

Description

EDUCATION

Names the special needs scholarship the "Jon Peterson Special Needs Scholarship."
Requires the State Board of Education to adopt rules establishing operating standards for e-schools based on standards developed by the International Association for K-12 Online Learning.
Grants existing e-schools three years after adoption of operating standards rules to comply.
Prohibits a new e-school from opening unless, for the three prior years, it operated in another state and performed at a level higher than academic watch, as determined by the Department.
Permits a joint vocational school district, in the same resolution, to commit the use of existing or new tax levies to finance the annual debt service on securities issued for both its state assisted classroom facilities project and locally-funded initiatives related to that project.
Permits schools to charge all students fees for tools, equipment, and materials that are necessary for workforce-readiness training and that may be retained by the student after course completion.
Requires the State Board of Education's rules pertaining to professional career-technical teaching licenses to include requirements relating to life experience, professional certification, and practical ability. Prohibits the State Board from requiring completion of a degree as a condition for the license.
Eliminates the current law requirement that, based on a student's family income, either 10% or 25% of a Cleveland Scholarship Program scholarship be paid for by a political subdivision, a private entity, or an individual.
Modifies the bill's provision on retesting of teachers to specify that a teacher who provides proof of passing the exam to the teacher's employer is not required to retake the exam again for three years. Specifies the teacher is not responsible for the cost of the exam.
Clarifies the bill's specific earmark of gifted unit funding for educational service centers for FY 2012 and FY 2013 is not nullified by the bill's general prohibition against the payment of gifted units.
Expands authorization of new start-up community schools outside of challenged districts to include community schools in which at least 75% of the enrollment will be children identified as gifted, and the school district in which the school will be located, or the Department of Education, certifies that there is a need in that region for a school serving gifted children.
(OBM165) - Increases the amount of debt a special needs district may incur for permanent improvements, and changes the standard by which the state Superintendent certifies a special needs district to a demonstration that the district's potential average growth in valuation during the next five years will be 1.5%, rather than 3% as under current law.
(OBM171) - Removes the bill's provision that allows schools to develop and use their own end-of-course exams for interdisciplinary courses.
Adds community schools to the bill's subsidy of \$17 per student for school rated "excellent" or "excellent with distinction."
Extends certain notice and veto rights to a joint vocational school district that would forgo tax revenue as the result of a township, county, or municipal corporation tax increment financing property tax exemption.



Requires school districts to allow homeschooled students, who fulfill the same nonacademic and financial requirements as any other participant and specified academic requirements, to participate in extracurricular activities at the school district-operated school to which the student would otherwise be assigned.

Higher Education

Permits the board of trustees of a state institution of higher education to enter into an agreement to convey "auxiliary" facilities to a charitable conduit entity, which will enter into a lease-leaseback arrangement with a third-party independent funding source. Also, authorizes a board of county commissioners to enter into a sale and leaseback agreement under which the board agrees to convey a county-owned building to a purchaser who is obligated immediately upon closing, to lease the building back to the board. The sale and leaseback agreement also is to obligate the lessor to make improvements to the building to improve its functionality and reduce its operating costs.

Prohibits the rules adopted by the Chancellor of the Ohio Board of Regents under the bill for determining student residency, for purposes of in-state college tuition, from granting residency status to any alien unless the alien has been granted: (1) the right to reside permanently in, and to work without restrictions in, the United States or (2) the right to reside temporarily in the United States.

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.

Removes provision requiring state institutions of higher education with 5,000 or fewer FTE's to enter into strategic partnerships with the Chancellor of the Board of Regents.

Health & Human Services

Clarifies that ADAMHS boards are not required to use local funds to pay for community alcohol and drug addiction Medicaid services provided during fiscal year 2012.

Requires that Medicaid managed care organizations maintain coverage for all drugs for a 90-day period without using drug utilization or management techniques that are more stringent for a Medicaid recipient than before the recipient's coverage is transferred to the managed care system.

Allows ODJFS to outsource the performance of pediatric Medicaid claims review and quality assurance functions to any qualified person, including OCHPS (Ohio Children's Hospital Solutions for Patient Safety).

Removes the bill's provisions regarding Medicaid payments to reserve a bed in an intermediate care facility for the mentally retarded. Replaces the bill's provision regarding the fiscal year 2012 Medicaid rates for intermediate care facilities for the mentally retarded (ICFs/MR).

Prohibits the inclusion into the Medicaid managed care system in FY 12 and FY 13, any individual eligible for services under the program for medically handicapped children with the following conditions: Cystic fibrosis, Hemophilia, Cancer, Diabetes, Cranio-facial anomalies, or a life threatening condition as defined by the Director of Health.

Modifies the bill's provision to reduce the first-hour-unit price for aide services and nursing services. Reduces the first-hour-unit price it pays for aide services to 97% of the June 30, 2011, price and for nursing services to 95% of the June 30, 2011, price and pays independent providers of aide and nursing services 80% of the price paid providers that are not independent providers.

Alters the Senate substitute bill's language regarding the Fatherhood Commission and instead funds the commission from the non-GRF 600689 TANF line item. Additionally, requires the commission in conjunction with the JFS director to establish measureable outcomes and report results annually.

Permits a manufacturer and the Department of Health to discuss a donation of money rather than a "grant of money" in lieu of the Department establishing a drug and nutritional formula discount program

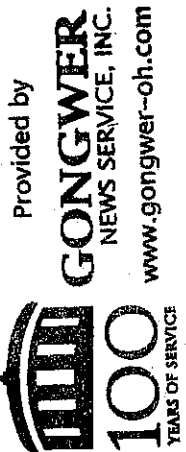
Prohibits the use of political subdivision funds, other than those of municipal corporations and of certain counties exercising local self-government powers, for paying the costs, premiums, or charges associated with a health care policy, contract, or plan that provides coverage, benefits, or services related to an abortion that is performed when the life of the mother would not be endangered if the fetus were carried to term or the pregnancy of the mother was not the result of a reported rape or incest, as continuing law does with regard to state funds.

Prohibits the use of any institution, structure, equipment, or physical asset that is owned, leased, or controlled by the state or any political subdivision of the state, except for municipal corporations and certain counties exercising local self-government powers, for performing or inducing an abortion when the life of the mother would not be endangered if the fetus were carried to term or the pregnancy of the mother was not the result of a reported rape or incest.

Increases the state share of the 600525, Health Care/Medicaid line item, by \$62,500 in each fiscal year and designates those funds to Hattie Larlham Community Living.

Specifies how funds are to be allocated to Children's Hospitals. Revises the bill's provision that requires the Director of Job and Family Services, for fiscal years 2012 and 2013, to implement purchasing strategies and rate reductions for Medicaid services. Revises the bill's provision that requires the Director of Job and Family Services, for fiscal years 2012 and 2013, to continue to pay the June 30, 2011, Medicaid rates for hospital inpatient and outpatient services. Revises the bill's provision that permits the Director of Budget and Management to authorize additional expenditures from appropriation item 600623, Health Care Federal, and appropriation item 600656, Medicaid-Hospital, in order to implement the Hospital Inpatient and Outpatient Supplemental Upper Payment Limit Program and the Medicaid Managed Care Hospital Incentive Payment Program.

Restores language from the Executive version that requires ODJFS to contract with ODODD to assume ODJFS's powers and duties regarding ICF/MR services. Removes language that prohibits the transfer unless a state law is enacted that expressly authorizes the transfer.



Modifies the bill's exemption from prior authorization requirements for mental health drugs that are antidepressants or antipsychotics provided under the Medicaid managed care program when prescribed at a community mental health agency by specifying that the exemption applies to those drugs prescribed by a "psychiatrist" rather than any "physician" practicing at the agency.

Modifies the House-passed provisions under which alcohol and drug addiction programs and community mental health services are to receive state certification based on holding accreditation from specified national accrediting bodies by requiring or authorizing the Department of Alcohol and Drug Addiction Services and the Director of Mental Health.

Reduces the fee that a county board of developmental disabilities pays regarding home and community-based services provided under a Medicaid waiver program from 1.5% to 1% of the total value of all Medicaid-paid claims for such services provided to an individual eligible for services from the board. Provides for all of the money raised by the fees to be deposited into the ODDD Administration and Oversight Fund rather than having a portion of the money deposited into the ODJFS Administration and Oversight Fund

Continues federal funding for the Ohio Association of Rehabilitation Facilities to monitor provider accreditation compliance.

Specifies in the marina and agricultural labor camp inspection language added to the Senate substitute bill, which was similar to the as introduced version of the bill, that rules must be promulgated for the continued health inspections by counties that contain these types of entities, and that the inspections must occur at least annually.

General Government

Requires DAS to submit a state government reorganization plan to reduce the number of state agencies and increase government efficiencies.

Decreases line item 600694, Unemployment Compensation Review Commission, by \$700,000 in each fiscal year. This was to have been done, according to JFS, when federal line item 600679 was increased.

Makes corrective changes, at the behest of the Cultural Facilities Commission, to a reappropriation for Western Reserve Historical Society that had been made in HB 114.

Replaces the substitute bill provisions regarding new construction project delivery methods with language agreed to by the Construction Reform Panel of 2008, and conforms these recommendations with the surety bonding requirements currently in the bill.

Increases and phases in prevailing wage thresholds on vertical projects (125k on effective date, 200k- 1 yr. after effective date, and 250k- 2 yrs. after effective date). Renovation thresholds are increased at the same rate as new construction thresholds. Prevailing wage applies to any public portion of public improvements undertaken by state institutions of higher education. Prevailing wage is permissive for public improvements undertaken by port authorities. Removes language exempting turnpike projects from prevailing wage applies to turnpike projects. Retains language exempting publicly financed projects from the definition of "public improvement" (repeal of 4115.032). Prohibits voluntary prevailing wage for public improvements undertaken by K-12 school districts. Requires interested parties to allege a specific violation against a specific contractor or subcontractor with sufficient evidence. The Director must rule on the merits of the complaint within 120 days, or the Director may notify the parties and take an additional 90 days. The parties may agree to a further extension. The Director may dismiss an unsubstantiated claim. If the court finds a violation, the court may award court costs and attorney fees to the prevailing party. If the court finds no violation, the court may award court costs and attorney fees to the prevailing party, other than to the director or the public authority, where the court finds the action brought was unreasonable or without foundation. Safe harbor (not a violation of prevailing wage) if two or less apprentices exceed the ratio on a project site no more than two days in any 30 day period. Exempts public improvements completed with donated labor and materials from prevailing wage. States that contractor or subcontractor not responsible for penalties if they made a good faith effort to ensure compliance with prevailing wage requirements. For violations less than \$1,000 per employee, where the contractor makes full restitution, no violation is issued. The change in the prevailing wage rate on an ongoing project is effective two weeks after the director of commerce receives notice of the change. Requires a labor organization to disclose all relevant portions of contracts that are related to wages to the Department of Commerce, and to provide an affidavit affirming that all relevant portions of the contracts have been disclosed.

Staggeres the terms of the Department of Commerce's Residential Construction Advisory Committee.

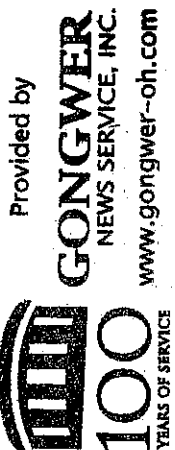
Specifies that the applicability of SB 2's new business rule review process does not apply retroactively to rules that were pending on January 1, 2011.

Subjects to the rule review process of ORC 119.032 rules that are going to be amended, rescinded, or continued as 'no change' rules.

Requires public entities to submit a report, in Ohio Administrative Knowledge Systems Capital Improvements format, on each completed capital facilities construction project funded by the state.

Modifies a provision of the bill requiring the Consumers' Counsel to follow current state policies regarding natural gas to specify that the policies are those that involve supporting natural gas competition.

Repeals the Community-voicemail Service Pilot Program.



(PUC002) - Removes a provision of the bill that would have required the PUCO to recalculate public utility rates based on the Office of Consumer's Counsel's reduced appropriation contained in the bill. Requires instead that the PUCO determine appropriate methods for the distribution to the benefit of customers of the reduction in public utility OCC assessments for FY2012 and FY2013, and requires the Commission to implement the methods in a timely manner.

Justice & Corrections

Expands the allowable use of political subdivision police and fire levy monies to include emergency medical, communications, and administrative personnel.

Adds provisions to the bill concerning the state's right to repurchase DRC or DYS facilities and lands in the circumstance of purchaser default or failure to meet contractual obligations. In the bill's current version, only a 'right of first refusal' if the purchaser wanted to sell had been included.

Adds six synthetic derivatives of cathinone that have been found in 'bath salts' to the list of Schedule I controlled substances.

(OBM169) Increases, by \$400,000, the appropriation to the Department of Public Safety's Liquor Enforcement line item.

Removes changes regarding court reporters, electronic recording, and transcripts from the bill.

Removes as one of the criteria for holding judicial office the requirement that the judge's prior legal practice has been in Ohio for at least 6 years and instead specifies a 2-year Ohio practice requirement.

(OBM163) - Specifies that any claim asserting that actions taken pursuant to section 9.06 or section 753.10 of HB 153 (correctional facility privatization) violates the Ohio Constitution shall be brought in the court of common pleas of Franklin County.

Removes the appropriation authority of the board of county commissioners over a probate court's use of the court's computerization fees.

Development

Extends, by three years, the deadline by which the owner of a qualified energy project must meet certain requirements regarding an energy facility.

Appropriates \$10,000,000 for job creation and economic development initiatives resulting from partnerships with the Department of Defense and/or the defense industry. Spending must be matched with at least \$6,000,000 by non-state partners.

Appropriates \$4,000,000 to the Defense/Aerospace Graduate Studies Institute to strengthen education, research, and workforce development linkages between state institutions of higher education, Department of Defense, and private industry. These funds must be matched with at least \$2,500,000 by non-state partners.

(DEV074) - Pursuant to JobsOhio, clarifies the general application of Chapter 1702 to JobsOhio; removes the governor as a director and chairman of the board; changes the employment of the Chief Investment Officer being subject to the pleasure of the board, not the governor; changes the process for removing a board member for "misconduct" to a board determination, not one made by the governor. Removes the "catch-all" provision so that the governor can no longer appoint anyone who does not satisfy the requirements of "CEO/CFO experience" set forth in R.C. 187.02(A) & (B). States that upon dissolution, only JobsOhio's rights and assets, not its liabilities, would return to the State. Prevents any person from using the name "JobsOhio" as part of the name of a business in Ohio. Sets forth jurisdictional and time limitations on constitutional claims filed against JobsOhio. Clarifies the transactional authority of state agencies with respect to the transfer of the enterprise acquisition project; reinforces the Division of Liquor Control's authority over setting the prices for wholesale and retail prices of spirituous liquor.

(OBM172) - Appropriates \$500,000 to OBM in FY12 and gives the OBM director authority to contract for services for the liquor enterprise transaction. Requires the repayment to the GRF for these expenses.

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Modifies JobsOhio- Revises the conditions or actions that do not negate or adversely affect the transfer; Removes a provision that: (1) allows the transfer agreement to authorize JobsOhio to dispose of real and personal property acquired by JobsOhio, and (2) authorizes the disposal to be made without competitive bidding, and instead allowing the transfer agreement to authorize JobsOhio, in the ordinary course of doing business, to convey, lease, release, or otherwise dispose of any regular inventory or tangible personal property; Clarifies that JobsOhio may lease any portion of the enterprise acquisition project to the state rather than to others as in the bill; Requires JobsOhio and the Directors of OBM and Commerce to enter into a contract, which may be part of the transfer agreement, for the continuing operation by the Division of Liquor Control of spirituous liquor distribution and merchandising subject to performance standards provided in that contract, requiring the contract to be subject to approval by the Controlling Board rather than allowing the contract to be entered into without the need for any other approval, and removing the Director of Development as a party to the contract; Requires the contract to establish other terms and conditions for the assignment of duties to, and the provision of advice, services, and other assistance by, the Division, including providing for the necessary staffing and payment by JobsOhio of appropriate compensation to the Division for the performance of such duties; Requires the Division of Liquor Control to manage and actively supervise the activities required or authorized under current law regarding the powers and duties of the Division as those powers and duties exist on the effective date of the bill's provisions governing the transfer, including controlling the traffic in beer and intoxicating liquor in Ohio and fixing the wholesale and retail prices at which the various classes, varieties, and brands of spirituous liquor are sold rather than 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; Requires the transaction and transfer to comply with all applicable provisions of the Ohio Constitution.

Transportation

Revises the title defect rescission law to include all licensed dealer sales, and thus all consumer purchases, are subject to title defect rescission protections.

Requires each applicant for an initial motor vehicle dealer's license or motor vehicle leasing dealer's license to pay a separate fee "equal to the last assessment" required of motor vehicle dealers (\$150) for purposes of the Title Defect Rescission Fund.

Requires the General Assembly to enact legislation to guide the Request For Proposal process for the sale or lease of the Ohio Turnpike and allows the Director of OBM to provide compensation to responsive unsuccessful bidders or a proposal to lease the turnpike.

Local Issues

Returns to pre-HB 1 (128th) definition of fire departments that are eligible to receive grants from the State Fire Marshal.

Allows limited home rule townships to use a constable, as defined in ORC 509 to meet the requirement to provide law enforcement.

Increases from 100 to 150 the population that a municipal corporation other than Georgetown, Mount Gilead, or Batavia must have in order to establish a mayor's court.

Retains current law authorization for boards of county commissioners, in counties that meet certain criteria, to create up to six additional memberships on the county veterans service commission.

Removes from the bill a provision that would have increased the administrative fee retained by counties in regards to Housing Trust Fund fees.

Removes language that was added in the sub bill that would allow for local governments to use reverse auctions for design and construction services.

Makes various changes to the bills provisions regarding county quarterly budgets, including raising the spending threshold to trigger quarterly budgets from 105% to 110%.

Clarifies the new procedure for merger of political subdivisions by harmonizing conflicting language from 2 amendments accepted in the sub bill.

Replaces the County Board of Information Services language in the bill with the County Automatic Data Processing Board and requires the County Auditor to be the chief administrator of this type of function, as under current law.

Clarifies and consolidates the records retention procedures and schedules for local public authorities, and revises the procedure used by the Ohio Historical Society for selecting historically valuable records.

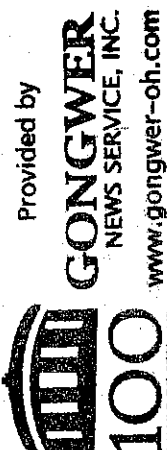
Gaming

Replaces the Senate sub bill's lottery privatization language with language that requires the Director of OBM to compare and analyze alternatives in order to convert the lottery from a state-run entity to a commercially-run enterprise, including developing a competitive selection process to allow an entity to manage and operate the lottery. Prohibits any consultant or advisor in this process from doing so on a contingency basis of the value to the State or from participating in the subsequent RFP process. RFP shall include a provision that the proceeds are subject to all ordinary taxes. Director shall report back to the legislature by December 15, 2011, his proposal for the operation and management of the lottery which shall include methods for realizing optimum value of the lottery for the State when considering all appropriate factors including, but not limited to, improvement in the present value of the anticipated existing lottery stream, past performance, anticipated growth, as well as any future growth guarantees, up-front payments and overall return. Based upon this report, the Director shall propose a RFP process to the legislature which will outline the appropriate terms and conditions for the management and operation of the lottery no later than January 15, 2012. Within 90 days of receipt, the legislature may approve or reject the terms and conditions outlined in the RFP by Joint Resolution initiated in the Senate. Should the Legislature not act during this period, the Director may move forward with the RFP.

Miscellany

Adds to the bill's provisions that authorize spirituous liquor agency stores to sell tasting samples of spirituous liquor a requirement that the stores do so in accordance with rules adopted by the Division of Liquor Control.

Specifies that the statute of limitations for a civil action on public record destruction is 5 years.



Revises the bill's provisions concerning the supplemental employee deferral plan authorized by the Senate substitute bill. The amendment allows the Treasurer of State to designate more than one third party administrator and creates a fund to pay for actual expenses.
Removes the substitute bill's changes regarding the minimum wage.
Taxation
Replaces the pending bill's proposed amendment of the public schoolhouse property tax exemption and specifically exempts from taxation real property used by a school district, STEM school, community school, educational service center, or nonpublic school for primary or secondary educational purposes. Specifically excludes from the exemption real property not used by the school for primary or secondary educational purposes.
Creates a use tax amnesty program to run from January 1, 2012 to February 15, 2012, prohibits the tax commissioner from assessing any consumer for outstanding use tax liability incurred before 2008 and makes various revisions to agricultural sales tax exemptions.
Removes a provision added in the sub bill that would have allowed for a property tax exemption for certain municipally owned facilities.
Makes non-substantive, grammatical changes to the JRTC revisions that were in the as introduced version of the bill.
Clarifies, for the purpose of existing corporation franchise tax credit for research expenses incurred by one or more members of a commonly owned or controlled group of corporations, an insurance company may be considered to be included in the group.
Excludes from the sales and use tax the value of gift cards or certificates redeemed by a consumer in exchange for the vendor's goods or services as part of the vendor's awards, loyalty, or promotional program.
Authorizes the Tax Credit Authority to issue a sales tax exemption to companies making an initial investment of at least \$100 million in a data center and that have a payroll of at least \$5 million.
Agriculture & Natural Resources
Permits the 'E-check' program only in counties where the program is federally mandated. Also, eliminates the bill's requirement that the decentralized program achieve substantially similar ozone precursor reductions and restores current law that requires at least the same ozone precursor reductions. Reinserts contractor notification provisions with regards to motor vehicle owners whose vehicles are required to be inspected under the program.
Authorizes the creation of Lake Facilities Authorities for distressed watersheds.
Removes the Department of Agriculture's supplemental poultry inspection authorization which had been added by the Senate's substitute bill version.
Clarifies the exclusive authority of the Division of Oil and Gas Resources Management to regulate oil and gas wells within the state except for only those activities regulated under federal laws for which oversight has been delegated to the EPA and activities that are regulated under the statutes governing isolated wetlands.
Limits the commercially used weighing and measuring device permit program established in the bill to devices that provide the final quantity and final cost of a transaction.
Makes technical changes to the amendment defining "captive deer" as livestock included in the sub-bill
Removes the bill's provisions regarding oil and natural gas drilling on state park land.

Senate omnibus budget amendment - HB 153

Technical
Technical Amendment 4171
Technical Amendment 4172
Technical Amendment 4281

