

Substitute HB 153 - Senate Finance Committee

Amendments to Bill

Appropriation-only changes will be on the LSC Budget in Detail spreadsheet.

Education

- Increases the 200550 Foundation line item in Education and ensures that each school district receives as much state foundation formula aid (minus federal stimulus) as they will have received in FY 11.
- Provides a \$17 per pupil supplemental payment for schools rated excellent or excellent with distinction.
- Removes House provision regarding payments to community schools serving children with disabilities who enroll after the federal reporting deadline.
- Removes House bill requirements for school districts to offer property to community schools under certain conditions.
- Repeals the moratorium on new internet-or computer-based community schools (e-schools)
- Removes House bill provision prohibiting entities from denying to sponsor certain community schools.
- Removes House bill provisions that grant community school operators new authorities and allow them to be for-profit entities if they provide programmatic oversight and support to a community school.
- Removes House bill changes to law regarding community school governing authorities and operator contracts with governing authorities.
- Removes House bill provision allowing the establishment of community schools without sponsors.
- Removes House bill provision making the renewal of a community school sponsorship contract subject to approval by the school's operator.
- Removes House bill provision allowing a for-profit entity to sponsor community schools.
- Removes House bill provision exempting community schools from state laws.
- Reinstates current law regarding the termination of sponsor contracts with community schools.
- Removes the teacher incentive payment program.
- Removes House bill provision allowing a community school's personnel to be employed by the school's operator.
- Removes House bill changes to community school deadline for providing assurances to ODE about operational preparedness.
- Removes House bill changes to requirements for special education personnel in community schools.
- Restores current law requirement entitling each student enrolled in an eschool to a computer.
- Removes House bill provision regarding withdraw deadline for e-schools students.
- Removes House bill provision creating tuition free dropout recovery program for individuals aged 22 to 29.
- Clarifies Teach for America participants may obtain a resident educator teaching license requires individuals seeking an alternative educator licenses complete a pedagogical training institute.
- Restores current law regarding approval for individuals aged 16 to 18 seeking a GED and the calculation of school graduation rates.
- Deletes teacher performance pay, teacher and principal evaluations, teacher assignment, teacher contract, reduction in force and community school collective bargaining restriction provisions.
- Modifies the calculation used for determining average taxable value for the School Facilities Commission projects.
- Repeals current law provisions restricting the calorie and fat levels of milk sold a la carte in public and chartered nonpublic schools.
- Removes a provision of the House bill that permits the State Board of Education to appoint one person to serve as the Superintendent of both the State School for the Deaf and the State School for the Blind.



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Creates the ability for a new community school sponsor to be formed through a collaboration of entities currently eligible to sponsor community schools. Allows current sponsors to transfer sponsorship of their existing schools to the new sponsoring entity with approval of the governing authority of the school.

Allows community school sponsors to sponsor new schools if 80% of school they sponsor perform in the top 95% of all schools in three year performance index ranking.

Requires schools districts with property not in use for two years, to offer a right of first refusal to community schools located within the district to lease the property at fair market value, and to community schools rated in the top 50% by performance index score for \$1.

Prohibits a community school sponsor from selling any goods or services to a school sponsored by the sponsor.

Creates the Special Education Scholarship Program to provide scholarships for children with disabilities in grades K-12 to attend alternative public or private special education programs.

Adds to the definition of challenged school districts where start-up community schools may be located, any district that is in the lowest 5% of districts as ranked according to performance index score.

Authorized the Department of Education to select up to five traditional public or community schools to operate as hybrid school that provide both remote, technology based and classroom-based instruction. Requires to ODE to conduct a study of the selected schools.

Repeals the requirement that a community school sponsor have a representative located within 50 miles of each school it sponsors and requires a representative of a community school to meet monthly with school officials to review financial and enrollment records.

Requires that a sponsor's notice of termination or nonrenewal of a community school's contract be submitted to the school by March 1 of the year in which the sponsor intends to terminate or take actions not to renew the contract.

Permits an educational service center (ESC) to sponsor a start-up community school in any challenged school district in the state.

Removes the House bill's requirement that the Department of Education, in the case of a community school with multiple facilities, assign a separate internal retrieval number (IRN) to the school and to each facility.

Removes permanent law that requires the State Board of Education to adopt statewide academic standards in English, math, science, and social studies at least once every five years, and instead requires adoption of new statewide academic standards periodically.

Repeals permanent law requiring the Department of Education to establish the State Office of Community Schools, the State Office of School Options, and the State Office of Educator Standards within the Center for the Teaching Profession.

Specifies a district's ability to have intra-district open enrollment by granting permanent permission to attend a school outside of the student's attendance area.

Increases from 2 to 4 years the amount of time a school utilizing the school solvency assistance program will pay back the advance. Allows, with approval of both the Director of OBM and Superintendent of Public Instruction, the period to be up to 10 years.

Modifies the House bill's authorization for the establishment of public college-preparatory boarding schools by providing a funding mechanism.

Authorizes the use of auxiliary services funds to purchase or maintain life-saving medical or other emergency equipment for nonpublic schools.

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Permits a local or exempted village school district (non-Civil Service school districts) to terminate the positions of transportation employees for reasons of economy and efficiency and to contract with an independent agent to provide student transportation services, so long as specified procedures are followed for the consideration of employment of the terminated employees.

Authorizes the Treasurer of State to offer a deferred compensation plan to eligible employees of a school district or college.

Permits a school district that received assistance under the prior school facilities program that is eligible for additional assistance to segment only a part of a facility to renovate or replace work done under the district's former project.

Removes a House bill provision that exempted e-school students from immunization requirements.

Allows for the creation of shared services pilot project involving at least two educational service centers to focus on the design, implementation and evaluation of a shared service delivery model.

Permits the establishment of a start-up community school in a school district that is not a "challenged school district" if the community school is established as a public benefit corporation, at least 75% of its enrollment is children with disabilities and ODE certifies there is need to serve disabled students in that region.

Exempts chartered nonpublic schools from a permanent law provision that requires high schools to comply with a State Board of Education credit flexibility plan.

Removes the House bill provision that allows a school principal or any other school employee to serve as the school district's gifted education coordinator.

Adds performance of students identified as gifted to those measures required to be used by the Department of Education in the bill's annual rank ordering of school districts, community schools, and STEM schools.

Requires the Governor's Director of 21st Century Education to develop a plan to encourage communities and school districts to create regional P-16 councils.

Permits an educational service center governing board to appoint additional members who are representative of the other city and exempted village school districts who have service agreements with the ESC.

(DMH063) - Authorizes an extension of an existing deadline authorization to convey state land to the Dayton Public Schools, to October 16, 2013.

(EDU057) - Clarifies language in section 3302.12 to ensure schools which are operated by a private company but are under a school district's direct control are not excluded from the bill's provisions on restructuring interventions for poor performing schools.

(EDU059) - Clarifies that base funding supplements for community school payments are applied to a base amount of \$5732, to prevent a reduction in funding to community schools.

(EDU060) - Specifies that the operating funding for any district affected by a reallocation of funding originally allocated for career-technical education shall have its total operating funding adjusted by an amount equal to the amount of the reallocated funds.

(EDU062) - Specifies the creation of the multiple-track curriculum pilot project for Columbiana County contained in the House bill is subject to be postponed if non-state funding is not found or the Superintendent of Public Instruction determines there are not adequate resources to complete the project.

(EDU067) - Specifies that when a district-operated school is subject to restructuring under the House bill's provisions and the district chooses to replace the school's principal and teaching staff, the per-pupil funding that the district must maintain for that building is based on the district's state and local revenues.

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(EDU068) - Modifies the guidelines the State Superintendent and Chancellor must follow when selecting a nationally standardized test to be part of the new high school graduation assessment system, to more generally require the selection of a national test that measures college and career readiness.

(EDU072) - Removes nonpublic schools from participation in the new Governor's Effective and Efficient School Recognition Program.

(EDU074) - Clarifies the earmark in item 200502, Pupil Transportation, is for reimbursements to school districts that make payment to parent in lieu of transportation.

(EDU080) - This amendment standardizes the rankings used in new academic reforms proposed in the Executive budget, allows for a different application of those rankings and ensures ODE will only need to publish one additional ranking system.

(EDU082) - Clarifies that funding for special education community school students should be calculated by the "old" weights as they currently exist and with the "new" categories as they are defined in the bill.

(EDU084) - Reduces the window for the second EdChoice application period required in 2011 from 60 days to 45 days.

(EDU086) - Specifies that the achievement assessments administered in grades 3 to 8 in the 2011-2012 school year and later are not public records.

(EDU092) - Requires grant-based funding of secondary career-technical 14 education at institutions rather than unit-based funding.

(OBM143) - Removes that requirement that for state funding purposes, a community school student is considered automatically re-enrolled the following school year until the student's enrollment is formally terminated.

(OBMXXX) - Clarifies that Educational Service Centers are one of the support organizations to be considered for integration under the Educational Shared Service Model contained in the bill.

(OBMXXX) - Permits an ESC governing board to appoint an executive committee, organize its territory into subdistricts and to delay reorganizing its subdistricts, if its territory is divided into subdistricts, until July 1, 2012.

(SFC018) - Clarifies that Ohio School Facilities Commission does not calculate or set a rate of taxation, or estimated millage rate, for a project.

(SFC019) - Establishes the Corrective Action Program to be used to provide funding for the correction of work on an Ohio School Facilities Commission project found to be defective or for the remediation of omitted work.

Higher Education

Modifies the bill's prohibition on an institution denying benefits to religious student groups, by specifying that the denial of benefits may not be based on a group's requirement that its members (instead of its voting members as under the bill) adhere to the group's beliefs or standards of conduct.

Excludes baccalaureate degree programs meeting the definition of a cooperative education program from inclusion in the total number of baccalaureate degree programs offered by the institution for the purpose of determining the overall percentage of programs required to be offered as three year degrees.

Requires the Chancellor of the Board of Regents annually to report value-added data for graduates of teacher preparation programs who teach English language arts or math in any of grades 4 to 8.

Authorizes conveyance of the real estate formerly used as the residence for the President of Cleveland State University.



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Requires multiple assessments be used as end-of-course exams as part of the new assessment system for high school graduation to be developed under current law, and specifies that those assessments must include nationally recognized subject area assessments. Allows a district or school to develop and use its own end-of-course exam for an interdisciplinary course, upon approval of the Superintendent of Public Instruction.

Clarifies that the \$6 million transfer of non-GRF for OCOG purposes is to be used for private, for-profits but moves the appropriation to a separate line item.

(OBM129) Removes the earmarks within the Co-op Internships line item.

Revises annual caps on undergraduate tuition for community colleges, state community colleges and technical colleges to allow for \$200 increases rather than the 3.5% tuition limit already in the bill.

Eliminates the defunct OSU highway and transportation research fund and transfers the remaining funds back to OSU.

Eliminates the restriction on non-Ohio resident law school full-time equivalent students from being counted in the State Share of Instruction funding formula. (This is corrective to an amendment taken in the House.)

Eliminates all provisions requiring Central State University to support the Speed to Scale Task Force and the goals of the Speed to Scale Plan. Eliminates specific goals and requirements for the Task Force.

Creates the Ohio Out-of-State Tuition Surcharge Forgiveness Program.

Removes an obsolete reference to the Ohio Sailors' and Soldiers' Home in current law and replaces it with a reference to residential facilities operated by the Ohio Veterans' Home.

Provides that an alternative retirement plan established by a public institution of higher education prior to July 1, 2000, that is a qualified trust under federal tax law is considered a "qualified alternative retirement plan" for purposes of Ohio law governing alternative retirement plans.

(OBM107) - Adds the Board of Regents to those agencies for which the Office of Internal Audit has auditing authority and staggers audit committee members' terms. Presently, OIA has authority to audit all state administrative departments as well as the Department of Taxation and the Bureau of Workers' Compensation.

Allow universities to enter lease agreements with non-public vendors to construct and operate new or existing campus housing facilities

(OBM136) - Reinserts a provision that was included in the as introduced version that requires state institutions with total FTE enrollment under 5,000 to enter into strategic partnerships for shared services.

Requires the Adjutant General in consultation with the Board of Regents and OBM to determine if the amounts appropriated for the 235599 National Guard Scholarship Program are adequate to fully fund the program. If not, the public schools receiving the payments will provide a matching award to each scholarship recipient to ensure full funding in FYs 12 and 13.

Health and Human Services

Wellness Certificates - Wellness programs offered by insurers- Allows life insurers and health insurers to offer wellness or health improvement programs that include rewards and incentives.

Corrects a \$2.8 million per FY transfer for the Residential State Supplement program that was intended to have been in the as introduced version of the bill.

(OBM148) - Restores health care pooling provisions that are substantially similar to the as introduced version of the bill.

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Modifies the provision for the Ohio Pharmacy Service Center that the DMH operates. Replaces the provisions in the bill to instead require DAS to issue an RFP for the purpose of determining whether a vendor is able to provide drugs and related pharmacy services currently provided by the Ohio Pharmacy Service Center in a manner that achieves greater operational efficiencies and savings to the state than those that could be achieved if the Center provides the goods and services itself. Requires DAS to contract with a vendor if ODAS determines that the vendor is able to provide the drugs and related pharmacy services in the manner described above.

(DOH054) - Corrects the Department of Health's vital statistics fee distribution.

Increases the state share of the Medicaid line item by \$5 million in FY 12 and \$10 million in FY 13 (with commensurate federal matching funds of \$8.9 million and \$17.9 million) for the PASSPORT program. The bill assumes the LSC Medicaid caseload forecast which is somewhat lower than OBM's blue book estimate.

Prohibits an eligible caretaker parent from receiving publicly funded child care from more than one provider without approval from the county department of job and family services based on good cause.

Deletes the fee increase for the long-term care consumer guide and reduces the non-GRF appropriation by \$239,000 in each FY

Removes the "non-contracting language" from the bill's Medicaid provisions. Alters the MCO expenses language by removing the 1% administrative rate change. Permits JFS to continue and modify the hospital "upper payment limit" program and requires JFS to apply for federal approval by which Medicaid MCO's are provided with funds to increase payments to hospitals under contract. Specifies how the funds in the hospital assessment fund are to be allocated. Permits additional expenditures from non-GRF line items 600623 and 600656 to implement the upper payment limit and incentive payment program.

Increases the Children's Hospital line item in JFS by \$4 million per fiscal year.

Makes changes to the child support and adoption assistance appropriations - decreases the 600410 TANF state MOE line item \$9.9 million per FY; increases the 600502 local administration line item by \$7.0 million in each FY; increases the 600528 adoption services line item by \$2.9 million state share and \$7.0 million federal share in each FY; and increases non-GRF line item 600626 child support by \$14 million in each fiscal year.

Removes the private contracting language for the Board of Pharmacy.

Allows the Ohio Developmental Disabilities Council to establish a pilot program to allow Council members to attend public Council meetings by teleconference or video conference. The pilot program will operate until five years.

Includes a person diagnosed with autism in the definition of a mobility impaired person for purposes of the statutes governing assistance dogs.

Authorizes the Children's Trust Fund Board to solicit and accept gifts, money, and other donations from any public or private source. Permits the Board to develop private-public partnerships to support the mission of the Children's Trust Fund.

Removes a requirement that the Children's Trust Fund Board allocate funds to children's crisis care facilities.

Removes the provision that set the thresholds for hourly reimbursement and a part-time week for Type B child care providers.

Modifies the process for continuous licensure of child care providers by extending the time periods for certain licenses and allowing ODJFS to provide copies of child care licensure in electronic form.

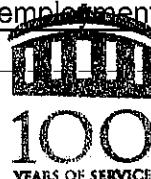
Removes and modifies language regarding child care sanctions including the development of a dispute resolution process for implementing sanctions.

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Makes changes concerning Early Intervention workgroup.
Augments the House's presumptive eligibility for children and pregnant women language by requiring JFS to have in place all systems necessary for children's hospitals and federally qualified health centers to serve as qualified providers in certain instances. Also, requires JFS to permit other qualified providers to serve in this capacity if it is determined that the system is functioning properly.
Makes technical changes to Help Me Grow
Makes changes to the Department of Health's Help Me Grow program and restores appropriations to the as introduced levels of funding..
Establishes Home First components for the Ohio Home Care Program and Unified Long-Term Services and Support Program.
Increases GRF appropriation item 440418, Immunizations, by \$2.5 million in FY 13 and requires those funds to be used for the purchase of pneumococcal conjugate vaccines.
Restores a provision that requires the Departments of Health, Mental Health, and Job and Family Services, in conjunction with the Governor's Office of Health Transformation, to seek assistance from, and work with, the Best Evidence for Advancing Child Health in Ohio Now (BEACON) Council to reduce costs and increase quality within Medicaid.
Provides that a parent or child care provider participating in a swipe card program implemented by ODJFS could lose eligibility for publicly funded child care or have a license or certification revoked if fraud is committed.
Modifies the bill's provisions regarding the use of pediatric accountable care organizations.
Authorizes a member of a limited liability company that owns land in Ohio and that has three or fewer members to hunt on the land without a hunting license.
Eliminates duplicative audit duties performed by ADAMHS boards.
Increases fees charged to wholesale distributors of dangerous drugs. (This is the funding issue from the HB 93 "pill mill bill.")
Increases GSF Fund 4A50 appropriation item 887605, Drug Law 16 Enforcement, by \$74,500 in each fiscal year.
Eliminates the Ohio Commission on Fatherhood. Dedicates \$1.2 million of line item 600689, TANF Block Grant, in each fiscal year for the Kinship Permanency Incentive Program.
Allows a county home to obtain Medicaid or Medicare certification for existing beds without obtaining a certificate of need under certain criteria.
Expands the exemption from prior authorization for mental health drugs under the Medicaid managed care program to drugs prescribed by a physician practicing at a community mental health agency certified by the Department of Mental Health
Requires rather than permits the JFS director to adopt rules to reduce complexity of the eligibility determination processes for Medicaid
Allows health assistance services that the Children's Health Insurance Program covers may be furnished through school-based health centers.
Clarifies that the Department of Health may establish a BCMH manufacturer discount program rather than a discount or rebate program.
Requires continued payment for dialysis services over the biennium and allows for an FY 13 rate adjustment to ensure budget soundness.
Revises the authority of the Director of Developmental Disabilities to approve innovative pilot programs.
Modifies the county board of developmental disability requirements for waiting lists.
Modifies the unemployment benefits language regarding seasonal employment.

Provided by



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Restores prohibitions of conflicts of interest for employees and members of an ADAMHS board.
Requires the Ohio Department of Health to conduct desk audits and then proceed with an on-site examination when sufficient cause exists.
Authorizes the conveyance of real estate owned by the state to MetroHealth.
(DMH058) - Makes numerous changes to the transfer of the RSS program and licensure of adult care facilities to ODMH, including authority to continue background checks of adult foster homes.
(DMH061) - Narrows the exception from application of ORC Ch. 125 to ODMH's contracts for the provision of treatment and support services to individuals with mental illness by entities not owned or operated by the department.
(DMH062) - Technical change regarding which line items will be eligible for flexible funding in ODMH.
(DOH057) - Removes the prohibition against clinical laboratories in physician practice offices
(JFS136) - Removes the provision regarding Medicaid administrative claiming for the Ohio Cancer Incidence Surveillance System.
(JFS144) - Allows use of the 4Z10 fund for implementation of health home programs and required creation, modernization or replacement of federally funded Medicaid healthcare systems in order to earn 90-10 federal match.
(JFS146) - Removes provision regarding presumptive eligibility for the PACE program.
(JFS151) - Removes 2 House added provisions regarding the review of the PACE program.
(JFS156) - includes the county Child Support Enforcement Fund as an allowable source for transfer of funds from the county Public Assistance Fund.
(JFS158) - Technical name change of ALI 600658 and ALI 600609.
(DMH067) - Makes immediately effective the transfer of the RSS program or to licensure of Adult Care Facilities or Adult Foster Homes, as well as sections relating to Medicaid elevation.
General Government
(DAS040) - Eliminates the School Employees Health Care Board in the Department of Education and transfers its records to DAS effective July 1, 2011.
Disallows a 'rotary raid' transfer from a non-GRF account to the GRF if the non-GRF account receives more than 30% of its holdings from private donations. (Such as the Save Our Sight fund.)
Prohibits the state from entering into certificates of participation or similar debt instruments without legislative approval.
Removes JLEC from the jurisdiction of DAS for the purposes of certain purchasing and leasing services but does permit contracting with DAS for these purposes.
Clarifies language already in the bill that specifies employees of CSRAB are in the unclassified service in addition to be considered employees of the General Assembly.
Removes a provision that would have modified how the Southern Ohio Agricultural and Community Development Foundation distributes grants.
Increases the share of the fund that the SOACDF is permitted to use for administrative purposes.
Clarifies that the waiver of certain securities investment license fees is only intended in circumstances where double fees would occur due to new federal regulations.
Removes a provision allowing for the calling of committee caucuses.
Retains current law with regards to selection of counsel for the Apportionment Board.
Strikes the debt service language for CSRAB regarding the use of parking garage revenue as that is not how this bond fund will retire the debt.
Restores the as introduced GRF transfers to Commerce's Liquor Control Fund.
Restores current law provisions with regards to the Barber Board's ability to issue licenses.

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Removes the language that would delete the Ohio Consumers' Counsel 'phone numbers from bills. Also removes the provision concerning the OCC's ability to advocate in a certain fashion. Adds \$1.5 million in appropriation authority in FY 12 for expenses related to downsizing.

Removes the fee increases for the Ethics Commission.

Reinstates a code section deletion that was accidentally removed with the repeal of the School Employee Health Care Board language.

Alters the House-passed provision regarding the inclusion of funds to pay the GRF expenses associated with the removal of the pension shift proposal. OBM is given transfer and appropriation authority rather than having a line item for this purpose.

Adds to the current requirements for state agencies to control nonessential travel expenses, a requirement for state agency employees to use the state-contracted preferred rental vehicle provider for all vehicle rentals over 100 miles.

Removes the authority for state agencies and political subdivisions to have commercial advertising on their web sites.

Grants rule making authority to DAS on the issue of surety bonds within the construction reform sections of the bill. Specifies that the sections will not become effective until the rules are finalized.

Prohibits a public office from entering into a contract for a legislative agent with a cost exceeding \$50,000 per year unless the contract is approved by the Controlling Board.

Moves the DAS construction compliance line item to the Department of Commerce.

Restricts the usage of federal funds for the Arts Council to subsidy purposes unless administrative expenses are required under the terms of the federal grant.

Exempts from regulation by the Power Siting Board (namely the requirement to obtain a certificate for construction), manufacturing facilities that create byproducts that may be used in the generation of electricity as defined by the Power Siting Board.

Removes a provision of the bill that would have required public utilities to 'do their best' to include minority and bilingual consumer outreach, including, but not limited to, newspapers.

Alters the construction reform language in the bill to more closely mirror the contents of the Ohio Construction Reform Panel Report of 2008.

Corrects a CFC and Higher education reappropriation for a section of the HB 114 transportation budget.

(DAS037) - Allows for the Ohio Building Authority buildings operation transfer to DAS.

(DAS-038) - Authorizes transferring cash from the Building Management Fund (1320) to the State Architect Fund (1310) to support SAO operations, with the intent of repaying Fund 1320 when a permanent funding solution for the non-project costs of the State Architect is established.

(DAS041) - Removes the requirement that the Director of DAS must make classification plan changes via the rulemaking process.

(OBM101) - Clarifies that the OBM director can include functions supported by non-GRF funds in the annual Section 1 SWCAP recovery process approved by federal audit pursuant to OAKS.

(OBM-131) - Creates the Controlling Board Emergency Purposes Fund and authorizes the transfer of up to \$20 million in FY 2011 surplus revenue to fund it. Also authorizes an appropriation of the fund for FY 2012 and 2013. Reduces Controlling Board GRF appropriations by \$5 million in both FY 2012 and 2013 by removing the GRF Emergency Purposes line item from the bill.

(OBM152) - Corrects the bond issuance authority transfer language adopted in the House for fund creation, deleting of statutory cross-references, deleting of current statute creating the Administrative Building Fund (Fund 7026), and clarifies that the issuance authority transfer temporary law does not apply to OBA building operations and management.

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(OVH004) - Updates language in the Ohio Revised Code that refers to the "Ohio Soldiers and Sailors Home" and update to the currently used "Ohio Veterans Homes."

(OVH006) -Corrects the veterans preference section of the bill with regards to Ohio civil service testing.

(OBM155) - Clarifies advertisement language in the bill.

Abolishes the Workers' Compensation Council, transfers any cash balances in 2 funds related to the council to the state insurance fund.

Includes as a vending machine under the Food Service Operation law a self-service device at which an individual purchases a pre-determined unit serving of food by scanning the bar code of the food that was obtained at the vending machine.

Makes various changes to the Real Estate Brokers Law to more clearly reflect what is intended by the law. Also makes technical corrections that will provide for greater efficiency within the Ohio Division of Real Estate operations and clarify the duties of the Ohio Real Estate Commission.

Permits the Controlling Board to approve a state agency purchase if the agency provides a detailed explanation to the Board of its competitive selection or evaluation and selection process and substantially complied with one of the following: sealed bidding, sealed proposal, reverse auction, or evaluation and selection of professional design services requirements.

Reaffirms that the Office of the Consumers Counsel shall follow already established state policy in regards to natural gas contained in ORC 4929.02.

(OBM115) - Adds an additional five Governor-appointed members to the Lake Erie Commission board of commissioners.

Justice & Corrections

Deletes the Interstate Compact for Juveniles from the bill as it is now in stand-alone legislation.

Moves jurisdiction over the Village of West Millgrove from the Fostoria Municipal Court to the Bowling Green Municipal Court.

Establishes requirements for class action lawsuits brought by the Legal Rights Service (LRS).

Authorizes a political subdivision to certify a receivable to the Attorney General for collection when the receivable becomes 45 days past due if the Attorney General authorizes such certification.

Authorizes the Attorney General to request information from the Director of Commerce to file a claim to recover unclaimed funds for amounts owed by persons who owe a claim to the state that has been certified to the Attorney General for collection. The Attorney General has authority under current law to collect amounts owed to the state that have been certified to the Attorney General as being unpaid and overdue.

Eliminates the Ohio Criminal Sentencing Commission and moves its appropriation authority to the operating line item of the Supreme Court/Judiciary.

Limits the cumulative total amount recovered in forfeiture for a violation of the prohibition against the destruction or damage of records of a public office.

Asserts the state's 'right of first refusal' to buy back DRC or DYS facilities from private vendors.

(DAS039) - Creates the judicial liability program within the Office of Risk Management to self-insure instead of the Supreme Court buying a private insurance policy, thus saving \$350,000 per year.

(DRC026) - Corrects the Ohio Penal Industries Manufacturing fund section of the bill. DRC is merging many of the functions of two funds (the OPI fund and the Services and Agricultural fund) in the budget bill, and the current language incorrectly deletes a needed section.

(DRC027) - Allows the Department of Rehabilitation and Corrections to collect receipts for leasing and contracts in its Property Receipts Fund.

(DRC028) - Deletes a reference to a component of the Sentencing Reform package which was incorrectly left in the bill when the Sentencing Reform proposals were removed.

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(DYS009) - Alters the authorization for the sale of any facility under the control and management of DYS and authorizes the sale of the Ohio River Valley Juvenile Correctional Facility.

Restores current law regarding Community-Based Correctional Facilities and collective bargaining

(OBM133) - Clarify that prisons that are sold by the state to private entities are subject to all state and local taxes

Development

Removes the intent of the General Assembly to fund various Appalachian programs in Development and instead appropriates FY 13 funding for these line items.

Removes the earmarks in the economic development and global markets line items.

Appropriates \$750,000 each fiscal year to Alternative Fuel Transportation Grant Fund and requires a transfer from the advanced energy fund for this purpose.

(OBM145) - Adds flexibility by ensuring that the Incumbent Worker Training Program must conform to certain programmatic requirements whether administered by JobsOhio or the Department of Development. The current provision only applies to administration by JobsOhio.

Revises provisions in the bill allowing political subdivisions to contract for shared services by specifying that the language does not prohibit agreements for the shared collection, administration, or enforcement of taxes or limit the ability of subdivisions to create and operate joint economic development zones or joint economic development districts.

Makes various changes to the OHFA Study Committee membership and goals of the committee

(OBM154) - In regards to the Job Retention Tax Credit, clarifies, definitively, that the total amount of tax credits issued will not exceed \$25 million.

Transportation

Deletes a provision that would have permitted 100% of a remedial driving course being done electronically.

Makes modifications to the construction equipment auction changes that were enacted in HB 114

Makes modifications to the House-added language regarding regional transit authority membership in certain counties.

Requires conditions of the sale, lease, or operation of outsourcing turnpike projects to be approved by the General Assembly.

Makes changes to the BMV license reinstatement pilot project in HB 114.

Provides that an applicant for a certificate of qualification from ODOT in an amount of \$5 million or more, rather than \$2 million or more as specified in current, must submit to the Director of ODOT a financial audit prepared and attested to by an independent certified public accountant.

(DOT035) - Removes the Public-Private Partnership Legislative Oversight Committee for transportation projects.

(DOT038) - Allows ODOT to maintain, repair, and replace the existing Ohio River bridge crossings which were transferred from the Ohio Bridge Commission to the State of Ohio, Department of Transportation as provided in Section 4 of Am. Sub. HB 98 in 1982.

(OBM116) - Deletes public/private partnership language in HB 114 regarding the term of an agreement not to exceed the current two-year period for which appropriations have been made by the General Assembly, because it is redundant with existing law.

Removes the provision recently enacted in Am. Sub. H.B. 114 that no wheel or axle load limits are to apply to vehicles that are transporting certain specific materials and do not exceed the existing gross vehicle weight limit by more than 5% or 7.5%.

Requires the Director of Environmental Protection to administer the Diesel Emissions Reduction Grant Program, rather than the Director of Development.

Substitute HB 153 - Senate Finance Committee

Amendments to Bill
Local Governmental Issues
Eliminates the changes made to the New Community Authority law.
Removes the provision that would have authorized issuance of certain municipal corporation securities for pension obligations.
Replaces the local government integrating and innovation fund with language that instead increases the LGF by \$50 million in each fiscal year and increases the House-added minimum distribution threshold to \$750,000.
Increases the amount of the Housing Trust Fund the county recorders may retain and makes changes to the continuing education requirements for county recorders.
Creates the Auctioneers Study Commission.
Defines and limits the types of human resource services that a board of county commissioners may centralize under the bill.
Prohibits political subdivisions from enacting, or continuing in effect local legislation that bans, prohibits, or otherwise restricts a food service operation because that food service operation is characterized as a quick service or fast food restaurant.
Creates a new merger procedure for municipal corporations and a township.
Establishes a new default formula for the allocation of undivided local government funds.
Extends from December 31, 2011, until December 31, 2012, the authority of a prosecuting attorney or treasurer of a county with a population of between 800,000 and 900,000 to determine that the amount of money appropriated to the respective office from the Delinquent Tax and Assessment Collection Fund exceeds the amount required to be used by that office in collecting additional delinquent taxes and assessments, and thus expend up to 50% of the excess to pay the expenses of operating the respective office that otherwise would be payable from appropriations from the county general fund.
Requires that expenditures of funds received from local court filing fees be subject to appropriation by the board of county commissioners.
Modifies existing law by prohibiting the pay ranges established by the Board of County Commissioners for the County Public Defender and those established by the Joint County Board of county Commissioners for the Joint County Public Defender from exceeding the pay ranges for County Prosecutors, rather than from exceeding the pay ranges for the Ohio Public Defender.
Permits a board of commissioners to combine the functions and governance of the county records commission, county microfilming board, and county automatic data processing board into one board called the county board of information services and records management.
Allows political subdivisions to purchase certain services by reverse auction.
Requires all governmental entities to submit reportable information regarding public employee salaries and benefits annually to the Treasurer of State. The Treasurer of State must make the information available by April 15 of each year either on the Treasurer's web site or in any other convenient and accessible manner.
Removes the bill's provision under which ODJFS could have required a county entity to enter into a repayment agreement when the entity has received excess amounts and, in place of the removed provision, authorizes ODJFS to enter into such an agreement with the county entity.



Substitute HB 153 - Senate Finance Committee

Amendments to Bill

Replaces provisions in the bill that expand the contracting authority of county sewer districts when conveying water supply facilities and sewer facilities to a municipal corporation with new provisions that are structured differently but that achieve the same substantive effect. Declares that whenever any portion of a regional water and sewer district is incorporated as, or annexed to, a municipal corporation, the area incorporated or annexed remains under the jurisdiction of the district for purposes of the acquisition, construction, or operation of a water resource project until the project's completion or abandonment. Establishes new contracting authority for regional water and sewer districts regarding the conveyance of water resource projects to municipal corporations.

Authorizes boards of township trustees of one or more contiguous townships and the legislative authorities of one or more contiguous municipal corporations, by adoption of a joint resolution, to create a joint police district.

Repeals an existing law provision that authorizes boards of county commissioners, in counties that meet certain population and budgetary criteria, to create up to six additional memberships on the county veterans service commission. Gradually implements abolition of the additional memberships.

Establishes procedures for the exclusion of a municipal corporation from the territory of a sanitary district established solely for the reduction of biting arthropods.

Prohibits Solid Waste Management Districts from exempting public haulers from fees.

Authorizes a board of health within whose jurisdiction a marina or agricultural labor camp is located to adopt rules governing the inspection of and issuances of licenses.

Allows Board's of Township Trustees to make and enforce all needful rules and regulations for burial, interment, reinterment, or disinterment.

Requires ODJFS to establish a process by which a physician assistant may enter into a Medicaid provider agreement.

Increases, from \$25,000 to \$50,000, the project cost threshold for public authorities contracting for professional design services that are exempt from the bidding, provided certain requirements are met. Removes the current exemption from bidding thresholds that applies to any public authority that is not authorized by law to contract for professional design services.

Revises the provisions regarding local government mergers to allow for more streamlined township into municipality mergers, and would allow villages the opportunity to merge into a township. Governing boards could agree to merge subject to voter referendum.

Revises the provisions regarding township mergers by extending the timeframe from 60 days to 120 days before a merger takes effect and makes other clarifications regarding township trustees and fiscal officers by allowing pay documentation for audit purposes via certification rather than a time-log.

Clarifies that individual usage records of commercial and residential customers of municipally owned utilities are not public records.

Increases to \$50,000, from either \$10,000 or \$25,000, a township's competitive bidding thresholds for construction and other projects. Also increases from \$25,000 to \$50,000 the competitive bidding threshold for expenditures of a village.

Authorizes a Regional Council of Government to enter into unit price contracts related to buildings and structures on behalf of member political subdivisions.

Removes the provision that extends to 11 p.m. the current exception allowing the 7 and 8 p.m. closing times for horse racing to be extended to 9 p.m. for certain race tracks

Specifies sheriff sales must be published at least once a week for three consecutive weeks before the day of the sale.

Substitute HB 153 - Senate Finance Committee

Amendments to Bill

Removes provision that authorizes boards of township trustees to propose a merger of townships by resolution, subject to voter referendum. Retains authorization for boards to have mergers voted on by the voters of each twp by initiative petition.

(OBM146) - Establishes a funding mechanism for expenses related to local government fiscal caution determinations within the Auditor's office, lowers the population trigger for a financial planning commission from 2,500 to 1,000 and makes other clarifications

Gaming Issues

Requires the Ohio Lottery Commission to contract with a private vendor for the day-to-day management function of the lottery prior to June 1, 2012. (No revenue is built-in or assumed in the bill for this amendment.)

Requires that the chairperson of the Joint Committee on Gaming and Wagering be from the opposite house of the chairperson of JCARR.

Allows the award of a gasoline purchase card as a prize (up to \$10 in value) for a skill-based amusement game.

Removes the bill's provisions changing the surety bond requirements for the Ohio Lottery Commission.

Revises the provision in the bill regarding a problem gambling hotline by requiring the Casino Control Commission to work in conjunction with the Lottery, as well as ODADAS which was already included.

(DAS034) - Allows the Casino Control Commission to use the E-LICENSING SYSTEM.

(OBM120) - Remove provision requiring the Lottery Commission to state the percentage of all education funding in the state that is contributed by lottery profits on lottery tickets, television advertisements, and on the agency website.

Miscellany

Prohibits the disqualification of a student athlete based on the residency of that student's parent if the student attends school in Ohio and lives in the state with a grandparent, uncle, aunt or sibling who has temporary or legal custody or guardianship of the student.

Exempts from the minimum wage law individuals who are (1) excluded from the definition of employee under the federal minimum wage and overtime law, (2) exempt from that federal law, or (3) exempt or excluded from the definition of "employee" used in Ohio's Minimum Fair Wage Standards Law (which also includes overtime requirements), rather than exempting individuals who are excluded from that federal definition or individuals who are exempt from that federal law and from the definition of "employee" used in Ohio's Minimum Fair Wage Standards Law, as under current law.

Changes the lemon law to extend repair times in the event of supply hindrances. Includes language to ensure the customer is not inconvenienced by the extended repair time by providing the customer with a free "loaner" vehicle or rental reimbursement.

Authorizes spirituous liquor agency stores to sell spirituous liquor during tastings and samples in accordance with rules adopted by the Liquor Control Commission, and exempts consumption of such spirituous liquor during tastings and samplings from the Open Container Law.

Changes the bill's provisions that allow an A-1 liquor permit holder to sell beer for personal consumption on the premises by clarifying that the permit holder only may sell beer manufactured on the premises

Provides that an individual injured while in active service as a member of the armed forces of the United States while serving in Operation New Dawn, is eligible for Military Injury Relief Fund grants. Operation New Dawn is the current name for the United States military operation in Iraq.

Increases maximum alcohol content for beer from 12 to 18%

Taxation

Authorizes school districts, with voter approval of a single ballot question, to levy both a property tax for a fixed amount of revenue and an income tax.

Substitute HB 153 - Senate Finance Committee

Amendments to Bill

Specifies that, if a school district seeks to levy a property tax for the purpose of operating a cultural center, the ballot must state that the levy is for the purpose of operating the cultural center.

Exempts from property taxation a convention center and golf course owned by the largest city in a county having a population greater than 750,000 but less than 850,000 according to the most recent decennial census. Authorizes abatement of unpaid taxes with respect to the convention center or golf course.

Places seven-year time limit within which the Tax Commissioner must issue an assessment for any alleged unpaid use tax liability. Allows taxpayers who are assessed for unpaid use tax between 4 and 7 years after the tax was due to apply for a refund of any overpaid sales and use taxes for up to 7 prior years

Creates Joint Tax Expenditure Review Committee to review tax expenditures

Exempts the sale, exchange or other disposition of unenriched and enriched uranium from the commercial activities tax.

Divides each county's DTAC Fund into two separate funds, one for county treasurer expenses and the other for prosecuting attorney expenses. Authorizes the county treasurer or prosecuting attorney to suspend the crediting of delinquent tax collections to the respective funds if the balance reaches specified thresholds.

Exempts from sales and use taxation any building materials and related services that are incorporated into a building or structure used for "captive deer" by specifying that such deer are "livestock".

(OBM141) - Clarifies House amendment that only the land that is used for educational purposes is subject to tax exemption. Defines the types of schools that are subject to property tax exemption.

(TAX020) - Adds other sales tax functions to the list of those for which an alternative to certified mail may be used, as long as the delivery service meets the requirements in ORC 5703.056(B).

(DEV073) - Makes various changes to the Historic Preservation Tax Credit program to improve the administration of the program now that it is an ongoing program

(TAX021) - Authorizes the Tax Commissioner to require use tax returns to be filed electronically

(TAX023) - Provides that amendments made to ORC 131.44 and 131.51 in the House passed version of the bill take effect on June 1, 2013, instead of immediately.

TAX-024- Clarification of tax amnesty provisions in House passed bill- Changes the time frame of amnesty program, revises which taxes the amnesty program will apply to and provides a \$2.5 million non-GRF appropriation to administer the program

Agriculture & Natural Resources

Removes the Geological Survey division change that would have made certain work products exempt from the public records law.

Revises the membership of the Ohio Natural Areas Council.

Increases the appropriation authority to the waterways improvement line item 725414 by \$1.5 million per FY. Authorizes Director of Agriculture to establish a voluntary supplemental poultry testing program.

Changes the appropriation for the marina project in the bill to a capital appropriation but retains the cash transfer to the waterways safety fund and uses that money for Grand Lake St. Marys algae mitigation.

Prohibits a wild animal hunting preserve from being located within 1,500 feet, rather than 3,000 feet as in current law, of another hunting preserve or of a commercial bird shooting preserve. Requires the boundaries of a wild animal hunting preserve to be clearly defined by the posting of signs at intervals of not more than 400 feet rather than 200 feet as in current law.

Substitute HB 153 - Senate Finance Committee

Amendments to Bill

Alters the distribution of the proceeds of the sale of standing timber from state forest lands- increases from 25% to 35% share to State Forest Fund rather than the state's GRF. Authorizes the Chief of the Division of Forestry to annually request the Director of Budget and Management to transfer to the Wildfire Suppression Fund not more than \$100,000 from the State Forest Fund rather than from the General Revenue Fund.

Reestablishes the Heidelberg Water Quality Lab's non-GRF line item in ODNR

(DNR053) - Allows OBM to loan GRF funds to DNR's Oil & Gas Well Fund (5180) in FY12 and FY13 to support DNR's Oil and Gas regulatory work. Increases the appropriation for Fund 5180, ALI 725643 (Oil and Gas Permit Fees) to account for the GRF loan.

Removes the provision that phased-in a system by which county general health districts would become responsible for paying for their office space and utilities

Technical

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