



*Synopsis of Senate Committee Amendments**

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Legislative Service Commission

Sub. H.B. 162

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(S. State and Local Government and Veterans Affairs Committee)

Replaces the House-passed version's provision imposing civil liability on facility governing board members of a community-based correctional facility and program (CBCF) or district community-based correctional facility and program (DCBCF) only for willful or wanton misconduct or intentional tortious conduct (R.C. 2301.51(A)(4)(b)), with provisions requiring CBCFs, DCBCFs, and their facility governing boards to be treated like political subdivisions under the immunity and liability provisions of the Political Subdivision Sovereign Immunity Law (R.C. 2301.51(A)(5) and 2744.01(F)).

Retains the House-passed version's provisions pertaining to the members, and the appointing authorities of the members, of a facility governing board of a CBCF or DCBCF (R.C. 2301.51(A)(4)(a)) but relocates them (R.C. 2301.51(E) and (F)).

Retains the House-passed version's provisions allowing a facility governing board of a CBCF or DCBCF to contract for legal and fiscal services and requiring a prosecuting attorney or county auditor to provide the respective services to a facility governing board, etc. in the absence of a contract, but adds provisions that specify the following (R.C. 2301.55(F) and (G)):

(1) If the CBCF or DCBCF is operated pursuant to a contract with a nonprofit or private entity, a prosecuting attorney is not obligated to provide legal services to the entity or its employees.

(2) If the CBCF or DCBCF is operated pursuant to a contract with a nonprofit or private entity, a county auditor is not obligated to provide fiscal services to that entity.

Adds provisions to the House-passed version that do all of the following:

(1) Subject the members of judicial advisory boards and facility governing boards, the director and employees of a CBCF or DCBCF appointed by its facility governing board, the director or an individual in a substantially equivalent position under a contract between a nonprofit or private entity and a facility governing board to operate

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

a CBCF or DCBCF (but only in connection with the performance of director duties under the contract), and each officer or board member of such a nonprofit or private entity (but only in connection with the performance of officer or board member duties under the contract) to the provisions of the Ohio Ethics Law and conflict of interest statutes; they are considered to be "public officials or employees" for purposes of the Law and "public officials or public servants" for purposes of the statutes (R.C. 2301.51(A)(6) and 2301.55(A)(2)).

(2) Declare certain conduct, status, or interests of certain individuals to *not be prohibited* by the Ohio Ethics Law or the Offenses Against Justice and Public Administration Law. Those individuals have specified relations to nonprofit or private entities that have contracted with a facility governing board to operate a CBCF or DCBCF. (R.C. 2301.55(A)(3) and (4).)

(3) Specify that the CBCF and DCBCF Law's provisions governing the appointment of a director and staff for a CBCF or DCBCF by its facility governing board or the contracting with a nonprofit or private entity by a facility governing board for the operation of a CBCF or DCBCF, as well as its ethics and conflict of interest provisions mentioned in (1) and (2) above, cannot be construed to mean such a nonprofit or private entity is a public agency as defined in the Ohio Ethics Law, a public body defined in the Open Meetings Law, a political subdivision, public employer, or public office, or otherwise a public entity (R.C. 2301.55(A)(5)(a)).

(4) Require the members of each facility governing board to attend orientation training developed by the judicial advisory board and annual ethics training developed by the judicial advisory board in consultation with Ohio Ethics Commission or provided by the Commission (R.C. 2301.51(A)(7)).

(5) Specify that persons who are not indigent and who are confined in a CBCF or DCBCF are financially responsible for the payment of any medical treatment and services provided, but no person so confined may be denied necessary medical care because of inability to pay (R.C. 2301.571).

(6) Require purchases made with state financial assistance awarded to CBCFs or DCBCFs to be in compliance with current state competitive bidding laws (the House-passed version removed the current requirement that generally mandates "the use of competitive bidding") as well as the Division of Parole and Community Services' fiscal guidelines (in both the House-passed and Senate committee versions) (R.C. 5120.112(D)(4)).