3302.07. (A) The board of education of any school district, the governing board of any educational service center, or the administrative authority of any chartered nonpublic school may submit to the state board of education an application proposing an innovative education pilot program the implementation of which requires exemptions from specific statutory provisions or rules. If a district or service center board employs teachers under a collective bargaining agreement adopted pursuant to Chapter 4117. of the Revised Code, any application submitted under this division shall include the written consent of the teachers' employee representative designated under division (B) of section 4117.04 of the Revised Code. The exemptions requested in the application shall be limited to any requirement of Title XXXIII of the Revised Code or of any rule of the state board adopted pursuant to that title except that the application may not propose an exemption from any requirement of or rule adopted pursuant to section 3306.09, Chapter 3307. or 3309., sections 3319.07 to 3319.21, or Chapter 3323. of the Revised Code. Furthermore, an exemption from any operating standard adopted under division (B)(2) or (D)(3) of section 3301.07 of the Revised Code shall be granted only pursuant to a waiver granted by the superintendent of public instruction under division (O) of that section."
(B) The state board of education shall accept any application submitted in accordance with division (A) of this section. The superintendent of public instruction shall approve or disapprove the application in accordance with standards for approval, which shall be adopted by the state board.

(C) The superintendent of public instruction shall exempt each district or service center board or chartered nonpublic school administrative authority with an application approved under division (B) of this section for a specified period from the statutory provisions or rules specified in the approved application. The period of exemption shall not exceed the period during which the pilot program proposed in the application is being implemented and a reasonable period to allow for evaluation of the effectiveness of the program."

Between lines 37954 and 37955, insert:

"Sec. 3313.482. (A) Annually, prior to the first day of September, the board of education of each city, local, and exempted village school district shall adopt a resolution specifying a contingency plan under which the district's students will make up days on which it was necessary to close schools for any of the reasons specified in division (A)(2) of section 3306.01 and division (B) of section 3317.01 of the Revised Code, if any such days must be made up in order to comply with the requirements of sections 3306.01, 3313.48, 3313.481, and 3317.01 of the Revised Code. The plan shall provide for making up at least five school days. The plan may provide for making up some or all of the days a school is closed by increasing the length of other school days in the manner authorized in division (B) of this section. No resolution adopted pursuant to this division shall conflict with any collective bargaining agreement into which a board has entered pursuant to Chapter 4117. of the Revised Code and that is in
effect in the district.

(B) Notwithstanding anything to the contrary in the
contingency plan it adopts under division (A) of this section, if
a school district closes or evacuates any school building for any
of the reasons specified in division (A)(2) of section 3306.01 and
division (B) of section 3317.01 of the Revised Code, or as a
result of a bomb threat or any other report of an alleged or
impending explosion, and if, as a result of the closing or
evacuation, the school district would be unable to meet the
requirements of sections 3306.01, 3313.48, 3313.481, and 3317.01
of the Revised Code regarding the number of days schools must be
open for instruction or the requirements of the state minimum
standards for the school day that are established by the
department of education regarding the number of hours there must
be in the school day, the school district may increase the length
of one or more other school days for the school that was closed or
evacuated, in increments of one-half hour, to make up the number
of hours or days that the school building in question was so
closed or evacuated for the purpose of satisfying the requirements
of those sections.

A school district that makes up, as described in this
division, all of the hours or days that its school buildings were
closed or evacuated for any of the reasons identified in this
division shall be deemed to have complied with the requirements of
sections 3306.01, 3313.48, 3313.481, and 3317.01 of the Revised
Code regarding the number of days schools must be open for
instruction and the requirements of the state minimum standards
regarding the number of hours there must be in the school day."

Delete lines 41356 through 41974 and insert:

"Sec. 3314.08. The deductions under division (C) and the
payments under division (D) of this section for fiscal years 2010
2012 and 2013 shall be made in accordance with section 3314.088 of the Revised Code.

(A) As used in this section:

(1) "Base formula amount" means the amount specified as such in a community school's financial plan for a school year pursuant to division (A)(15) of section 3314.03 of the Revised Code.

(2) "IEP" has the same meaning as in section 3323.01 of the Revised Code.

(3) "Applicable special education weight" means the multiple specified in section 3317.013 of the Revised Code for a disability described in that section.

(4) "Applicable vocational education weight" means:

(a) For a student enrolled in vocational education programs or classes described in division (A) of section 3317.014 of the Revised Code, the multiple specified in that division;

(b) For a student enrolled in vocational education programs or classes described in division (B) of section 3317.014 of the Revised Code, the multiple specified in that division.

(5) "Entitled to attend school" means entitled to attend school in a district under section 3313.64 or 3313.65 of the Revised Code.

(6) A community school student is "included in the poverty student count" of a school district if the student is entitled to attend school in the district and the student's family receives assistance under the Ohio works first program.

(7) "Poverty-based assistance reduction factor" means the percentage figure, if any, for reducing the per pupil amount of poverty-based assistance a community school is entitled to receive pursuant to divisions (D)(5) to (9) of this section in any year,
as specified in the school's financial plan for the year pursuant to division (A)(15) of section 3314.03 of the Revised Code.

(8) "All-day kindergarten" has the same meaning as in section 3317.029 3321.05 of the Revised Code.

(9) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.

(B) The state board of education shall adopt rules requiring both of the following:

(1) The board of education of each city, exempted village, and local school district to annually report the number of students entitled to attend school in the district who are enrolled in grades one through twelve in a community school established under this chapter, the number of students entitled to attend school in the district who are enrolled in kindergarten in a community school, the number of those kindergartners who are enrolled in all-day kindergarten in their community school, and for each child, the community school in which the child is enrolled.

(2) The governing authority of each community school established under this chapter to annually report all of the following:

(a) The number of students enrolled in grades one through twelve and the number of students enrolled in kindergarten in the school who are not receiving special education and related services pursuant to an IEP;

(b) The number of enrolled students in grades one through twelve and the number of enrolled students in kindergarten, who are receiving special education and related services pursuant to an IEP;

(c) The number of students reported under division (B)(2)(b)
of this section receiving special education and related services pursuant to an IEP for a disability described in each of divisions (A) to (F) of section 3317.013 of the Revised Code;

(d) The full-time equivalent number of students reported under divisions (B)(2)(a) and (b) of this section who are enrolled in vocational education programs or classes described in each of divisions (A) and (B) of section 3317.014 of the Revised Code that are provided by the community school;

(e) Twenty per cent of the number of students reported under divisions (B)(2)(a) and (b) of this section who are not reported under division (B)(2)(d) of this section but who are enrolled in vocational education programs or classes described in each of divisions (A) and (B) of section 3317.014 of the Revised Code at a joint vocational school district under a contract between the community school and the joint vocational school district and are entitled to attend school in a city, local, or exempted village school district whose territory is part of the territory of the joint vocational school district;

(f) The number of enrolled preschool children with disabilities receiving special education services in a state-funded unit;

(g) The community school's base formula amount;

(h) For each student, the city, exempted village, or local school district in which the student is entitled to attend school;

(i) Any poverty-based assistance reduction factor that applies to a school year.

Each community school in its report of students under this division shall specify separately those individuals between twenty-two and thirty years of age enrolled in the school's dropout prevention and recovery program under section 3314.38 of
the Revised Code for funding prescribed by that section.

(C) From the state education aid calculated for a city, exempted village, or local school district and, if necessary, from the payment made to the district under sections 321.24 and 323.156 of the Revised Code, the department of education shall annually subtract the sum of the amounts described in divisions (C)(1) to (9) of this section. However, when deducting payments on behalf of students enrolled in internet- or computer-based community schools, the department shall deduct only those amounts described in divisions (C)(1) and (2) of this section. Furthermore, the aggregate amount deducted under this division shall not exceed the sum of the district's state education aid and its payment under sections 321.24 and 323.156 of the Revised Code.

(1) An amount equal to the sum of the amounts obtained when, for each community school where the district's students are enrolled, the number of the district's students reported under divisions (B)(2)(a), (b), and (e) of this section who are enrolled in grades one through twelve, and one-half the number of students reported under those divisions who are enrolled in kindergarten, in that community school is multiplied by the sum of the base formula amount of that community school plus the per pupil amount of the base funding supplements specified in divisions (C)(1) to (4) of section 3317.012 of the Revised Code.

(2) The sum of the amounts calculated under divisions (C)(2)(a) and (b) of this section:

(a) For each of the district's students reported under division (B)(2)(c) of this section as enrolled in a community school in grades one through twelve and receiving special education and related services pursuant to an IEP for a disability described in section 3317.013 of the Revised Code, the product of the applicable special education weight times the community
school's base formula amount;

(b) For each of the district's students reported under division (B)(2)(c) of this section as enrolled in kindergarten in a community school and receiving special education and related services pursuant to an IEP for a disability described in section 3317.013 of the Revised Code, one-half of the amount calculated as prescribed in division (C)(2)(a) of this section.

When computing deductions under division (C)(2) of this section, the department shall use the number of students with an IEP reported by each community school under divisions (B)(2)(b) and (c) of this section, as verified by the department, as the basis for those deductions, regardless of whether any particular student enrolls in a community school after the date required under federal law for reporting to the United States department of education the number of children with disabilities receiving special education and related services.

(3) For each of the district's students reported under division (B)(2)(d) of this section for whom payment is made under division (D)(4) of this section, the amount of that payment;

(4) An amount equal to the sum of the amounts obtained when, for each community school where the district's students are enrolled, the number of the district's students enrolled in that community school who are included in the district's poverty student count is multiplied by the per pupil amount of poverty-based assistance the school district receives that year pursuant to division (C) of section 3317.029 of the Revised Code, as adjusted by any poverty-based assistance reduction factor of that community school. The per pupil amount of that aid for the district shall be calculated by the department.

(5) An amount equal to the sum of the amounts obtained when, for each community school where the district's students are
enrolled, the district's per pupil amount of aid received under division (E) of section 3317.029 of the Revised Code, as adjusted by any poverty-based assistance reduction factor of the community school, is multiplied by the sum of the following:

(a) The number of the district's students reported under division (B)(2)(a) of this section who are enrolled in grades one to three in that community school and who are not receiving special education and related services pursuant to an IEP;

(b) One-half of the district's students who are enrolled in all-day or any other kindergarten class in that community school and who are not receiving special education and related services pursuant to an IEP;

(c) One-half of the district's students who are enrolled in all-day kindergarten in that community school and who are not receiving special education and related services pursuant to an IEP.

The district's per pupil amount of aid under division (E) of section 3317.029 of the Revised Code is the quotient of the amount the district received under that division divided by the district's kindergarten through third grade ADM, as defined in that section.

(6) An amount equal to the sum of the amounts obtained when, for each community school where the district's students are enrolled, the district's per pupil amount received under division (F) of section 3317.029 of the Revised Code, as adjusted by any poverty-based assistance reduction factor of that community school, is multiplied by the number of the district's students enrolled in the community school who are identified as limited-English proficient.

(7) An amount equal to the sum of the amounts obtained when,
for each community school where the district's students are
enrolled, the district's per pupil amount received under division
(G) of section 3317.029 of the Revised Code, as adjusted by any
poverty-based assistance reduction factor of that community
school, is multiplied by the sum of the following:

(a) The number of the district's students enrolled in grades
one through twelve in that community school;

(b) One-half of the number of the district's students
enrolled in kindergarten in that community school.

The district's per pupil amount under division (G) of section
3317.029 of the Revised Code is the district's amount per teacher
calculated under division (G)(1) or (2) of that section divided by
17.

(8) An amount equal to the sum of the amounts obtained when,
for each community school where the district's students are
enrolled, the district's per pupil amount received under divisions
(H) and (I) of section 3317.029 of the Revised Code, as adjusted
by any poverty-based assistance reduction factor of that community
school, is multiplied by the sum of the following:

(a) The number of the district's students enrolled in grades
one through twelve in that community school;

(b) One-half of the number of the district's students
enrolled in kindergarten in that community school.

The district's per pupil amount under divisions (H) and (I)
of section 3317.029 of the Revised Code is the amount calculated
under each division divided by the district's formula ADM, as
declared in section 3317.02 of the Revised Code.

(9) An amount equal to the per pupil state parity aid funding
calculated for the school district under either division (C) or
(D) of section 3317.0217 of the Revised Code multiplied by the sum
of the number of students in grades one through twelve, and
one-half of the number of students in kindergarten, who are
entitled to attend school in the district and are enrolled in a
community school as reported under division (B)(1) of this
section.

(D) The department shall annually pay to a community school
established under this chapter the sum of the amounts described in
divisions (D)(1) to (10) of this section. However, the department
shall calculate and pay to each internet- or computer-based
community school only the amounts described in divisions (D)(1) to
(3) of this section. Furthermore, the sum of the payments to all
community schools under divisions (D)(1), (2), and (4) to (10) of
this section for the students entitled to attend school in any
particular school district shall not exceed the sum of that
district's state education aid and its payment under sections
321.24 and 323.156 of the Revised Code. If the sum of the payments
calculated under those divisions for the students entitled to
attend school in a particular school district exceeds the sum of
that district's state education aid and its payment under sections
321.24 and 323.156 of the Revised Code, the department shall
calculate and apply a proration factor to the payments to all
community schools under those divisions for the students entitled
to attend school in that district.

(1) Subject to section 3314.085 of the Revised Code, an
amount equal to the sum of the amounts obtained when the number of
students enrolled in grades one through twelve, plus one-half of
the kindergarten students in the school, reported under divisions
(B)(2)(a), (b), and (e) of this section who are not receiving
special education and related services pursuant to an IEP for a
disability described in section 3317.013 of the Revised Code is
multiplied by the sum of the community school's base formula
amount plus the per pupil amount of the base funding supplements specified in divisions (C)(1) to (4) of section 3317.012 of the Revised Code.

(2) Prior to fiscal year 2007, the greater of the amount calculated under division (D)(2)(a) or (b) of this section, and in fiscal year 2007 and thereafter, the amount calculated under division (D)(2)(b) of this section:

(a) The aggregate amount that the department paid to the community school in fiscal year 1999 for students receiving special education and related services pursuant to IEPs, excluding federal funds and state disadvantaged pupil impact aid funds;

(b) The sum of the following amounts calculated under divisions (D)(2)(b)(i) and (ii) of this section:

(i)(a) For each student reported under division (B)(2)(c) of this section as enrolled in the school in grades one through twelve and receiving special education and related services pursuant to an IEP for a disability described in section 3317.013 of the Revised Code, the following amount:

(the school's base formula amount plus the per pupil amount of the base funding supplements specified in divisions (C)(1) to (4) of section 3317.012 of the Revised Code) + (the applicable special education weight X the community school's base formula amount);

(ii)(b) For each student reported under division (B)(2)(c) of this section as enrolled in kindergarten and receiving special education and related services pursuant to an IEP for a disability described in section 3317.013 of the Revised Code, one-half of the amount calculated under the formula prescribed in division (D)(2)(b)(i)(a) of this section.

When computing payments under division (D)(2) of this section, the department shall use the number of students with an
IEP reported by the community school under divisions (B)(2)(b) and (c) of this section, as verified by the department, as the basis for those payments, regardless of whether any particular student enrolls in the community school after the date required under federal law for reporting to the United States department of education the number of children with disabilities receiving special education and related services.

(3) An amount received from federal funds to provide special education and related services to students in the community school, as determined by the superintendent of public instruction.

(4) For each student reported under division (B)(2)(d) of this section as enrolled in vocational education programs or classes that are described in section 3317.014 of the Revised Code, are provided by the community school, and are comparable as determined by the superintendent of public instruction to school district vocational education programs and classes eligible for state weighted funding under section 3317.014 of the Revised Code, an amount equal to the applicable vocational education weight times the community school's base formula amount times the percentage of time the student spends in the vocational education programs or classes.

(5) An amount equal to the sum of the amounts obtained when, for each school district where the community school's students are entitled to attend school, the number of that district's students enrolled in the community school who are included in the district's poverty student count is multiplied by the per pupil amount of poverty-based assistance that school district receives that year pursuant to division (C) of section 3317.029 of the Revised Code, as adjusted by any poverty-based assistance reduction factor of the community school. The per pupil amount of aid shall be determined as described in division (C)(4) of this.
(6) An amount equal to the sum of the amounts obtained when, for each school district where the community school's students are entitled to attend school, the district's per pupil amount of aid received under division (E) of section 3317.029 of the Revised Code, as adjusted by any poverty-based assistance reduction factor of the community school, is multiplied by the sum of the following:

(a) The number of the district's students reported under division (B)(2)(a) of this section who are enrolled in grades one to three in that community school and who are not receiving special education and related services pursuant to an IEP;

(b) One-half of the district's students who are enrolled in all-day or any other kindergarten class in that community school and who are not receiving special education and related services pursuant to an IEP;

(c) One-half of the district's students who are enrolled in all-day kindergarten in that community school and who are not receiving special education and related services pursuant to an IEP.

The district's per pupil amount of aid under division (E) of section 3317.029 of the Revised Code shall be determined as described in division (C)(5) of this section.

(7) An amount equal to the sum of the amounts obtained when, for each school district where the community school's students are enrolled in the community school who are identified as limited-English proficient is multiplied by the district's per pupil amount received under division (F) of section 3317.029 of the Revised Code, as adjusted by any poverty-based assistance
reduction factor of the community school.

(8) An amount equal to the sum of the amounts obtained when, for each school district where the community school's students are entitled to attend school, the district's per pupil amount received under division (G) of section 3317.029 of the Revised Code, as adjusted by any poverty-based assistance reduction factor of the community school, is multiplied by the sum of the following:

(a) The number of the district's students enrolled in grades one through twelve in that community school;

(b) One-half of the number of the district's students enrolled in kindergarten in that community school.

The district's per pupil amount under division (G) of section 3317.029 of the Revised Code shall be determined as described in division (C)(7) of this section.

(9) An amount equal to the sum of the amounts obtained when, for each school district where the community school's students are entitled to attend school, the district's per pupil amount received under divisions (H) and (I) of section 3317.029 of the Revised Code, as adjusted by any poverty-based assistance reduction factor of the community school, is multiplied by the sum of the following:

(a) The number of the district's students enrolled in grades one through twelve in that community school;

(b) One-half of the number of the district's students enrolled in kindergarten in that community school.

The district's per pupil amount under divisions (H) and (I) of section 3317.029 of the Revised Code shall be determined as described in division (C)(8) of this section.
(10) An amount equal to the sum of the amounts obtained when, for each school district where the community school's students are entitled to attend school, the district's per pupil amount of state parity aid funding calculated under either division (C) or (D) of section 3317.0217 of the Revised Code is multiplied by the sum of the number of that district's students enrolled in grades one through twelve, and one-half of the number of that district's students enrolled in kindergarten, in the community school as reported under division divisions (B)(2)(a) and (b) of this section.

(E)(1) If a community school's costs for a fiscal year for a student receiving special education and related services pursuant to an IEP for a disability described in divisions (B) to (F) of section 3317.013 of the Revised Code exceed the threshold catastrophic cost for serving the student as specified in division (C)(3)(b) of section 3317.022 of the Revised Code, the school may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the community school an amount equal to the school's costs for the student in excess of the threshold catastrophic costs.

(2) The community school shall only report under division (E)(1) of this section, and the department shall only pay for, the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount.

(F) A community school may apply to the department of education for preschool children with disabilities or gifted unit...
funding the school would receive if it were a school district.

Upon request of its governing authority, a community school that received such unit funding as a school district-operated school before it became a community school shall retain any units awarded to it as a school district-operated school provided the school continues to meet eligibility standards for the unit.

A community school shall be considered a school district and its governing authority shall be considered a board of education for the purpose of applying to any state or federal agency for grants that a school district may receive under federal or state law or any appropriations act of the general assembly. The governing authority of a community school may apply to any private entity for additional funds.

(G) A board of education sponsoring a community school may utilize local funds to make enhancement grants to the school or may agree, either as part of the contract or separately, to provide any specific services to the community school at no cost to the school.

(H) A community school may not levy taxes or issue bonds secured by tax revenues.

(I) No community school shall charge tuition for the enrollment of any student.

(J)(1)(a) A community school may borrow money to pay any necessary and actual expenses of the school in anticipation of the receipt of any portion of the payments to be received by the school pursuant to division (D) of this section. The school may issue notes to evidence such borrowing. The proceeds of the notes shall be used only for the purposes for which the anticipated receipts may be lawfully expended by the school.

(b) A school may also borrow money for a term not to exceed fifteen years for the purpose of acquiring facilities.
(2) Except for any amount guaranteed under section 3318.50 of the Revised Code, the state is not liable for debt incurred by the governing authority of a community school.

(K) For purposes of determining the number of students for which divisions (D)(5) and (6) of this section applies in any school year, a community school may submit to the department of job and family services, no later than the first day of March, a list of the students enrolled in the school. For each student on the list, the community school shall indicate the student's name, address, and date of birth and the school district where the student is entitled to attend school. Upon receipt of a list under this division, the department of job and family services shall determine, for each school district where one or more students on the list is entitled to attend school, the number of students residing in that school district who were included in the department's report under section 3317.10 of the Revised Code. The department shall make this determination on the basis of information readily available to it. Upon making this determination and no later than ninety days after submission of the list by the community school, the department shall report to the state department of education the number of students on the list who reside in each school district who were included in the department's report under section 3317.10 of the Revised Code. In complying with this division, the department of job and family services shall not report to the state department of education any personally identifiable information on any student.

(L) The department of education shall adjust the amounts subtracted and paid under divisions (C) and (D) of this section to reflect any enrollment of students in community schools for less than the equivalent of a full school year. The state board of education within ninety days after April 8, 2003, shall adopt in
accordance with Chapter 119. of the Revised Code rules governing the payments to community schools under this section and section 3314.13 of the Revised Code including initial payments in a school year and adjustments and reductions made in subsequent periodic payments to community schools and corresponding deductions from school district accounts as provided under divisions (C) and (D) of this section and section 3314.13 of the Revised Code. For purposes of this section and section 3314.13 of the Revised Code:

(1) A student shall be considered enrolled in the community school for any portion of the school year the student is participating at a college under Chapter 3365. of the Revised Code.

(2) A student shall be considered to be enrolled in a community school during a school year for the period of time beginning on the later of the date on which the school both has received documentation of the student's enrollment from a parent and the student has commenced participation in learning opportunities as defined in the contract with the sponsor, or thirty days prior to the date on which the student is entered into the education management information system established under section 3301.0714 of the Revised Code. For purposes of applying this division and divisions (L)(3) and (4) of this section to a community school student, "learning opportunities" shall be defined in the contract, which shall describe both classroom-based and non-classroom-based learning opportunities and shall be in compliance with criteria and documentation requirements for student participation which shall be established by the department. Any student's instruction time in non-classroom-based learning opportunities shall be certified by an employee of the community school. A student's enrollment shall be considered to cease on the date on which any of the following occur:
(a) The community school receives documentation from a parent terminating enrollment of the student.

(b) The community school is provided documentation of a student’s enrollment in another public or private school.

(c) The community school ceases to offer learning opportunities to the student pursuant to the terms of the contract with the sponsor or the operation of any provision of this chapter.

Beginning in the 2011-2012 school year, any student who completed the prior school year in a 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.

(3) The department shall determine each community school student’s percentage of full-time equivalency based on the percentage of learning opportunities offered by the community school to that student, reported either as number of hours or number of days, is of the total learning opportunities offered by the community school to a student who attends for the school’s entire school year. However, no internet- or computer-based community school shall be credited for any time a student spends participating in learning opportunities beyond ten hours within any period of twenty-four consecutive hours. Whether it reports hours or days of learning opportunities, each community school shall offer not less than nine hundred twenty hours of learning opportunities during the school year.

(4) With respect to the calculation of full-time equivalency under division (L)(3) of this section, the department shall waive the number of hours or days of learning opportunities not offered to a student because the community school was closed during the school year due to disease epidemic, hazardous weather conditions,
inoperability of school buses or other equipment necessary to the school's operation, damage to a school building, or other temporary circumstances due to utility failure rendering the school building unfit for school use, so long as the school was actually open for instruction with students in attendance during that school year for not less than the minimum number of hours required by this chapter. The department shall treat the school as if it were open for instruction with students in attendance during the hours or days waived under this division.

(M) The department of education shall reduce the amounts paid under division (D) of this section to reflect payments made to colleges under division (B) of section 3365.07 of the Revised Code or through alternative funding agreements entered into under rules adopted under section 3365.12 of the Revised Code.

(N)(1) No student shall be considered enrolled in any internet- or computer-based community school or, if applicable to the student, in any community school that is required to provide the student with a computer pursuant to division (C) of section 3314.22 of the Revised Code, unless both of the following conditions are satisfied:

(a) The student possesses or has been provided with all required hardware and software materials and all such materials are operational so that the student is capable of fully participating in the learning opportunities specified in the contract between the school and the school's sponsor as required by division (A)(23) of section 3314.03 of the Revised Code;

(b) The school is in compliance with division (A) of section 3314.22 of the Revised Code, relative to such student.

(2) In accordance with policies adopted jointly by the superintendent of public instruction and the auditor of state, the department shall reduce the amounts otherwise payable under
division (D) of this section to any community school that includes in its program the provision of computer hardware and software materials to any student, if such hardware and software materials have not been delivered, installed, and activated for each such student in a timely manner or other educational materials or services have not been provided according to the contract between the individual community school and its sponsor.

The superintendent of public instruction and the auditor of state shall jointly establish a method for auditing any community school to which this division pertains to ensure compliance with this section.

The superintendent, auditor of state, and the governor shall jointly make recommendations to the general assembly for legislative changes that may be required to assure fiscal and academic accountability for such schools.

(0)(1) If the department determines that a review of a community school's enrollment is necessary, such review shall be completed and written notice of the findings shall be provided to the governing authority of the community school and its sponsor within ninety days of the end of the community school's fiscal year, unless extended for a period not to exceed thirty additional days for one of the following reasons:

(a) The department and the community school mutually agree to the extension.

(b) Delays in data submission caused by either a community school or its sponsor.

(2) If the review results in a finding that additional funding is owed to the school, such payment shall be made within thirty days of the written notice. If the review results in a finding that the community school owes moneys to the state, the
following procedure shall apply:

(a) Within ten business days of the receipt of the notice of findings, the community school may appeal the department's determination to the state board of education or its designee.

(b) The board or its designee shall conduct an informal hearing on the matter within thirty days of receipt of such an appeal and shall issue a decision within fifteen days of the conclusion of the hearing.

(c) If the board has enlisted a designee to conduct the hearing, the designee shall certify its decision to the board. The board may accept the decision of the designee or may reject the decision of the designee and issue its own decision on the matter.

(d) Any decision made by the board under this division is final.

(3) If it is decided that the community school owes moneys to the state, the department shall deduct such amount from the school's future payments in accordance with guidelines issued by the superintendent of public instruction.

(P) The department shall not subtract from a school district's state aid account under division (C) of this section and shall not pay to a community school under division (D) of this section any amount for any of the following:

(1) Any student who has graduated from the twelfth grade of a public or nonpublic high school;

(2) Any student who is not a resident of the state;

(3) Any student who was enrolled in the community school during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did not take one or more of the assessments required by that section and was not
excused pursuant to division (C)(1) or (3) of that section, unless the superintendent of public instruction grants the student a waiver from the requirement to take the assessment and a parent is not paying tuition for the student pursuant to section 3314.26 of the Revised Code. The superintendent may grant a waiver only for good cause in accordance with rules adopted by the state board of education.

(4) Any student who has attained the age of twenty-two years, except for veterans the following:

(a) A veteran of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the armed forces and who applies for enrollment in a community school not later than four years after termination of war or the veteran's honorable discharge. If, however, any such veteran elects to enroll in special courses organized for veterans for whom tuition is paid under federal law, or otherwise, the department shall not subtract from a school district's state aid account under division (C) of this section and shall not pay to a community school under division (D) of this section any amount for that veteran.

(b) An individual enrolled under section 3314.38 of the Revised Code in a dropout prevention and recovery program operated by a community school."

Delete lines 42764 through 42864 and insert:

"Sec. 3316.06. (A) Within one hundred twenty days after the first meeting of a school district financial planning and supervision commission, the commission shall adopt a financial recovery plan regarding the school district for which the commission was created. During the formulation of the plan, the
commission shall seek appropriate input from the school district board and from the community. This plan shall contain the following:

(1) Actions to be taken to:

(a) Eliminate all fiscal emergency conditions declared to exist pursuant to division (B) of section 3316.03 of the Revised Code;

(b) Satisfy any judgments, past-due accounts payable, and all past-due and payable payroll and fringe benefits;

(c) Eliminate the deficits in all deficit funds, except that any prior year deficits in the capital and maintenance fund established pursuant to section 3315.18 of the Revised Code shall be forgiven;

(d) Restore to special funds any moneys from such funds that were used for purposes not within the purposes of such funds, or borrowed from such funds by the purchase of debt obligations of the school district with the moneys of such funds, or missing from the special funds and not accounted for, if any;

(e) Balance the budget, avoid future deficits in any funds, and maintain on a current basis payments of payroll, fringe benefits, and all accounts;

(f) Avoid any fiscal emergency condition in the future;

(g) Restore the ability of the school district to market long-term general obligation bonds under provisions of law applicable to school districts generally.

(2) The management structure that will enable the school district to take the actions enumerated in division (A)(1) of this section. The plan shall specify the level of fiscal and management control that the commission will exercise within the school
district during the period of fiscal emergency, and shall enumerate respectively, the powers and duties of the commission and the powers and duties of the school board during that period. The commission may elect to assume any of the powers and duties of the school board it considers necessary, including all powers related to personnel, curriculum, and legal issues in order to successfully implement the actions described in division (A)(1) of this section.

(3) The target dates for the commencement, progress upon, and completion of the actions enumerated in division (A)(1) of this section and a reasonable period of time expected to be required to implement the plan. The commission shall prepare a reasonable time schedule for progress toward and achievement of the requirements for the plan, and the plan shall be consistent with that time schedule.

(4) The amount and purpose of any issue of debt obligations that will be issued, together with assurances that any such debt obligations that will be issued will not exceed debt limits supported by appropriate certifications by the fiscal officer of the school district and the county auditor. Debt obligations issued pursuant to section 133.301 of the Revised Code shall include assurances that such debt shall be in an amount not to exceed the amount certified under division (B) of such section. If the commission considers it necessary in order to maintain or improve educational opportunities of pupils in the school district, the plan may include a proposal to restructure or refinance outstanding debt obligations incurred by the board under section 3313.483 of the Revised Code contingent upon the approval, during the period of the fiscal emergency, by district voters of a tax levied under section 718.09, 718.10, 5705.194, 5705.21, 5748.02, or 5748.08 of the Revised Code that is not a renewal or
replacement levy, or a levy under section 5705.199 of the Revised Code, and that will provide new operating revenue. Notwithstanding any provision of Chapter 133. or sections 3313.483 to 3313.4811 of the Revised Code, following the required approval of the district voters and with the approval of the commission, the school district may issue securities to evidence the restructuring or refinancing. Those securities may extend the original period for repayment, not to exceed ten years, and may alter the frequency and amount of repayments, interest or other financing charges, and other terms of agreements under which the debt originally was contracted, at the discretion of the commission, provided that any loans received pursuant to section 3313.483 of the Revised Code shall be paid from funds the district would otherwise receive under Chapter 3306-3317 of the Revised Code, as required under division (E)(3) of section 3313.483 of the Revised Code. The securities issued for the purpose of restructuring or refinancing the debt shall be repaid in equal payments and at equal intervals over the term of the debt and are not eligible to be included in any subsequent proposal for the purpose of restructuring or refinancing debt under this section.

(B) Any financial recovery plan may be amended subsequent to its adoption. Each financial recovery plan shall be updated annually.

(C) Each school district financial planning and supervision commission shall submit the financial recovery plan it adopts or updates under this section to the state superintendent of public instruction for approval immediately following its adoption or updating. The state superintendent shall evaluate the plan and either approve or disapprove it within thirty calendar days from the date of its submission. If the plan is disapproved, the state superintendent shall recommend modifications that will render it
acceptable. No financial planning and supervision commission shall implement a financial recovery plan that is adopted or updated on or after April 10, 2001, unless the state superintendent has approved it."

Delete lines 42933 through 43045 and insert:

"Sec. 3317.01. As used in this section and section 3317.011 of the Revised Code, "school district," unless otherwise specified, means any city, local, exempted village, joint vocational, or cooperative education school district and any educational service center.

This chapter shall be administered by the state board of education. The superintendent of public instruction shall calculate the amounts payable to each school district and shall certify the amounts payable to each eligible district to the treasurer of the district as provided by this chapter. As soon as possible after such amounts are calculated, the superintendent shall certify to the treasurer of each school district the district's adjusted charge-off increase, as defined in section 5705.211 of the Revised Code. No moneys shall be distributed pursuant to this chapter without the approval of the controlling board.

The state board of education shall, in accordance with appropriations made by the general assembly, meet the financial obligations of this chapter.

Moneys distributed pursuant to this chapter shall be calculated and paid on a fiscal year basis, beginning with the first day of July and extending through the thirtieth day of June. The moneys appropriated for each fiscal year shall be distributed periodically to each school district unless otherwise provided for. The state board, in June of each year, shall submit a yearly
distribution plan to the controlling board at its first meeting in July. The state board shall submit any proposed midyear revision of the plan to the controlling board in January. Any year-end revision of the plan shall be submitted to the controlling board in June. If moneys appropriated for each fiscal year are distributed other than monthly, such distribution shall be on the same basis for each school district the state board's year-end distributions pursuant to this chapter.

Except as otherwise provided, payments under this chapter shall be made only to those school districts in which:

(A) The school district, except for any educational service center and any joint vocational or cooperative education school district, levies for current operating expenses at least twenty mills. Levies for joint vocational or cooperative education school districts or county school financing districts, limited to or to the extent apportioned to current expenses, shall be included in this qualification requirement. School district income tax levies under Chapter 5748. of the Revised Code, limited to or to the extent apportioned to current operating expenses, shall be included in this qualification requirement to the extent determined by the tax commissioner under division (D) of section 3317.021 of the Revised Code.

(B) The school year next preceding the fiscal year for which such payments are authorized meets the requirement of section 3313.48 or 3313.481 of the Revised Code, with regard to the minimum number of days or hours school must be open for instruction with pupils in attendance, for individualized parent-teacher conference and reporting periods, and for professional meetings of teachers. This requirement shall be waived by the superintendent of public instruction if it had been necessary for a school to be closed because of disease epidemic,
hazardous weather conditions, inoperability of school buses or other equipment necessary to the school's operation, damage to a school building, or other temporary circumstances due to utility failure rendering the school building unfit for school use, provided that for those school districts operating pursuant to section 3313.48 of the Revised Code the number of days the school was actually open for instruction with pupils in attendance and for individualized parent-teacher conference and reporting periods is not less than one hundred seventy-five, or for those school districts operating on a trimester plan the number of days the school was actually open for instruction with pupils in attendance not less than seventy-nine days in any trimester, for those school districts operating on a quarterly plan the number of days the school was actually open for instruction with pupils in attendance not less than fifty-nine days in any quarter, or for those school districts operating on a pentamester plan the number of days the school was actually open for instruction with pupils in attendance not less than forty-four days in any pentamester.

A school district shall not be considered to have failed to comply with this division or section 3313.481 of the Revised Code because schools were open for instruction but either twelfth grade students were excused from attendance for up to three days or only a portion of the kindergarten students were in attendance for up to three days in order to allow for the gradual orientation to school of such students.

The superintendent of public instruction shall waive the requirements of this section with reference to the minimum number of days or hours school must be in session with pupils in attendance for the school year succeeding the school year in which a board of education initiates a plan of operation pursuant to section 3313.481 of the Revised Code. The minimum requirements of
this section shall again be applicable to such a district
beginning with the school year commencing the second July
succeeding the initiation of one such plan, and for each school
year thereafter.

A school district shall not be considered to have failed to
comply with this division or section 3313.48 or 3313.481 of the
Revised Code because schools were open for instruction but the
length of the regularly scheduled school day, for any number of
days during the school year, was reduced by not more than two
hours due to hazardous weather conditions.

(C) The school district has on file, and is paying in
accordance with, a teachers' salary schedule which complies with
section 3317.13 of the Revised Code.

A board of education or governing board of an educational
service center which has not conformed with other law and the
rules pursuant thereto, shall not participate in the distribution
of funds authorized by sections 3317.022 to 3317.0211, 3317.11, 3317.16, 3317.17, and 3317.19 of the Revised Code this chapter,
except for good and sufficient reason established to the
satisfaction of the state board of education and the state
controlling board.

All funds allocated to school districts under this chapter,
except those specifically allocated for other purposes, shall be
used to pay current operating expenses only."

Delete lines 43115 through 43192 and insert:

"Sec. 3317.018. (A) The department of education shall make no
calculations or payments under Chapter 3317. of the Revised Code
this chapter for any fiscal year except as prescribed in this
section. The payments authorized under this section are in
addition to payments computed and paid for fiscal years 2012 and
2013 under the section of H.B. 153 of the 129th general assembly entitled "FUNDING FOR CITY, EXEMPTED VILLAGE, AND LOCAL SCHOOL DISTRICTS."

(B) School districts shall report student enrollment data as prescribed by section 3317.03 of the Revised Code, which data the department shall use to make payments under Chapters 3306. and 3317. of the Revised Code. this chapter and the section of H.B. 153 of the 129th general assembly entitled "FUNDING FOR CITY, EXEMPTED VILLAGE, AND LOCAL SCHOOL DISTRICTS."

(C) The tax commissioner shall report data regarding tax valuation and receipts for school districts as prescribed by sections 3317.015, 3317.021, 3317.025, 3317.026, 3317.027, 3317.028, 3317.0210, 3317.0211, and 3317.08 and by division (M)(K) of section 3317.02 of the Revised Code, which data the department shall use to make payments under Chapters 3306. and 3317. of the Revised Code. this chapter and the section of H.B. 153 of the 129th general assembly entitled "FUNDING FOR CITY, EXEMPTED VILLAGE, AND LOCAL SCHOOL DISTRICTS."

(D) Unless otherwise specified by another provision of law, in addition to the payments prescribed by Chapter 3306. of the Revised Code, the department shall continue to make payments to or adjustments for school districts in fiscal years after fiscal year 2009 under the following provisions of Chapter 3317. of the Revised Code this chapter:

(1) The catastrophic cost reimbursement under division (C)(3) of section 3317.022 of the Revised Code; however, when computing that payment, the department shall use the disability categories and multiples specified in section 3317.013 of the Revised Code as that section existed prior to the effective date of this amendment. No other payments shall be made under that section 3317.022 of the Revised Code.
(2) All payments or adjustments under section 3317.023 of the Revised Code, except no payments or adjustments shall be made under divisions (B), (C), and (D) of that section.

(3) All payments or adjustments under section 3317.024 of the Revised Code, except no payments or adjustments shall be made under divisions (F) and (N) of that section for fiscal years after fiscal years 2010 and 2011.

(4) All payments and adjustments under sections 3317.025, 3317.026, 3317.027, 3317.028, 3317.0210, and 3317.0211 of the Revised Code;

(5) Payments under section 3317.04 of the Revised Code;

(6) Unit payments under sections 3317.05, 3317.051, 3317.052, and 3317.053 of the Revised Code, except that no units for gifted funding are authorized after fiscal years 2010 and 2011.

(7) Payments under sections 3317.06, 3317.063, and 3317.064 of the Revised Code;

(8) Payments under section 3317.07 of the Revised Code;

(9) Payments to educational service centers under section 3317.11 of the Revised Code;

(10) The catastrophic cost reimbursement under division (E) of section 3317.16 of the Revised Code and excess cost reimbursements under division (G) of that section; however, when computing that payment, the department shall use the disability categories and multiples specified in section 3317.013 of the Revised Code as that section existed prior to the effective date of this amendment. No other payments shall be made under that section; 3317.16 of the Revised Code.
(11) Payments under section 3317.17 of the Revised Code;

(12) Adjustments under section 3317.18 of the Revised Code;

(13) Payments to cooperative education school districts under section 3317.19 of the Revised Code;

(14) Payments to county MR/DD DD boards under section 3317.20 of the Revised Code;

(15) Payments to state institutions for weighted special education funding under section 3317.201 of the Revised Code.

(E) Sections 3317.01C and J317.017 shall not apply to fiscal years after fiscal year 2009.

(F) This section does not affect the provisions of sections 3317.031, 3317.032, 3317.033, 3317.035, 3317.061, 3317.08, 3317.09, 3317.09, 3317.12, 3317.13, 3317.14, 3317.15, 3317.50, and 3317.51, 3317.62, 3317.63, and 3317.64 of the Revised Code.

(F) The department shall make no payments for fiscal years 2012 or 2013 under section 3317.0212 of the Revised Code.

Delete lines 44187 through 44299 and insert:

"Sec. 3317.024. The following shall be distributed monthly, quarterly, or annually as may be determined by the state board of education, except that the department of education shall not make payments under divisions (F) and (N) of this section for any fiscal year after fiscal year 2009 or under division (L) of this section for fiscal year 2010 or 2011:

(A) An amount for each island school district and each joint state school district for the operation of each high school and each elementary school maintained within such district and for
capital improvements for such schools. Such amounts shall be
determined on the basis of standards adopted by the state board of
education. However, for fiscal years 2012 and 2013, an island
district shall receive the lesser of its actual cost of operation,
as certified to the department of education, or ninety-three per
cent of the amount the district received in state operating
funding for fiscal year 2011. If an island district received no
funding for fiscal year 2011, it shall receive no funding for
either of fiscal year 2012 or 2013.

(B) An amount for each school district operating classes for
children of migrant workers who are unable to be in attendance in
an Ohio school during the entire regular school year. The amounts
shall be determined on the basis of standards adopted by the state
board of education, except that payment shall be made only for
subjects regularly offered by the school district providing the
classes.

(C) An amount for each school district with guidance,
testing, and counseling programs approved by the state board of
education. The amount shall be determined on the basis of
standards adopted by the state board of education.

(D) An amount for the emergency purchase of school buses as
provided for in section 3317.07 of the Revised Code;

(E) An amount for each school district required to pay
tuition for a child in an institution maintained by the department
of youth services pursuant to section 3317.082 of the Revised
Code, provided the child was not included in the calculation of
the district's average daily membership for the preceding school
year.

(F) An amount for adult basic literacy education for each
district participating in programs approved by the state board of
education. The amount shall be determined on the basis of
standards adopted by the state board of education.

(C)(C) An amount for the approved cost of transporting eligible pupils with disabilities attending a special education program approved by the department of education whom it is impossible or impractical to transport by regular school bus in the course of regular route transportation provided by the school district or educational service center. No district or service center is eligible to receive a payment under this division for the cost of transporting any pupil whom it transports by regular school bus and who is included in the district's transportation ADM. The state board of education shall establish standards and guidelines for use by the department of education in determining the approved cost of such transportation for each district or service center.

(D) An amount to each school district, including each cooperative education school district, pursuant to section 3313.81 of the Revised Code to assist in providing free lunches to needy children and an amount to assist needy school districts in purchasing necessary equipment for food preparation. The amounts shall be determined on the basis of rules adopted by the state board of education.

(E) An amount to each school district, for each pupil attending a chartered nonpublic elementary or high school within the district. The amount shall equal the amount appropriated for the implementation of section 3317.06 of the Revised Code divided by the average daily membership in grades kindergarten through twelve in nonpublic elementary and high schools within the state as determined during the first full week in October of each school year.

(F) An amount for each county DD board, distributed on the basis of standards adopted by the state board of education, for
the approved cost of transportation required for children attending special education programs operated by the county DD board under section 3323.09 of the Revised Code;

(K) An amount for each school district that establishes a mentor-teacher program that complies with rules of the state board of education. No school district shall be required to establish or maintain such a program in any year unless sufficient funds are appropriated to cover the district's total costs for the program.

(L) An amount to each school district or educational service center for the total number of gifted units approved pursuant to section 3317.05 of the Revised Code. The amount for each such unit shall be the sum of the minimum salary for the teacher of the unit, calculated on the basis of the teacher's training level and years of experience pursuant to the salary schedule prescribed in the version of section 3317.13 of the Revised Code in effect prior to July 1, 2001, plus fifteen percent of that minimum salary amount, plus two thousand six hundred seventy-eight dollars.

(M)(G) An amount to each institution defined under section 3317.082 of the Revised Code providing elementary or secondary education to children other than children receiving special education under section 3323.091 of the Revised Code. This amount for any institution in any fiscal year shall equal the total of all tuition amounts required to be paid to the institution under division (A)(1) of section 3317.082 of the Revised Code.

(N) A grant to each school district and joint vocational school district that operates a "graduation, reality, and dual-role-skills" (GRADS) program for pregnant and parenting students that is approved by the department. The amount of the payment shall be the district's state share percentage, as defined in section 3317.022 or 3317.16 of the Revised Code, times the GRADS personnel allowance times the full-time equivalent number of
GRADS teachers approved by the department. The GRADS personnel allowance is $47,555 in fiscal years 2008 and 2009. The GRADS program shall include instruction on adoption as an option for unintended pregnancies.

The state board of education or any other board of education or governing board may provide for any resident of a district or educational service center territory any educational service for which funds are made available to the board by the United States under the authority of public law, whether such funds come directly or indirectly from the United States or any agency or department thereof or through the state or any agency, department, or political subdivision thereof."

Delete lines 65427 through 65707 and insert:

"Sec. 4517.01. As used in sections 4517.01 to 4517.65 of the Revised Code:

(A) "Persons" includes individuals, firms, partnerships, associations, joint stock companies, corporations, and any combinations of individuals.

(B) "Motor vehicle" means motor vehicle as defined in section 4501.01 of the Revised Code and also includes "all-purpose vehicle" and "off-highway motorcycle" as those terms are defined in section 4519.01 of the Revised Code. "Motor vehicle" does not include a snowmobile as defined in section 4519.01 of the Revised Code or manufactured and mobile homes.

(C) "New motor vehicle" means a motor vehicle, the legal title to which has never been transferred by a manufacturer, remanufacturer, distributor, or dealer to an ultimate purchaser.

(D) "Ultimate purchaser" means, with respect to any new motor vehicle, the first person, other than a dealer purchasing in the
capacity of a dealer, who in good faith purchases such new motor
vehicle for purposes other than resale.

(E) "Business" includes any activities engaged in by any
person for the object of gain, benefit, or advantage either direct
or indirect.

(F) "Engaging in business" means commencing, conducting, or
continuing in business, or liquidating a business when the
liquidator thereof holds self out to be conducting such business;
making a casual sale or otherwise making transfers in the ordinary
course of business when the transfers are made in connection with
the disposition of all or substantially all of the transferor's
assets is not engaging in business.

(G) "Retail sale" or "sale at retail" means the act or
attempted act of selling, bartering, exchanging, or otherwise
disposing of a motor vehicle to an ultimate purchaser for use as a
consumer.

(H) "Retail installment contract" includes any contract in
the form of a note, chattel mortgage, conditional sales contract,
lease, agreement, or other instrument payable in one or more
installments over a period of time and arising out of the retail
sale of a motor vehicle.

(I) "Farm machinery" means all machines and tools used in the
production, harvesting, and care of farm products.

(J) "Dealer" or "motor vehicle dealer" means any new motor
vehicle dealer, any motor vehicle leasing dealer, and any used
motor vehicle dealer.

(K) "New motor vehicle dealer" means any person engaged in
the business of selling at retail, displaying, offering for sale,
or dealing in new motor vehicles pursuant to a contract or
agreement entered into with the manufacturer, remanufacturer, or
distributor of the motor vehicles.

(L) "Used motor vehicle dealer" means any person engaged in the business of selling, displaying, offering for sale, or dealing in used motor vehicles, at retail or wholesale, but does not mean any new motor vehicle dealer selling, displaying, offering for sale, or dealing in used motor vehicles incidentally to engaging in the business of selling, displaying, offering for sale, or dealing in new motor vehicles, any person engaged in the business of dismantling, salvaging, or rebuilding motor vehicles by means of using used parts, or any public officer performing official duties.

(M) "Motor vehicle leasing dealer" means any person engaged in the business of regularly making available, offering to make available, or arranging for another person to use a motor vehicle pursuant to a bailment, lease, sublease, or other contractual arrangement under which a charge is made for its use at a periodic rate for a term of thirty days or more, and title to the motor vehicle is in and remains in the motor vehicle leasing dealer who originally leases it, irrespective of whether or not the motor vehicle is the subject of a later sublease, and not in the user, but does not mean a manufacturer or its affiliate leasing to its employees or to dealers.

(N) "Salesperson" means any person employed by a dealer or manufactured home broker to sell, display, and offer for sale, or deal in motor vehicles for a commission, compensation, or other valuable consideration, but does not mean any public officer performing official duties.

(O) "Casual sale" means any transfer of a motor vehicle by a person other than a new motor vehicle dealer, used motor vehicle dealer, motor vehicle salvage dealer, as defined in division (A) of section 4738.01 of the Revised Code, salesperson, motor vehicle
auction owner, manufacturer, or distributor acting in the capacity of a dealer, salesperson, auction owner, manufacturer, or distributor, to a person who purchases the motor vehicle for use as a consumer.

(P) "Motor vehicle show" means a display of current models of motor vehicles whereby the primary purpose is the exhibition of competitive makes and models in order to provide the general public the opportunity to review and inspect various makes and models of motor vehicles at a single location.

(Q) "Motor vehicle auction owner" means any person who is engaged wholly or in part in the business of auctioning motor vehicles, but does not mean a construction equipment auctioneer or a construction equipment auction licensee.

(R) "Manufacturer" means a person who manufactures, assembles, or imports motor vehicles, including motor homes, but does not mean a person who only assembles or installs a body, special equipment unit, finishing trim, or accessories on a motor vehicle chassis supplied by a manufacturer or distributor.

(S) "Tent-type fold-out camping trailer" means any vehicle intended to be used, when stationary, as a temporary shelter with living and sleeping facilities, and that is subject to the following properties and limitations:

(1) A minimum of twenty-five per cent of the fold-out portion of the top and sidewalls combined must be constructed of canvas, vinyl, or other fabric, and form an integral part of the shelter.

(2) When folded, the unit must not exceed:

(a) Fifteen feet in length, exclusive of bumper and tongue;

(b) Sixty inches in height from the point of contact with the ground;
(c) Eight feet in width;

(d) One ton gross weight at time of sale.

(T) "Distributor" means any person authorized by a motor vehicle manufacturer to distribute new motor vehicles to licensed new motor vehicle dealers, but does not mean a person who only assembles or installs a body, special equipment unit, finishing trim, or accessories on a motor vehicle chassis supplied by a manufacturer or distributor.

(U) "Flea market" means a market place, other than a dealer's location licensed under this chapter, where a space or location is provided for a fee or compensation to a seller to exhibit and offer for sale or trade, motor vehicles to the general public.

(V) "Franchise" means any written agreement, contract, or understanding between any motor vehicle manufacturer or remanufacturer engaged in commerce and any motor vehicle dealer that purports to fix the legal rights and liabilities of the parties to such agreement, contract, or understanding.

(W) "Franchisee" means a person who receives new motor vehicles from the franchisor under a franchise agreement and who offers, sells, and provides service for such new motor vehicles to the general public.

(X) "Franchisor" means a new motor vehicle manufacturer, remanufacturer, or distributor who supplies new motor vehicles under a franchise agreement to a franchisee.

(Y) "Dealer organization" means a state or local trade association the membership of which is comprised predominantly of new motor vehicle dealers.

(Z) "Factory representative" means a representative employed by a manufacturer, remanufacturer, or by a factory branch primarily for the purpose of promoting the sale of its motor
vehicles, parts, or accessories to dealers or for supervising or contacting its dealers or prospective dealers.

(AA) "Administrative or executive management" means those individuals who are not subject to federal wage and hour laws.

(BB) "Good faith" means honesty in the conduct or transaction concerned and the observance of reasonable commercial standards of fair dealing in the trade as is defined in section 1301.201 of the Revised Code, including, but not limited to, the duty to act in a fair and equitable manner so as to guarantee freedom from coercion, intimidation, or threats of coercion or intimidation; provided however, that recommendation, endorsement, exposition, persuasion, urging, or argument shall not be considered to constitute a lack of good faith.

(CC) "Coerce" means to compel or attempt to compel by failing to act in good faith or by threat of economic harm, breach of contract, or other adverse consequences. Coerce does not mean to argue, urge, recommend, or persuade.

(DD) "Relevant market area" means any area within a radius of ten miles from the site of a potential new dealership, except that for manufactured home or recreational vehicle dealerships the radius shall be twenty-five miles. The ten-mile radius shall be measured from the dealer's established place of business that is used exclusively for the purpose of selling, displaying, offering for sale, or dealing in motor vehicles.

(EE) "Wholesale" or "at wholesale" means the act or attempted act of selling, bartering, exchanging, or otherwise disposing of a motor vehicle to a transferee for the purpose of resale and not for ultimate consumption by that transferee.

(FF) "Motor vehicle wholesaler" means any person licensed as a dealer under the laws of another state and engaged in the
business of selling, displaying, or offering for sale used motor vehicles, at wholesale, but does not mean any motor vehicle dealer as defined in this section.

(GG)(1) "Remanufacturer" means a person who assembles or installs passenger seating, walls, a roof elevation, or a body extension on a conversion van with the motor vehicle chassis supplied by a manufacturer or distributor, a person who modifies a truck chassis supplied by a manufacturer or distributor for use as a public safety or public service vehicle, a person who modifies a motor vehicle chassis supplied by a manufacturer or distributor for use as a limousine or hearse, or a person who modifies an incomplete motor vehicle cab and chassis supplied by a new motor vehicle dealer or distributor for use as a tow truck, but does not mean either of the following:

(a) A person who assembles or installs passenger seating, a roof elevation, or a body extension on a recreational vehicle as defined in division (Q) and referred to in division (B) of section 4501.01 of the Revised Code;

(b) A person who assembles or installs special equipment or accessories for handicapped persons, as defined in section 4503.44 of the Revised Code, upon a motor vehicle chassis supplied by a manufacturer or distributor.

(2) For the purposes of division (GG)(1) of this section, "public safety vehicle or public service vehicle" means a fire truck, ambulance, school bus, street sweeper, garbage packing truck, or cement mixer, or a mobile self-contained facility vehicle.

(3) For the purposes of division (GG)(1) of this section, "limousine" means a motor vehicle, designed only for the purpose of carrying nine or fewer passengers, that a person modifies by cutting the original chassis, lengthening the wheelbase by forty
inches or more, and reinforcing the chassis in such a way that all
modifications comply with all applicable federal motor vehicle
safety standards. No person shall qualify as or be deemed to be a
remanufacturer who produces limousines unless the person has a
written agreement with the manufacturer of the chassis the person
utilizes to produce the limousines to complete properly the
remanufacture of the chassis into limousines.

(4) For the purposes of division (GG)(1) of this section, "hearse" means a motor vehicle, designed only for the purpose of
transporting a single casket, that is equipped with a compartment
designed specifically to carry a single casket that a person
modifies by cutting the original chassis, lengthening the
wheelbase by ten inches or more, and reinforcing the chassis in
such a way that all modifications comply with all applicable
federal motor vehicle safety standards. No person shall qualify as
or be deemed to be a remanufacturer who produces hearses unless
the person has a written agreement with the manufacturer of the
chassis the person utilizes to produce the hearses to complete
properly the remanufacture of the chassis into hearses.

(5) For the purposes of division (GG)(1) of this section, "mobile self-contained facility vehicle" means a mobile classroom
vehicle, mobile laboratory vehicle, bookmobile, bloodmobile,
testing laboratory, and mobile display vehicle, each of which is
designed for purposes other than for passenger transportation and
other than the transportation or displacement of cargo, freight,
materials, or merchandise. A vehicle is remanufactured into a
mobile self-contained facility vehicle in part by the addition of
insulation to the body shell, and installation of all of the
following: a generator, electrical wiring, plumbing, holding
tanks, doors, windows, cabinets, shelving, and heating,
ventilating, and air conditioning systems.
(6) For the purposes of division (GG)(1) of this section, "tow truck" means both of the following:

(a) An incomplete cab and chassis that are purchased by a remanufacturer from a new motor vehicle dealer or distributor of the cab and chassis and on which the remanufacturer then installs in a permanent manner a wrecker body it purchases from a manufacturer or distributor of wrecker bodies, installs an emergency flashing light pylon and emergency lights upon the mast of the wrecker body or rooftop, and installs such other related accessories and equipment, including push bumpers, front grille guards with pads and other custom-ordered items such as painting, special lettering, and safety striping so as to create a complete motor vehicle capable of lifting and towing another motor vehicle.

(b) An incomplete cab and chassis that are purchased by a remanufacturer from a new motor vehicle dealer or distributor of the cab and chassis and on which the remanufacturer then installs in a permanent manner a car carrier body it purchases from a manufacturer or distributor of car carrier bodies, installs an emergency flashing light pylon and emergency lights upon the rooftop, and installs such other related accessories and equipment, including push bumpers, front grille guards with pads and other custom-ordered items such as painting, special lettering, and safety striping.

As used in division (GG)(6)(b) of this section, "car carrier body" means a mechanical or hydraulic apparatus capable of lifting and holding a motor vehicle on a flat level surface so that one or more motor vehicles can be transported, once the car carrier is permanently installed upon an incomplete cab and chassis.

(HH) "Operating as a new motor vehicle dealership" means engaging in activities such as displaying, offering for sale, and selling new motor vehicles at retail, operating a service facility
to perform repairs and maintenance on motor vehicles, offering for
sale and selling motor vehicle parts at retail, and conducting all
other acts that are usual and customary to the operation of a new
motor vehicle dealership. For the purposes of this chapter only,
possession of either a valid new motor vehicle dealer franchise
agreement or a new motor vehicle dealers license, or both of these
items, is not evidence that a person is operating as a new motor
vehicle dealership.

(II) "Outdoor power equipment" means garden and small utility
tractors, walk-behind and riding mowers, chainsaws, and tillers.

(JJ) "Remote service facility" means premises that are
separate from a licensed new motor vehicle dealer's sales facility
by not more than one mile and that are used by the dealer to
perform repairs, warranty work, recall work, and maintenance on
motor vehicles pursuant to a franchise agreement entered into with
a manufacturer of motor vehicles. A remote service facility shall
be deemed to be part of the franchise agreement and is subject to
all the rights, duties, obligations, and requirements of Chapter
4517. of the Revised Code that relate to the performance of motor
vehicle repairs, warranty work, recall work, and maintenance work
by new motor vehicle dealers.

(KK) "Recreational vehicle" has the same meaning as in
section 4501.01 of the Revised Code.

(LL) "Construction equipment auctioneer" means a person who
holds both a valid auctioneer's license issued under Chapter 4707.
of the Revised Code and a valid construction equipment auction
license issued under this chapter.

(MM) "Large construction or transportation equipment" means
vehicles having a gross vehicle weight rating of more than ten
thousand pounds and includes road rollers, traction engines, power
shovels, power cranes, commercial cars and trucks, or farm trucks,
and other similar vehicles obtained primarily from the construction, mining, transportation or farming industries."

In line 94705, after "3313.46," insert "3313.482,"

In line 94794, delete "3306.18,"

In line 94795, delete "3306.25,"; delete "3306.30, 3306.31, 3306.33,"

In line 94796, delete "3306.34, 3306.35, 3306.40,"

In line 94800, delete "3318.312,"

Between lines 106795, delete "3306.18,"

In line 106796, delete "3306.25,"

In line 106797, delete "3306.30, 3306.31, 3306.33, 3306.34, 3306.35, 3306.40,"

In line 106798, delete "3318.312,"

Between lines 106932 and 106933, insert:

"Section 4517.01 of the Revised Code as amended by Am. H.B. 9 and Am. Sub. H.B. 114 of the 129th General Assembly."

In line 75 of the title, after "3313.46," insert "3313.482,"

In line 257 of the title, delete "3306.18,"

In line 259 of the title, delete "3306.25,"; delete "3306.30,"

In line 260 of the title, delete "3306.31, 3306.33, 3306.34, 3306.35, 3306.40,"

In line 265 of the title, delete "3318.312,"

The motion was _________ agreed to.
SYNOPSIS

LSC Conforming Amendment

R.C. 3301.07, 3301.16, 3302.07, 3313.482, 3314.08, 3316.06, 3317.01, 3317.018, 3317.024

Substitutes sections amended by H.B. 30, H.B. 114, and H.B. 36 since the bill's introduced version with their updated texts to reflect those recent amendments.

Preserves the amendments being made to those sections by the bill.

R.C. 3306.18, 3306.25, 3306.30, 3306.31, 3306.33, 3306.34, 3306.35, 3306.40, and 3318.312

Deletes the bill's references to these sections, which were repealed by H.B. 30 (effective July 1, 2011).
Sub. H.B. 153
As Pending in H. Finance and Appropriations
LSC 129 1066-4
HC-1763

moved to amend as follows:

In line 94788, delete "179.01,"
In line 94789, delete "179.02, 179.03, 179.04,"
In line 250 of the title, delete "179.01,"
In line 251 of the title, delete "179.02, 179.03, 179.04,"

The motion was ______ agreed to.

SYNOPSIS

Commission on Dispute Resolution and Conflict Management
R.C. 179.01, 179.02, 179.03, and 179.04
Restores the Commission on Dispute Resolution and Conflict Management.
Sub. H.B. 153
As Pending in H. Finance
and Appropriations
LSC 129 1066-4
HC-1771

moved to amend as follows:

In line 398, after "5101.61," insert "5104.13,"

Between lines 70304 and 70305, insert:

"Sec. 5104.13. No later than July 1, 1993, and at reasonable
intervals thereafter, the department of job and family
services shall publish a guide describing the state
statutes and rules governing the certification of type B family
day-care homes. The department may publish the
guide to county departments of job and family services in
sufficient number that a copy is available to each electronically
or otherwise and shall do so in a manner that the guide is
accessible to the public, including type B home providers."

In line 94756, after "5101.61," insert "5104.13,"

In line 144 of the title, after "5101.61," insert "5104.13,"

The motion was agreed to.
Publication of Type B Family Day-Care Home Guide

R.C. 5104.13

Permits the Department of Job and Family Services to publish a guide on certification of type B family day-care homes either electronically or otherwise.

Eliminates the requirement to distribute multiple copies of the guide to county departments of job and family services.
moved to amend as follows:

Between lines 103116 and 103117, insert:

"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."

The motion was ______ agreed to.

SYNOPSIS

Board of Regents

Section 371.50.63

Earmarks $75,000 of GSF appropriation item 235649, Co-Op Internship Program, in each fiscal year to be used to support the Center for Public Management and Regional Affairs at Miami University.
moved to amend as follows:

In line 341, after "3109.16," insert "3109.17,"

Between lines 33602 and 33603, insert:

"Sec. 3109.17. (A) For each fiscal biennium, the children's trust fund board shall establish a biennial state plan for comprehensive child abuse and child neglect prevention. The plan shall be transmitted to the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives and shall be made available to the general public. The board may define in the state plan the term "effective public notice." If the board does not define that term in the state plan, the board shall include in the state plan the definition of "effective public notice" specified in rules adopted by the department of job and family services.

(B) In developing and carrying out the state plan, the children's trust fund board shall, in accordance with rules adopted by the department pursuant to Chapter 119. of the Revised Code, do all of the following:

(1) Ensure that an opportunity exists for assistance through
child abuse and child neglect prevention programs to persons throughout the state of various social and economic backgrounds;

(2) Before the thirtieth day of October of each year, notify each child abuse and child neglect prevention advisory board of the amount estimated to be allocated to that advisory board for the following fiscal year;

(3) Develop criteria for county or district local allocation plans, including criteria for determining the plans’ effectiveness;

(4) Review, and approve or disapprove, county or district local allocation plans, as described in section 3109.171 of the Revised Code;

(5) Allocate funds to each child abuse and child neglect prevention advisory board for the purpose of funding child abuse and child neglect prevention programs. Funds shall be allocated among advisory boards according to a formula based on the ratio of the number of children under age eighteen in the county or multicounty district to the number of children under age eighteen in the state, as shown in the most recent federal decennial census of population. Subject to the availability of funds and except as provided in section 3109.171 of the Revised Code, each advisory board shall receive a minimum of ten thousand dollars per fiscal year. In the case of an advisory board that serves a multicounty district, the advisory board shall receive, subject to available funds and except as provided in section 3109.171 of the Revised Code, a minimum of ten thousand dollars per fiscal year for each county in the district. Funds shall be disbursed to the advisory boards twice annually. At least fifty per cent of the funds allocated to an advisory board for a fiscal year shall be disbursed to the advisory board not later than the thirtieth day of September. The remainder of the funds allocated to the advisory
board for that fiscal year shall be disbursed before the thirty-first day of March.

The board shall specify the criteria child abuse and child neglect prevention advisory boards are to use in reviewing applications under division (F)(3) of section 3109.18 of the Revised Code.

(6) Allocate funds to entities other than child abuse and child neglect prevention advisory boards for the purpose of funding child abuse and child neglect prevention programs that have statewide significance and that have been approved by the children's trust fund board;

(7) Allocate funds to children's crisis care facilities as defined in section 5103.13 of the Revised Code that have been approved by the children's trust fund board. The board shall subtract the amount of any funds allocated to a children's crisis care facility from the amount allocated pursuant to division (B)(5) of this section to the child abuse and child neglect prevention advisory board that serves the county or multicounty district in which the facility is located.

(8) Provide for the monitoring of expenditures from the children's trust fund and of programs that receive money from the children's trust fund;

(9)(10) Establish reporting requirements for advisory boards;

(10)(11) Collaborate with appropriate persons and government entities and facilitate the exchange of information among those persons and entities for the purpose of child abuse and child neglect prevention;

(11)(12) Provide for the education of the public and professionals for the purpose of child abuse and child neglect prevention;
(11)(12) Create and provide to each advisory board a child's trust fund grant application form;

(12)(13) Specify the information to be included in a semiannual and an annual report completed by a child's advocacy center for which a child abuse and child neglect prevention advisory board uses funds allocated to the advisory board under section 3109.172 of the Revised Code, and each other person or entity that is a recipient of a child's trust fund grant under division (K)(1) of section 3109.18 of the Revised Code.

(C) The children's trust fund board shall prepare a report for each fiscal biennium that delineates the expenditure of money from the children's trust fund. On or before January 1, 2002, and on or before the first day of January of a year that follows the end of a fiscal biennium of this state, the board shall file a copy of the report with the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives.

(D) The children's trust fund board shall develop a list of all state and federal sources of funding that might be available for establishing, operating, or establishing and operating a child's advocacy center under sections 2151.425 to 2151.428 of the Revised Code. The board periodically shall update the list as necessary. The board shall maintain, or provide for the maintenance of, the list at an appropriate location. That location may be the offices of the department of job and family services. The board shall provide the list upon request to any child's advocacy center or to any person or entity identified in section 2151.426 of the Revised Code as a person or entity that may participate in the establishment of a child's advocacy center.

In line 94698, after "3109.16," insert "3109.17,"

In line 65 of the title, after "3109.16," insert "3109.17,"
The motion was _______ agreed to.

SYNOPSIS

Children's Trust Fund Allocation to Children's Crisis Care Facilities

R.C. 3109.17

Requires the Children's Trust Fund Board to allocate funds to children's crisis care facilities that have been approved by the Board, in addition to allocating funds to child abuse and child neglect prevention advisory boards and child abuse and child neglect prevention programs that have statewide significance.

Requires that any funds allocated to a children's crisis care facility be subtracted from the amount allocated to the child abuse and child neglect prevention advisory board that serves the county or multicounty district in which the facility is located.
moved to amend as follows:

In line 103165, delete "(A)"
Delete lines 103194 to 103196

The motion was ______ agreed to.

SYNOPSIS

Board of Regents

Section 371.60.30

Eliminates the shared services requirement that any state institution of higher education providing prescription drug benefits through the RxOhio Collective be deemed to have met maximum cost savings.
moved to amend as follows:

In line 102412, delete "program" and insert "campus"

In line 102416, after the period insert "Cleveland State University shall not receive state capital appropriations to pay for facilities for the academic campus."

The motion was ______ agreed to.

SYNOPSIS

Board of Regents

Section 371.20.50

Changes the Northeastern Ohio Universities Colleges of Medicine and Pharmacy (NEOUCOM) "program" at Cleveland State University to "campus" at Cleveland State University. Specifies that Cleveland State will not receive state capital appropriations for the campus.
moved to amend as follows:

In line 89140, delete "and" and insert an underlined comma
In line 89141, delete "years" and insert "year"; after "2012" insert ", and six per cent for calendar years 2013"
In line 89687, delete "and" and insert an underlined comma
In line 89688, delete "years" and insert "year"; after "2012" insert ", and twenty-five per cent for years 2013"
In line 93259, delete "and" and insert an underlined comma
In line 93260, delete "years" and insert "year"; after "2012" insert ", and six per cent for tax years 2013"

The motion was agreed to.

SYNOPSIS

Non-school taxing unit reimbursement for business and public utility TPP losses

R.C. 5727.84, 5727.86, 5751.20, and 5751.22

For years 2013 and thereafter, terminates business and public utility personal property tax loss reimbursements for non-school taxing units whose 2010 reimbursement constituted 6% or less of the unit's "total resources," and continues
reimbursements for all other non-school taxing units at 2012 levels.

(The pending bill terminates reimbursements for tax years 2012 and thereafter for non-school taxing units whose 2010 reimbursement constituted 4% or less of the unit's "total resources.")

(The pending House committee-accepted bill modifies the executive proposal, which phases out reimbursements to taxing units depending on the percentage of a taxing unit's total annual resources consisting of reimbursements, by carrying out the executive proposal's phase-out through FY 2013 (schools) or CY 2012 (other local taxing units), but then continuing thereafter to pay each the amount it received, if any, in FY 2013 (schools) or CY 2012 (other taxing units) instead of continuing the phase-out.)
moved to amend as follows:

In line 479, delete the first "and"; after "5703.059" insert ",, 5725.34, and 5729.17"

In line 9670, after "5725.151," insert "5725.34, 5729.17,"

In line 9686, after "5725.151," insert "5725.34, 5729.17,"

In line 9693, after "5725.151," insert "5725.34, 5729.17,"

Between lines 88941 and 88942, insert:

"Sec. 5725.34. (A) As used in this section, "certificate owner" has the same meaning as in section 149.311 of the Revised Code.

(B) There is allowed a credit against the tax imposed by section 5725.18 of the Revised Code for an insurance company subject to that tax that is a certificate owner of a rehabilitation tax credit certificate issued under section 149.311 of the Revised Code. The credit shall equal twenty-five per cent of the dollar amount indicated on the certificate, but the amount of the credit allowed for any company for any year shall not exceed five million dollars. The credit shall be claimed in the calendar year specified in the certificate and in
the order required under section 5725.98 of the Revised Code. If
the credit exceeds the amount of tax otherwise due in that year,
the excess shall be refunded to the company but, if any amount
of the credit is refunded, the sum of the amount refunded and
the amount applied to reduce the tax otherwise due in that year
shall not exceed three million dollars. The company may carry
forward any balance of the credit in excess of the amount
claimed in that year for not more than five ensuing years, and
shall deduct any amount claimed in any such year from the amount
claimed in an ensuing year.

(C) An insurance company claiming a credit under this
section shall retain the rehabilitation tax credit certificate
for four years following the end of the year in which the credit
was claimed, and shall make the certificate available for
inspection by the tax commissioner upon the request of the tax
commissioner during that period."

In line 88958, after "(6)" insert:
"The refundable credit for rehabilitating a historic
building under section 5725.34 of the Revised Code.

(7)"

In line 88960, strike through "(7)" and insert "(8)"
In line 88962, strike through "(8)" and insert "(9)"
Between lines 89827 and 89828, insert:
"Sec. 5729.17. (A) As used in this section, "certificate owner" has the same meaning as in section 149.311 of the Revised Code.

(B) There is allowed a credit against the tax imposed by section 5729.03 of the Revised Code for an insurance company subject to that tax that is a certificate owner of a rehabilitation tax credit certificate issued under section 149.311 of the Revised Code. The credit shall equal twenty-five per cent of the dollar amount indicated on the certificate, but the amount of the credit allowed for any company for any year shall not exceed five million dollars. The credit shall be claimed in the calendar year specified in the certificate and in the order required under section 5729.98 of the Revised Code. If the credit exceeds the amount of tax otherwise due in that year, the excess shall be refunded to the company but, if any amount of the credit is refunded, the sum of the amount refunded and the amount applied to reduce the tax otherwise due in that year shall not exceed three million dollars. The company may carry forward any balance of the credit in excess of the amount claimed in that year for not more than five ensuing years, and shall deduct any amount claimed in any such year from the amount claimed in an ensuing year.

(C) An insurance company claiming a credit under this section shall retain the rehabilitation tax credit certificate
for four years following the end of the year in which the credit was claimed, and shall make the certificate available for inspection by the tax commissioner upon the request of the tax commissioner during that period."

In line 89843, after "(6)" insert:

"The refundable credit for rehabilitating a historic building under section 5729.17 of the Revised Code.

(7)"

In line 89845, strike through "(7)" and insert "(8)"

In line 89847, strike through "(8)" and insert "(9)"

In line 248 of the title, delete the first "and"; after "5703.059" insert ", 5725.34, and 5729.17"

The motion was _______ agreed to.

SYNOPSIS

Historic Rehabilitation Tax Credit against Insurance Tax

R.C. 149.311, 5725.34, 5725.98, 5729.17, and 5729.98

Allows foreign and domestic insurance company taxpayers to be eligible for the historic rehabilitation tax credit, which under current law authorizes a property owner to claim a refundable tax credit against the dealer in intangibles tax, corporation franchise tax, or income tax for rehabilitating a historic building, equal to 25% of the dollar amount indicated on a rehabilitation tax credit certificate.
In line 464, after "3314.50," insert "3316.21,"

Between lines 42932 and 42933, insert:

"Sec. 3316.21. (A) If a school district has been declared to be in a state of fiscal emergency by the auditor of state under section 3316.03 of the Revised Code, and if the auditor of state has further determined upon examination of the district's financial recovery plan that implementing that plan cannot reasonably be expected to correct and eliminate all of the district's fiscal emergency conditions within five fiscal years, the auditor of state shall notify the superintendent of public instruction of that determination.

(B) Not later than ninety days after the state superintendent receives the auditor of state's notification under division (A) of this section, the state superintendent shall develop an operations plan for the district and submit that plan to the state board of education for approval. Upon approval of the plan, the state board shall suspend the charter of the district and shall take over the operation of the...
district. The state board shall continue to operate the school
district until such time as the district's board and its
financial planning and supervision commission submit an
acceptable financial recovery plan to the state superintendent
and the auditor of state has determined that the district does
have a plan that can reasonably be expected to correct and
eliminate the district's fiscal emergency conditions within five
fiscal years.

(C) While the state board is operating the district, all
of the following apply:

(1) The state board shall exercise all powers granted to
the school district board under the Revised Code for management
and control of the schools of the district, except for the power
to propose property tax or school district income tax levies
under Title LVII of the Revised Code, and shall carry out such
powers in the place of the district board.

(2) Subject to approval of the state board, the district
board shall continue to propose tax levies necessary to operate
the district and to resolve the district's fiscal emergency
conditions.

(3) Employees and officers of the district shall be deemed
employees of the state board.
The state board may delegate any management and control functions of the district to the district's financial planning and supervision commission.

The state board shall not revoke the charter of the district or transfer its territory to other districts."

In line 106776, after "3316.20," insert "3316.21,"

In line 231 of the title, after "3314.50," insert "3316.21,"

The motion was ______ agreed to.

SYNOPSIS

Take-Over of Financial Emergency School Districts

R.C. 3316.21

Requires the Auditor of State to notify the state Superintendent if the Auditor of State determines that the financial recovery plan of a school district in fiscal emergency cannot reasonably be expected to correct and eliminate its fiscal emergency conditions within five fiscal years. Requires the state Superintendent to develop an operation plan for the district within 90 days of the Auditor of State's notice and to submit that plan to the State Board of Education.

Upon approval of the state Superintendent's operation plan, requires the State Board to take over operation of the district and to continue to operate the district until the Auditor of State determines that the district does have a plan that can reasonably be expected to correct and eliminate the district's fiscal emergency conditions within five fiscal years.
Sub. H.B. 153
As Pending in H. Finance and Appropriations
LSC 129 1066-4
HC-1916

moved to amend as follows:

In line 464, delete "3314.019,"
Delete lines 40371 through 40461
In line 106774, delete "3314.019,"
In line 230 of the title, delete "3314.019,"

The motion was _____ agreed to.

SYNOPSIS

Hybrid Community Schools

R.C. 3314.019

Removes the substitute bill's provisions allowing the establishment of hybrid community schools that provide both remote, technology-based and classroom-based instruction, and permitting the restructuring of existing community schools into hybrid schools.
moved to amend as follows:

In line 40753, after the first underlined comma insert "but subject to division (A) of section 3314.013 of the Revised Code,"

The motion was ______ agreed to.

SYNOPSIS

Application of E-school Moratorium to Un-sponsored Community Schools

R.C. 3314.029

Specifies that the moratorium on the establishment of new Internet- or computer-based community schools (e-schools) applies to new community schools established under the substitute bill's provision allowing a person or party to apply to the Department of Education for authorization to establish a community school to be operated without a sponsor.
moved to amend as follows:

7. In line 40150, reinsert "the effective date of any standards enacted by the"
   Reinsert line 40151

10. In line 40152, reinsert "computer-based community schools";
   delete "July 1, 2013"

12. In line 40158, reinsert "the effective date of any standards enacted by the"
   Reinsert line 40159

15. In line 40160, reinsert "computer-based community schools";
   delete "July 1, 2013"

17. In line 40180, reinsert "the effective date of any standards"
   Reinsert line 40181

20. In line 40182, reinsert "internet- or computer-based community schools"; delete "July 1, 2013"

22. The motion was ______ agreed to.
E-school Moratorium

R.C. 3314.013

Restores the moratorium on Internet- or computer-based community schools (e-schools) until the General Assembly adopts operating standards for such schools, as under current law.

Retains the requirement that the Superintendent of Public Instruction, Chancellor of the Ohio Board of Regents, and the Director of the Governor's Office of 21st Century Education jointly to develop standards for the operation of e-schools and to submit them, by July 1, 2013, to the Speaker of the House and the President of the Senate for consideration of enactment by the General Assembly.
moved to amend as follows:

In line 99783, after "(B)" insert "In the case of any purchasing strategies and rate reductions that reduce administrative rate payments made to managed care organizations under contract with the Department of Job and Family Services pursuant to section 5111.17 of the Revised Code, the Department shall ensure that no managed care organization passes the administrative rate payment reductions onto providers under contract with the organization."

(C)"

In line 99786, delete "(C)" and insert "(D)"

The motion was ______ agreed to.

SYNOPSIS

Reduction of Medicaid Expenditures for Fiscal Years 2012 and 2013

Section 309.30.30

Requires the Director, when implementing purchasing strategies and rate reductions that reduce administrative rate payments made to Medicaid managed care organizations, to ensure that no Medicaid managed care organization passes the administrative rate payment reductions onto providers under contract with the organization.
moved to amend as follows:

Between lines 96405 and 96406, insert:

"It is the intent of the General Assembly to appropriate for fiscal year 2013 the same amounts appropriated for fiscal year 2012 in the foregoing appropriation items 195416, Governor's Office of Appalachia; 195501, Appalachian Local Development Districts; and 195502, Appalachian Regional Commission Dues."

The motion was ______ agreed to.

SYNOPSIS

Department of Development

Section 261.10.50

States the intent of the General Assembly to appropriate the same amounts appropriated in FY 2012 for FY 2013 in GRF appropriation items 195416, Governor's Office of Appalachia; 195501, Appalachian Local Development Districts; and 195502, Appalachian Regional Commission Dues.
moved to amend as follows:

Between lines 106402 and 106403, insert:

"Section ___. No funds may be spent, transferred, or encumbered pursuant to this or any other appropriations act for the removal and replacement of the Edward N. Waldvogel Memorial Viaduct, also known as the Sixth Street Viaduct, or for the elevation of River Road in the City of Cincinnati, or for the construction of a retaining wall along River Road in the City of Cincinnati in the vicinity of the property located at 1911 - 2151 River Road, until the Director of Transportation determines that a legally binding agreement is in effect between the City of Cincinnati and Queensgate Terminals, LLC, with at least the following terms:

(A) Queensgate Terminals, LLC, will pay the City of Cincinnati $1,800,000 for the approximately 18.635 acres of the Hamilton County Auditor's parcel number 149-0010-0097-00, which extends between the Ohio River and the southern edge of the railroad lines that have been relocated as part of the Waldvogel Viaduct Project.
(B) The City of Cincinnati will cooperate with Queensgate Terminals, LLC, in the development of a rail barge terminal on the property described in division (A) of this section. The city will work with Queensgate Terminals, LLC, to provide the Norfolk Southern and RailAmerica railroad companies access to the property described in division (A) of this section.

(C) The $1,700,000 placed on deposit with the Hamilton County Court of Common Pleas in calendar year 2010 with respect to the pending litigation between the City of Cincinnati and Queensgate Terminals, LLC, will be paid to Queensgate Terminals, LLC, and all litigation between the parties will be dismissed.

(D) Queensgate Terminals, LLC, shall have the right to construct a new rail lead and to convey equipment, materials, and goods on and across the grade level bridge that crosses Mill Creek beneath the elevated United States Route 50 in the City of Cincinnati."

The motion was ______ agreed to.

SYNOPSIS

Agreement Between the City of Cincinnati and Queensgate Terminals, LLC

Section ___.

Prohibits any funds from being spent, transferred, or encumbered for the following projects unless the Director of
Transportation determines that certain specified terms exist in an agreement between the City of Cincinnati and Queensgate Terminals, LLC: (1) removal and replacement of the Edward N. Waldvogel Memorial Viaduct, also known as the Sixth Street Viaduct, (2) the elevation of River Road in the City of Cincinnati, and (3) the construction of a retaining wall along River Road in the City of Cincinnati in the vicinity of the property located at 1911 - 2151 River Road.
moved to amend as follows:

In line 34188 delete "Notwithstanding" and insert "A certificate issued under division (A)(3) of this section shall be valid only for teaching foreign language, music, religion, computer technology, or fine arts."

Notwithstanding"

In line 34191, delete "to teach foreign language" and insert "as a teacher"

The motion was ______ agreed to.

SYNOPSIS

Certification of Chartered Nonpublic School Teachers

R.C. 3301.071

Expands the substitute bill's provision establishing an alternative pathway to certification for chartered nonpublic school teachers to apply to teachers of music, religion, computer technology, and fine arts (in addition to foreign language, as in the bill). (The substitute bill requires the State Board of Education to issue a person a certificate to teach in a chartered nonpublic school upon receipt of an affidavit signed by the chief administrative officer of the school seeking to employ the person, stating that the person (1) shows specialized knowledge, skills, or expertise that qualify the person to teach, (2) has three or more years of teaching experience in another school, or (3) has completed a teacher training program.)
moved to amend as follows:

In line 458, after "349.17," insert "523.01, 523.02, 523.03, 523.04, 523.05, 523.06, 523.07, 523.08,"

Between lines 16353 and 16354, insert:

"Sec. 523.01. The territory of one or more townships may be merged with that of a contiguous township to create a new township, in the manner provided under this chapter. The new township shall have all of, and only, the rights, powers, and responsibilities afforded by law to townships.

Sec. 523.02. (A) The boards of township trustees of two or more townships may propose a merger under section 523.01 of the Revised Code by adopting resolutions, by a majority vote of each board of township trustees of each township proposed for merger. Resolutions adopted under this section shall state all of the following:

(1) The necessity for merger;

(2) The townships that are to merge;

(3) The official name by which the new township shall be known;
(4) The boundaries of the new township created as the result of the merger.

(B) A copy of each resolution adopted under this section shall be filed with the respective township fiscal officer of each township that is subject to the merger. The merger shall become effective on the sixtieth day after the last such filing is accomplished, unless prior to the expiration of the sixty-day period, a referendum petition is filed under section 523.03 of the Revised Code.

Sec. 523.03. (A) A qualified elector of a township proposed for merger, not later than sixty days after the filing of a resolution under division (B) of section 523.02 of the Revised Code regarding that township, may present to the board of township trustees of that township a referendum petition, signed by a number of qualified electors residing in the township, equal in number to not less than ten per cent of the total vote cast in the township for governor at the most recent general election at which a governor was elected, requesting the board to submit the question of the merger to the electors of the township for approval or rejection at a special election to be held on the day of the next primary or general election occurring at least ninety days after the petition is submitted. The referendum petition shall be governed by section 3501.38 of the Revised Code.

(B) The referendum petition shall be filed at the office of the township fiscal officer of the township that is the subject of the petition. The person presenting the petition shall be given a receipt containing on it the time of the day, the date, and the purpose of the petition. The township fiscal officer shall cause the appropriate board of elections to check the sufficiency of signatures on the referendum petition and if the signatures are found to be sufficient, shall present the petition to the board of
township trustees at a meeting of the board that occurs not later than thirty days following the filing of the petition. Upon presentation to the board of township trustees of a referendum petition, the board shall promptly certify the petition to the board of elections for the purpose of having the question of the merger placed on the ballot at a special election to be held on the day of the next general or primary election that occurs not less than ninety days after the date of the meeting of the board, the date of which shall be specified in the certification.

(C) Signatures on a referendum petition may be withdrawn up to and including the meeting of the board of township trustees certifying the proposal to the appropriate board of elections.

(D) Upon certification of the referendum petition to the appropriate board of elections, the board of elections shall make the necessary arrangements for the submission of the question of merger to the qualified electors of the township proposed for merger that is the subject of the petition. The election shall be conducted, canvassed, and certified in the same manner as regular elections in the township for the election of township officers.

Notice of the election shall be published in a newspaper of general circulation in the township once a week for two consecutive weeks prior to the election. If the board of elections operates and maintains a web site, the board shall post notice of the election on the web site for thirty days prior to the election. The notice shall state the necessity for merger, the townships that are proposed for merger, the official name by which the new township shall be known, the boundaries of the new township created as the result of the merger, and the time and place of the election. The form of the ballots cast at the election shall read as follows:

"Shall the townships of ................. [Names of all of the
(E) No merger for which a referendum vote has been requested shall be put into effect unless a majority of the votes cast on the issue in the township that is the subject of the referendum petition is in favor of the merger. The merger shall take effect sixty days after certification by the board of elections that the merger has been approved by the electors.

Sec. 523.04. (A) A resolution for a merger under this chapter may be proposed by initiative petition by the electors of each township being proposed for merger, and adopted by election by these electors under the same circumstances, in the same manner, and subject to the same penalties as provided by sections 731.28 to 731.40 and 731.99 of the Revised Code for municipal corporations, except that all of the following apply:

(1) Each board of township trustees shall perform the duties imposed on the legislative authority of the municipal corporation under those sections;

(2) Initiative petitions shall be filed with the township fiscal officer of each township proposed for merger, who shall perform the duties imposed under those sections upon the city auditor or village clerk;

(3) Initiative petitions shall contain the signatures of not less than ten per cent of the total number of electors in a township proposed for merger who voted for the office of governor at the most recent general election in the township for that office;

(4) Each signer of an initiative petition shall be an elector of the township in which the election on the proposed resolution is to be held.
Sec. 523.05. (A) The boards of township trustees of two or more townships, by adopting resolutions by unanimous vote of the board of township trustees of each township, may cause the appropriate board of elections for each township to submit to the electors of each township the question of merger under section 523.01 of the Revised Code. The question shall be voted upon at the next general election occurring not less than ninety days after the certification of the resolutions to the appropriate board of elections.

(B) In submitting to the electors of each township the question of merger, the board of elections shall submit the question in language substantially as follows:

"Shall the townships of .................. (Names of all of the townships to be merged) be merged to create the new township of .................. (Name of the new township)?"

(C) The merger shall take effect sixty days after certification by the board or boards of elections that the merger has been approved by the electors of each township proposed for merger.

Sec. 523.06. (A) Within sixty days after a merger takes effect under division (B) of section 523.02 of the Revised Code, or after approval of the merger by the electors under section 523.04 or 523.05 of the Revised Code, each board of township trustees of the townships merged, by adopting a joint resolution approved by a majority of the members of each board, shall enter
into a merger agreement that contains the specific terms and conditions of the merger. At a minimum, the merger agreement shall set forth all of the following:

1. The names of the former townships that were merged;
2. The name of the new township;
3. The place in which the principal office of the new township will be located or the manner in which it may be selected;
4. The territorial boundaries of the new township;
5. The date on which the merger took effect;
6. The governmental organization for the new township, including a plan for electing officers at the next general election that is held not later than ninety days after the merger agreement is finalized;
7. A procedure for the efficient and timely transition of specific services, functions, and responsibilities from each township and its respective offices to the new township;
8. Terms for the disposition of the assets and property of each township, if necessary;
9. The liquidation of existing indebtedness for each township, if necessary;
10. A plan for the common administration and enforcement of resolutions of the townships merged, and of ordinances, if a township is located in a municipal corporation, to be enforced uniformly within the new township;
11. A provision that specifies whether there will be any zoning changes as a result of the merger, if applicable;
12. A plan to conform the boundaries of an existing special...
purpose district with the new township, to dissolve the special purpose district, or to absorb the special purpose district into the new township. As used in this division, "special purpose district" has the meaning in division (F) of section 523.08 of the Revised Code.

(B) A copy of the joint resolution and the merger agreement adopted under this section shall be filed with the township fiscal officer of the new township. The merger agreement shall take effect on the day on which such filing is made.

(C) If no merger agreement, or if only a partial merger agreement, is entered into within the time period prescribed by division (A) of this section, the new township shall comply with and operate under a merger agreement that contains the terms and conditions required by section 523.08 of the Revised Code.

Sec. 523.07. (A) A new township created by merger under this chapter shall succeed to the following interests of each township merged:

(1) All money, taxes, and special assessments, whether in the township treasury or in the process of collection;

(2) All property and interests in property, whether real or personal;

(3) All rights and interests in contracts, or in securities, bonds, notes, or other instruments;

(4) All accounts receivable and rights of action;

(5) All other matters not included in this section that are not addressed in the merger agreement.

(B) A new township created by merger under this chapter is liable for all outstanding franchises, contracts, debts, and other legal claims, actions, and obligations of each township merged.
Sec. 523.08. If a merger agreement is entered into as required by section 523.06 of the Revised Code, this section does not apply. If a merger agreement is not entered into under section 523.05 of the Revised Code, the merger agreement shall contain all of the terms and conditions specified in this section. If a partial merger agreement is entered into under section 523.05 of the Revised Code, this section applies only to the extent any term or condition that is required by section 523.05 of the Revised Code to be addressed in the merger agreement is not addressed therein.

The terms and conditions of a merger agreement to which this section applies shall be as follows:

(A) All members of each board of township trustees shall serve as board members of the new township. At the first general election held after a merger is approved, the electors of the new township shall elect three township trustees for an even number of years not to exceed four, with staggered terms of office.

(B) The township fiscal officer of the largest township, by population, shall be the township fiscal officer for the new township. At the second election held after the merger, the electors shall elect a township fiscal officer, whose first term of office shall be modified to an even number of years not to exceed four to allow subsequent elections for that office to be held in the same year as other township fiscal officers.

(C) Voted property tax levies shall remain in effect for the parcels of real property to which they applied prior to the merger, and the merger shall not affect the proceeds of a tax levy pledged for the retirement of any debt obligation. Upon expiration of a property tax levy, the levy may only be replaced or renewed by vote of the electors in the manner provided by law, to apply to
real property within the boundaries of the new township. If the
millage levied inside the ten-mill limitation of each township
merged is different, the board of township trustees of the new
township shall immediately equalize the millage for the entire new
township.

(D) For purposes of the retirement of all debt obligations of
each township merged, the township fiscal officer shall continue
to track parcels of real property and the tax revenue generated on
those parcels by the tax districts that were in place prior to the
merger, and shall provide that information on an annual basis to
the board of township trustees of the new township. Debt
obligations that existed at the time of the merger shall be
retired from the revenue generated from the parcels of real
property that made up the township that incurred the debt before
the merger.

(E) (1) With respect to any agreement entered into under
Chapter 4117. of the Revised Code that covers any of the employees
of the townships merged under this chapter, the state employment
relations board, within sixty days after the date the merger is
approved, shall designate the appropriate bargaining units for the
employees of the new township in accordance with section 4117.06
of the Revised Code. Notwithstanding the recognition procedures
prescribed in section 4117.05 and division (A) of section 4117.07
of the Revised Code, the board shall conduct a representation
election with respect to each bargaining unit designated under
this division in accordance with divisions (B) and (C) of section
4117.07 of the Revised Code. If an exclusive representative is
selected through this election, the exclusive representative shall
negotiate and enter into an agreement with the new township in
accordance with Chapter 4117. of the Revised Code. Until the
parties reach an agreement, any agreement in effect on the date of
the merger shall apply to the employees that were in the
bargaining unit that is covered by the agreement. An agreement in
existence on the date of the merger is terminated on the effective
date of an agreement negotiated under this division.

(2) If an exclusive representative is not selected, any
agreement in effect on the date of the merger shall apply to the
employees that were in the bargaining unit that is covered by the
agreement and shall expire on its terms.

(3) Each agreement entered into under Chapter 4117. of the
Revised Code on or after the effective date of this section
involving a new township shall contain a provision regarding the
designation of an exclusive representative and bargaining units
for the new township as described in division (E) of this section.

(4) In addition to the laws listed in division (A) of section
4117.10 of the Revised Code that prevail over conflicting
agreements between employee organizations and public employers,
division (E) of this section prevails over any conflicting
provisions of agreements between employee organizations and public
employers that are entered into on or after the effective date of
this section pursuant to Chapter 4117. of the Revised Code.

(F)(1) If the boundaries of the new township are coextensive
with a special purpose district that existed at the time of the
merger, the special purpose district shall be dissolved into the
new township. If the boundaries of the new township are not
coextensive with a special purpose district, the new township
shall remain in the existing special purpose district as a
successor to the original township, unless the special purpose
district is dissolved. The board of township trustees of the new
township may place a question on the ballot at the next general election held after the merger to conform the boundaries, dissolve the special purpose district, or absorb the special purpose district into the new township on the terms specified in the resolution that places the question on the ballot for approval of the electors of the new township.

(2) As used in division (F) of this section, "special purpose district" means any geographic or political jurisdiction that is created under law by a township merged.

(G) Zoning codes that existed at the time of the merger shall remain in effect after the merger, and the townships that existed before the merger shall be treated as administrative districts within the new township for the purposes of zoning."

In line 223 of the title, after "349.17," insert "523.01, 523.02, 523.03, 523.04, 523.05, 523.06, 523.07, 523.08,"

The motion was _________ agreed to.

SYNOPSIS

Merger of Townships to Form a New Township

R.C. 523.01, 523.02, 523.03, 523.04, 523.05, 523.06, 523.07, and 523.08

Authorizes one or more townships to merge into a contiguous township, creating a new township. Requires merging townships to enter into a merger agreement, but if no agreement is entered into, requires the new township to function under default terms and conditions or if only a partial agreement is entered into, requires the new township to function under those default terms and conditions to which no agreement was reached.
Authorizes boards of township trustees of merging townships to approve the merger by resolution, subject to voter referendum. Allows the boards to submit the question of merger to the voters of each township proposed for merger. Also allows the voters of each township to propose merger by initiative petition.
Sub. H.B. 153
As Pending in H. Finance and Appropriations
LSC 129 1066-4
HC-1936-1

moved to amend as follows:

In line 4808, delete everything after "(A)"
Delete lines 4809 through 4818
In line 4819, delete "(B)(1)"
In line 4820, after the first "the" insert "financial planning and supervision"
In line 4823, delete "(a)" and insert "(1)"
In line 4826, delete "(b)" and insert "(2)"
In line 4828, delete "(c)" and insert "(3)"
In line 4829, after "township" insert "required under this chapter"
In line 4832, delete "(2)" and insert "(B)"
In line 4833, delete "(B)(1)" and insert "(A)"

The motion was agreed to.

SYNOPSIS

Local Governments in Fiscal Distress

R.C. 118.31

With respect to the changes proposed by the bill for local governments in fiscal emergency, removes the authorization to proceed to formal bankruptcy protection or enter receivership.
moved to amend as follows:

Between lines 64070 and 64071, insert:

"(F) The transfer agreement shall require JobsOhio to pay for the operations of the division of liquor control with regard to the spirituous liquor merchandising operations of the division. The payments from JobsOhio shall be deposited into the state treasury to the credit of the liquor control fund created in section 4301.12 of the Revised Code."

The motion was agreed to.

SYNOPSIS

Transfer of Spirituous Liquor Distribution System to JobsOhio

R.C. 4313.02

Requires the transfer agreement between the state and JobsOhio provided for under the bill to include a requirement that JobsOhio pay for the operations of the Division of Liquor Control in the Department of Commerce with regard to the Division's spirituous liquor merchandising operating, and requires the payments from JobsOhio to be credited to the existing Liquor Control Fund.
moved to amend as follows:

Delete lines 41019 through 41026

The motion was ______ agreed to.

SYNOPSIS

Community School Cash Reserves

R.C. 3314.03

Eliminates the bill's provision that limits the amount of cash reserves that certain community schools may accumulate. (Under the bill, if a community school (1) is established as a nonprofit or public benefit organization, (2) contracts with an operator, and (3) accumulates by December 31 cash or cash equivalents exceeding 10% of the school's prior fiscal year's gross revenues, the school's governing authority must spend the excess amount, by the end of the school year for the benefit of students.)
moved to amend as follows:

Delete lines 103164 to 103196

The motion was ______ agreed to.

SYNOPSIS

Board of Regents

Section 371.60.30

Eliminates the shared services requirement that any state institution of higher education with total FTE enrollment under 5,000 enter into strategic partnerships for specified shared services and report their savings to the Chancellor.
moved to amend as follows:

Between lines 95698 and 95699, insert:

"5JZO 070606 LEAP Revolving Loans $850,000 $650,000"

In line 95701, delete "$44,104,209 $43,434,249" and insert "$44,954,209 $44,084,249"

In line 95702, delete "$72,338,661 $71,668,701" and insert "$73,188,661 $72,318,701"

The motion was ______ agreed to.

SYNOPSIS

Auditor of State

Section 225.10

Appropriates $850,000 in FY 2012 and $650,000 in FY 2013 in Fund 5JZO appropriation item 070606, LEAP Revolving Loans.
moved to amend as follows:

- In line 311, delete "307.93,"
- In line 313, delete "341.35,"
- In line 314, delete "753.03, 753.15,"
- Delete lines 14581 through 14740
- Delete lines 15560 through 15565
- Delete lines 16826 through 16865
- In line 94669, delete "307.93,"
- In line 94670, delete "341.35,"
- In line 94671, delete "753.03,"
- In line 94672, delete "753.15,"
- In line 24 of the title, delete "307.93,"
- In line 26 of the title, delete "341.35,"
- In line 28 of the title, delete "753.03, 753.15,"

The motion was ______ agreed to.
Privatization of Local Correctional Facilities

R.C. 307.93, 341.45, 753.03, and 753.15

Restores the requirement that county and municipal correctional facilities house only misdemeanant inmates in order to be eligible for private operation and management under a contract between the county or municipal corporation and an accredited contractor.
moved to amend as follows:

In line 349, after "3313.65," insert "3313.75,"

Between lines 39399 and 39400, insert:

"Sec. 3313.75. (A) The board of education of a city, exempted village, or local school district may authorize the opening of schoolhouses for any lawful purposes. This

(B) In accordance with this section and section 3313.77 of the Revised Code, a district board may rent or lease facilities under its control to any public or nonpublic institution of higher education for the institution's use in providing evening and summer classes.

(C) This section does not authorize a board to rent or lease a schoolhouse when such rental or lease interferes with the public schools in such district, or for any purpose other than is authorized by law."

In line 94706, after "3313.65," insert "3313.75,"

In line 77 of the title, after "3313.65," insert "3313.75,"

The motion was __________ agreed to.
SYNOPSIS

School District Lease of Space to Higher Education Institutions

R.C. 3313.75

Specifically states that school districts may rent or lease facilities to public or nonpublic institutions of higher education for the use in providing evening and summer classes. (Current law permits districts to authorize other groups and entities to use their facilities, for a reasonable fee, as long as that use does not interfere with the districts' operation of schools.)
Sub. H.B. 153
As Pending in H. Finance and Appropriations
LSC 129 1066-4
HC-1997

moved to amend as follows:

In line 62918, delete "section" and insert "sections";

after "4582.01" insert "or 4582.21"

The motion was ______ agreed to.

SYNOPSIS

Prevailing Wage Law – Port Authority

R.C. 4115.04(B)

Includes port authorities created after 1964 in the proposed exemption from the Prevailing Wage Law for port authorities.
moved to amend as follows:

In line 40804, delete all after "(D)"
Delete lines 40805 and 40806
In line 40807, delete "(E)"
In line 40816, delete "(F)" and insert "(E)"
In line 40818, after the underlined period insert "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."

The motion was ______ agreed to.

SYNOPSIS

Unsponsored Community Schools

R.C. 3314.029

Permits the Department of Education, with respect to a community school that operates without a sponsor under the bill, to take any action a sponsor may take under the Community School Law to enforce the school's compliance with that Law and the terms of its contract with the Department. (The substitute bill...
allows a person or party to apply directly to the Department for authorization to establish a new community school to be operated without a sponsor or to operate an existing school without a sponsor.)
moved to amend as follows:

In line 295, after "9.333," insert "9.90,"  

In line 347, after "3311.76," insert "3313.12,"; after  
"3313.29," insert "3313.33,"  

Between lines 1697 and 1698, insert:  

"Sec. 9.90. (A) The governing board of any public institution  
of higher education, including without limitation state  
universities and colleges, community college districts, university  
branch districts, technical college districts, and municipal  
universities, may, in addition to all other powers provided in the  
Revised Code:  

(1) Contract for, purchase, or otherwise procure from an  
insurer or insurers licensed to do business by the state of Ohio  
for or on behalf of such of its employees as it may determine,  
life insurance, or sickness, accident, annuity, endowment, health,  
medical, hospital, dental, or surgical coverage and benefits, or  
any combination thereof, by means of insurance plans or other  
types of coverage, family, group or otherwise, and may pay from  
funds under its control and available for such purpose all or any  
portion of the cost, premium, or charge for such insurance,
coverage, or benefits. However, the governing board, in addition to or as an alternative to the authority otherwise granted by division (A)(1) of this section, may elect to procure coverage for health care services, for or on behalf of such of its employees as it may determine, by means of policies, contracts, certificates, or agreements issued by at least two health insuring corporations holding a certificate of authority under Chapter 1751. of the Revised Code and may pay from funds under the governing board’s control and available for such purpose all or any portion of the cost of such coverage.

(2) Make payments to a custodial account for investment in regulated investment company stock for the purpose of providing retirement benefits as described in section 403(b)(7) of the Internal Revenue Code of 1954, as amended. Such stock shall be purchased only from persons authorized to sell such stock in this state.

Any income of an employee deferred under divisions (A)(1) and (2) of this section in a deferred compensation program eligible for favorable tax treatment under the Internal Revenue Code of 1954, as amended, shall continue to be included as regular compensation for the purpose of computing the contributions to and benefits from the retirement system of such employee. Any sum so deferred shall not be included in the computation of any federal and state income taxes withheld on behalf of any such employee.

(B) All or any portion of the cost, premium, or charge therefor may be paid in such other manner or combination of manners as the governing board may determine, including direct payment by the employee in cases under division (A)(1) of this section, and, if authorized in writing by the employee in cases under division (A)(1) or (2) of this section, by such governing board with moneys made available by deduction from or reduction in
salary or wages or by the foregoing of a salary or wage increase. Nothing in section 3917.01 or section 3917.06 of the Revised Code shall prohibit the issuance or purchase of group life insurance authorized by this section by reason of payment of premiums therefor by the governing board from its funds, and such group life insurance may be so issued and purchased if otherwise consistent with the provisions of sections 3917.01 to 3917.07 of the Revised Code.

(C) The board of education of any school district may exercise any of the powers granted to the governing boards of public institutions of higher education under divisions (A) and (B) of this section, except in relation to the provision of health care benefits to employees. All health care benefits provided to persons employed by the public schools of this state shall be health care plans that contain best practices established by the school employees health care board pursuant to section 39.901 of the Revised Code."

Strike through lines 37166 through 37168

Between lines 37506 and 37507, insert: 

"Sec. 3313.12. Each member of the educational service center governing board may be paid such compensation as the governing board provides by resolution, provided that any such compensation shall not exceed one hundred twenty-five dollars a day plus mileage both ways, at the rate per mile provided by resolution of the governing board, for attendance at any meeting of the board. Such compensation and the expenses of the educational service center superintendent, itemized and verified, shall be paid from the educational service center governing board fund upon vouchers signed by the president of the governing board.

The board of education of any city, local, or exempted
village school district may provide by resolution for compensation of its members, provided that such compensation shall not exceed one hundred twenty-five dollars per member for meetings attended. The board may provide by resolution for the deduction of amounts payable for benefits under section 3313.202 of the Revised Code.

Each member of a district board or educational service center governing board may be paid such compensation as the respective board provides by resolution for attendance at an approved training program, provided that such compensation shall not exceed sixty dollars a day for attendance at a training program three hours or fewer in length and one hundred twenty-five dollars a day for attendance at a training program longer than three hours in length."

Between lines 37535 and 37536, insert:

"Sec. 3313.33. (A) Conveyances made by a board of education shall be executed by the president and treasurer thereof.

(B) Except as provided in division (C) of this section, no member of the board shall have, directly or indirectly, any pecuniary interest in any contract of the board or be employed in any manner for compensation by the board of which the person is a member. No contract shall be binding upon any board unless it is made or authorized at a regular or special meeting of such board.

(C) A member of the board may have a pecuniary interest in a contract of the board if all of the following apply:

(1) The member's pecuniary interest in that contract is that the member is employed by a political subdivision, instrumentality, or agency of the state that is contracting with the board;

(2) The member does not participate in any discussion or
debate regarding the contract or vote on the contract;

(3) The member files with the school district treasurer an affidavit stating the member's exact employment status with the political subdivision, instrumentality, or agency contracting with the board.

(D) This section does not apply where a member of the board, being a shareholder of a corporation but not being an officer or director thereof, owns not in excess of five per cent of the stock of such corporation. If a stockholder desires to avail self of the exception, before entering upon such contract such person shall first file with the treasurer an affidavit stating the stockholder's exact status and connection with said corporation.

This section does not apply where a member of the board elects to be covered by a health care plan under section 3313.202 of the Revised Code.

In line 63372, after "benefits" strike through the remainder of the line

Strike through line 63373

In line 63374, strike through everything before the period

In line 94652, after "9.333," insert "9.90,"

In line 94704, after "3311.76," insert "3313.12,"

In line 94705, after "3313.29," insert "3313.33,"

In line 94787, after "sections" insert "9.901,"

In line 94797 after "3311.059," insert "3313.202,"

In line 2 of the title, after "9.333," insert "9.90,"

In line 74 of the title, after "3311.76," insert "3313.12,"

after "3313.29," insert "3313.33,"

In line 248 of the title, after "sections" insert "9.901,"
In line 262 of the title, after "3311.059," insert "3313.202,"

The motion was __________ agreed to.

SYNOPSIS

School Employees Health Care Board - repeal

R.C. 9.90, 9.901, 3311.19, 3313.12, 3313.202, 3313.33, and 4117.03

Eliminates the School Employees Health Care Board, which adopts and releases a set of best practices to which public school districts must adhere in the selection and implementation of health care plans.

Repeals the provision that requires all health care benefits provided to persons employed by public school districts to be provided by health care plans that contain best practices established by the Board.

Repeals the creation of the School Employees Health Care Fund in the state treasury.

Eliminates the provision that allows the board to contract with one or more independent consultants to analyze costs related to employee health care benefits provided by existing public school district plans in Ohio.

Repeals the Public Schools Health Care Advisory Committee, which makes recommendations to the Board related to the Board's accomplishment of the Board's duties.

Repeals a provision that permits any board of education member of a school district and the dependent children and spouse
Board.

Makes conforming changes.
moved to amend as follows:

In line 398, after "5101.61," insert "5104.30,"

Between lines 70304 and 70305, insert:

"Sec. 5104.30. (A) The department of job and family services is hereby designated as the state agency responsible for administration and coordination of federal and state funding for publicly funded child care in this state. Publicly funded child care shall be provided to the following:

(1) Recipients of transitional child care as provided under section 5104.34 of the Revised Code;

(2) Participants in the Ohio works first program established under Chapter 5107. of the Revised Code;

(3) Individuals who would be participating in the Ohio works first program if not for a sanction under section 5107.16 of the Revised Code and who continue to participate in a work activity, developmental activity, or alternative work activity pursuant to an assignment under section 5107.42 of the Revised Code;

(4) A family receiving publicly funded child care on October 1, 1997, until the family's income reaches one hundred fifty percent of the federal poverty line;
(5) Subject to available funds, other individuals determined eligible in accordance with rules adopted under section 5104.38 of the Revised Code.

The department shall apply to the United States department of health and human services for authority to operate a coordinated program for publicly funded child care, if the director of job and family services determines that the application is necessary. For purposes of this section, the department of job and family services may enter into agreements with other state agencies that are involved in regulation or funding of child care. The department shall consider the special needs of migrant workers when it administers and coordinates publicly funded child care and shall develop appropriate procedures for accommodating the needs of migrant workers for publicly funded child care.

(B) The department of job and family services shall distribute state and federal funds for publicly funded child care, including appropriations of state funds for publicly funded child care and appropriations of federal funds available under the child care block grant act, Title IV-A, and Title XX. The department may use any state funds appropriated for publicly funded child care as the state share required to match any federal funds appropriated for publicly funded child care.

(C) In the use of federal funds available under the child care block grant act, all of the following apply:

(1) The department may use the federal funds to hire staff to prepare any rules required under this chapter and to administer and coordinate federal and state funding for publicly funded child care.

(2) Not more than five per cent of the aggregate amount of the federal funds received for a fiscal year may be expended for administrative costs.
(3) The department shall allocate and use at least four percent of the federal funds for the following:

(a) Activities designed to provide comprehensive consumer education to parents and the public;

(b) Activities that increase parental choice;

(c) Activities, including child care resource and referral services, designed to improve the quality, and increase the supply, of child care;

(d) Establishing a voluntary child day-care center quality-rating program in which participation in the program may allow a child day-care center to be eligible for grants, technical assistance, training, or other assistance and become eligible for unrestricted monetary awards for maintaining a quality rating.

(4) The department shall ensure that the federal funds will be used only to supplement, and will not be used to supplant, federal, state, and local funds available on the effective date of the child care block grant act for publicly funded child care and related programs. If authorized by rules adopted by the department pursuant to section 5104.42 of the Revised Code, county departments of job and family services may purchase child care from funds obtained through any other means.

(D) The department shall encourage the development of suitable child care throughout the state, especially in areas with high concentrations of recipients of public assistance and families with low incomes. The department shall encourage the development of suitable child care designed to accommodate the special needs of migrant workers. On request, the department, through its employees or contracts with state or community child care resource and referral service organizations, shall provide consultation to groups and individuals interested in developing
child care. The department of job and family services may enter into interagency agreements with the department of education, the board of regents, the department of development, and other state agencies and entities whenever the cooperative efforts of the other state agencies and entities are necessary for the department of job and family services to fulfill its duties and responsibilities under this chapter.

The department shall develop and maintain a registry of persons providing child care. The director shall adopt rules pursuant to Chapter 119. of the Revised Code establishing procedures and requirements for the registry's administration.

(E)(1) The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing both of the following:

(a) Reimbursement ceilings for providers of publicly funded child care not later than the first day of July in each odd-numbered year;

(b) A procedure for reimbursing and paying providers of publicly funded child care.

(2) In establishing reimbursement ceilings under division (E)(1)(a) of this section, the director shall do all of the following:

(a) Use the information obtained under division (B)(3) of section 5104.04 of the Revised Code;

(b) Establish an enhanced reimbursement ceiling for providers who provide child care for caretaker parents who work nontraditional hours;

(c) For a type B family day-care home provider that has received limited certification pursuant to rules adopted under division (G)(1) of section 5104.011 of the Revised Code, establish
a reimbursement ceiling that is the following: 

(i) If the provider is a person described in division (G)(1)(a)(i) of section 5104.011 of the Revised Code, seventy-five per cent of the reimbursement ceiling that applies to a type B family day-care home certified by the same county department of job and family services pursuant to section 5104.11 of the Revised Code; 

(ii) If the provider is a person described in division (G)(1)(a)(ii) of section 5104.011 of the Revised Code, sixty per cent of the reimbursement ceiling that applies to a type B family day-care home certified by the same county department pursuant to section 5104.11 of the Revised Code.

(d) With regard to the voluntary child day-care center quality-rating program established pursuant to division (C)(3)(d) of this section, do both of the following:

(i) Establish enhanced reimbursement ceilings for child day-care centers that participate in the program and maintain quality ratings under the program; 

(ii) Weigh any reduction in reimbursement ceilings more heavily against child day-care centers that do not participate in the program or do not maintain quality ratings under the program.

(3) In establishing reimbursement ceilings under division (E)(1)(a) of this section, the director may establish different reimbursement ceilings based on any of the following:

(a) Geographic location of the provider; 

(b) Type of care provided; 

(c) Age of the child served; 

(d) Special needs of the child served; 

(e) Whether the expanded hours of service are provided;
(f) Whether weekend service is provided;  
(g) Whether the provider has exceeded the minimum requirements of state statutes and rules governing child care;  
(h) Any other factors the director considers appropriate.  
(F) The director shall adopt rules in accordance with Chapter 119. of the Revised Code to implement the voluntary child day-care center quality-rating program described in division (C)(3)(d) of this section."

In line 94756, after "5101.61," insert "5104.30,"  
In line 144 of the title, after "5101.61," insert "5104.30,"  

The motion was __________ agreed to.  

SYNOPSIS

Publicly Funded Child Care Incentives

R.C. 5104.30

Requires the Director of Job and Family Services to establish enhanced reimbursement ceilings for providers who participate in the Step Up To Quality Program and maintain quality ratings.  

Requires the Director to weigh any reduction in reimbursement ceilings more heavily against child day-care centers that do not participate in the Program or do not maintain quality ratings.
moved to amend as follows:

In line 35156, after "section" insert "shall operate as a pilot project that"

In line 35157, after "scores" insert "statewide"

In line 35158, after "years" insert "and is operated by the Columbus city school district"

Between lines 35229 and 35230, insert:

"(F) Beginning not later than six months after the first petition under this section has been resolved, the department of education shall annually evaluate the pilot program and submit a report to the general assembly under section 101.68 of the Revised Code. Such reports shall contain its recommendations to the general assembly with respect to the continuation of the pilot program, its expansion to other school districts, or the enactment of further legislation establishing the program statewide under permanent law."

The motion was ______ agreed to.
Parent Petitions for School Reforms

R.C. 3302.042

Transforms into a pilot project in the Columbus City School District the bill's provision specifying that when a school has been ranked in the lowest 5% of all district-operated schools statewide based on its performance index score for three or more consecutive years, and the parents of at least 50% of the school's students petition for specified reforms, the district generally must implement that reform in the next school year.

Requires the Department of Education annually to evaluate the pilot project and submit a report to the General Assembly beginning not later than six months after the first parent petition has been resolved.
In line 12267, delete "shall" and insert "may"

The motion was agreed to.

SYNOPSIS

Local Government Integrating and Innovation Committees

R.C. 164.30

Changes the permissible allocation of grants by Local Government Integrating and Innovation Committees among local governments by permitting, instead of requiring, that up to 30% of the grants awarded by each Committee be awarded to local governments in fiscal emergency.

The pending House committee-accepted bill proposes earmarking $50 million of CAT revenue each year to be distributed among the Committees (currently the committees are known as the District Public Works Integrating Committees), which are to allocate their respective apportionments as competitive grants among local governments on the basis of the cost efficiencies to be gained from shared services.
moved to amend as follows:

In line 14249, delete "information technology,"

The motion was ______ agreed to.

SYNOPSIS

County Centralized Information Technology Services

R.C. 305.23

Removes information technology services from the list of services that a board of county commissioners can centralize the provision of.
moved to amend as follows:

In line 300, after "122.0819," insert "122.121,"

Between lines 6149 and 6150, insert:

"Sec. 122.121. (A) If an endorsing municipality or endorsing county enters into a joinder undertaking with a site selection organization, the endorsing municipality or endorsing county may apply to the director of development, on a form and in the manner prescribed by the director, for a grant based on the projected incremental increase in the receipts from the tax imposed under section 5739.02 of the Revised Code within the market area designated under division (C) of this section, for the two-week period that ends at the end of the day after the date on which a game will be held, that is directly attributable, as determined by the director, to the preparation for and presentation of the game. The director shall determine the projected incremental increase in the tax imposed under section 5739.02 of the Revised Code from information certified to the director by the endorsing municipality or the endorsing county including, but not limited to, historical attendance and ticket sales for the game, income statements showing revenue and expenditures for the game in prior years, attendance capacity at the proposed venues, event budget at
the proposed venues, and projected lodging room nights based on historical attendance, attendance capacity at the proposed venues, and duration of the game and related activities. The endorsing municipality or endorsing county is eligible to receive a grant under this section only if the projected incremental increase in receipts from the tax imposed under section 5739.02 of the Revised Code, as determined by the director, exceeds two hundred fifty thousand dollars. The amount of the grant shall be determined by the director but shall not exceed five hundred thousand dollars. The director shall not issue grants with a total value of more than one million dollars in any fiscal year, and shall not issue any grant before July 1, 2011-2013.

(B) If the director of development approves an application for an endorsing municipality or endorsing county and that endorsing municipality or endorsing county enters into a joinder agreement with a site selection organization, the endorsing municipality or endorsing county shall file a copy of the joinder agreement with the director of development, who immediately shall notify the director of budget and management of the filing. Within thirty days after receiving the notice, the director of budget and management shall establish a schedule to disburse from the general revenue fund to such endorsing municipality or endorsing county payments that total the amount certified by the director of development under division (A) of this section, but in no event shall the total amount disbursed exceed five hundred thousand dollars, and no disbursement shall be made before July 1, 2011-2013. The payments shall be used exclusively by the endorsing municipality or endorsing county to fulfill a portion of its obligations to a site selection organization under game support contracts, which obligations may include the payment of costs relating to the preparations necessary for the conduct of the
game, including acquiring, renovating, or constructing facilities; to pay the costs of conducting the game; and to assist the local organizing committee, endorsing municipality, or endorsing county in providing assurances required by a site selection organization sponsoring one or more games.

(C) For the purposes of division (A) of this section, the director of development, in consultation with the tax commissioner, shall designate as a market area for a game each area in which they determine there is a reasonable likelihood of measurable economic impact directly attributable to the preparation for and presentation of the game and related events, including areas likely to provide venues, accommodations, and services in connection with the game based on the information and the copy of the joinder undertaking provided to the director under divisions (A) and (B) of this section. The director and commissioner shall determine the geographic boundaries of each market area. An endorsing municipality or endorsing county that has been selected as the site for a game must be included in a market area for the game.

(D) A local organizing committee, endorsing municipality, or endorsing county shall provide information required by the director of development and tax commissioner to enable the director and commissioner to fulfill their duties under this section, including annual audited statements of any financial records required by a site selection organization and data obtained by the local organizing committee, endorsing municipality, or endorsing county relating to attendance at a game and to the economic impact of the game. A local organizing committee, an endorsing municipality, or an endorsing county shall provide an annual audited financial statement if so required by the director and commissioner, not later than the end of the fourth month after the date the period covered by the financial
statement ends.

(E) Within sixty days after the game, the endorsing municipality or the endorsing county shall report to the director of development about the economic impact of the game. The report shall be in the form and substance required by the director, including, but not limited to, a final income statement for the event showing total revenue and expenditures and revenue and expenditures in the market area for the game, and ticket sales for the game and any related activities for which admission was charged. The director of development shall determine, based on the reported information and the exercise of reasonable judgment, the incremental increase in receipts from the tax imposed under section 5739.02 of the Revised Code directly attributable to the game. If the actual incremental increase in such receipts is less than the projected incremental increase in receipts, the director may require the endorsing municipality or the endorsing county to refund to the state all or a portion of the grant.

(F) No disbursement may be made under this section if the director of development determines that it would be used for the purpose of soliciting the relocation of a professional sports franchise located in this state.

(G) This section may not be construed as creating or requiring a state guarantee of obligations imposed on an endorsing municipality or endorsing county under a game support contract or any other agreement relating to hosting one or more games in this state."

In line 94697, after "122.0819," insert "122.121,"

In line 8 of the title, after "122.0819," insert "122.121,"

The motion was _________ agreed to.
SYNOPSIS

Delay Implementation of Sports Incentive Grants

R.C. 122.121

Delays implementation of the Department of Development's Sports Incentive Grant Program from July 1, 2011, to July 1, 2013. Under the program, grants of up to $500,000 may be given to local governments hosting certain sporting events, based on estimates of the event's effect on sales tax revenue.
moved to amend as follows:

Between lines 103001 and 103002, insert:

"Of the foregoing appropriation item 235563, Ohio College
Opportunity Grant, $34,000,000 in each fiscal year shall be used
by the Chancellor of the Board of Regents to award need-based
financial aid to students enrolled in eligible four-year public
institutions of higher education, excluding early college high
school and post-secondary enrollment option participants.

Of the foregoing appropriation item 235563, Ohio College
Opportunity Grant, $38,000,000 in each fiscal year shall be used
by the Chancellor of the Board of Regents to award need-based
financial aid to students enrolled in eligible four-year private
nonprofit institutions of higher education, excluding early
college high school and post-secondary enrollment option
participants."

In line 103002, after "The" insert "remainder of the"

In line 103005, delete everything after "eligible" and insert
"private for-profit career colleges and schools."

Delete line 103006

In line 103011, delete the comma and insert a colon; delete
"eligible" and insert a paragraph break and "(a) "Eligible" 

Between lines 103013 and 103014, insert:

"(b) The three "sectors" of institutions of higher education consist of the following:

(i) State colleges and universities, community colleges, state community colleges, university branches, and technical colleges;

(ii) Eligible private nonprofit institutions of higher education;

(iii) Eligible private for-profit career colleges and schools."

In line 103032, after the period insert "In paying for scholarships under this division, the Chancellor shall deduct funds from the allocations made under division (A) of this section proportionate to the amounts allocated to each sector from the total appropriation."

The motion was _________ agreed to.

SYNOPSIS

Board of Regents

Section 371.50.10

Earmarks $38.0 million of GRF appropriation item 235563, Ohio College Opportunity Grant, for Ohio College Opportunity Grant (OCOG) awards to students enrolled in eligible 4-year private nonprofit institutions.

Earmarks $34.0 million of GRF appropriation item 235563, Ohio
College Opportunity Grant, for OCOG awards to students enrolled in 4-year public institutions of higher education.

Specifies that the remainder of GRF appropriation item 235563, Ohio College Opportunity Grant, is to be used for awards to students enrolled in private for-profit career colleges and schools.

Specifies that there are three sectors of OCOG allocations: (1) public institutions and private for-profit career colleges and schools, (2) private nonprofit institutions, and (3) private for-profit career colleges and schools. Specifies that, in paying for Academic Scholarship awards, funds are to be deducted proportionately from the OCOG sector allocations.
moved to amend as follows:

In line 45499, strike through "computer software,"

Strike through lines 45500 through 45502

In line 45503, strike through all before the second "to"
and insert "any book or book substitute that a student accesses
through the use of a computer or other electronic medium or that
is available through an internet-based provider of course
content, or any other material that contributes"

In line 45559, after "computer" insert "application";
strike through "(including" and insert "designed to assist
students in performing a single task or multiple related tasks,
device management software, learning management software,";
strike through ")"

In line 45560, strike through all before "digital"

In line 45561, strike through all before "wide"

In line 45583, after the period insert ""Computer hardware
and related equipment" includes desktop computers and
workstations; laptop computers, computer tablets, and other
mobile handheld devices; and their operating systems and accessories."

Between lines 106837a and 106838, insert:

"3317.06 The amendments to All amendments except
   divisions (A)(2), (K), as described in the
   and (L) middle column"

The motion was ______ agreed to.

SYNOPSIS

Auxiliary Services for Chartered Nonpublic Schools

R.C. 3317.06

With regard to items that school districts may purchase or lease with auxiliary services funds for loan to nonpublic schools:

(1) Specifies that an "electronic textbook" is a book or book substitute accessed through a computer or other electronic medium or through an Internet-based provider of course content, or any other material that contributes to learning through electronic means;

(2) Adds to the list of authorized items computer application software designed to assist students in performing single or multiple related tasks, device management software, and learning management software;

(3) Specifies that computer hardware and related equipment includes desktop computers and workstations; laptops, tablets, and other mobile devices; and related operating systems and accessories; and

(4) Removes references to several outdated forms of technology.
Delete lines 72273 through 72338 and insert:

"Sec. 5111.161. (A) This section applies if the department of job and family services includes in the care management system, pursuant to section 5111.16 of the Revised Code, individuals who are under twenty-one years of age and are 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.

(B) For the purpose of developing a system for the provision of care management services to the individuals under twenty-one years of age specified in division (A) of this section, the department may do either or both of the following:

(1) Enter into contracts with entities to serve as pediatric accountable care organizations;

(2) Require that a managed care organization under contract with the department pursuant to section 5111.17 of the Revised Code enter into a subcontract with an entity to provide the care management services, subject to the entity meeting the subcontracting criteria established in rules adopted under this
section.

(C) On determining that an entity seeking a contract to serve as a pediatric accountable care organization meets the criteria established in rules adopted under this section, the department may contract with the entity to serve in that capacity. The department's determination of whether to enter into a contract with the entity shall be based on evidence or other documentation submitted by the entity, as required by the department under rules adopted under this section.

The department's determination to refuse to enter into a contract with an entity may not be appealed. An entity that is denied a contract may seek another contract to serve as a pediatric accountable care organization, but not earlier than six months after the most recent contract denial.

(D) The department shall adopt rules as necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. In adopting the rules, the department shall specify the following:

(1) The minimum criteria that an entity must meet to qualify for a contract with the department to serve as a pediatric accountable care organization, including criteria that incorporates the minimum criteria established by federal law;

(2) The evidence or other documentation that an entity must submit to the department when seeking a contract to serve as an accountable care organization;

(3) The minimum criteria that an entity must meet to qualify for a subcontract with a managed care organization to provide care management services to the individuals under twenty-one years of age specified in division (A) of this section who are enrolled in the organization.
(E) If the department does not adopt rules under division (D) of this section on or before July 1, 2012, both of the following apply until the department adopts those rules:

(1) Each managed care organization under contract with the department pursuant to section 5111.17 of the Revised Code shall subcontract with an entity the organization selects to provide care management services for the individuals specified in division (A) of this section under twenty-one years of age who are enrolled in the organization;

(2) The entity shall accept from the organization, as payment in full for providing the care management services, the same amount that the department would reimburse a provider for providing the care management services to a medicaid recipient who is not enrolled in a managed care organization."

The motion was agreed to.

SYNOPSIS

Pediatric Accountable Care Organizations

R.C. 5111.161

Removes the substitute bill's changes under which the pediatric accountable care organizations that may be used in the Medicaid managed care system must be either health insuring corporations or their associated intermediary organizations.

Restores the provisions of the "As Introduced" version of the bill under which both of the following apply:

--The Department of Job and Family Services may contract with pediatric accountable care organizations or require Medicaid
managed care organizations to subcontract with an entity to provide care management services;

--If the Department does not adopt rules establishing contracting or subcontracting criteria by July 1, 2012, then the Medicaid managed care organizations must subcontract for the services from entities they select and the entities must accept the Medicaid fee-for-service payment rate.
moved to amend as follows:

In line 99793, delete "health insuring corporations" and insert "managed care organizations"

Between lines 99795 and 99796, insert:

"If any reduction is made pursuant to this section, the managed care organization receiving the reduction shall not pass the cost of the reduction onto any hospital with which it has a contract to provide services to the Medicaid recipients enrolled in the organization."

The motion was _____ agreed to.

SYNOPSIS

Hospitals Exempt from Cost of Administrative Reduction in Medicaid Managed Care

Section 390.30.33

Prohibits a Medicaid managed care organization that, under the bill, receives a 1% reduction in its reimbursement rate for administrative expenses from passing the cost of the reduction onto any hospital under contract with the organization.
moved to amend as follows:

Between lines 99474 and 99475, insert:

"STATE HISTORICAL GRANTS

Of the foregoing appropriation item 360508, State Historical Grants, $195,285 in each fiscal year shall be granted to the Cincinnati Museum Center, and $195,285 in each fiscal year shall be granted to the Western Reserve Historical Society."

The motion was ______ agreed to.

SYNOPSIS

Ohio Historical Society – State Historic Grants Earmark

Section 297.10

Earmarks GRF appropriation item 360508, State Historical Grants, in the following manner: $195,285 in each fiscal year for the Cincinnati Museum Center and $195,285 in each fiscal year for the Western Reserve Historical Society.
moved to amend as follows:

In line 64062, delete "establishing" and insert "for the continuing operation by the division of liquor control of spirituous liquor distribution and merchandising subject to standards for performance provided in that contract that may relate to or support division (C)(1) of this section. The contract may establish other"

In line 64063, delete "certain"

In line 64065, delete everything after "control"

In line 64066, delete everything before the underlined comma

In line 64068, delete "of liquor control"

In line 64070, after the underlined period insert "The provisions of, and activities under, any such contract are subject to the requirements of, and limitations established under, divisions (A)(1), (3), and (5) and (B)(4) of section 4301.10 and section 4301.17 of the Revised Code."

The motion was ______ agreed to.
Transfer of Spirituous Liquor Distribution System to JobsOhio

R.C. 4313.02

Revises the bill's provisions governing the transfer of the spirituous liquor distribution system from the state to JobsOhio by doing both of the following:

(1) Specifying that the contract into which JobsOhio and the Directors of Budget and Management, Commerce, and Development may enter is for the continuing operation by the Division of Liquor Control of spirituous liquor distribution and merchandising subject to standards for performance provided in that contract that may relate to the bill's provisions governing the transfer agreement and the impairment of obligations supported by pledged revenues; and

(2) Stating that the provisions of, and activities under, any contract are subject to the requirements of, and limitations established under, current law regarding the following powers and duties of the Division of Liquor Control: (a) controlling the traffic in beer and intoxicating liquor in the state, including the manufacture, importation, and sale of beer and intoxicating liquor, (b) operating, managing, and controlling a system of state liquor stores for the sale of spirituous liquor, (c) determining the locations of all state liquor stores and manufacturing, distributing, and bottling plants required in connection with those stores, (d) fixing the wholesale and retail prices of spirituous liquor sold by the Division, and (e) allocating the equitable distribution of state liquor stores and agency stores in the state.
Sub. H.B. 153
As Pending in H. Finance and Appropriations
LSC 129 1066-4
HC-2183

moved to amend as follows:

In line 25890, delete "fifty" and insert "twenty-five"

The motion was ______ agreed to.

SYNOPSIS

Annual Fee for Credit Union Share Guaranty Corporations

R.C. 1761.04

Reduces, from $45,000 to $20,000, the bill's increase in the maximum annual fee imposed on credit union share guaranty corporations.
Sub. H.B. 153
As Pending in H. Finance and Appropriations
LSC 129 1066-4
HC-2223

Moved to amend as follows:

In line 15700, delete "retail sales"

In line 15701, after the period delete the balance of the line

Delete lines 15702 through 15708

In line 16146, after "(C)" delete the balance of the line

Delete lines 16147 through 16155

In line 16156, delete "(D)"

In line 16168, delete "(E)" and insert "(D)"

Delete lines 16171 and 16172

The motion was ______ agreed to.

SYNOPSIS

New Community Authority Law (NCA) Community Development Charge

R.C. 349.01 and 349.07

Eliminates the bill's provision that a community development charge (CDC) can be based on "sales" revenues of businesses in the same manner as sales taxes and that any charge based on a retail sale is in addition to the price of the goods.
Removes the bill's prohibition of a vendor charging a CDC based on its revenue or retail sales as part of the price of its goods or services.

Removes the bill's provision that permits a vendor to charge a separate charge based on its revenues or retail sales that can be remitted to the NCA and will be a credit against any CDC imposed on a property.

Eliminates the bill's provision that permits a vendor to use the price of its goods or services as a basis to calculate the CDC it owes an NCA.
moved to amend as follows:

In line 339, delete "2929.14, 2929.19, 2929.41,"
Delete lines 31298 through 32400
In line 94696, delete "2929.14, 2929.19,"
In line 94697, delete "2929.41,"
Delete lines 106866 through 106882
Delete lines 106909 and 106910
In line 63 of the title, delete "2929.14, 2929.19, 2929.41,"

The motion was ______ agreed to.

SYNOPSIS

Felony Sentencing Law
R.C. 2929.14, 2929.19, and 2929.41

Removes from the bill the repeal and reenactment without change of the provisions of the state's Felony Sentencing Law that were invalidated and severed by the Ohio Supreme Court's decision in State v. Foster.
moved to amend as follows:

In line 96040, delete "$5,600,000" and insert "$7,390,407"

In line 96042, after the first "the" insert "liquor permitting and compliance functions of the Division of Liquor Control in the Department of Commerce and for the"

In line 96046, delete "$11,400,000" and insert "$15,582,085"

In line 96048, after the first "the" insert "liquor permitting and compliance functions of the Division of Liquor Control in the Department of Commerce and for the"

The motion was ______ agreed to.

SYNOPSIS

Liquor Control Fund Transfers

Section 243.10

Increases the amount of the transfers from the GRF to the Liquor Control Fund (Fund 7043) by $1,790,407 in FY 2012, from $5,600,000 to $7,390,407, and by $4,182,085 in FY 2013, from $11,400,000 to $15,582,085, to provide funding for the liquor permitting and compliance functions of the Division of Liquor Control in the Department of Commerce.
In line 353, after "3314.19," insert "3314.22,"

Between lines 42475 and 42476, insert:

"Sec. 3314.22. (A)(1) Each household with a child enrolled in an internet- or computer-based community school is entitled to at least one computer supplied by the school; however, if there are at least three children enrolled in an internet- or computer-based community school residing in the same household, the household shall be entitled to at least one additional computer supplied by the school. However, the parent of any child enrolled in the school may waive this entitlement in the manner specified in division (A)(3)(2) of this section. In no case shall an internet- or computer-based community school provide a stipend or other substitute to the household of an enrolled child or the child's parent in lieu of supplying a computer to the child or computers to the household as required by this section. The prohibition contained in the preceding sentence is intended to clarify the meaning of this division as it existed prior to September 29, 2005, and is not intended to change that meaning in any way."
(2) Notwithstanding division (A)(1) of this section, if more than one child living in a single residence is enrolled in an internet or computer-based community school, at the option of the parent of those children, the school may supply less than one computer per child, as long as at least one computer is supplied to the residence. An internet or computer-based community school may supply no computer at all only if the parent has waived the entitlement prescribed in division (A)(1) of this section in the manner specified in division (A)(3) of this section. The parent may amend the decision to accept less than one computer per child anytime during the school year, and, in such case, within thirty days after the parent notifies the school of such amendment, the school shall provide any additional computers requested by the parent up to the number necessary to comply with division (A)(1) of this section.

(3) The parent of any child enrolled in an internet or computer-based community school may waive the entitlement to one computer per child, and have no computer at all supplied by the school a computer or computers as specified in division (A)(1) of this section, if the school and parent set forth that waiver in writing with both parties attesting that there is a computer available to the child in the child's residence with sufficient hardware, software, programming, and connectivity so that the child may fully participate in all of the learning opportunities offered to the child by the school. The parent may amend the decision to waive the entitlement at any time during the school year and, in such case, within thirty days after the parent notifies the school of that decision, the school shall provide any additional computers requested by the parent up to the number necessary to comply with division (A)(1) of this section, regardless of whether there is any change in the conditions attested to in the waiver.
A copy of a waiver executed under division (A)(3)(2) of this section shall be retained by the internet- or computer-based community school and the parent who attested to the conditions prescribed in that division. The school shall submit a copy of the waiver to the office of community schools, established under section 3314.11 of the Revised Code, immediately upon execution of the waiver.

The school shall notify the office of community schools, in the manner specified by the office, of any parent's decision under division (A)(2) of this section to accept less than one computer per child or the parent's amendment to that decision, and of any parent's decision to amend the waiver executed under division (A)(3)(2) of this section.

(B) Each internet- or computer-based community school shall provide to each parent who is considering enrolling the parent's child in the school and to the parent of each child already enrolled in the school a written notice of the provisions prescribed in division (A) of this section.

(C) If a community school that is not an internet- or computer-based community school provides any of its enrolled students with nonclassroom-based learning opportunities provided via an internet- or other computer-based instructional method and requires such students to participate in any of those learning opportunities from their residences, the school shall be subject to this section and division (C)(1) of section 3314.21 of the Revised Code relative to each such student in the same manner as an internet- or computer-based community school, unless both of the following conditions apply to the student:

(1) The nonclassroom-based learning opportunities in which the student is required to participate from the student's residence are supplemental in nature or do not constitute a
significant portion of the total classroom-based and nonclassroom-based learning opportunities provided to the student by the school;

(2) The student's residence is equipped with a computer available for the student's use."

In line 94710, after "3314.19," insert "3314.22,"

In line 81 of the title, after "3314.19," insert "3314.22,"

The motion was _______ agreed to.

**SYNOPSIS**

**Computers Supplied by E-Schools**

**R.C. 3314.22**

Eliminates the provision of current law entitling each student enrolled in an Internet- or computer-based community school (e-school) to a computer and, instead, entitles the household of a student enrolled in an e-school to at least one computer, and if at least three students enrolled in an e-school reside in the same household, entitles the household to at least one additional computer.

As under current law, permits the parent of a student enrolled in an e-school to waive the entitlement to a computer or computers as long as there is a computer available to the student with sufficient hardware, software, programming, and connectivity so that the student can fully participate in all of the learning opportunities offered by the school.
moved to amend as follows:

In line 424, delete "5731.18, 5731.181,"
Delete lines 89879 through 89942
In line 94782, delete "5731.18, 5731.181,"
In line 178 of the title, delete "5731.18,"
In line 179 of the title, delete "5731.181,"

The motion was ______ agreed to.

SYNOPSIS

Remove Sponge Tax Provisions

R.C. 5731.18 and 5731.181

Removes from the pending bill the provisions that incorporate changes to the federal estate tax and generation- skipping tax effective January 1, 2013, that would have had the effect of reinstating the pick-up taxes upon the revival of the federal credits for state taxes.
moved to amend as follows:

In line 398, after "5101.61," insert "5104.011,"

Between lines 70304 and 70305, insert:

"Sec. 5104.011. (A) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code governing the operation of child day-care centers, including, but not limited to, parent cooperative centers, part-time centers, drop-in centers, and school child centers, which rules shall reflect the various forms of child care and the needs of children receiving child care or publicly funded child care and shall include specific rules for school child care centers that are developed in consultation with the department of education. The rules shall not require an existing school facility that is in compliance with applicable building codes to undergo an additional building code inspection or to have structural modifications. The rules shall include the following:

(1) Submission of a site plan and descriptive plan of operation to demonstrate how the center proposes to meet the requirements of this chapter and rules adopted pursuant to this chapter for the initial license application;
(2) Standards for ensuring that the physical surroundings of the center are safe and sanitary including, but not limited to, the physical environment, the physical plant, and the equipment of the center;

(3) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the center;

(4) Standards for a program of activities, and for play equipment, materials, and supplies, to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible. As used in this division, "program" does not include instruction in religious or moral doctrines, beliefs, or values that is conducted at child day-care centers owned and operated by churches and does include methods of disciplining children at child day-care centers.

(5) Admissions policies and procedures, health care policies and procedures, including, but not limited to, procedures for the isolation of children with communicable diseases, first aid and emergency procedures, procedures for discipline and supervision of children, standards for the provision of nutritious meals and snacks, and procedures for screening children and employees, including, but not limited to, any necessary physical examinations and immunizations;

(6) Methods for encouraging parental participation in the center and methods for ensuring that the rights of children, parents, and employees are protected and that responsibilities of parents and employees are met;

(7) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the center
while under the care of a center employee;

(8) Procedures for record keeping, organization, and administration;

(9) Procedures for issuing, renewing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;

(10) Inspection procedures;

(11) Procedures and standards for setting initial and renewal license application fees;

(12) Procedures for receiving, recording, and responding to complaints about centers;

(13) Procedures for enforcing section 5104.04 of the Revised Code;

(14) A standard requiring the inclusion, on and after July 1, 1987, of a current department of job and family services toll-free telephone number on each center provisional license or license which any person may use to report a suspected violation by the center of this chapter or rules adopted pursuant to this chapter;

(15) Requirements for the training of administrators and child-care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention. Training requirements for child day-care centers adopted under this division shall be consistent with divisions (B)(6) and (C)(1) of this section.

(16) Procedures to be used by licensees for checking the references of potential employees of centers and procedures to be used by the director for checking the references of applicants for licenses to operate centers;

(17) Standards providing for the special needs of children
who are handicapped or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the center;

(18) A procedure for reporting of injuries of children that occur at the center;

(19) Any other procedures and standards necessary to carry out this chapter.

(B)(1) The child day-care center shall have, for each child for whom the center is licensed, at least thirty-five square feet of usable indoor floor space wall-to-wall regularly available for the child care operation exclusive of any parts of the structure in which the care of children is prohibited by law or by rules adopted by the board of building standards. The minimum of thirty-five square feet of usable indoor floor space shall not include hallways, kitchens, storage areas, or any other areas that are not available for the care of children, as determined by the director, in meeting the space requirement of this division, and bathrooms shall be counted in determining square footage only if they are used exclusively by children enrolled in the center, except that the exclusion of hallways, kitchens, storage areas, bathrooms not used exclusively by children enrolled in the center, and any other areas not available for the care of children from the minimum of thirty-five square feet of usable indoor floor space shall not apply to:

(a) Centers licensed prior to or on September 1, 1986, that continue under licensure after that date;

(b) Centers licensed prior to or on September 1, 1986, that are issued a new license after that date solely due to a change of ownership of the center.

(2) The child day-care center shall have on the site a safe
outdoor play space which is enclosed by a fence or otherwise
protected from traffic or other hazards. The play space shall
contain not less than sixty square feet per child using such space
at any one time, and shall provide an opportunity for supervised
outdoor play each day in suitable weather. The director may exempt
a center from the requirement of this division, if an outdoor play
space is not available and if all of the following are met:

(a) The center provides an indoor recreation area that has
not less than sixty square feet per child using the space at any
one time, that has a minimum of one thousand four hundred forty
square feet of space, and that is separate from the indoor space
required under division (B)(1) of this section.

(b) The director has determined that there is regularly
available and scheduled for use a conveniently accessible and safe
park, playground, or similar outdoor play area for play or
recreation.

(c) The children are closely supervised during play and while
traveling to and from the area.

The director also shall exempt from the requirement of this
division a child day-care center that was licensed prior to
September 1, 1986, if the center received approval from the
director prior to September 1, 1986, to use a park, playground, or
similar area, not connected with the center, for play or
recreation in lieu of the outdoor space requirements of this
section and if the children are closely supervised both during
play and while traveling to and from the area and except if the
director determines upon investigation and inspection pursuant to
section 5104.04 of the Revised Code and rules adopted pursuant to
that section that the park, playground, or similar area, as well
as access to and from the area, is unsafe for the children.

(3) The child day-care center shall have at least two
responsible adults available on the premises at all times when
seven or more children are in the center. The center shall
organize the children in the center in small groups, shall provide
child-care staff to give continuity of care and supervision to the
children on a day-by-day basis, and shall ensure that no child is
left alone or unsupervised. Except as otherwise provided in
division (E) of this section, the maximum number of children per
child-care staff member and maximum group size, by age category of
children, are as follows:

<table>
<thead>
<tr>
<th>Maximum Number of Children Per Age Category of Children</th>
<th>Maximum Child-Care Staff Member Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Infants:</td>
<td></td>
</tr>
<tr>
<td>(i) Less than twelve months old</td>
<td>5:1, or 12:2 if two child-care staff members are in the room</td>
</tr>
<tr>
<td>(ii) At least twelve months old, but less than eighteen months old</td>
<td>6:1 12</td>
</tr>
<tr>
<td>(b) Toddlers:</td>
<td></td>
</tr>
<tr>
<td>(i) At least eighteen months old, but less than thirty months old</td>
<td>7:1 14</td>
</tr>
<tr>
<td>(ii) At least thirty months old, but less than three years old</td>
<td>8:1 16</td>
</tr>
</tbody>
</table>
(c) Preschool children:

(i) Three years old 12:1 24
(ii) Four years old and five years old who are not school children 14:1 28

(d) School children:

(i) A child who is enrolled in or is eligible to be enrolled in a grade of kindergarten or above, but is less than eleven years old 18:1 36
(ii) Eleven through fourteen years old 20:1 40

Except as otherwise provided in division (E) of this section, the maximum number of children per child-care staff member and maximum group size requirements of the younger age group shall apply when age groups are combined.

(4)(a) The child day-care center administrator shall show the director both of the following:

(i) Evidence of at least high school graduation or certification of high school equivalency by the state board of education or the appropriate agency of another state;

(ii) Evidence of having completed at least two years of training in an accredited college, university, or technical college, including courses in child development or early childhood education, or at least two years of experience in supervising and
giving daily care to children attending an organized group program.

(b) In addition to the requirements of division (B)(4)(a) of this section, any administrator employed or designated on or after September 1, 1986, shall show evidence of, and any administrator employed or designated prior to September 1, 1986, shall show evidence within six years after such date of, at least one of the following:

(i) Two years of experience working as a child-care staff member in a center and at least four courses in child development or early childhood education from an accredited college, university, or technical college, except that a person who has two years of experience working as a child-care staff member in a particular center and who has been promoted to or designated as administrator of that center shall have one year from the time the person was promoted to or designated as administrator to complete the required four courses;

(ii) Two years of training, including at least four courses in child development or early childhood education from an accredited college, university, or technical college;

(iii) A child development associate credential issued by the national child development associate credentialing commission;

(iv) An associate or higher degree in child development or early childhood education from an accredited college, technical college, or university, or a license designated for teaching in an associate teaching position in a preschool setting issued by the state board of education.

(5) All child-care staff members of a child day-care center shall be at least eighteen years of age, and shall furnish the director evidence of at least high school graduation or
certification of high school equivalency by the state board of education or the appropriate agency of another state or evidence of completion of a training program approved by the department of job and family services or state board of education, except as follows:

(a) A child-care staff member may be less than eighteen years of age if the staff member is either of the following:

(i) A graduate of a two-year vocational child-care training program approved by the state board of education;

(ii) A student enrolled in the second year of a vocational child-care training program approved by the state board of education which leads to high school graduation, provided that the student performs the student's duties in the child day-care center under the continuous supervision of an experienced child-care staff member, receives periodic supervision from the vocational child-care training program teacher-coordinator in the student's high school, and meets all other requirements of this chapter and rules adopted pursuant to this chapter.

(b) A child-care staff member shall be exempt from the educational requirements of this division if the staff member:

(i) Prior to January 1, 1972, was employed or designated by a child day-care center and has been continuously employed since either by the same child day-care center employer or at the same child day-care center; or

(ii) Is a student enrolled in the second year of a vocational child-care training program approved by the state board of education which leads to high school graduation, provided that the student performs the student's duties in the child day-care center under the continuous supervision of an experienced child-care staff member, receives periodic supervision from the vocational
child-care training program teacher-coordinator in the student's high school, and meets all other requirements of this chapter and rules adopted pursuant to this chapter; or

(iii) Is receiving or has completed the final year of instruction at home as authorized under section 3321.04 of the Revised Code or has graduated from a nonchartered, nonpublic school in Ohio.

(6) Every child care staff member of a child day-care center annually shall complete fifteen hours of inservice training in child development or early childhood education, child abuse recognition and prevention, first aid, and in prevention, recognition, and management of communicable diseases, until a total of forty-five hours of training has been completed, unless the staff member furnishes one of the following to the director:

(a) Evidence of an associate or higher degree in child development or early childhood education from an accredited college, university, or technical college;

(b) A license designated for teaching in an associate teaching position in a preschool setting issued by the state board of education;

(c) Evidence of a child development associate credential;

(d) Evidence of a preprimary credential from the American Montessori society or the association Montessori internationale.

For the purposes of division (B)(6) of this section, "hour" means sixty minutes.

(7) The administrator of each child day-care center shall prepare at least once annually and for each group of children at the center a roster of names and telephone numbers of parents, custodians, or guardians of each group of children attending the center and upon request shall furnish the roster for each group to
the parents, custodians, or guardians of the children in that
group. The administrator may prepare a roster of names and
telephone numbers of all parents, custodians, or guardians of
children attending the center and upon request shall furnish the
roster to the parents, custodians, or guardians of the children
who attend the center. The administrator shall not include in any
roster the name or telephone number of any parent, custodian, or
guardian who requests the administrator not to include the
parent's, custodian's, or guardian's name or number and shall not
furnish any roster to any person other than a parent, custodian,
or guardian of a child who attends the center.

(C)(1) Each child day-care center shall have on the center
premises and readily available at all times at least one
child-care staff member who has completed a course in first aid
and in prevention, recognition, and management of communicable
diseases which is approved by the state department of health and a
staff member who has completed a course in child abuse recognition
and prevention training which is approved by the department of job
and family services.

(2) The administrator of each child day-care center shall
maintain enrollment, health, and attendance records for all
children attending the center and health and employment records
for all center employees. The records shall be confidential,
except as otherwise provided in division (B)(7) of this section
and except that they shall be disclosed by the administrator to
the director upon request for the purpose of administering and
enforcing this chapter and rules adopted pursuant to this chapter.
Neither the center nor the licensee, administrator, or employees
of the center shall be civilly or criminally liable in damages or
otherwise for records disclosed to the director by the
administrator pursuant to this division. It shall be a defense to
any civil or criminal charge based upon records disclosed by the administrator to the director that the records were disclosed pursuant to this division.

(3)(a) Any parent who is the residential parent and legal custodian of a child enrolled in a child day-care center and any custodian or guardian of such a child shall be permitted unlimited access to the center during its hours of operation for the purposes of contacting their children, evaluating the care provided by the center, evaluating the premises of the center, or for other purposes approved by the director. A parent of a child enrolled in a child day-care center who is not the child's residential parent shall be permitted unlimited access to the center during its hours of operation for those purposes under the same terms and conditions under which the residential parent of that child is permitted access to the center for those purposes. However, the access of the parent who is not the residential parent is subject to any agreement between the parents and, to the extent described in division (C)(3)(b) of this section, is subject to any terms and conditions limiting the right of access of the parent who is not the residential parent, as described in division (I) of section 3109.051 of the Revised Code, that are contained in a parenting time order or decree issued under that section, section 3109.12 of the Revised Code, or any other provision of the Revised Code.

(b) If a parent who is the residential parent of a child has presented the administrator or the administrator's designee with a copy of a parenting time order that limits the terms and conditions under which the parent who is not the residential parent is to have access to the center, as described in division (I) of section 3109.051 of the Revised Code, the parent who is not the residential parent shall be provided access to the center only
to the extent authorized in the order. If the residential parent has presented such an order, the parent who is not the residential parent shall be permitted access to the center only in accordance with the most recent order that has been presented to the administrator or the administrator's designee by the residential parent or the parent who is not the residential parent.

(c) Upon entering the premises pursuant to division (C)(3)(a) or (b) of this section, the parent who is the residential parent and legal custodian, the parent who is not the residential parent, or the custodian or guardian shall notify the administrator or the administrator's designee of the parent's, custodian's, or guardian's presence.

(D) The director of job and family services, in addition to the rules adopted under division (A) of this section, shall adopt rules establishing minimum requirements for child day-care centers. The rules shall include, but not be limited to, the requirements set forth in divisions (B) and (C) of this section. Except as provided in section 5104.07 of the Revised Code, the rules shall not change the square footage requirements of division (B)(1) or (2) of this section; the maximum number of children per child-care staff member and maximum group size requirements of division (B)(3) of this section; the educational and experience requirements of division (B)(4) of this section; the age, educational, and experience requirements of division (B)(5) of this section; the number of inservice training hours required under division (B)(6) of this section; or the requirement for at least annual preparation of a roster for each group of children of names and telephone numbers of parents, custodians, or guardians of each group of children attending the center that must be furnished upon request to any parent, custodian, or guardian of any child in that group required under division (B)(7) of this
section; however, the rules shall provide procedures for determining compliance with those requirements.

(E)(1) When age groups are combined, the maximum number of children per child-care staff member shall be determined by the age of the youngest child in the group, except that when no more than one child thirty months of age or older receives services in a group in which all the other children are in the next older age group, the maximum number of children per child-care staff member and maximum group size requirements of the older age group established under division (B)(3) of this section shall apply.

(2) The maximum number of toddlers or preschool children per child-care staff member in a room where children are napping shall be twice the maximum number of children per child-care staff member established under division (B)(3) of this section if all the following criteria are met:

(a) At least one child-care staff member is present in the room.

(b) Sufficient child-care staff members are on the child day-care center premises to meet the maximum number of children per child-care staff member requirements established under division (B)(3) of this section.

(c) Naptime preparations are complete and all napping children are resting or sleeping on cots.

(d) The maximum number established under division (E)(2) of this section is in effect for no more than one and one-half hours during a twenty-four-hour day.

(F) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code governing the operation of type A family day-care homes, including, but not limited to, parent cooperative type A homes, part-time type A
homes, drop-in type A homes, and school child type A homes, which shall reflect the various forms of child care and the needs of children receiving child care. The rules shall include the following:

(1) Submission of a site plan and descriptive plan of operation to demonstrate how the type A home proposes to meet the requirements of this chapter and rules adopted pursuant to this chapter for the initial license application;

(2) Standards for ensuring that the physical surroundings of the type A home are safe and sanitary, including, but not limited to, the physical environment, the physical plant, and the equipment of the type A home;

(3) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the type A home;

(4) Standards for a program of activities, and for play equipment, materials, and supplies, to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible;

(5) Admissions policies and procedures, health care policies and procedures, including, but not limited to, procedures for the isolation of children with communicable diseases, first aid and emergency procedures, procedures for discipline and supervision of children, standards for the provision of nutritious meals and snacks, and procedures for screening children and employees, including, but not limited to, any necessary physical examinations and immunizations;

(6) Methods for encouraging parental participation in the
type A home and methods for ensuring that the rights of children, parents, and employees are protected and that the responsibilities of parents and employees are met;

(7) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the type A home while under the care of a type A home employee;

(8) Procedures for record keeping, organization, and administration;

(9) Procedures for issuing, renewing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;

(10) Inspection procedures;

(11) Procedures and standards for setting initial and renewal license application fees;

(12) Procedures for receiving, recording, and responding to complaints about type A homes;

(13) Procedures for enforcing section 5104.04 of the Revised Code;

(14) A standard requiring the inclusion, on or after July 1, 1987, of a current department of job and family services toll-free telephone number on each type A home provisional license or license which any person may use to report a suspected violation by the type A home of this chapter or rules adopted pursuant to this chapter;

(15) Requirements for the training of administrators and child-care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;

(16) Procedures to be used by licensees for checking the
references of potential employees of type A homes and procedures
to be used by the director for checking the references of
applicants for licenses to operate type A homes;

(17) Standards providing for the special needs of children
who are handicapped or who require treatment for health conditions
while the child is receiving child care or publicly funded child
care in the type A home;

(18) Standards for the maximum number of children per
child-care staff member;

(19) Requirements for the amount of usable indoor floor space
for each child;

(20) Requirements for safe outdoor play space;

(21) Qualifications and training requirements for
administrators and for child-care staff members;

(22) Procedures for granting a parent who is the residential
parent and legal custodian, or a custodian or guardian access to
the type A home during its hours of operation;

(23) Standards for the preparation and distribution of a
roster of parents, custodians, and guardians;

(24) Any other procedures and standards necessary to carry
out this chapter.

(G) The director of job and family services shall adopt rules
pursuant to Chapter 119. of the Revised Code governing the
certification of type B family day-care homes.

(1) The rules shall include all of the following:

(a) Procedures, standards, and other necessary provisions for
granting limited certification to type B family day-care homes
that are operated by the following adult providers:
(i) Persons who provide child care for eligible children who are great-grandchildren, grandchildren, nieces, nephews, or siblings of the provider or for eligible children whose caretaker parent is a grandchild, child, niece, nephew, or sibling of the provider;

(ii) Persons who provide child care for eligible children all of whom are the children of the same caretaker parent;

(b) Procedures for the director to ensure, that type B homes that receive a limited certification provide child care to children in a safe and sanitary manner;

(c) Requirements for the type B home to notify parents with children in the type B home that the type B home is also certified as a foster home under section 5103.03 of the Revised Code.

With regard to providers who apply for limited certification, a provider shall be granted a provisional limited certification on signing a declaration under oath attesting that the provider meets the standards for limited certification. Such provisional limited certifications shall remain in effect for no more than sixty calendar days and shall entitle the provider to offer publicly funded child care during the provisional period. Except as otherwise provided in division (G)(1) of this section, section 5104.013 or 5104.09 of the Revised Code, or division (A)(2) of section 5104.11 of the Revised Code, prior to the expiration of the provisional limited certificate, a county department of job and family services shall inspect the home and shall grant limited certification to the provider if the provider meets the requirements of this division. Limited certificates remain valid for two years unless earlier revoked. Except as otherwise provided in division (G)(1) of this section, providers operating under limited certification shall be inspected annually.

If a provider is a person described in division (G)(1)(a)(i)
of this section or a person described in division (G)(1)(a)(ii) of this section who is a friend of the caretaker parent, the provider and the caretaker parent may verify in writing to the county department of job and family services that minimum health and safety requirements are being met in the home. Except as otherwise provided in section 5104.013 or 5104.09 or in division (A)(2) of section 5104.11 of the Revised Code, if such verification is provided, the county shall waive any inspection required by this chapter and grant limited certification to the provider.

(2) The rules shall provide for safeguarding the health, safety, and welfare of children receiving child care or publicly funded child care in a certified type B home and shall include the following:

(a) Standards for ensuring that the type B home and the physical surroundings of the type B home are safe and sanitary, including, but not limited to, physical environment, physical plant, and equipment;

(b) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the home;

(c) Standards for a program of activities, and for play equipment, materials, and supplies to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible;

(d) Admission policies and procedures, health care, first aid and emergency procedures, procedures for the care of sick children, procedures for discipline and supervision of children, nutritional standards, and procedures for screening children and authorized providers, including, but not limited to, any necessary
physical examinations and immunizations;

(e) Methods of encouraging parental participation and ensuring that the rights of children, parents, and authorized providers are protected and the responsibilities of parents and authorized providers are met;

(f) Standards for the safe transport of children when under the care of authorized providers;

(g) Procedures for issuing, renewing, denying, refusing to renew, or revoking certificates;

(h) Procedures for the inspection of type B homes that require, at a minimum, that each type B home be inspected prior to certification to ensure that the home is safe and sanitary;

(i) Procedures for record keeping and evaluation;

(j) Procedures for receiving, recording, and responding to complaints;

(k) Standards providing for the special needs of children who are handicapped or who receive treatment for health conditions while the child is receiving child care or publicly funded child care in the type B home;

(l) Requirements for the amount of usable indoor floor space for each child;

(m) Requirements for safe outdoor play space;

(n) Qualification and training requirements for authorized providers;

(o) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type B home during its hours of operation;

(p) Requirements for the type B home to notify parents with
children in the type B home that the type B home is also certified as a foster home under section 5103.03 of the Revised Code;

(q) Any other procedures and standards necessary to carry out this chapter.

(H) The director shall adopt rules pursuant to Chapter 119. of the Revised Code governing the certification of in-home aides. The rules shall include procedures, standards, and other necessary provisions for granting limited certification to in-home aides who provide child care for eligible children who are great-grandchildren, grandchildren, nieces, nephews, or siblings of the in-home aide or for eligible children whose caretaker parent is a grandchild, child, niece, nephew, or sibling of the in-home aide. The rules shall require, and shall include procedures for the director to ensure, that in-home aides that receive a limited certification provide child care to children in a safe and sanitary manner. The rules shall provide for safeguarding the health, safety, and welfare of children receiving publicly funded child care in their own home and shall include the following:

(1) Standards for ensuring that the child's home and the physical surroundings of the child's home are safe and sanitary, including, but not limited to, physical environment, physical plant, and equipment;

(2) Standards for the supervision, care, and discipline of children receiving publicly funded child care in their own home;

(3) Standards for a program of activities, and for play equipment, materials, and supplies to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible;
(4) Health care, first aid, and emergency procedures, procedures for the care of sick children, procedures for discipline and supervision of children, nutritional standards, and procedures for screening children and in-home aides, including, but not limited to, any necessary physical examinations and immunizations;

(5) Methods of encouraging parental participation and ensuring that the rights of children, parents, and in-home aides are protected and the responsibilities of parents and in-home aides are met;

(6) Standards for the safe transport of children when under the care of in-home aides;

(7) Procedures for issuing, renewing, denying, refusing to renew, or revoking certificates;

(8) Procedures for inspection of homes of children receiving publicly funded child care in their own homes;

(9) Procedures for record keeping and evaluation;

(10) Procedures for receiving, recording, and responding to complaints;

(11) Qualifications and training requirements for in-home aides;

(12) Standards providing for the special needs of children who are handicapped or who receive treatment for health conditions while the child is receiving publicly funded child care in the child's own home;

(13) Any other procedures and standards necessary to carry out this chapter.

(I) To the extent that any rules adopted for the purposes of this section require a health care professional to perform a
physical examination, the rules shall include as a health care
professional a physician assistant, a clinical nurse specialist, a
certified nurse practitioner, or a certified nurse-midwife.

(J)(1) The director of job and family services shall do all
of the following:

(a) Provide or make available in either paper or electronic
form to each licensee notice of proposed rules governing the
licensure of child day-care centers and type A homes;

(b) Give public notice of hearings regarding the rules to
each licensee at least thirty days prior to the date of the public
hearing, in accordance with section 119.03 of the Revised Code;

(c) At least thirty days before the effective date of a rule,
provide, in either paper or electronic form, a copy of the adopted
rule to each licensee.

(2) The director shall do all of the following:

(a) Send to each county director of job and family services a
notice of proposed rules governing the certification of type B
family homes and in-home aides that includes an internet web site
address where the proposed rules can be viewed;

(b) Give public notice of hearings regarding the proposed
rules not less than thirty days in advance;

(c) Provide to each county director of job and family
services an electronic copy of each adopted rule at least
forty-five days prior to the rule's effective date.

(3) The county director of job and family services shall
provide or make available in either paper or electronic form to
each authorized provider and in-home aide copies of proposed rules
and shall give public notice of hearings regarding the rules to
each authorized provider and in-home aide at least thirty days
prior to the date of the public hearing, in accordance with section 119.03 of the Revised Code. At least thirty days before the effective date of a rule, the county director of job and family services shall provide, in either paper or electronic form, copies of the adopted rule to each authorized provider and in-home aide.

(4) Additional copies of proposed and adopted rules shall be made available by the director of job and family services to the public on request at no charge.

(5) The director of job and family services shall recommend standards for imposing sanctions on persons and entities that are licensed or certified under this chapter and that violate any provision of this chapter. The standards shall be based on the scope and severity of the violations. The director shall provide copies of the recommendations to the governor, the speaker and minority leader of the house of representatives, and the president and minority leader of the senate and, on request, shall make copies available to the public.

(6) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code that establish standards for the training of individuals whom any county department of job and family services employs, with whom any county department of job and family services contracts, or with whom the director of job and family services contracts, to inspect or investigate type B family day-care homes pursuant to section 5104.11 of the Revised Code. The department shall provide training in accordance with those standards for individuals in the categories described in this division.

(K) The director of job and family services shall review all rules adopted pursuant to this chapter at least once every seven years.
(L) Notwithstanding any provision of the Revised Code, the director of job and family services shall not regulate in any way under this chapter or rules adopted pursuant to this chapter, instruction in religious or moral doctrines, beliefs, or values."

In line 94756, after "5101.61," insert "5104.011,"

In line 144 of the title, after "5101.61," insert "5104.011,"

The motion was __________ agreed to.

SYNOPSIS

Educational Requirements for Child Day-care Center Staff

R.C. 5104.011

Adds a provision that exempts students who (1) are home schooled during their last year of instruction or (2) graduated from a charter school, from the current educational requirements for employment at a child day-care center.
Sub. H.B. 153
As Pending in H. Finance and Appropriations
LSC 129 1066-4
HC-2255

moved to amend as follows:

In line 35924, reinsert "thirteen"
In line 35925, delete "twenty-five"

The motion was ______ agreed to.

SYNOPSIS

Rehabilitation Services Commission Third-Party Funding

R.C. 3304.182

Removes from the bill a provision that would have increased to 25% (from 13%) the maximum percentage of funds that the Rehabilitation Services Commission may receive under a third-party funding agreement.
Delete lines 63667 through 63731 and insert:

"Sec. 4141.33. (A) "Seasonal employment" means employment of individuals hired primarily to perform services in an industry which because of climatic conditions or because of the seasonal nature of such industry it is customary to operate only during regularly recurring periods of forty weeks or less in any consecutive fifty-two weeks. "Seasonal employer" means an employer determined by the director of job and family services to be an employer whose operations and business, with the exception of certain administrative and maintenance operations, are substantially all in a seasonal industry. Any employer who claims to have seasonal employment in a seasonal industry may file with the director a written application for classification of such employment as seasonal. Whenever in any industry it is customary to operate because of climatic conditions or because of the seasonal nature of such industry only during regularly recurring periods of forty weeks or less duration, benefits shall be payable only during the longest seasonal periods which the best practice of such industry will reasonably permit. The director shall determine, after investigation, hearing, and due notice, whether
the industry is seasonal and, if seasonal, establish seasonal periods for such seasonal employer. Until such determination by the director, no industry or employment shall be deemed seasonal.

(B) When the director has determined such seasonal periods, the director shall also establish the proportionate number of weeks of employment and earnings required to qualify for seasonal benefit rights in place of the weeks of employment and earnings requirement stipulated in division (R) of section 4141.01 and section 4141.30 of the Revised Code, and the proportionate number of weeks for which seasonal benefits may be paid. An individual whose base period employment consists of only seasonal employment for a single seasonal employer and who meets the employment and earnings requirements determined by the director pursuant to this division will have benefit rights determined in accordance with this division. Benefit charges for such seasonal employment shall be computed and charged in accordance with division (D) of section 4141.24 of the Revised Code. The director may adopt rules for implementation of this section.

(C) An individual whose base period employment consists of either seasonal employment with two or more seasonal employers or both seasonal employment and nonseasonal employment with employers subject to this chapter, will have benefit rights determined in accordance with division (R) of section 4141.01 and section 4141.30 of the Revised Code. Benefit charges for both seasonal and nonseasonal employment shall be computed and charged in accordance with division (D) of section 4141.24 of the Revised Code. The total seasonal and nonseasonal benefits during a benefit year cannot exceed twenty-six times the weekly benefit amount who performs services that substantially 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.

(D) Benefits shall not be paid to any individual on the basis of any services, substantially all of which consist of participating in sports or athletic events or training or preparing to so participate, for any week which commences during the period between two successive sport seasons, or similar periods, if the individual performed services in the first of the seasons, or similar periods, and there is a reasonable assurance that the individual will perform services in the later of the seasons, or similar periods.

(E) The term "reasonable assurance" as used in this division section 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.

(F) The director shall adopt rules concerning the eligibility for benefits of individuals under divisions (C) and (D) of this division section."

The motion was _________ agreed to.

SYNOPSIS

Unemployment Compensation Benefits for Seasonal Employment

R.C. 4141.33

Replaces the provision of the bill limiting unemployment compensation benefits for seasonal employment with a provision that prohibits an individual who performs services that
substantially consist of services performed in seasonal employment 
from being 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.

Requires the Director of Job and Family Services to adopt 
rules for the implementation of the provision described above.
moved to amend as follows:

Between lines 72460 and 72461, insert:

"(4) The drug is prescribed for a use that is indicated on
the drug's labeling, as approved by the federal food and drug
administration."

The motion was agreed to.

SYNOPSIS

Mental Health Drug Coverage under Medicaid Managed Care

R.C. 5111.172

Adds, with respect to the bill's provision under which
certain mental health drugs are exempt from Medicaid managed
care prior authorization requirements, a provision specifying
that the drugs must be prescribed for uses that have been
approved by the federal Food and Drug Administration.
moved to amend as follows:

In line 40349, delete "does not apply to any entity that"
and insert "applies to any entity that sponsors a community
school, regardless of whether"

In line 40350, after "exempts" insert "the entity"

The motion was ______ agreed to.

SYNOPSIS

Restrictions on New Community Schools

R.C. 3314.016

Removes the exemption, from the bill's sponsor performance
qualifications, for "grandfathered" sponsors that are not
subject to approval by the Department of Education. (The effect
of the amendment is to subject grandfathered sponsors to the
bill's performance qualifications, which govern whether a
sponsor may contract with new community schools. The sponsors
that are exempt from Department approval are those that
sponsored schools under the original pilot project area (Lucas
County) and those that assumed sponsorship of schools that had
been sponsored by the State Board of Education under former
law.)
moved to amend as follows:

In line 42690, delete all after "(B)"
Delete lines 42691 through 42695
In line 42696, delete "(C)"
In line 42699, delete "(D)" and insert "(C)"

The motion was ______ agreed to.

SYNOPSIS

Community School Funds

R.C. 3314.50

Removes the substitute bill's provision specifying that if a community school contracts with an operator to manage the school, the funds paid to the operator by the school are not considered public funds and no public entity, including the school, has an interest in assets or property purchased with those funds.
moved to amend as follows:

In line 410, after "5119.06," insert "5119.16,"

In line 454, after "124.394," insert "125.024,"

Between lines 7912 and 7913, insert:

"Sec. 125.024. (A) Except as provided in division (C) of this section, the department of administrative services shall select a single person from which to procure all drugs to be provided by the department of mental health, under section 5119.16 of the Revised Code, to the persons and government entities described in that section.

(B) Before making a selection for purposes of division (A) of this section, the department of administrative services shall develop a process to be used in issuing a request for proposals, receiving responses to the request, and evaluating the responses on a competitive basis. Not later than sixty days after the effective date of this section, the department of administrative services shall issue the first request for proposals. Each subsequent request for proposals shall be issued at least ninety days but not more than one hundred twenty days before a contract for drug procurement services terminates."
(C) Division (A) of this section does not apply if the department of administrative services determines, from a review of the proposals submitted through the process described in division (B) of this section, that the cost of procuring all drugs from a single person does not result in a net savings to the state when compared to the cost of procuring drugs from multiple persons."

Between lines 77461 and 77462, insert:

"Sec. 5119.16. As used in this section, "free clinic" has the same meaning as in section 2305.2341 of the Revised Code.

(A) The department of mental health may provide certain goods and services for the department of mental health, the department of developmental disabilities, the department of rehabilitation and correction, the department of youth services, and other state, county, or municipal agencies requesting such goods and services when the department of mental health determines that it is in the public interest, and considers it advisable, to provide these goods and services. The department of mental health also may provide goods and services to agencies operated by the United States government and to public or private nonprofit agencies, other than free clinics, that are funded in whole or in part by the state if the public or private nonprofit agencies are designated for participation in this program by the director of mental health for community mental health agencies, the director of developmental disabilities for community mental retardation and developmental disabilities agencies, the director of rehabilitation and correction for community rehabilitation and correction agencies, or the director of youth services for community youth services agencies.

Designated community agencies shall receive goods and services through the department of mental health only in those
cases where the designating state agency certifies that providing such goods and services to the agency will conserve public resources to the benefit of the public and where the provision of such goods and services is considered feasible by the department of mental health.

(B) The department of mental health may permit free clinics to purchase certain goods and services to the extent the purchases fall within the exemption to the Robinson-Patman Act, 15 U.S.C. 13 et seq., applicable to nonprofit institutions, in 15 U.S.C. 13c, as amended.

(C) The goods and services that may be provided by the department of mental health under divisions (A) and (B) of this section may include:

(1) Procurement, storage, processing, and distribution of food and professional consultation on food operations;

(2) Procurement, storage, and distribution of medical and laboratory supplies, dental supplies, medical records, forms, optical supplies, and sundries, subject to section 5120.135 of the Revised Code;

(3) Procurement, storage, repackaging, distribution, and dispensing of drugs, the provision of professional pharmacy consultation, and drug information services;

(4) Other goods and services.

(D) The department of mental health may provide the goods and services designated in division (C) of this section to its institutions and to state-operated community-based mental health services.

(E) After consultation with and advice from the director of developmental disabilities, the director of rehabilitation and correction, and the director of youth services, the department of
mental health may provide the goods and services designated in division (C) of this section to the department of developmental disabilities, the department of rehabilitation and correction, and the department of youth services.

(F) The cost of administration of this section shall be determined by the department of mental health and paid by the agencies or free clinics receiving the goods and services to the department for deposit in the state treasury to the credit of the mental health fund, which is hereby created. The fund shall be used to pay the cost of administration of this section to the department.

(G) Whenever a state agency fails to make a payment for goods and services provided under this section within thirty-one days after the date the payment was due, the office of budget and management may transfer moneys from the state agency to the department of mental health. The amount transferred shall not exceed the amount of overdue payments. Prior to making a transfer under this division, the office of budget and management shall apply any credits the state agency has accumulated in payments for goods and services provided under this section.

(H) Purchases Except as specified in section 125.024 of the Revised Code, purchases of goods and services under this section are not subject to section 307.86 of the Revised Code."

The motion was ________ agreed to.

SYNOPSIS

Drug Procurement for the Ohio Pharmacy Service Center

R.C. 125.024 and 5119.16

Generally requires the Department of Administrative Services (DAS) to select a single vendor from which to procure all drugs that are stocked by the Ohio Pharmacy Service Center that the Department of Mental Health (DMH) operates.

Before selecting a single vendor, requires DAS to develop a process to be used in issuing a request for proposals (RFP), receiving responses to the RFP, and evaluating the responses on a competitive basis.

Requires DAS to issue the initial RFP not later than 60 days after the bill's effective date and each subsequent RFP at least 90 but not more than 120 days before a drug procurement contract terminates.

Specifies that the requirement to select a single vendor does not apply if DAS determines, from a review of the proposals submitted through the RFP process developed by DAS, that the cost of procuring all drugs from a single person does not result in a net savings to the state when compared to the cost of procuring drugs from multiple persons.
moved to amend as follows:

In line 94810, delete "July 1, 2012" and insert "June 30, 2013"

In line 285 of the title, delete "July"

In line 286 of the title, delete "1, 2012" and insert "June 30, 2013"

The motion was ______ agreed to.

SYNOPSIS

Outsourcing Highway Services

Section 105.10

In regard to the provisions of the bill allowing the Director of Budget and Management and the Director of Transportation to outsource highway services for highways that are funded by certain state revenue bonds and not primarily by motor fuel taxes, changes the sunset provision from July 1, 2012 to June 30, 2013.
moved to amend as follows:

Between lines 1093 and 1094, insert:

"(3) Upon the sale and conveyance of the facility, the facility shall be returned to the tax list and duplicate maintained by the county auditor, and the facility shall be subject to all real property taxes and assessments. No exemption from real property taxation pursuant to Chapter 5709. of the Revised Code shall apply to the facility conveyed. The gross receipts and income of the contractor to whom the facility is conveyed that are derived from operating and managing the facility under this section shall be exempt from gross receipts and income taxes levied by the state and its subdivisions, including the taxes levied pursuant to Chapters 718., 5747., 5748., and 5751. of the Revised Code."

In line 80115, delete the first "or" and insert "of"

In line 105679, after "land" insert ", which totals approximately 119 acres"

Delete line 105692
In line 105693, delete "(i) Using" and insert "grantee from using"

In line 105696, delete "; and" and insert a period

Delete lines 105697 and 105698

In line 105715, delete "State Treasury" and insert "state treasury"

In line 105717, delete "retire" and insert "redeem or defease"

In line 105718, after "moneys" insert "after such redemption or defeasance"

In line 105737, after "land" insert ", which totals approximately 148 acres"

Delete line 105750

In line 105751, delete "(i) Using" and insert "grantee from using"

In line 105754, delete "; and" and insert a period

Delete lines 105755 and 105756

In line 105773, delete "State Treasury" and insert "state treasury"

In line 105775, delete "retire" and insert "redeem or defease"

In line 105776, after "moneys" insert "after such redemption or defeasance"
In line 105795, after "land" insert ", which totals approximately 171 acres"

Delete line 105808

In line 105809, delete "(i) Using" and insert "grantee from using"

In line 105812, delete "; and" and insert a period

Delete lines 105813 and 105814

In line 105831, delete "State Treasury" and insert "state treasury"

In line 105833, delete "retire" and insert "redeem or defease"

In line 105834, after "moneys" insert "after such redemption or defeasance"

In line 105853, after "land" insert ", which totals approximately 152 acres"

Delete line 105866

In line 105867, delete "(i) Using" and insert "grantee from using"

In line 105870, delete "; and" and insert a period

Delete lines 105871 and 105872

In line 105889, delete "State Treasury" and insert "state treasury"

In line 105891, delete "retire" and insert "redeem or defease"
In line 105892, after "moneys" insert "after such redemption or defeasance"

In line 105900, after "(G)(1)" insert "(a)"

In line 105902, delete "vacated"

Delete line 105903

In line 105904, delete "Youth Services adjacent to the"

In line 105905, after "Institution" insert "Camp"

Between lines 105906 and 105907, insert:

"(b) Jurisdiction of the facility described in division (G)(1)(a) of this section, which is a vacated facility previously operated by the Department of Youth Services adjacent to the North Central Correctional Institution, is hereby transferred from the Department of Youth Services to the Department of Rehabilitation and Correction. The transfer of jurisdiction of that facility is hereby ratified and approved."

In line 105909, delete "vacated"

Delete line 105910

In line 105911, delete "Youth Services adjacent to the"

In line 105912, after "Institution" insert "Camp"

In line 105913, after the second "land" insert ", which totals approximately 106 acres"

Delete line 105926

In line 105927, delete "(i) Using" and insert "grantee from using"
In line 105930, delete "; and" and insert a period
Delete lines 105931 and 105932
In line 105949, delete "State Treasury" and insert "state treasury"
In line 105951, delete "retire" and insert "redeem or defease"
In line 105952, after "moneys" insert "after such redemption or defeasance"
In line 105957, delete "vacated correctional facility, previously operated by the"
In line 105958, delete "Department of Youth Services adjacent to the"
In line 105959, after "Institution" insert "Camp"

The motion was agreed to.

SYNOPSIS

Privatization of state correctional facilities

R.C. 9.06 and 5120.092; Section 753.10

Revises the bill's provisions authorizing the sale of five state correctional facilities and related land to one or more private contractors by: (1) removing a deed restriction prohibiting use of the sold real estate for anything other than a correctional institution, (2) stating the approximate acreage of the land that may be sold with each of the facilities, (3) correcting language regarding the use of the proceeds of the sale of any of the facilities, (4) transferring jurisdiction of a closed DYS facility from DYS to DRC and naming that facility,
and (5) specifying that any of the facilities transferred must be returned to the county auditor's tax list and duplicate and is subject to all real property taxes and assessments, that no exemption from real property taxation under R.C. Chapter 5709. applies to any facility sold under the provisions, and that the gross receipts and income of a contractor to whom any facility is sold under the provisions are exempt from gross receipts and income taxes levied by the state and its subdivisions.
In appropriate lines, make the following changes and adjust totals accordingly:

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<th>FY 2013 Delete</th>
<th>FY 2013 Insert</th>
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