



Mike DeWine, Governor  
Jon Husted, Lt. Governor  
Laurie A. Stevenson, Director

October 27, 2020

Mr. Kurt Thiede  
Regional Administrator  
U.S. EPA Region V  
77 W. Jackson Blvd.  
Chicago, IL 60604

**Re: Request for Approval of Ohio Revised Code (ORC) Installation Permit Expiration Provision into Ohio's State Implementation Plan (SIP)**

Dear Mr. Thiede:

In 2009, the Ohio General Assembly modified portions of ORC 3704.03 to update the requirements for the expiration of air pollution installation permits. Specifically, Amended House Bill 1 (H.B. 1) amended ORC 3704.03 by inserting paragraph (F)(2)(b) which prescribes that installation permits are initially effective for 18 months, but the 18-month time period can be modified for cause as described in the law. This portion of the law became effective October 16, 2009.

The majority of the provisions of paragraph (F)(2)(b) of ORC 3704.03 are contained in Ohio Administrative Code (OAC) rule 3745-31-07 (effective May 20, 2014) which was most recently approved into the SIP on August 24, 2015. See 80 FR 36477. However, Ohio EPA recently recognized that paragraph (F)(2)(b)(iv) of the current ORC 3704.03 language is not contained in OAC rule 3745-31-07. Ohio EPA is requesting via this letter that U.S. EPA approve paragraph (F)(2)(b)(iv) of ORC 3704.03 as a part of Ohio's SIP.

Support for Inclusion of this Provision

40 CFR § 52.21 - Prevention of significant deterioration (PSD) of air quality contains the PSD rule USEPA uses when a state does not have a fully approved program. Since Ohio EPA's PSD program is fully approved, § 52.21 does not apply in Ohio. However, it can be used to show how USEPA's PSD program also allows for an extension of the 18 month period..

40 CFR 52.21(r) Source Obligation reads as follows:

*(r) Source obligation.*

*(1) Any owner or operator who constructs or operates a source or modification not in accordance with the application submitted pursuant to this section or with the*

*terms of any approval to construct, or any owner or operator of a source or modification subject to this section who commences construction after the effective date of these regulations without applying for and receiving approval hereunder, shall be subject to appropriate enforcement action.*

*(2) Approval to construct shall become invalid if construction is not commenced within 18 months after receipt of such approval, if construction is discontinued for a period of 18 months or more, or if construction is not completed within a reasonable time. **The Administrator may extend the 18-month period upon a satisfactory showing that an extension is justified.** This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within 18 months of the projected and approved commencement date.*

Subparagraph (r)(2) describes the time that the owner/operator must begin construction of a PSD source including the requirement that construction must start within 18 months after receipt of approval. The bold text states that the USEPA administrator can extend the 18-month clock if the Administrator is satisfied the extension is justified.

Ohio EPA's parallel ORC requirements, as further developed at OAC rule 3745-31-07(A)(2), allows the Director to extend the time in a similar manner. The only difference is that the ORC more specifically describes a particular situation that the Ohio General Assembly considers to be an appropriate justification for an extension of time. The ORC language at 3704.03(F)(2)(b) is as follows:

*(b) An air contaminant source that is the subject of an installation permit shall be installed or modified in accordance with the permit not later than eighteen months after the permit's effective date at which point the permit shall terminate unless one of the following applies:*

*(i) The owner or operator has undertaken a continuing program of installation or modification during the eighteen-month period.*

*(ii) The owner or operator has entered into a binding contractual obligation to undertake and complete within a reasonable period of time a continuing program of installation or modification of the air contaminant source during the eighteen-month period.*

*(iii) The director has extended the date by which the air contaminant source that is the subject of the installation permit must be installed or modified.*

***(iv) The installation permit is the subject of an appeal by a party other than the owner or operator of the air contaminant source that is the subject of the installation permit, in which case the date of termination of the permit is not later than eighteen months after the effective date of the permit plus the number of days between the date in which the permit was appealed and the date on which all appeals concerning the permit have been resolved.***

*(v) The installation permit has been superseded by a subsequent installation permit; in which case the original installation permit terminates on the effective date of the superseding installation permit.*

Under (b)(i-v), Ohio's law describes several ways that the 18-month clock can either be met or extended. The bold text of (iv) easily fits within the broad statement in the federal rules, ***"upon a satisfactory showing that an extension is justified."***

Please note, this SIP revision request does not impact the amount of emissions associated with any law, rule or permit and so the change does not interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in Clean Air Act (CAA) Section 171), or any other applicable requirement of the CAA. Therefore, a CAA Section 110(l) analysis is not needed.

An official copy of ORC 3704.03 as enacted in H.B. 1 on July 17, 2009 has been included as evidence of the date of adoption as well as the effective date of the regulations (Attachment 1). The copy is included as evidence that the State has adopted the body of law in final form. Ohio EPA is also including a copy of the law as it appears in the Revised Code itself (Attachment 2). Ohio EPA is only requesting paragraph (F)(2)(b)(iv) of ORC 3704.03 be incorporated into the SIP and not the entirety of ORC 3704.03.

Ohio published notification of a the public comment period, including an opportunity to request a public hearing, concerning the draft SIP submittal in statewide distributed publications on August 10, 2020. The notice was also posted on ohio EPA's website and sent electronically to the members of Ohio EPA's SIP interested parties listserv.

The public comment period closed on Tuesday, September 15, 2020. One comment was received in support of Ohio's submittal. No public hearing was held because no requests for a hearing were received. A copy of the public notice and a response to comments document are provided in Attachment 3.

We would appreciate if U.S. EPA would expedite the review of this material. Please contact Bob Hodanbosi if you have any questions about this submittal.

Sincerely,

A handwritten signature in black ink that reads "Laurie A. Stevenson". The signature is written in a cursive, flowing style.

Laurie A. Stevenson  
Director, Ohio Environmental Protection Agency

cc: Bob Hodanbosi, Chief Division of Air Pollution Control

Attachment

# Attachment 1

Certified Copy of H.B. 1 of  
the 129<sup>th</sup> Legislature





## Budget Message for Am. Sub. HB 1

Article II, Section 16 of the Ohio Constitution authorizes the Governor to veto any item or items in any bill making an appropriation of money. I have boxed and initialed text in Amended Substitute House Bill 1 that I have disapproved. All remaining text in the bill is approved. The reasons for my vetoes are set out below.

### **Introduction**

In February, I introduced a balanced budget in one of the most economically challenging times in our nation's history. As the budget was considered by the Ohio House, Senate and subsequent Conference Committee, the state and nation's financial situation deteriorated.

A collapse of international financial markets, combined with the ongoing contraction in the housing market and a decline in the automotive industry, led to a sharp decrease in tax revenues and an additional \$3.2 billion budget gap.

General Revenue Fund tax receipts declined by \$2.3 billion in fiscal year 2009, or 12% as compared to the previous fiscal year – the worst decline in state revenue in at least 50 years. General revenue taxes available to the State of Ohio will be lower in this biennium than they were seven years earlier, impacting our ability to maintain the services and operations of state government that Ohioans have come to expect.

In the face of these unprecedented economic challenges, we were able to come together to pass a balanced budget that invests in education without raising taxes on Ohioans.

Because Ohio families and businesses cannot afford a state tax increase at this time, this budget instead reduces state government spending by an unprecedented \$2.5 billion. This after my Administration already realized budget reductions of nearly \$2 billion and reduced the state workforce by more than 3,400 positions – resizing state government back to the level it was during the 1980s – to balance the budget in fiscal years 2008 and 2009.

This budget makes education our first priority. It includes an historic commitment to Ohio students, enacting transformational education reforms and establishing a constitutional funding system. The new funding model is based on what our students need to be successful and will ensure our schools have the resources to meet those needs as it is fully phased in. The educational reforms will improve the quality of our teachers, assessments, and curriculum. Every Ohio school will meet strict spending accountability standards. And every Ohio student will learn the skills that modern businesses look for in the people they hire. Investing in a reformed system of education sharpens Ohio's competitive edge and strengthens our ability to attract the jobs and capital that will grow Ohio's economy.

The budget also prioritizes extremely limited resources toward critical health and safety services to provide for the greatest possible number of vulnerable Ohioans during this difficult time. To meet our constitutional requirement to balance the budget, though, it is necessary to make very painful cuts to services that Ohioans have needed and received in the past but that the state cannot provide at this time.

In reducing these services, we have tried to minimize the impact on our children, the elderly and disabled. And this budget increases access to affordable, quality health care to 109,000 more Ohio citizens and preserves health care for an estimated 2,000,000 Ohioans through the Medicaid program.

Much of what we have been able to accomplish in this budget would not have been possible without the leadership of President Barack Obama and the members of Ohio's congressional delegation who supported the President's stimulus plan, the American Recovery and Reinvestment Act. The budget leverages more than \$5 billion in federal stimulus resources for their intended purpose – to create and save jobs and prevent deeper cuts to critical services.

This budget process has been long and difficult. However, we have come to an agreement on those things that matter most to Ohio families and businesses who are struggling through the worst economic crisis since the Great Depression. We have invested in education for job creation, establishing the most sweeping education reform in generations. We have limited college tuition growth. We have maintained our commitment to providing health care coverage to every Ohio child and expanded access to more than 109,000 uninsured adult Ohioans. We have made hard choices to reduce spending and resize state government. And in doing so, we have balanced the budget without increasing taxes. Today I am happy to add my signature and make this budget law.

The following sections detail 61 line item vetoes I have issued among five issue areas. These are areas of honest disagreement in a budget document containing 3,123 pages and tens of thousands of lines of text.

Many of the disagreements laid out below are more about specific programs that, if implemented, would place us into a deeper budget bind by not ensuring flexibility in funding. Others are about maximizing flexibility to ensure state agencies continue to prioritize those services that matter most. Such matters are a natural area for asserting executive authority.

The budget reflects a set of commitments I have made, and the legislature has supported. Even with severely limited resources, this budget is a blueprint for Ohio's economic revival.

#### **A. Health and Human Services**

Currently, 1.3 million Ohioans are uninsured. As a result, these Ohioans do not get the care they need to maintain healthy and productive lives. In turn, those who are insured end up paying more to cover the costs of caring for the uninsured.

In this budget we protected Medicaid eligibility for an estimated 2,000,000 Ohioans to receive the critical care services they need. We also provide innovative proposals that would provide access to affordable private health insurance coverage for 109,000 more Ohioans.

Several vetoes remove or reduce some services and programs that would compromise the effectiveness of our limited resources. Other vetoes reflect a need to spend our funds in the most effective manner possible, and to provide oversight that is logical and productive.

#### **Item Number 1\***

On page 2890, delete the boxed text beginning with the words "Section 309.32.43." and ending with the words "boards; and".

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\* Throughout this Veto Message, the disapproval of consecutive lines of boxed text is indicated by use of the phrases "beginning with" and "ending with." The use of these phrases indicates disapproval of all text contained within the referenced box.

On page 2891, delete the boxed text.

**Section 309.32.43 – Funding of Medicaid-Covered Community Behavioral Health Services**

This provision would make it optional for a board of alcohol, drug addiction and/or mental health services to use county dollars raised through tax levies to pay for Medicaid-covered alcohol, drug and mental health services. This language could fundamentally disrupt the existing financing structure for Medicaid covered behavioral health services by eliminating local funding as a source for the Medicaid match necessary to draw down federal Medicaid funds. By doing this without retaining subsidy dollars at the state level to pay for the Medicaid match, the potential loss to the state could be \$20 million per year for alcohol and drug services and about \$144 million for mental health services. Therefore, this veto is in the public interest.

**Item Number 2**

On page 2890, delete the words “Not later than October 1, 2009,”.

**Section 309.32.40 – Federal Medicaid Match Deadline for ADAMHS Boards**

This provision mandates a federal filing deadline of October 1, 2009 for Medicaid Administrative Claiming. This deadline is not achievable because the filing process is complex and time-consuming. For this reason, a veto is in the public interest.

**Item Number 3**

On page 2753, delete the boxed text.

**Section 209.40 – Unified Long Term Care Budget**

By removing this provision, each provider organization will have an equal voice on the Unified Long Term Care Budget Workgroup. In addition, this veto will remove a limitation for managed care providers, which will allow for broader representation of managed care entities. Therefore, this veto is in the public interest.

#### **Item Number 4**

On pages 2325 and 2871, delete the boxed text.

On pages 9 and 16, delete “5111.236,”.

#### **Section 5111.236 – Medicaid Coverage of Oxygen Services to ICF/MR Residents**

This provision would require the Medicaid program to cover oxygen services to medically fragile children under situations outside of the normal medical evaluation process. Children are receiving and will continue to get oxygen as needed with the proper medical determination. There is no reason to believe this provision is necessary to ensure that these services are provided. Therefore, this veto is in the public interest.

#### **Item Number 5**

On pages 784, 1845, and 1847, delete the boxed text.

#### **Sections 1751.14, 3923.24, and 3923.241 – Continuous Coverage**

This provision would allow parents to keep their children insured up to age 28 on an employer plan if they pay for the full cost of such coverage. However, this language limits the coverage to children with “continuous coverage.” This would severely limit the number of young adults, who are more likely to be uninsured than any other age group, who can take advantage of this coverage. By vetoing this provision, the number of people with access to coverage will increase by more than 11,000. Therefore, this veto is in the public interest.

#### **Item Number 6**

On pages 7 and 15, delete “5101.5110 (5101.5111),” and “5101.5110,”.

On pages 9 and 16, delete “5101.504, 5101.5210,”.

On pages 6, 15, and 2724, delete “5101.50,”.

On pages 2244, 2245, and 2246, delete the boxed text.

**Sections 5101.5110, 5101.5111, 5101.50, 5101.504, and 5101.5210 – School Based Health Centers**

This section creates a mandate that all school based health centers be entitled to provide services under the State Children’s Health Insurance Program. There is no evidence that the mandate is in response to a problem – such as children being unable to access essential services. Also, this mandate is unnecessary because of implementation of the new Medicaid School Program. Therefore, the veto is in the public interest.

**Item Number 7**

On pages 2901 and 2902, delete the boxed text.

**Section 309.45.90 – Reallocation of Unused County Funds**

This provision requires the Department of Job and Family Services to reallocate unspent county-level funding which was intended to serve Ohio’s most needy and vulnerable citizens back to counties. This requirement will limit the ability of JFS to redirect funds as needed among basic safety net programs serving Ohioans. Therefore, this veto is in the public interest.

**Item Number 8**

On pages 2261, 2262, 2263, 2264, and 2265, delete the boxed text.

On pages 6, 15, and 2724, delete “5103.02, 5103.03,”.

**Sections 5103.02 and 5103.03 – ODJFS Review of Associations and Institutions**

These provisions weaken the state’s regulation of foster care and adoption entities in Ohio. They extend certification from a two-year to a four-year period for foster care and adoption agencies, children’s residential centers, group homes, and other child-placement entities. The provisions may also unintentionally exempt some agencies that are authorized under the adoption chapter of the Revised Code from

the definition of entities that are to be regulated. Finally, they create unacceptable, increased risks for vulnerable children. Therefore, this veto is in the public interest.

### **Item Number 9**

On page 2303, delete the boxed text.

#### **Section 5111.06 – Administrative Actions Relative to Medicaid Provider Agreements**

It is a federal requirement that providers have a National Provider Identification (NPI) number, and Medicaid providers were required to provide their NPI number to ODJFS as of May 11, 2007. Providers without an NPI are terminated.

ODJFS has mailed 13 notices to providers, issued eight remittance advice notices, and placed notices in the quarterly provider newsletter, the JFS website and the Interactive Voice Response system. The provision would require that ODJFS terminate providers by registered mail, rather than by regular mail for failure to have their NPI, which would cost ODJFS \$17,000. Therefore, this veto is in the public interest.

### **Item Number 10**

On pages 6, 15, and 2724, delete “5111.65, 5111.651, 5111.68, 5111.681, 5111.685, 5111.686, 5111.688,”.

On pages 2336, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2352, 2353, delete boxed text.

On page 3113, delete “5111.65, 5111.651, 5111.68, 5111.681, 5111.685, 5111.686, 5111.688, 5111.689,”.

On pages 7 and 15, delete “and 5111.688 (5111.689)” and “5111.688,”.

#### **Sections 5111.65, 5111.651, 5111.68, 5111.681, 5111.685, 5111.686, 5111.688, and 5111.689 – Collection of Long-Term Care Facilities Medicaid Debts**

The Ohio Department of Job and Family Services has worked with skilled nursing facility providers to develop a more efficient process to secure and collect the debts of institutional long term care providers when a provider leaves the Medicaid program. As drafted though, these provisions could prevent the department from securing and ultimately collecting the provider's debts to the State, and proposes time lines for conducting hearings that are not legally achievable. The Department is committed to working with providers to making changes to resolve these remaining issues. Absent these changes, the veto is in the public interest.

### **Item Number 11**

On page 2304, delete the boxed text.

#### **Section 5111.084 – Pharmacy and Therapeutics Committee**

The Pharmacy and Therapeutics Committee is a required component of the Medicaid program. However, this provision prohibits the state pharmacist from participating on the Pharmacy and Therapeutics Committee, which compromises the efficient and effective operation of this aspect of the Medicaid program. Therefore, this veto is in the public interest.

### **B. Education**

Ohio, like nearly every other state in the nation, is faced with the worst economy since the Great Depression. Despite this, we are making an unprecedented commitment to Ohio's schools, ensuring they are funded through a constitutional system.

Additionally, the budget reforms our classrooms and strengthens the teaching profession to prepare students with the skills and knowledge they need to succeed in the jobs of the future. At a time when other states are dramatically reducing education funding, Ohio is making a commitment to education that is critical to job creation and economic growth.

Our plan for reforming Ohio schools establishes the Ohio Evidence Based Model, a funding mechanism that utilizes research to determine what components are critical to determine student success. The new funding system will reduce the overreliance on local property taxes to fund Ohio's public schools. And, it



increases the level of transparency and accountability for school districts to produce results for Ohio's children.

### **Item Number 12**

On pages 3 and 13, delete "3311.059," and "3313.843,".

On pages 3113, delete "3311.059, 3311.0510, and 3313.843,".

On page 2722, delete 3313.043,".

On pages 1133, 1135, 1136, 1206, 1207, 2839, and 2840, delete boxed text.

### **Sections 3311.059, 3313.843, 3311.0510, and 265.70.40 – Changes to the Annexation and Severance of ESCs**

Current law has a procedure by which local school districts may decide to transfer from the territory of one educational service center to another to meet their local educational needs. This new language revises the procedure that districts may use to transfer and places a two-year moratorium on any transfers, including those in process.

Local school districts invest time and resources in pursuing a transfer under current law, which is based on local educational needs and circumstances. Prohibiting such transfers and increasing the administrative burdens without an overriding state purpose may be disruptive to their planning as well as to students and families. This is an issue that will be studied by the Ohio School Funding Advisory Council. For this reason, this veto is in the public interest.

### **Item Number 13**

On page 1016, delete the boxed text.

### **Section 3301.0719 – Business Education Standards**

This provision directs the State Board of Education to create and develop standards for business education in grades K-12 by July 1, 2010. The date of this provision has been vetoed to ensure the State Board has the ability to determine adequate

time and focus are given to the development of updated standards in multiple subject areas. Therefore, this veto is in the public interest.

#### **Item Number 14**

On page 1127, delete the boxed text.

#### **Section 3310.09 – Educational Choice Scholarship Eligibility**

Current law allows a student to participate in the scholarship program if the school building in which they attend or would be assigned was in academic watch or academic emergency for at least two of the past three years. This provision would allow a student to participate in the program if the building in which they were enrolled or would be assigned is new and has been open for at least one year and at least 75 percent of the students came from closed schools that met the criteria in current law. A new building should not be considered to be in distress until it has had an opportunity to demonstrate its ability to produce academic gains for its students; it is unfair to prejudge the outcomes of a new school based upon the construct of its student body. For this reason, this veto is in the public interest.

#### **Item Number 15**

On pages 1124 and 1125, delete the boxed text.

#### **Section 3310.03 – Educational Choice Scholarship**

This provision would increase the maximum award for the Educational Choice scholarship program. In a time of limited resources and shared sacrifice across state government, it is not in the public interest to increase these scholarships.

#### **Item Number 16**

On pages 2836 and 2837, delete the boxed text.

#### **Section 265.60.90 – School Employees Health Care Board**

This provision would transfer the School Employees Health Care Board from the Department of Administrative Services to the Department of Education. This veto allows the Department of Education to act as a fiscal agent for the board but treats the board as an independent entity as specified in the Revised Code. For this reason, this veto is in the public interest.

### **Item Number 17**

On pages 2894, 2895, 2896, 2897, and 2898, delete the boxed text.

#### **Section 309.40.60 – Discontinuation of Early Learning Initiative**

This language defines the Early Learning Initiative and outlines the eligibility and administration of the program. All ELI services will discontinue beginning August 23, 2009, due to limited resources, but most of the children will be eligible for other child care services or will transition to kindergarten.

This veto eliminates all references in temporary law regarding ELI. During the remaining weeks of ELI services, approximately 1/3 of children will transition to kindergarten (4,500), while the majority of children (7,500) will be eligible for child care services and remain with their current provider. Therefore, this veto is in the public interest.

### **Item Number 18**

On pages 2823 and 2824, delete the boxed text.

#### **Section 265.40.30 – Repayment of ELI Start-Up Funds**

This language requires ELI providers that were Head Start/Head Start Plus agencies in FY 2004 or FY 2005 to reimburse the state for start-up general revenue funds they received in those years if they close down. Requiring ELI providers to reimburse the state for these start-up funds, due to the discontinuation of this particular program, could jeopardize the ability for providers to continue early learning services through other programs. This provision will cause undue financial burden on each provider. For this reason, a veto is in the public interest.

### **Item Number 19**

On pages 1247 and 1248, delete the boxed text.

#### **Section 3314.08 – Community School Calamity Days**

This provision requires the Department of Education to waive the number of hours that a community school is closed for a public calamity. Under current law, community schools have the flexibility to adjust their daily schedule on an hourly basis to address missed learning opportunities due to a public calamity. For this reason, this veto is in the public interest.

### **Item Number 20**

On pages 4, 13, 2722, 3113, delete “3318.011,”.

On pages 1341, 1342, 2983, and 2984, delete the boxed text.

#### **Sections 385.93 and 3318.011 – Tangible Personal Property Valuation Changes for School Facilities Assistance Rankings**

This provision would, for the first time, change both the way that the Ohio School Facilities Commission (OSFC) has historically prioritized projects under its Classroom Facilities Assistance Program (CFAP) and determined the state-local share funding split for construction projects. Because of the uncertainty of the impact this would have on our school districts, this veto is in the public interest.

### **C. Councils, Study Committees, Task Forces and Reports**

Councils, study committees and task forces play important roles in providing the discussion and recommendations that are critical for the formation of public policy. However, with across-the-board reductions in state government spending, including cuts to some social service programs, state agencies must focus on providing services. While I acknowledge the usefulness of such entities in developing and implementing policies across state government, I encourage their formation and operation without the utilization of budget resources.

### **Item Number 21**

On page 2751 and 2752, delete the boxed text.

#### **Section 209.30 – Residential State Supplement Workgroup**

The executive budget proposed this workgroup to examine the issue of which state agency is the most appropriate to administer the Residential State Supplement Program (RSS) and make recommendations. This statutory provision is no longer necessary, because the relevant health and human services agency directors have already begun the work to evaluate and make structural changes to RSS. For this reason, a veto is in the public interest.

### **Item Number 22**

On pages 8 and 16, delete “3701.0211,”.

On pages 1516, 1517, and 1518, delete the boxed text.

#### **Section 3701.0211 – Creation of a New Hemophilia Advisory Council**

This language creates a new Hemophilia Advisory Council at the Ohio Department of Health. A hemophilia subcommittee of the BCMH Medical Advisory Council currently exists in the Ohio Revised Code. A newly created group would be duplicative to this existing subcommittee and would pose fiscal challenges to ODH through administrative and reimbursement costs. Therefore, this veto is in the public interest.

### **Item Number 23**

On pages 8 and 16, delete “3701.136,”.

On pages 1520 and 1521, delete the boxed text.

#### **Section 3701.136 – Sickle Cell Anemia Advisory Council**

This language creates a Sickle Cell Anemia Advisory Council at the Ohio Department of Health. The Ohio Sickle Cell and Health Association already convenes a Sickle Cell Disease Statewide Advisory Committee as part of a grant requirement from ODH. The committee is comprised of providers, consumers, faith-based organizations, community advocates and individuals affected by sickle cell disease. To convene another committee through this language would be duplicative of the existing effort. Therefore, this veto is in the public interest.

#### **Item Number 24**

On page 2861, delete the boxed text.

On page 2862, delete the boxed text beginning with “is a high prevalence” and ending with “of this section.”

#### **Section 289.30 – Disease and Cancer Commission**

This provision would create a Disease and Cancer Commission at the Department of Health. This Commission would duplicate existing cancer and disease activities conducted by ODH. In addition, ODH does not have the funding to administratively support this committee or reimburse committee members. Therefore, this veto is in the public interest.

#### **Item Number 25**

On pages 3091 and 3092, delete the boxed text.

#### **Section 751.30 – Prompt Pay Workgroup**

This provision creates a prompt pay policy workgroup who will be charged with developing a set of regulations to govern prompt payment policies for Medicaid managed care plans. Medicaid managed care plans are already subject to federal prompt payment requirements and those requirements cannot be supplanted by state law, which makes the implementation of this provision unnecessary and administratively burdensome. That said, I am committed to continuing to explore ways in which the Medicaid managed care system in Ohio can operate in the most efficient and effective manner. Therefore, the veto is in the public interest.

### **Item Number 26**

On pages 2867 and 2868, delete the boxed text.

#### **Section 307.20 – Health Care Coverage and Quality Council**

This language gives the Health Care Coverage and Quality Council additional responsibilities related to selected recommendations of the Ohio Medicaid Administrative Study Council (MASC). This additional responsibility duplicates efforts of the Executive Medicaid Management Administration. Therefore, this veto is in the public interest.

### **Item Number 27**

On pages 2883 and 2884, delete the boxed text.

#### **Section 309.30.71 – ICF/MR Reimbursement Study Council**

This provision establishes the ICF/MR Reimbursement Study Council and requires the Council to submit a report, no later than July 1, 2010, on its review of Ohio's system for Medicaid reimbursement of ICF/MR services. While collaborative approaches to review reimbursement system impacts can be beneficial, initiating a review and soliciting suggestions for future action in the absence of a full dialogue about the financing of non-institutional community care settings may cause investment in care settings that are not the preferred choice of Ohio's families. Therefore, this veto is in the public interest.

### **Item Number 28**

On pages 2971 and 2972, delete the boxed text.

#### **Section 375.20 – DRC Pilot Health Care Study**

This provision would permit the Department of Rehabilitation and Corrections to conduct a pilot health care study to determine if a private contractor can provide a minimum of 10 percent savings for comprehensive health care services. The Department currently contracts with three vendors who provide care to more than

15 percent of the inmate population. Sufficient data from these contractual relationships already exist to evaluate the effectiveness of private healthcare services. Therefore, this veto is in the public interest.

### **Item Number 29**

On page 2880, delete the boxed text.

On page 3114, delete “309.30.30,”.

### **Section 309.30.30 – Nursing Facility Capital Costs Study**

This proposal requires the study of the capital component of the nursing facility reimbursement methodology with a report due no later than December 31, 2010. While we recognize the value of stakeholder input in the development of reimbursement policy, any discussion related to policy supporting long term services and supports should address the entire delivery system. This proposal is limited to reimbursement for institutional services and would not consider the range of settings in which long term services and supports are delivered. We are committed to continuing dialogue and work with providers on this issue. Therefore, this veto is in the public interest.

### **Item Number 30**

On pages 4 and 14, delete “3705.03,”.

On pages 8 and 16, delete “3705.031,” and “319.24,”.

On page 412, delete the boxed text.

On pages 1514, delete the boxed text.

On page 1594, delete “;”.

On page 1595, delete the text beginning with “(5) comply with” and ending with “Revised Code.”.

On page 2723, delete “3705.03,”.



## **Sections 319.24, 3503.18, 3705.03, and 3705.031 – Vital Statistics Reports to Counties**

This provision is redundant to existing statute. The Ohio Department of Health (ODH) already provides the requested service by publishing to a public Web site the deaths of all Ohioans on a monthly basis. The information is posted online in a simple Excel format, and each county board of elections can download the file and sort by their county, or any other fields provided, and create a customized list. The proposed language would have a negative impact on operations, costing additional staff time, paper and postage. Therefore, this veto is in the public interest.

### **Item Number 31**

On page 2305, delete the boxed text.

## **Section 5111.092 – Medicaid, Fraud, Waste, and Abuse Report**

This section requires ODJFS to complete a report every year on the department's efforts to minimize fraud, waste, and abuse in the Medicaid system. The Department of Job and Family Services is prepared to report on these efforts annually, but the required content as proposed in this provision is overly prescriptive and inflexible. Therefore this veto is in the public interest.

## **D. Earmarks, Unfunded Mandates and Requirements that Restrict Agency Flexibility in Spending**

In a time of limited resources, it is essential to give agencies flexibility in meeting their priorities without unnecessarily binding them to specific programs or services. Because agencies have already faced major reductions, it is important that they have the resources to maintain essential services to the greatest number of Ohioans, especially to those most vulnerable. For that reason, I have vetoed the sections below which make allocations for specific programs and a limited number of Ohioans.

### **Item Number 32**

On page 2917, delete the boxed text.

### **Section 335.40.10 – Behavioral Health Services-Children**

The line item “Behavioral Health Services—Children” is dedicated to providing behavioral health services for children and their families. This provision would specifically dedicate \$1 million in each fiscal year to services for children under the age of 7. We are deeply committed to the behavioral health programs and services that provide assistance to our children in need. However, during these times of limited resources, the Department must continue to be flexible in their allocation of funds in order to reach the most children in need of services, regardless of age. For this reason, a veto is in the public interest.

#### **Item Number 33**

On pages 247 and 248, delete the boxed text.

### **Section 125.20 – Department of Administrative Services Web Sites**

This provision requires that DAS create three searchable Web sites to display three different sets of information, without providing additional funds to create and manage the Web sites. It should also be noted that current statute requires DAS to post information pertaining to all contracts awarded for more than \$25,000, a partial duplication of information required by this language. Though the Department will create the websites without having the additional resources to do so, there are two items within this mandate that I am vetoing. As written, this provision contains a requirement to list two different types of employee pay: most recent pay and gross pay. These are two different sets of data, and will create confusion for those seeking to compare information.

In addition, the provision requires agencies to transmit information to DAS daily. Because the Ohio Administrative Knowledge System (OAKS) already allows for DAS to obtain any information necessary on a daily basis this requirement is unnecessary. For these reasons, this veto is in the public interest.

#### **Item Number 34**

On page 2927, delete the boxed text.

### **Section 343.10 – Heidelberg Water Quality Lab Earmark**

This provision appropriates \$250,000 a year for the Heidelberg Water Quality Lab, paid for from the fund that provides state matching grants to all 88 Soil and Water Conservation Districts (Fund 5BV0). Although the Water Quality Lab conducts important and valuable research, the earmark reduces the total funds available for all 88 Soil and Water Conservation Districts. For this reason, a veto is in the public interest.

### **Item Number 35**

On page 2862, delete the boxed text beginning with “Section 289.60” and ending with “42 U.S.C. 710.”

### **Section 289.60 – Federal Abstinence Education Program**

This provision requires the Ohio Department of Health (ODH) to apply for federal abstinence only education funding. There are no general revenue funds budgeted to fund the required match for this program. Therefore, this veto is in the public interest.

### **Item Number 36**

On pages 2078, 2079, and 2084, delete the boxed text.

On pages 6, 14, and 2724, delete “4511.69, 4513.021,”.

### **Sections 4511.69 and 4513.021 – Angled Parking on State Routes within Municipal Corporations**

This provision would prohibit the elimination of angled parking spaces on state routes within corporation limits without the approval of the municipal corporation.

Under current law, state routes within municipalities are required to have parallel parking due to safety concerns and federal regulations. If federal regulations are violated and angled parking is maintained, municipalities may not be able to receive federal and state money for paving projects. This veto will protect public

safety and the ability of municipal corporations to qualify for federal funds. Therefore, this veto is in the public interest.

### **Item Number 37**

On page 3000, delete the boxed text.

#### **Section 503.95 – Curb Cut on State Route 91 in Lake County**

This provision requires the director of the Department of Transportation to permit the construction of a curb cut on State Route 91, near Vine Street, in Lake County.

The Department of Transportation has worked with elected officials representing the City of Eastlake and other stakeholders to resolve the matter that this provision addresses in a manner that balances public safety and economic development concerns. Therefore, this veto is in the public interest.

### **Item Number 38**

On page 2930, delete the boxed text.

#### **Section 343.50 – Transfer to Scenic River Protection**

This language instructs the director of the Ohio Office of Budget and Management to transfer \$500,000 from the Waterways Safety Fund to the Scenic Rivers Protection Fund to administer the Scenic Rivers Program. The \$500,000 annual transfer from the Waterways Safety Fund to the Scenic Rivers Protection fund is not needed to accomplish the programmatic transfer of Scenic Rivers to the Division of Watercraft. And, it is in conflict with the legislatively-mandated \$650,000 annual spending cap for the program. A veto is in the public interest.

### **Item Number 39**

On page 2803, delete the boxed text.

#### **Section 265.10.50 – School Management Assistance**

This provision provides \$1,279,948 in FY 2010 and \$1,500,000 in FY 2011 in the Ohio Department of Education budget for the Auditor of State to conduct performance audits. By vetoing this provision, the audits will continue but without the specific allocation of funds to the Auditor of State. Instead, the Department of Education will work with the auditor of state to arrange the scope of work and fee arrangements appropriate to the auditor's performance audit responsibilities. In addition, vetoing this provision will maintain flexibility for the Department of Education during a time of limited resources. Therefore, this veto is in the public interest.

#### **Item Number 40**

On page 2900, delete the boxed text.

#### **Section 309.45.15 – Earmark for Independent Living**

This provision earmarks \$1.5 million of the Children and Family Services line item for independent living services to youth. The majority of the funds in this line item are already allocated to county agencies for their use to support child welfare programs, including independent living. This earmark will constrain the county agencies' ability to use the allocated funds in a flexible manner that meets each county's needs to support children. For these reasons, a veto is in the public interest.

#### **Item Number 41**

On page 3074, delete the boxed text.

#### **Section 701.70 – State Vehicle Fuel Conversion**

The language requires the Department of Public Safety, Ohio Department of Natural Resources, and the Ohio Department of Transportation to convert 5 percent of their combined 8,000 state fleet vehicles to a propane fuel system. With an estimated retrofit cost of \$6,000 per vehicle and \$9,000 for large trucks, the average conversion costs for 400 vehicles at \$7,500 would be \$3 million. For this reason, a veto is in the public interest.

## **E. General Government Operations**

### **Item Number 42**

On page 104, delete the boxed text.

#### **Section 121.07 – Director’s authority to act in absence of DFI Superintendent**

This provision permits the Director of the Department of Commerce to perform the functions of the Superintendent of the Department’s Division of Financial Institutions, for a limited time, if the superintendent provides written authorization.

Under existing law, only the Superintendent of Financial Institutions has statutory authority to conduct the operations of the Division. In all other divisions within the Department of Commerce, only the Director of Commerce may perform division functions in the absence of the superintendent or commissioner. The veto is necessary for operational continuity within the Department. Therefore the veto is in the public interest.

### **Item Number 43**

On pages 7 and 15, delete “5751.22, 5751.23,”.

On pages 2673, 2674, 2676, 2678, 2681, 2682, 2683, 2685, 2686, 2687, and 2688, delete the boxed text.

#### **Sections 5751.20, 5751.21, 5751.22, and 5751.23 – Tangible Personal Property Tax**

This provision marks a significant change in the tax reform plan enacted in 2005 in House Bill 66.

HB66 created the public school district and local government tangible personal property (TPP) replacement program to reimburse those entities for the loss of the

tangible personal property tax. This program was to be phased out as a part of that sweeping tax reform.

This provision dedicates Commercial Activity Tax (CAT) and General Revenue Fund (GRF) revenues to the tangible personal property TPP fund in perpetuity. In total, the cost of this permanent dedication of resources is \$3 billion to the GRF over the next four biennia.

This provision contradicts the overall direction of the comprehensive education system reform established in this bill. In contemplating how to treat this provision inserted by the Senate, I am sensitive to the fact that school districts and local governments require a degree of fiscal certainty in these uncertain times. The structure of the bill's language required me to take a different approach for school districts and local governments.

### **Impact on School Districts**

This language permanently dedicates \$5.2 billion of GRF and CAT revenue to an out-dated distribution formula, which otherwise would have been available to fund the phase-in of the evidence-based model. It would require the GRF to subsidize this inequitable distribution at a cost of millions of dollars over and above what would have been provided under existing law.

My veto retains the provisions that hold school districts harmless through FY 2013. This accomplishes several objectives:

- It acknowledges that school districts utilize a five year budget planning cycle;
- It recognizes that school districts will not see the full benefit of the reduction of charge-off millage in this bill until FY2014-2015; and
- It provides a degree of certainty while we continue to assess the full impact of the changes implemented by HB 66 in 2005 and their interaction with this bill's newly adopted school funding model, the Ohio Evidence-Based Model.

After FY 2013, my veto returns the language to the original phase-out plan of House Bill 66.

### **Impact on Local Government**

This item would permanently reimburse local governments based on 2004 personal property values and 2005 tax rates, an outdated allocation method that undermines the original intent of the comprehensive tax reform structure of HB66. Based upon the forecast revenues for the CAT upon which this bill is based, this provision would require the GRF to subsidize local governments at a cost of millions of dollars over the next five fiscal years.

My veto retains the provisions inserted by the House in this bill that hold local governments harmless through FY 2011. After FY 2011, my veto eliminates the permanent dedication of this tax source and its distribution mechanism, and returns to the original phase-out plan of HB66.

## **Conclusion**

The pervasive and sweeping changes of this provision deserve broad discussion among a wide range of stakeholders, especially in view of the fact that Ohio is phasing in a new, constitutional school funding system. Since taking office, my administration has been committed to assuring that school districts and local governments have predictable and sustainable funding. For this reason, this veto does not impact local government or school funding in this biennium. In order to prepare for future years, I remain committed to continuing a robust dialogue to address the fiscal challenges confronting the state and our partners in local government and school districts. For these reasons, this veto is in the public interest.

## **Item Number 44**

On pages 1, 11, and 2721, delete “105.41,”.

On pages 43, 45, and 48, delete the boxed text.

On page 1922, delete the boxed text.

On page 3110, delete the boxed text.

**Sections 105.41, 803.60, and 4117.01(C)(18) – Removal of the Capital Square Review and Advisory Board from the Legislative Branch**



This item provides that Capitol Square Review and Advisory Board (CSRAB) is a legislative branch agency; its staff members are employees of the General Assembly in the unclassified civil service; and its operations are not under the jurisdiction of the Office of Information Technology. This veto will maintain the present status of CSRAB, continuing the proper fiscal oversight and employee classification for this type of agency. Therefore, this veto is in the public interest.

#### **Item Number 45**

On page 1, 11, and 2721, delete “107.40,”.

On page 50, delete the boxed text.

#### **Section 107.40 – Prison Labor at the Governor's Residence**

This language prohibits the Department of Administrative Services from using prison labor in providing for the general maintenance of the Governor's Residence. Ohio Penal Industries provides labor at the Residence that is equivalent to three to four full-time employees. Replacing these laborers with state employees would cost an additional \$250,000 in general revenue funds annually, an unnecessary expense given the challenges the state is currently facing. For this reason, a veto is in the public interest.

#### **Item Number 46**

On page 2431, delete the boxed text.

#### **Section 5502.12 – Certain County Sheriff and Law Enforcement Accident Report Fees**

This provision eliminates the ability of the Patrol to charge an additional fee for providing accident photos. This would result in lost revenue to the Patrol, in a time when overall revenues are declining. Further erosion of the Patrol's revenue would jeopardize the essential public safety services the Patrol provides. Therefore, this veto is in the public interest.

#### **Item Number 47**

On page 3075, delete the boxed text.

### **Section 701.80 – State Employee Assignment Report**

This provision requires the Director of the Office of Budget and Management to assemble a report of all the state employees who are paid by one agency, but are working at or for another agency. Often times an employee of one state agency will be requested to provide services to another state agency, usually by inter-agency agreement. These valuable arrangements seek to maximize governmental efficiencies by sharing knowledge and expertise between state agencies and allow state employees to function as one government rather than individually, which can hinder efficiency and cross-agency collaboration. Therefore, this veto is in the public interest.

### **Item Number 48**

On pages 98 and 3003, delete the boxed text.

On pages 1, 11, and 2721, delete “117.13,”.

### **Sections 117.13 and 512.80 – Public Audit Expense Transfer**

These provisions revise the procedure for the Auditor of State to recover the costs of public audits by requiring the OBM Director to transfer the amounts of the audit costs from the general revenue fund to the public audit expense fund. There already exists a mechanism by which the Auditor can recover the costs of audits in section 117.13 of the Revised Code. In addition, this provision allows the Auditor unlimited access to the General Revenue Fund to support office operations, and with no checks and balances on the amount that could be spent. Therefore, this veto is in the public interest.

### **Item Number 49**

On pages 2436 and 2437, delete the boxed text.

On pages 9 and 16, delete “5537.051,”.

### **Section 5537.051 – Remove Turnpike Grade Separation Responsibilities**

This provision makes the Ohio Turnpike Commission responsible for the maintenance and repair of all grade separation approaches in counties that have closed one or more county or township roads as of January 1, 2009 as a result of grade separation failures at intersections of a turnpike project.

Under existing law, the Ohio Turnpike Commission is responsible for the maintenance and repair of bridges that pass over the turnpike and the 13 counties along the turnpike are responsible for the maintenance and repair of grade separation approaches. Vetoing this provision will preserve consistency in the shared commission and local responsibility for maintenance and repair of grade separations along the turnpike. Therefore the veto is in the public interest.  
(OTCV02)

#### **Item Number 50**

On page 2220, delete the boxed text.

#### **Section 4905.801 – Radioactive Shipment Inspections**

This provision allows for the Ohio State Highway Patrol, to determine if necessary, the inspections of incoming highway route controlled quantity shipments of radioactive materials and the provision also assumes that inspections are subject to local officials. Determination on inspections is best made by either the Public Utilities Commission of Ohio (PUCO) or the Ohio Department of Health (ODH), the agencies with the expertise and resources to make such a determination.

For these reasons, a veto is in the public interest.

#### **Item Number 51**

On pages 9 and 16, delete “4301.85,”.

On pages 1980 and 1981, delete the boxed text.

#### **Section 4301.85 – Alcohol Consumption at State Facilities**

This provision requires the Adjutant General to obtain the approval of the Department of Defense and foreign military nationals before regulating alcohol consumption at state facilities that train foreign military units. This language is in direct conflict with current law which empowers the Adjutant General alone to prescribe and enforce regulations for all military and adjutant general department property, as deemed necessary for protection and safety. Requiring these two entities to approve of the Adjutant General's policy would violate the command authority of the Adjutant General and the Governor. For this reason, a veto is in the public interest.

### **Item Number 52**

On page 2760, delete the boxed text.

#### **Section 219.10 – Remove Temporary Budget Language Regarding Museum Eligibility**

This language, included in the budget bill, is temporary law that has been included in the Ohio Arts Council's budget language for more than a decade. It effectively bars a museum that has received \$8 million or more in capital appropriations from the state between 1986 and 2002 from receiving any subsidy support from the Ohio Arts Council. The sole organization in the state that was affected by this language is the Rock and Roll Hall of Fame in Cleveland. Therefore, this veto is in the public interest.

### **Item Number 53**

On page 353 and 354, delete the boxed text.

#### **Section 166.07 – Micro-Lending Program**

This provision establishes a Micro-Lending Program and provides that the program will be funded "from any amount of the facilities establishment fund that the General Assembly designates for the purpose of the Micro-Lending Program." The General Assembly did not designate funding, but may decide, at some future point, to appropriate funds for this program. This provision, however, limits the General Assembly's appropriation authority to providing funds from the facilities establishment fund.

Because the Micro-Lending Program has the potential to help Ohio's small businesses and contribute to growing Ohio's economy, future funding for the program should not be limited to the facilities establishment fund. Therefore, this veto is in the public interest.

#### **Item Number 54**

On page 250, delete the boxed text.

On pages 8 and 15, delete "126.10,".

#### **Section 126.10 – Certificates of Participation (COPS)**

This provision prohibits issuing COPs without General Assembly approval. This could limit executive flexibility and activities. Under current policy, Certificates of Participation and similar debt instruments entered into by the state are expressly authorized by language included in the applicable capital and/or operating bills. Therefore, this veto is in the public interest.

#### **Item Number 55**

On page 914, delete the boxed text.

#### **Section 2915.01(AAA)(d) – Expansion of Skill-Based Amusement Machine Prize Authority**

This provision permits the proliferation of gambling in unlimited locations across the state. Therefore, this veto is in the public interest.

#### **Item Number 56**

On pages 1591 and 1592, delete the boxed text.

#### **Section 3704.14 – E-Check Extension**

The proposed language modifies the parameters for a contract for the motor vehicle inspection program. Provisions in the proposed law devalue education of motorists in those areas where there is a vehicle emissions testing program by extensively lowering the public education a vendor would be required to conduct if the current program is changed. Ohio EPA is looking for the most cost-effective, convenient and reliable inspection program for both motorists and the state. Ultimately, the provisions of the language included would restrict the ability of the state to determine the most cost-effective and consumer-friendly program. Therefore, this veto is in the public interest.

### **Item Number 57**

On pages 1712 and 1713, delete the boxed text.

### **Section 3734.57 – Solid Waste Location Exemption**

The proposed language carves out an exemption from the municipal solid waste fee increase for one solid waste facility in the state. This provision would create a precedent by excusing one facility from increased fees to be paid by the rest of the municipal solid waste facilities in the state. This veto will ensure a level playing field for the entire solid waste industry in the State of Ohio. Therefore, this veto is in the public interest.

### **Item Number 58**

On pages 1, 11, and 2721, delete “125.11,”.

On page 244, delete the boxed text.

### **Section 125.11 – Ohio Product Preference in State Procurement**

This provision reduces the preference in state procurement for all products that have been produced or mined in Ohio. Ohioans are making and mining affordable and quality products, and the State of Ohio should be purchasing those products. During this time of economic turmoil, it is more important than ever for Ohio funds to be used to purchase Ohio produced and mined products. This veto will retain the preference of buying Ohio products. Therefore, this veto is in the public interest.

### **Item Number 59**

On page 3075 and 3077, delete the boxed text.

On page 3076, delete the boxed text beginning with “Section 703.10.” and ending with “adopted by a.”

On pages 11 and 2721, delete “7.12,”.

On page 1, delete “7.12,”.

On pages 17, 405, 406, and 2487, delete boxed text.

On pages 8 and 16, delete “305.20,”.

On pages 7, 15, and 2724, delete “5721.01,”.

### **Sections 7.12, 703.10, 305.20, 5721.01 – Newspaper and Internet Ads**

These provisions would change the statute governing public notices and advertisements in newspapers and on county Web sites. These provisions should be examined as part of a comprehensive bill which has been introduced in the legislature, House Bill 220, to provide the needed time to study the possible monetary impacts and other ramifications of such changes. Therefore, this veto is in the public interest.

### **Item Number 60**

On pages 3, 13, and 2722, delete “2505.09, 2505.12,”.

On pages 8 and 16, delete “2505.122,”.

On pages 878 and 879, delete the boxed text.

### **Sections 2505.09, 2505.12, and 2505.122 – Supersedeas Bonds**

This provision creates new appeal bonds. Current law in Ohio already requires parties seeking a stay of enforcement of monetary judgments during appeal to execute a supersedeas bond. In addition, courts may require bonds from parties seeking temporary restraining orders or preliminary injunctions via Ohio Rule of Civil Procedure 65 and to appeal injunctions via Ohio Rule of Appellate Procedure 7. While additional safeguards against meritless appeals may warrant review, this provision is so broadly drafted that enactment may cause unintended consequences, including blocking access to Ohio's judicial system for indigent persons, homeowners and matters related to other community interests. Therefore, this veto is in the public interest.

## **F. Technical Vetoes**

### **Item Number 61**

On page 1627 and 1634, delete the boxed text.

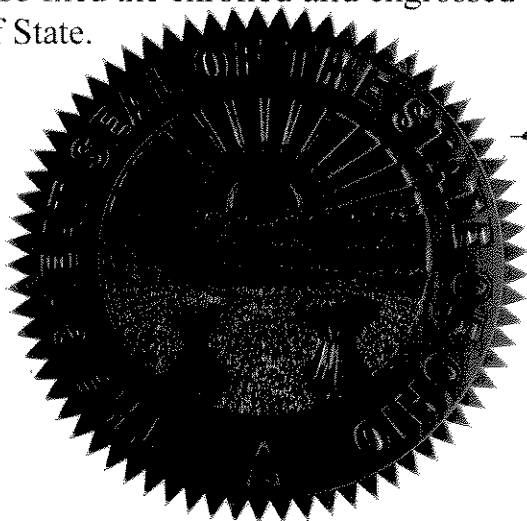
### **Section 3717.07 – Fees for Local Boards of Health**

This provision makes unnecessary changes to the current methodology system used by the Ohio Department of Agriculture and Ohio Department of Health food safety programs. The veto will restore the current methodology system used by the Ohio Department of Agriculture and Ohio Department of Health food programs. For this reason, a veto is in the public interest.



I signed this veto message on July 17, 2009 in Columbus, Ohio and transmitted it, today, with copies of the disapproved text, to the Clerk of the Ohio House of Representatives.

In order to signal my approval of the text not disapproved by me, I have, today, also filed the enrolled and engrossed original copies of the bill with the Secretary of State.



Ted Strickland  
Ted Strickland, Governor

I acknowledge receipt of an original copy of this veto message, along with a copy of the disapproved text in the bill on July 17, 2009.

Tom Sherman  
Name of Officer

House Clerk  
Title of Officer

7/17/09 5:39 p.m.  
Date and Time of Receipt



905.331, 905.36, 905.50, 905.51, 905.52, 905.56, 907.13,  
907.14, 907.30, 907.31, 915.24, 918.08, 918.28, 921.02,  
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942.13, 943.01, 943.02, 943.04, 943.05, 943.06, 943.07,  
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2317.422, 2503.17, 2505.09, 2505.12, 2743.51, 2744.05, *JK*  
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3313.981, 3314.012, 3314.015, 3314.016, 3314.02,  
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3317.0211, 3317.0216, 3317.03, 3317.031, 3317.04,  
3317.061, 3317.063, 3317.08, 3317.081, 3317.082,

The above boxed and initialed text was  
disapproved.

Date: 7-17-09

*Fred Strickland*  
Fred Strickland, Chairman

3317.12, 3317.16, 3317.18, 3317.20, 3317.201, 3318.011, *JS*  
3318.051, 3318.061, 3318.36, 3318.38, 3318.44,  
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3319.233, 3319.234, 3319.235, 3319.24, 3319.25,  
3319.26, 3319.28, 3319.291, 3319.303, 3319.36,  
3319.391, 3319.41, 3319.51, 3319.56, 3319.57, 3319.60,  
3319.61, 3319.63, 3321.01, 3321.05, 3323.05, 3323.091,  
3323.14, 3323.142, 3324.05, 3325.08, 3326.02, 3326.03,  
3326.04, 3326.05, 3326.06, 3326.07, 3326.08, 3326.11,  
3326.14, 3326.20, 3326.23, 3326.33, 3326.36, 3326.37,  
3326.51, 3327.02, 3327.04, 3327.05, 3327.10, 3329.16,  
3333.04, 3333.122, 3333.123, 3333.16, 3333.28, 3333.35,  
3333.38, 3333.42, 3333.61, 3333.62, 3333.66, 3334.03,  
3334.07, 3334.08, 3334.11, 3334.12, 3343.04, 3345.011,  
3345.062, 3345.12, 3345.32, 3345.61, 3345.62, 3345.63,  
3345.64, 3345.65, 3345.66, 3349.242, 3351.07, 3354.26,  
3365.01, 3365.04, 3365.041, 3365.07, 3365.08, 3365.09,  
3365.10, 3501.17, 3503.18, 3503.21, 3701.045, 3701.07,  
3701.242, 3701.247, 3701.344, 3701.78, 3702.30,  
3702.51, 3702.52, 3702.524, 3702.525, 3702.53,  
3702.532, 3702.54, 3702.544, 3702.55, 3702.57, 3702.59,  
3702.60, 3702.61, 3702.74, 3702.87, 3702.89, 3702.90,  
3702.91, 3702.92, 3702.93, 3702.94, 3703.01, 3703.03,  
3703.04, 3703.05, 3703.06, 3703.07, 3703.08, 3703.10,  
3703.21, 3703.99, 3704.03, 3704.14, 3704.144, 3705.03, *JS*  
3705.24, 3706.04, 3706.25, 3707.26, 3709.09, 3712.01,  
3712.03, 3713.01, 3713.02, 3713.03, 3713.04, 3713.05,  
3713.06, 3713.07, 3713.08, 3713.09, 3713.10, 3714.03,  
3714.07, 3715.87, 3715.871, 3715.873, 3717.07, 3717.23,  
3717.25, 3717.43, 3717.45, 3718.03, 3718.06, 3721.01,  
3721.02, 3721.071, 3721.23, 3721.50, 3721.51, 3721.53.

**The above boxed and initialed text was disapproved.**

**Date:** 7-17-09

Ted Strickland  
Ted Strickland Governor

3721.55, 3721.56, 3722.01, 3722.011, 3722.02, 3722.021,  
3722.04, 3722.041, 3722.05, 3722.06, 3722.08, 3722.09,  
3722.10, 3722.13, 3722.14, 3722.15, 3722.16, 3722.17,  
3722.18, 3722.99, 3727.02, 3729.07, 3733.02, 3733.04,  
3733.25, 3733.43, 3734.05, 3734.28, 3734.281, 3734.53,  
3734.57, 3734.573, 3734.82, 3734.901, 3734.9010,  
3737.71, 3743.04, 3743.25, 3745.015, 3745.05, 3745.11,  
3748.01, 3748.04, 3748.07, 3748.12, 3748.13, 3749.04,  
3767.41, 3770.03, 3770.05, 3773.35, 3773.36, 3773.43,  
3773.45, 3773.53, 3781.03, 3781.07, 3781.10, 3781.102,  
3781.11, 3781.12, 3781.19, 3783.05, 3791.02, 3791.04,  
3791.05, 3791.07, 3793.02, 3793.04, 3901.381,  
3901.3812, 3923.021, 3923.022, 3923.11, 3923.122,  
3923.24, 3923.58, 3923.581, 3923.66, 3923.67, 3923.68,  
3923.75, 3923.76, 3923.77, 3924.06, 3929.43, 3937.41,  
3951.01, 4104.01, 4104.02, 4104.06, 4104.07, 4104.08,  
4104.09, 4104.10, 4104.101, 4104.12, 4104.15, 4104.16,  
4104.17, 4104.18, 4104.19, 4104.21, 4104.33, 4104.42,  
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4105.21, 4112.01, 4112.04, 4112.05, 4112.051, 4117.01,  
4117.02, 4117.07, 4117.12, 4117.24, 4123.27, 4141.01,  
4141.08, 4141.162, 4141.31, 4169.02, 4169.03, 4169.04,  
4171.04, 4301.333, 4301.334, 4301.351, 4301.354,  
4301.355, 4301.356, 4301.361, 4301.364, 4301.365,  
4301.366, 4301.43, 4303.181, 4303.182, 4303.331,  
4501.06, 4501.24, 4501.271, 4503.068, 4503.10,  
4503.103, 4503.182, 4503.19, 4503.191, 4503.235,  
4503.40, 4503.42, 4503.44, 4505.01, 4505.06, 4505.062,  
4505.09, 4505.111, 4505.181, 4505.20, 4507.02, 4507.03,  
4507.23, 4507.24, 4507.45, 4509.101, 4510.11, 4510.12,

4510.16, 4510.22, 4511.191, 4511.69, 4513.021, 4513.03, *JS*  
4513.04, 4513.05, 4513.06, 4513.07, 4513.071, 4513.09,  
4513.11, 4513.111, 4513.12, 4513.13, 4513.14, 4513.15,  
4513.16, 4513.17, 4513.171, 4513.18, 4513.19, 4513.21,  
4513.22, 4513.23, 4513.24, 4513.242, 4513.28, 4513.60,  
4513.65, 4513.99, 4517.01, 4517.02, 4517.03, 4517.30,  
4517.33, 4517.43, 4519.02, 4519.03, 4519.04, 4519.44,  
4519.59, 4549.10, 4549.12, 4582.07, 4582.08, 4582.32,  
4582.33, 4709.12, 4713.32, 4713.63, 4713.64, 4717.31,  
4729.42, 4729.99, 4731.10, 4731.26, 4731.38, 4731.65,  
4731.71, 4733.10, 4734.25, 4735.06, 4735.09, 4735.12,  
4735.13, 4735.15, 4736.01, 4740.03, 4740.11, 4740.14,  
4741.41, 4741.44, 4741.45, 4741.46, 4751.07, 4755.06,  
4755.12, 4757.10, 4757.31, 4757.36, 4763.01, 4763.03,  
4763.04, 4763.05, 4763.06, 4763.07, 4763.09, 4763.11,  
4763.13, 4763.14, 4763.17, 4765.11, 4765.17, 4765.23,  
4765.30, 4766.09, 4767.05, 4767.07, 4767.08, 4776.02,  
4781.01, 4781.02, 4781.04, 4781.05, 4781.06, 4781.07,  
4905.801, 4928.01, 5101.11, 5101.16, 5101.162,  
5101.181, 5101.24, 5101.26, 5101.31, 5101.33, 5101.34,  
5101.36, 5101.47, 5101.50, 5101.5212, 5101.5213, *JS*  
5101.54, 5101.541, 5101.544, 5101.571, 5101.573,  
5101.58, 5101.60, 5101.61, 5101.84, 5103.02, 5103.03, *JS*  
5104.04, 5104.041, 5104.051, 5104.30, 5104.32,  
5104.341, 5104.35, 5104.39, 5104.42, 5107.05, 5107.16,  
5107.17, 5107.78, 5108.04, 5108.07, 5111.01, 5111.028,  
5111.032, 5111.033, 5111.034, 5111.06, 5111.084,  
5111.16, 5111.176, 5111.20, 5111.21, 5111.211,  
5111.231, 5111.232, 5111.24, 5111.243, 5111.25,  
5111.261, 5111.65, 5111.651, 5111.68, 5111.681, *JS*  
5111.685, 5111.686, 5111.688, 5111.705, 5111.85,  
5111.851, 5111.874, 5111.875, 5111.89, 5111.891,

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Date: 7-17-09

Ted Strickland  
Ted Strickland, Governor

5111.894, 5111.971, 5112.03, 5112.08, 5112.17, 5112.30,  
 5112.31, 5112.37, 5112.39, 5115.20, 5115.22, 5115.23,  
 5119.16, 5119.61, 5120.032, 5120.033, 5120.09, 5122.31,  
 5123.049, 5123.0412, 5123.0413, 5123.0417, 5123.19,  
 5126.044, 5126.05, 5126.054, 5126.055, 5126.0512,  
 5126.19, 5126.24, 5139.43, 5153.163, 5501.04, 5502.01,  
 5502.12, 5502.14, 5502.15, 5505.15, 5701.11, 5703.21,  
 5703.37, 5703.80, 5705.01, 5705.211, 5705.214, 5705.25,  
 5705.29, 5705.341, 5705.37, 5709.62, 5709.63, 5709.632,  
 5711.33, 5715.02, 5715.251, 5715.26, 5717.03, 5717.04,  
 5721.01, 5721.32, 5721.33, 5722.02, 5722.04, 5722.21,  
 5723.04, 5725.18, 5725.98, 5727.81, 5727.811, 5727.84,  
 5728.12, 5729.03, 5729.98, 5733.01, 5733.04, 5733.47,  
 5733.98, 5735.142, 5739.01, 5739.02, 5739.03, 5739.033,  
 5739.09, 5739.131, 5743.15, 5743.61, 5747.01, 5747.13,  
 5747.16, 5747.18, 5747.76, 5747.98, 5748.02, 5748.03,  
 5749.02, 5749.12, 5751.01, 5751.011, 5751.012,  
 5751.013, 5751.02, 5751.03, 5751.04, 5751.05, 5751.051,  
 5751.06, 5751.08, 5751.09, 5751.20, 5751.21, 5751.22,  
 5751.23, 5911.10, 5913.051, 5913.09, 6103.01, 6103.02,  
 6109.21, 6111.04, 6111.044, 6111.44, 6117.01, 6117.02,  
 6119.011, and 6301.03; to amend, for the purpose of  
 adopting new section numbers as indicated in  
 parentheses, sections 173.43 (173.422), 1517.14  
 (1547.81), 1517.16 (1547.82), 1517.17 (1547.83),  
 1517.18, (1547.84), 3313.174 (3313.82), 3319.233  
 (3333.049), 5101.5110 (5101.5111), 5111.019  
 (5111.0120), and 5111.688 (5111.689); to enact new  
 sections 173.43, 3301.0712, 3319.222, 5101.5110,  
 5111.688, and 5112.371 and sections 5.2265, 9.317,  
 103.24, 107.19, 111.26, 111.27, 121.375, 122.042,  
 122.12, 122.121, 122.85, 124.393, and 124.394.

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disapproved.

Date: 7-17-09

Ted Strickland  
 Ted Strickland, Governor



124.86, 125.181, 125.20, 126.10, 126.50, 126.501, *W*  
 126.502, 126.503, 126.504, 126.505, 126.506, 126.507,  
 131.38, 133.022, 148.05, 150.051, 153.013, 166.22,  
 166.28, 173.28, 173.402, 173.403, 173.421, 173.423,  
 173.424, 173.425, 173.431, 173.432, 173.433, 173.434,  
 173.501, 173.70, 175.052, 175.30, 175.31, 175.32,  
305.20, 319.24, 717.25, 901.041, 901.91, 927.54, *W*  
 943.031, 1321.521, 1321.522, 1321.531, 1321.532,  
 1321.533, 1321.534, 1321.535, 1321.536, 1321.552,  
 1321.591, 1321.592, 1321.593, 1321.594, 1322.022,  
 1322.023, 1322.024, 1322.025, 1322.065, 1547.02,  
 1547.85, 1547.86, 1547.87, 1733.252, 2505.122, *W*  
 3119.371, 3301.041, 3301.076, 3301.0719, 3301.0721,  
 3301.122, 3301.60, 3301.61, 3301.62, 3301.63, 3301.64,  
 3301.82, 3301.90, 3301.95, 3304.181, 3304.182, 3306.01,  
 3306.011, 3306.012, 3306.02, 3306.03, 3306.04, 3306.05,  
 3306.051, 3306.052, 3306.06, 3306.07, 3306.08, 3306.09,  
 3306.091, 3306.10, 3306.11, 3306.12, 3306.13, 3306.18,  
 3306.19, 3306.191, 3306.192, 3306.21, 3306.22, 3306.25,  
 3306.29, 3306.291, 3306.292, 3306.30, 3306.31, 3306.33,  
 3306.34, 3306.35, 3306.40, 3306.50, 3306.51, 3306.52,  
 3306.53, 3306.54, 3306.55, 3306.56, 3306.57, 3306.58,  
 3310.15, 3311.0510, 3313.6015, 3313.719, 3313.821, *W*  
 3313.822, 3313.83, 3313.86, 3314.028, 3314.088,  
 3314.44, 3317.018, 3318.312, 3319.223, 3319.611,  
 3319.612, 3319.70, 3319.71, 3321.041, 3326.39,  
 3333.048, 3333.39, 3333.391, 3333.392, 3333.90,  
 3334.111, 3345.36, 3353.09, 3353.20, 3354.24, 3365.12,  
 3375.79, 3701.0211, 3701.136, 3701.611, 3702.592, *W*  
 3702.593, 3702.594, 3705.031, 3709.092, 3715.041, *W*  
 3721.511, 3721.512, 3721.513, 3722.022, 3734.282,  
 3770.21, 3793.21, 3903.77, 3923.241, 3923.582, 3923.90

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Date: 7-17-09

Ted Strickland  
 Ted Strickland, Governor

3923.91, 4113.11, 4123.446, 4301.85, 4501.243, 4501.29, *JS*  
 4503.548, 4503.563, 4582.71, 4755.061, 4781.16,  
 4781.17, 4781.18, 4781.19, 4781.20, 4781.21, 4781.22,  
 4781.23, 4781.24, 4781.25, 4781.99, 5101.073, 5101.504, *JS*  
5101.5210, 5101.542, 5111.0121, 5111.0210, 5111.092, *JS*  
 5111.233, 5111.236, 5111.262, 5111.861, 5111.88, *JS*  
 5111.881, 5111.882, 5111.883, 5111.884, 5111.885,  
 5111.886, 5111.887, 5111.888, 5111.889, 5111.8810,  
 5111.8811, 5112.40, 5112.41, 5112.42, 5112.43, 5112.44,  
 5112.45, 5112.46, 5112.47, 5112.48, 5119.613, 5119.621,  
 5123.193, 5123.197, 5155.38, 5505.152, 5525.26,  
5537.051, 5705.219, 5705.2110, 5705.2111, 5725.33, *JS*  
 5729.16, 5733.58, 5733.59, 5739.051, 5747.66, 5751.014,  
 5911.11, 5919.20, 5919.36, and 6119.091; to repeal  
 sections 117.102, 173.71, 173.72, 173.721, 173.722,  
 173.723, 173.724, 173.73, 173.731, 173.732, 173.74,  
 173.741, 173.742, 173.75, 173.751, 173.752, 173.753,  
 173.76, 173.77, 173.771, 173.772, 173.773, 173.78,  
 173.79, 173.791, 173.80, 173.801, 173.802, 173.803,  
 173.81, 173.811, 173.812, 173.813, 173.814, 173.815,  
 173.82, 173.83, 173.831, 173.832, 173.833, 173.84,  
 173.85, 173.86, 173.861, 173.87, 173.871, 173.872,  
 173.873, 173.874, 173.875, 173.876, 173.88, 173.89,  
 173.891, 173.892, 173.90, 173.91, 905.38, 905.381,  
 905.66, 907.16, 927.74, 1504.01, 1504.02, 1504.03,  
 1504.04, 1517.15, 1521.02, 1711.58, 3301.0712, 3301.41,  
 3301.42, 3301.43, 3302.032, 3313.473, 3314.15,  
 3319.0810, 3319.222, 3319.23, 3319.261, 3319.302,  
 3319.304, 3333.27, 3701.77, 3701.771, 3701.772,  
 3701.93, 3701.931, 3701.932, 3701.933, 3701.934,  
 3701.935, 3701.936, 3702.511, 3702.523, 3702.527,  
 3702.528, 3702.529, 3702.542, **The above boxed and initialed text was  
 disapproved.**

Date: 7-17-09

Ted Strickland  
 Ted Strickland, Governor

3724.02, 3724.021, 3724.03, 3724.04, 3724.05, 3724.06, 3724.07, 3724.08, 3724.09, 3724.10, 3724.11, 3724.12, 3724.13, 3724.99, 4517.052, 4517.27, 4735.22, 4735.23, 5101.072, 5103.54, 5111.263, 5112.371, 5115.10, 5115.11, 5112.12, 5115.13, 5115.14, 5145.32, and 5923.141 of the Revised Code; to amend Sections 205.10, 321.10, 325.20, and 327.10 of Am. Sub. H.B. 2 of the 128th General Assembly; to amend Section 309.10 of Am. Sub. H.B. 2 of the 128th General Assembly; to amend Section 317.10 of Am. Sub. H.B. 2 of the 128th General Assembly; to amend Sections 120.01 and 120.02 of Am. Sub. H.B. 119 of the 127th General Assembly; to amend Sections 103.80.80, 103.80.90, 301.10.50, and 301.30.30 of H.B. 496 of the 127th General Assembly; to amend Sections 301.20.20 and 301.60.50 of H.B. 496 of the 127th General Assembly, as subsequently amended; to amend Section 11 of Am. Sub. H.B. 554 of the 127th General Assembly; to amend Sections 233.30.20, 233.30.50, 233.40.30, 235.10, and 701.20 of H.B. 562 of the 127th General Assembly; to amend Sections 227.10 and 233.50.80 of H.B. 562 of the 127th General Assembly, as subsequently amended; to amend Sections 217.11 and 231.20.30 of Am. Sub. H.B. 562 of the 127th General Assembly, as subsequently amended; to amend Section 831.06 of H.B. 530 of the 126th General Assembly; to amend Section 4 of H.B. 516 of the 125th General Assembly, as subsequently amended; to amend Section 6 of H.B. 364 of the 124th General Assembly and to amend Section 6 of H.B. 364 of the 124th General Assembly to codify the Section as section 3314.027 of the Revised Code; to amend Section 153 of Am. Sub. H.B. 117 of the 121st General Assembly, as subsequently

amended; to repeal Section 3 of Am. Sub. H.B. 203 of the 126th General Assembly; to repeal Section 325.05 of Am. Sub. H.B. 2 of the 128th General Assembly; to further amend sections 711.001, 711.05, 711.10, 711.131, 4736.01, 6111.04, and 6111.44 of the Revised Code effective January 1, 2010; to amend the version of section 2949.111 of the Revised Code that is scheduled to take effect January 1, 2010, to continue the provisions of this act on and after that effective date; to amend the version of section 5739.033 of the Revised Code that is scheduled to take effect January 1, 2010, to continue the provisions of this act on and after that effective date; to repeal sections 5112.40, 5112.41, 5112.42, 5112.43, 5112.44, 5112.45, 5112.46, 5112.47, and 5112.48 of the Revised Code, effective October 1, 2011; to repeal the version of sections 1753.53 and 3923.38 of the Revised Code that were scheduled to take effect January 1, 2010; to make operating appropriations for the biennium beginning July 1, 2009, and ending June 30, 2011, and to provide authorization and conditions for the operation of state programs.

*Be it enacted by the General Assembly of the State of Ohio:*

SECTION 101.01. That sections 7.12, 9.06, 9.24, 9.314, 101.34, 101.72, 102.02, 105.41, 107.21, 107.40, 109.57, 109.572, 109.73, 109.731, 109.742, 109.744, 109.751, 109.761, 109.77, 109.802, 109.803, 117.13, 118.05, 120.08, 121.04, 121.07, 121.08, 121.083, 121.084, 121.31, 121.37, 121.40, 121.401, 121.402, 122.011, 122.05, 122.051, 122.075, 122.151, 122.17, 122.171, 122.40, 122.603, 122.71, 122.751, 122.76, 122.89, 123.01, 124.03, 124.04, 124.07, 124.11, 124.134, 124.14, 124.152, 124.181, 124.183, 124.22, 124.23, 124.27, 124.321, 124.324, 124.325, 124.34, 124.381, 124.382, 124.385, 124.386, 124.392, 124.81, 125.11, 125.18, 125.831, 126.05, 126.21, 126.35, 127.16, 131.23, 131.33, 133.01, 133.02, 133.06,

The above boxed and initialed text was disapproved.

Date: 7-17-09

Ted Strickland  
Ted Strickland, Governor

133.18, 133.20, 133.21, 133.34, 135.03, 135.06, 135.08, 135.32, 141.04, 145.012, 145.298, 148.02, 148.04, 149.43, 149.45, 150.01, 150.02, 150.03, 150.04, 150.05, 150.07, 152.09, 152.10, 152.12, 152.15, 152.33, 156.01, 156.02, 156.03, 156.04, 166.02, 166.07, 166.08, 166.11, 166.25, 169.08, 173.08, 173.35, 173.392, 173.40, 173.401, 173.42, 173.43, 173.50, 173.71, 173.76, 173.99, 174.02, 174.03, 174.06, 175.01, 176.05, 303.213, 307.626, 307.629, 307.79, 311.17, 311.42, 319.28, 319.301, 319.302, 319.54, 321.24, 321.261, 323.01, 323.121, 323.156, 323.73, 323.74, 323.77, 323.78, 329.03, 329.04, 329.042, 329.051, 329.06, 340.033, 343.01, 351.01, 351.021, 504.21, 505.82, 711.001, 711.05, 711.10, 711.131, 718.04, 721.15, 901.20, 901.32, 901.43, 903.082, 903.11, 903.25, 905.32, 905.33, 905.331, 905.36, 905.50, 905.51, 905.52, 905.56, 907.13, 907.14, 907.30, 907.31, 915.24, 918.08, 918.28, 921.02, 921.06, 921.09, 921.11, 921.13, 921.16, 921.22, 921.27, 921.29, 923.44, 923.46, 927.51, 927.52, 927.53, 927.56, 927.69, 927.70, 927.701, 927.71, 942.01, 942.02, 942.06, 942.13, 943.01, 943.02, 943.04, 943.05, 943.06, 943.07, 943.13, 943.14, 943.16, 953.21, 953.22, 953.23, 955.201, 1321.20, 1321.51, 1321.52, 1321.53, 1321.54, 1321.55, 1321.551, 1321.57, 1321.59, 1321.60, 1321.99, 1322.01, 1322.02, 1322.03, 1322.031, 1322.04, 1322.041, 1322.05, 1322.051, 1322.052, 1322.06, 1322.061, 1322.062, 1322.063, 1322.064, 1322.07, 1322.071, 1322.072, 1322.074, 1322.075, 1322.08, 1322.081, 1322.09, 1322.10, 1322.11, 1322.99, 1332.24, 1332.25, 1343.011, 1345.01, 1345.05, 1345.09, 1347.08, 1349.31, 1349.43, 1501.01, 1501.05, 1501.07, 1501.30, 1502.12, 1506.01, 1507.01, 1511.01, 1511.02, 1511.021, 1511.022, 1511.03, 1511.04, 1511.05, 1511.06, 1511.07, 1511.071, 1511.08, 1514.08, 1514.10, 1514.13, 1515.08, 1515.14, 1515.183, 1517.02, 1517.10, 1517.11, 1517.14, 1517.16, 1517.17, 1517.18, 1519.03, 1520.02, 1520.03, 1521.03, 1521.031, 1521.04, 1521.05, 1521.06, 1521.061, 1521.062, 1521.063, 1521.064, 1521.07, 1521.10, 1521.11, 1521.12, 1521.13, 1521.14, 1521.15, 1521.16, 1521.18, 1521.19, 1523.01, 1523.02, 1523.03, 1523.04, 1523.05, 1523.06, 1523.07, 1523.08, 1523.09, 1523.10, 1523.11, 1523.12, 1523.13, 1523.14, 1523.15, 1523.16, 1523.17, 1523.18, 1523.19, 1523.20, 1533.11, 1541.03, 1547.01, 1547.51, 1547.52, 1547.531, 1547.54, 1547.542, 1547.73, 1547.99, 1548.10, 1707.17, 1707.18, 1707.37, 1710.01, 1710.02, 1710.03, 1710.04, 1710.06, 1710.07, 1710.10, 1710.13, 1721.211, 1724.02, 1724.04, 1733.26, 1739.05, 1751.03, 1751.04, 1751.05, 1751.14, 1751.15, 1751.16, 1751.18, 1751.19, 1751.32, 1751.321, 1751.34, 1751.35, 1751.36, 1751.45, 1751.46, 1751.48, 1751.831, 1751.84, 1751.85, 1753.09, 1901.121, 1901.26, 1901.31, 1907.14, 1907.24, 2101.01, 2301.02, 2301.03, 2303.201, 2305.234, 2317.422, 2503.17.

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Date: 7-17-09

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3705.03, 3705.24, 3706.04, 3706.25, 3707.26, 3709.09, 3712.01, 3712.03, 3713.01, 3713.02, 3713.03, 3713.04, 3713.05, 3713.06, 3713.07, 3713.08, 3713.09, 3713.10, 3714.03, 3714.07, 3715.87, 3715.871, 3715.873, 3717.07, 3717.23, 3717.25, 3717.43, 3717.45, 3718.03, 3718.06, 3721.01, 3721.02, 3721.071, 3721.23, 3721.50, 3721.51, 3721.53, 3721.55, 3721.56, 3722.01, 3722.011, 3722.02, 3722.021, 3722.04, 3722.041, 3722.05, 3722.06, 3722.08, 3722.09, 3722.10, 3722.13, 3722.14, 3722.15, 3722.16, 3722.17, 3722.18, 3722.99, 3727.02, 3729.07, 3733.02, 3733.04, 3733.25, 3733.43, 3734.05, 3734.28, 3734.281, 3734.53, 3734.57, 3734.573, 3734.82, 3734.901, 3734.9010, 3737.71, 3743.04, 3743.25, 3745.015, 3745.05, 3745.11, 3748.01, 3748.04, 3748.07, 3748.12, 3748.13, 3749.04, 3767.41, 3770.03, 3770.05, 3773.35, 3773.36, 3773.43, 3773.45, 3773.53, 3781.03, 3781.07, 3781.10, 3781.102, 3781.11, 3781.12, 3781.19, 3783.05, 3791.02, 3791.04, 3791.05, 3791.07, 3793.02, 3793.04, 3901.381, 3901.3812, 3923.021, 3923.022, 3923.11, 3923.122, 3923.24, 3923.58, 3923.581, 3923.66, 3923.67, 3923.68, 3923.75, 3923.76, 3923.77, 3924.06, 3929.43, 3937.41, 3951.01, 4104.01, 4104.02, 4104.06, 4104.07, 4104.08, 4104.09, 4104.10, 4104.101, 4104.12, 4104.15, 4104.16, 4104.17, 4104.18, 4104.19, 4104.21, 4104.33, 4104.42, 4104.43, 4104.44, 4104.48, 4105.01, 4105.02, 4105.03, 4105.04, 4105.05, 4105.06, 4105.09, 4105.11, 4105.12, 4105.13, 4105.15, 4105.16, 4105.17, 4105.191, 4105.20, 4105.21, 4112.01, 4112.04, 4112.05, 4112.051, 4117.01, 4117.02, 4117.07, 4117.12, 4117.24, 4123.27, 4141.01, 4141.08, 4141.162, 4141.31, 4169.02, 4169.03, 4169.04, 4171.04, 4301.333, 4301.334, 4301.351, 4301.354, 4301.355, 4301.356, 4301.361, 4301.364, 4301.365, 4301.366, 4301.43, 4303.181, 4303.182, 4303.331, 4501.06, 4501.24, 4501.271, 4503.068, 4503.10, 4503.103, 4503.182, 4503.19, 4503.191, 4503.235, 4503.40, 4503.42, 4503.44, 4505.01, 4505.06, 4505.062, 4505.09, 4505.111, 4505.181, 4505.20, 4507.02, 4507.03, 4507.23, 4507.24, 4507.45, 4509.101, 4510.11, 4510.12, 4510.16, 4510.22, 4511.191, 4511.69, 4513.021, 4513.03, 4513.04, 4513.05, 4513.06, 4513.07, 4513.071, 4513.09, 4513.11, 4513.111, 4513.12, 4513.13, 4513.14, 4513.15, 4513.16, 4513.17, 4513.171, 4513.18, 4513.19, 4513.21, 4513.22, 4513.23, 4513.24, 4513.242, 4513.28, 4513.60, 4513.65, 4513.99, 4517.01, 4517.02, 4517.03, 4517.30, 4517.33, 4517.43, 4519.02, 4519.03, 4519.04, 4519.44, 4519.59, 4549.10, 4549.12, 4582.07, 4582.08, 4582.32, 4582.33, 4709.12, 4713.32, 4713.63, 4713.64, 4717.31, 4729.42, 4729.99, 4731.10, 4731.26, 4731.38, 4731.65, 4731.71, 4733.10, 4734.25, 4735.06, 4735.09, 4735.12, 4735.13, 4735.15, 4736.01, 4740.03, 4740.11, 4740.14, 4741.41, 4741.44, 4741.45, 4741.46, 4751.07, 4755.06, 4755.12, 4757.10, 4757.31, 4757.12

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Ted Strickland  
Ted Strickland, Governor

4763.01, 4763.03, 4763.04, 4763.05, 4763.06, 4763.07, 4763.09, 4763.11, 4763.13, 4763.14, 4763.17, 4765.11, 4765.17, 4765.23, 4765.30, 4766.09, 4767.05, 4767.07, 4767.08, 4776.02, 4781.01, 4781.02, 4781.04, 4781.05, 4781.06, 4781.07, 4905.801, 4928.01, 5101.11, 5101.16, 5101.162, 5101.181, 5101.24, 5101.26, 5101.31, 5101.33, 5101.34, 5101.36, 5101.47, 5101.50, 5101.5212, 5101.5213, 5101.54, 5101.541, 5101.544, 5101.571, 5101.573, 5101.58, 5101.60, 5101.61, 5101.84, 5103.02, 5103.03, 5104.04, 5104.041, 5104.051, 5104.30, 5104.32, 5104.341, 5104.35, 5104.39, 5104.42, 5107.05, 5107.16, 5107.17, 5107.78, 5108.04, 5108.07, 5111.01, 5111.028, 5111.032, 5111.033, 5111.034, 5111.06, 5111.084, 5111.16, 5111.176, 5111.20, 5111.21, 5111.211, 5111.231, 5111.232, 5111.24, 5111.243, 5111.25, 5111.261, 5111.65, 5111.651, 5111.68, 5111.681, 5111.685, 5111.686, 5111.688, 5111.705, 5111.85, 5111.851, 5111.874, 5111.875, 5111.89, 5111.891, 5111.894, 5111.971, 5112.03, 5112.08, 5112.17, 5112.30, 5112.31, 5112.37, 5112.39, 5115.20, 5115.22, 5115.23, 5119.16, 5119.61, 5120.032, 5120.033, 5120.09, 5122.31, 5123.049, 5123.0412, 5123.0413, 5123.0417, 5123.19, 5126.044, 5126.05, 5126.054, 5126.055, 5126.0512, 5126.19, 5126.24, 5139.43, 5153.163, 5501.04, 5502.01, 5502.12, 5502.14, 5502.15, 5505.15, 5701.11, 5703.21, 5703.37, 5703.80, 5705.01, 5705.211, 5705.214, 5705.25, 5705.29, 5705.341, 5705.37, 5709.62, 5709.63, 5709.632, 5711.33, 5715.02, 5715.251, 5715.26, 5717.03, 5717.04, 5721.01, 5721.32, 5721.33, 5722.02, 5722.04, 5722.21, 5723.04, 5725.18, 5725.98, 5727.81, 5727.811, 5727.84, 5728.12, 5729.03, 5729.98, 5733.01, 5733.04, 5733.47, 5733.98, 5735.142, 5739.01, 5739.02, 5739.03, 5739.033, 5739.09, 5739.131, 5743.15, 5743.61, 5747.01, 5747.13, 5747.16, 5747.18, 5747.76, 5747.98, 5748.02, 5748.03, 5749.02, 5749.12, 5751.01, 5751.011, 5751.012, 5751.013, 5751.02, 5751.03, 5751.04, 5751.05, 5751.051, 5751.06, 5751.08, 5751.09, 5751.20, 5751.21, 5751.22, 5751.23, 5911.10, 5913.051, 5913.09, 6103.01, 6103.02, 6109.21, 6111.04, 6111.044, 6111.44, 6117.01, 6117.02, 6119.011, and 6301.03 be amended; sections 173.43 (173.422), 1517.14 (1547.81), 1517.16 (1547.82), 1517.17 (1547.83), 1517.18 (1547.84), 3313.174 (3313.82), 3319.233 (3333.049), 5101.5110 (5101.5111), 5111.019 (5111.0120), and 5111.688 (5111.689) be amended for the purpose of adopting new section numbers as indicated in parentheses; new sections 173.43, 3301.0712, 3319.222, 5101.5110, 5111.688, and 5112.371 and sections 5.2265, 9.317, 103.24, 107.19, 111.26, 111.27, 121.375, 122.042, 122.12, 122.121, 122.85, 124.393, 124.821, 124.822, 124.86, 125.181, 125.20, 126.10, 126.50, 126.501, 126.502, 126.503, 126.504, 126.505, 126.506, 126.797, 131.38, 133.022, 148.05

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Ted Strickland

Ted Strickland, Governor



150.051, 153.013, 166.22, 166.28, 173.28, 173.402, 173.403, 173.421, 173.423, 173.424, 173.425, 173.431, 173.432, 173.433, 173.434, 173.501, 173.70, 175.052, 175.30, 175.31, 175.32, 305.20, 319.24, 717.25, 901.041, 901.91, 927.54, 943.031, 1321.521, 1321.522, 1321.531, 1321.532, 1321.533, 1321.534, 1321.535, 1321.536, 1321.552, 1321.591, 1321.592, 1321.593, 1321.594, 1322.022, 1322.023, 1322.024, 1322.025, 1322.065, 1547.02, 1547.85, 1547.86, 1547.87, 1733.252, 2505.122, 3119.371, 3301.041, 3301.076, 3301.0719, 3301.0721, 3301.122, 3301.60, 3301.61, 3301.62, 3301.63, 3301.64, 3301.82, 3301.90, 3301.95, 3304.181, 3304.182, 3306.01, 3306.011, 3306.012, 3306.02, 3306.03, 3306.04, 3306.05, 3306.051, 3306.052, 3306.06, 3306.07, 3306.08, 3306.09, 3306.091, 3306.10, 3306.11, 3306.12, 3306.13, 3306.18, 3306.19, 3306.191, 3306.192, 3306.21, 3306.22, 3306.25, 3306.29, 3306.291, 3306.292, 3306.30, 3306.31, 3306.33, 3306.34, 3306.35, 3306.40, 3306.50, 3306.51, 3306.52, 3306.53, 3306.54, 3306.55, 3306.56, 3306.57, 3306.58, 3310.15, 3311.0510, 3313.6015, 3313.719, 3313.821, 3313.822, 3313.83, 3313.86, 3314.028, 3314.088, 3314.44, 3317.018, 3318.312, 3319.223, 3319.611, 3319.612, 3319.70, 3319.71, 3321.041, 3326.39, 3333.048, 3333.39, 3333.391, 3333.392, 3333.90, 3334.111, 3345.36, 3353.09, 3353.20, 3354.24, 3365.12, 3375.79, 3701.0211, 3701.136, 3701.611, 3702.592, 3702.593, 3702.594, 3705.031, 3709.092, 3715.041, 3721.511, 3721.512, 3721.513, 3722.022, 3734.282, 3770.21, 3793.21, 3903.77, 3923.241, 3923.582, 3923.90, 3923.91, 4113.11, 4123.446, 4301.85, 4501.243, 4501.29, 4503.548, 4503.563, 4582.71, 4755.061, 4781.16, 4781.17, 4781.18, 4781.19, 4781.20, 4781.21, 4781.22, 4781.23, 4781.24, 4781.25, 4781.99, 5101.073, 5101.504, 5101.5210, 5101.542, 5111.0121, 5111.0210, 5111.092, 5111.233, 5111.236, 5111.262, 5111.861, 5111.88, 5111.881, 5111.882, 5111.883, 5111.884, 5111.885, 5111.886, 5111.887, 5111.888, 5111.889, 5111.8810, 5111.8811, 5112.40, 5112.41, 5112.42, 5112.43, 5112.44, 5112.45, 5112.46, 5112.47, 5112.48, 5119.613, 5119.621, 5123.193, 5123.197, 5155.38, 5505.152, 5525.26, 5537.051, 5705.219, 5705.2110, 5705.2111, 5725.33, 5729.16, 5733.58, 5733.59, 5739.051, 5747.66, 5751.014, 5911.11, 5919.20, 5919.36, and 6119.091 of the Revised Code be enacted; and Section 6 of H.B. 364 of the 124th General Assembly be amended and Section 6 of H.B. 364 of the 124th General Assembly be amended to codify as section 3314.027 of the Revised Code to read as follows:

Sec. 5.2265. The month of August is designated as "Ohio Military Family Month."

Sec. 7.12. Whenever any legal publication is made, ~~the above boxed and initialed text was~~ **disapproved.**

Date: 7-17-09

Ted Strickland

Ted Strickland, Governor

in a newspaper published in a municipal corporation, county, or other political subdivision, the newspaper shall also be a newspaper of general circulation in the municipal corporation, county, or other political subdivision, without further restriction or limitation upon a selection of the newspaper to be used. If no newspaper is published in such municipal corporation, county, or other political subdivision, such legal publication shall be made in any newspaper of general circulation therein. If there are less than two newspapers published in any municipal corporation, county, or other political subdivision in the manner defined by this section, then any legal publication required by law to be made in a newspaper published in a municipal corporation, county, or other political subdivision may be made in any newspaper regularly issued at stated intervals from a known office of publication located within the municipal corporation, county, or other political subdivision. As used in this section, a known office of publication is a public office where the business of the newspaper is transacted during the usual business hours, and such office shall be shown by the publication itself.

In addition to all other requirements, a newspaper or newspaper of general circulation, except those publications performing the functions described in section 2701.09 of the Revised Code for a period of one year immediately preceding any such publication required to be made, shall be a publication bearing a title or name, regularly issued as frequently as once a week for a definite price or consideration paid for by not less than fifty per cent of those to whom distribution is made, having a second class mailing privilege, being not less than four pages, published continuously during the immediately preceding one-year period, and circulated generally in the political subdivision in which it is published. Such publication must be of a type to which the general public resorts for passing events of a political, religious, commercial, and social nature, current happenings, announcements, miscellaneous reading matter, advertisements, and other notices that has at least twenty-five per cent editorial, nonadvertising content, exclusive of inserts, measured relative to total publication space, and an audited circulation to at least fifty per cent of the households in the newspaper's retail trade zone as defined by the audit.

Any notice required to be published in a newspaper of general circulation may appear on an insert placed in such a newspaper. A responsible party who is required to publish such a notice shall consider various advertising media to determine which media might reach the intended public most broadly. The responsible party need publish the notice in only one qualified medium to meet the requirements of law.

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Date: 7-17-09

Ted Strickland  
Ted Strickland, Governor

receives under divisions (E) and (F) of this section into the general revenue fund of the state.

(2) The Ohio ethics commission shall deposit all receipts, including, but not limited to, fees it receives under divisions (E) and (F) of this section and all moneys it receives from settlements under division (G) of section 102.06 of the Revised Code, into the Ohio ethics commission fund, which is hereby created in the state treasury. All moneys credited to the fund shall be used solely for expenses related to the operation and statutory functions of the commission.

(3) The joint legislative ethics committee shall deposit all receipts it receives from the payment of financial disclosure statement filing fees under divisions (E) and (F) of this section into the joint legislative ethics committee investigative fund.

(H) Division (A) of this section does not apply to a person elected or appointed to the office of precinct, ward, or district committee member under Chapter 3517. of the Revised Code; a presidential elector; a delegate to a national convention; village or township officials and employees; any physician or psychiatrist who is paid a salary or wage in accordance with schedule C of section 124.15 or schedule E-2 of section 124.152 of the Revised Code and whose primary duties do not require the exercise of administrative discretion; or any member of a board, commission, or bureau of any county or city who receives less than one thousand dollars per year for serving in that position.

Sec. 103.24. There is hereby created in the state treasury the legislative agency telephone usage fund. Money collected from the house of representatives, senate, and joint legislative ethics committee shall be credited to the fund, along with money collected from any other legislative agency that the legislative service commission determines should account for calls made from the agency's telephones through the fund. The fund shall be used to pay the telephone carriers for all such telephone calls.

Sec. 105.41. (A) There is hereby created in the legislative branch of government the capitol square review and advisory board, consisting of thirteen members as follows:

(1) Two members of the senate, appointed by the president of the senate, both of whom shall not be members of the same political party;

(2) Two members of the house of representatives, appointed by the speaker of the house of representatives, both of whom shall not be members of the same political party;

(3) Five members appointed by the governor, with the advice and consent of the senate, not more than three of whom shall be members of the

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officers, and shall organize by selecting a chairperson and other officers as it considers necessary. Board members shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties.

(D) The board may do any of the following:

(1) Employ or hire on a consulting basis professional, technical, and clerical employees as are necessary for the performance of its duties. All employees of the board are in the unclassified civil service and serve at the pleasure of the board. For the purposes of sections 718.04 and 4117.01 of the Revised Code, employees of the board shall be considered employees of the general assembly. *JS*

(2) Hold public hearings at times and places as determined by the board;

(3) Adopt, amend, or rescind rules necessary to accomplish the duties of the board as set forth in this section;

(4) Sponsor, conduct, and support such social events as the board may authorize and consider appropriate for the employees of the board, employees and members of the general assembly, employees of persons under contract with the board or otherwise engaged to perform services on the premises of capitol square, or other persons as the board may consider appropriate. Subject to the requirements of Chapter 4303. of the Revised Code, the board may provide beer, wine, and intoxicating liquor, with or without charge, for those events and may use funds only from the sale of goods and services fund to purchase the beer, wine, and intoxicating liquor the board provides;

(5) Purchase a warehouse in which to store items of the capitol collection trust and, whenever necessary, equipment or other property of the board.

(E) The board shall do all of the following:

(1) Have sole authority to coordinate and approve any improvements, additions, and renovations that are made to the capitol square. The improvements shall include, but not be limited to, the placement of monuments and sculpture on the capitol grounds.

(2) Subject to section 3353.07 of the Revised Code, operate the capitol square, and have sole authority to regulate all uses of the capitol square. The uses shall include, but not be limited to, the casual and recreational use of the capitol square.

(3) Employ, fix the compensation of, and prescribe the duties of the executive director of the board and other employees the board considers necessary for the performance of its powers and duties;

(4) Establish and maintain the capitol collection trust. The capitol

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improvement fund the amount needed to pay such construction, renovation, or other costs. The director then shall transfer the amount needed from the excess balance of the underground parking garage operating fund.

(K) As the operation and maintenance of the capitol square constitute essential government functions of a public purpose, the board shall not be required to pay taxes or assessments upon the square, upon any property acquired or used by the board under this section, or upon any income generated by the operation of the square.

~~(L) Section 125.18 of the Revised Code does not apply to the board.~~ *JS*

~~(M)~~ As used in this section, "capitol square" means the capitol building, senate building, capitol atrium, capitol grounds, the state underground parking garage, and the warehouse owned by the board.

~~(M)(N)~~ The capitol annex shall be known as the senate building. *JS*

Sec. 107.19. The governor shall have no power to issue any executive order that has previously been issued and that the federal trade commission, office of policy planning, bureau of economics, and bureau of competition has opined is anti-competitive and is in violation of anti-trust laws. Any such executive order shall be considered invalid and unenforceable.

Sec. 107.21. (A) As used in this section, "Appalachian region" means the following counties in this state ~~which that~~ have been designated as part of Appalachia by the federal Appalachian regional commission and ~~which that~~ have been geographically isolated and economically depressed: Adams, Ashtabula, Athens, Belmont, Brown, Carroll, Clermont, Columbiana, Coshocton, Gallia, Guernsey, Harrison, Highland, Hocking, Holmes, Jackson, Jefferson, Lawrence, Mahoning, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pike, Ross, Scioto, Trumbull, Tuscarawas, Vinton, and Washington.

(B) There is hereby created in the department of development the governor's office of Appalachian Ohio. The governor shall designate the director of the governor's office of Appalachian Ohio. The director shall report directly to the office of the governor. On January 1, 1987, the governor shall designate the director to represent this state on the federal Appalachian regional commission. The director may appoint such employees as are necessary to exercise the powers and duties of this office. The director shall maintain local development districts as established within the Appalachian region for the purpose of regional planning for the distribution of funds from the Appalachian regional commission within the Appalachian region.

(C) The governor's office of Appalachian Ohio shall represent the interests of the Appalachian region in the government of this state. The

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loaned, or otherwise obtained by the state for the governor's residence and that have been approved by the commission.

(B) The commission shall be responsible for the care, provision, repair, and placement of furnishings and other objects and accessories of the grounds and public areas of the first story of the governor's residence and for the care and placement of plants on the grounds. The commission shall not exercise its responsibility under this division by using prison labor. In exercising ~~this its~~ responsibility under this division, the commission shall preserve and seek to further establish all of the following:

- (1) The authentic ambiance and decor of the historic era during which the governor's residence was constructed;
- (2) The grounds as a representation of Ohio's natural ecosystems;
- (3) The heritage garden for all of the following purposes:
  - (a) To preserve, sustain, and encourage the use of native flora throughout the state;
  - (b) To replicate the state's physiographic regions, plant communities, and natural landscapes;
  - (c) To serve as an educational garden that demonstrates the artistic, industrial, political, horticultural, and geologic history of the state through the use of plants;
  - (d) To serve as a reservoir of rare species of plants from the physiographic regions of the state.

These duties shall not affect the obligation of the department of administrative services to provide for and adopt policies and procedures regarding the use, general maintenance, and operating expenses of the governor's residence. The department shall not use prison labor in providing for the general maintenance of the governor's residence.

(C) The commission shall consist of eleven members. One member shall be the director of administrative services or the director's designee, who shall serve during the director's term of office and shall serve as chairperson. One member shall be the director of the Ohio historical society or the director's designee, who shall serve during the director's term of office and shall serve as vice-chairperson. One member shall represent the Columbus landmarks foundation. One member shall represent the Bexley historical society. One member shall be the mayor of the city of Bexley, who shall serve during the mayor's term of office. One member shall be the chief executive officer of the Franklin park conservatory joint recreation district, who shall serve during the term of employment as chief executive officer. The remaining five members shall be appointed by the governor with the advice and consent of the senate. The five members appointed by the

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shall promptly pay any such amount withheld to the auditor of state.

(E)(1) The auditor of state shall certify to the director of budget and management the amounts due or necessary for state agency audit costs and the director shall transfer the certified amounts from the general revenue fund to the public audit expense fund - intrastate if either of the following apply:

(a) A state agency that has ceased operation has not paid audit costs pursuant to this section.

(b) In the judgment of the auditor of state, the money appropriated for the cost of biennial audits of state agencies is not sufficient to conduct an appropriate audit program.

(2) If a local public office ceases operation and has not paid audit costs pursuant to this section, one of the following shall occur:

(a) In the case of costs due for an audit performed by the auditor or state, the auditor of state shall certify to the director the amounts due for these costs, and the director shall transfer the certified amounts from the general revenue fund to the public audit expense fund-local government.

(b) In the case of costs due for an audit performed by an independent auditor, the independent auditor shall notify the auditor of state of the amounts due for these costs. The auditor of state shall certify the amounts to the director, and the director shall transfer the certified amounts from the general revenue fund to the credit of the public audit expense fund-independent auditors, which is hereby created in the state treasury for the purpose of reimbursing independent auditors for unpaid audit costs pursuant to this section.

Sec. 118.05. (A) Pursuant to the powers of the general assembly and for the purposes of this chapter, upon the occurrence of a fiscal emergency in any municipal corporation, county, or township, as determined pursuant to section 118.04 of the Revised Code, there is established, with respect to that municipal corporation, county, or township, a body both corporate and politic constituting an agency and instrumentality of the state and performing essential governmental functions of the state to be known as the "financial planning and supervision commission for ..... (name of municipal corporation, county, or township)," which, in that name, may exercise all authority vested in such a commission by this chapter. A separate commission is established with respect to each municipal corporation, county, or township as to which there is a fiscal emergency as determined under this chapter.

(B) A commission shall consist of the following seven voting members:

(1) Four ex officio members: the treasurer of state; the director of

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Weights and measures.

In the department of natural resources:

Chiefs of divisions as follows:

~~Water;~~

Mineral resources management;

Forestry;

Natural areas and preserves;

Wildlife;

Geological survey;

Parks and recreation;

Watercraft;

Recycling and litter prevention;

Soil and water ~~conservation~~ resources;

~~Real estate and land management;~~

Engineering.

In the department of insurance:

Deputy superintendent of insurance;

Assistant superintendent of insurance, technical;

Assistant superintendent of insurance, administrative;

Assistant superintendent of insurance, research.

Sec. 121.07. (A) Except as otherwise provided in this division, the officers mentioned in sections 121.04 and 121.05 of the Revised Code and the offices and divisions they administer shall be under the direction, supervision, and control of the directors of their respective departments, and shall perform such duties as the directors prescribe. In performing or exercising any of the examination or regulatory functions, powers, or duties vested by Title XI, Chapters 1733. and 1761., and sections 1315.01 to 1315.18 of the Revised Code in the superintendent of financial institutions, the superintendent of financial institutions and the division of financial institutions are independent of and are not subject to the control of the department or the director of commerce. In the absence of the superintendent of financial institutions, a deputy superintendent, or in the absence of both the superintendent and an available deputy superintendent, the director of commerce, may, for a limited period of time, perform or exercise any of those functions, powers, or duties if written authorization is given by the superintendent of financial institutions.

(B) With the approval of the governor, the director of each department shall establish divisions within the department, and distribute the work of the department among such divisions. Each officer created by section 121.04 of the Revised Code shall be the head of such a division.

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under section 125.081 of the Revised Code, shall be awarded to the lowest responsive and responsible bidder on each item in accordance with section 9.312 of the Revised Code. When the contract is for meat products as defined in section 918.01 of the Revised Code or poultry products as defined in section 918.21 of the Revised Code, only those bids received from vendors offering products from establishments on the current list of meat and poultry vendors established and maintained by the director of administrative services under section 125.17 of the Revised Code shall be eligible for acceptance. The department of administrative services may accept or reject any or all bids in whole or by items, except that when the contract is for services or products available from a qualified nonprofit agency pursuant to sections 125.60 to 125.6012 or 4115.31 to 4115.35 of the Revised Code, the contract shall be awarded to that agency.

(B) Prior to awarding a contract under division (A) of this section, the department of administrative services or the state agency responsible for evaluating a contract for the purchase of products shall evaluate the bids received according to the criteria and procedures established pursuant to divisions (C)(1) and (2) of section 125.09 of the Revised Code for determining if a product is produced or mined in the United States and if a product is produced or mined in this state. The department or other state agency shall first remove bids that offer products that have not been or that will not be produced or mined in the United States. From among the remaining bids, the department or other state agency shall select the lowest responsive and responsible bid, in accordance with section 9.312 of the Revised Code, from among the bids that offer products that have been produced or mined in this state where sufficient competition can be generated within this state to ensure that compliance with these requirements will not result in an excessive price for the product or acquiring a disproportionately inferior product. If there are two four or more *28* qualified bids that offer products that have been produced or mined in this state, it shall be deemed that there is sufficient competition to prevent an excessive price for the product or the acquiring of a disproportionately inferior product.

(C) Division (B) of this section applies to contracts for which competitive bidding is waived by the controlling board.

(D) Division (B) of this section does not apply to the purchase by the division of liquor control of spirituous liquor.

(E) The director of administrative services shall publish in the form of a model act for use by counties, townships, municipal corporations, or any other political subdivision described in division (B) of section 125.04 of the

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standards, or project-alignment criteria.

(E) The office of information technology may operate technology services for state agencies in accordance with this chapter.

(F) With the approval of the director of administrative services, the office of information technology may establish cooperative agreements with federal and local government agencies and state agencies that are not under the authority of the governor for the provision of technology services and the development of technology projects.

(G) As used in this section:

(1) "Personal information" has the same meaning as in section 149.45 of the Revised Code.

(2) "State agency" means every organized body, office, or agency established by the laws of the state for the exercise of any function of state government, other than any state-supported institution of higher education, the office of the auditor of state, treasurer of state, secretary of state, or attorney general, the adjutant general's department, the bureau of workers' compensation, the industrial commission, the public employees retirement system, the Ohio police and fire pension fund, the state teachers retirement system, the school employees retirement system, the state highway patrol retirement system, the general assembly or any legislative agency, or the courts or any judicial agency.

Sec. 125.181. The director of administrative services shall establish the state information technology investment board within the department of administrative services. The board shall consist of representatives from various state elective offices and state agencies, including the office of budget and management. The board shall identify and recommend to the state chief information officer opportunities for consolidation and cost-savings measures relating to information technology. Members of the board are not entitled to compensation for their services.

Sec. 125.20. (A) Within one hundred eighty days after the effective date of this section, the director of administrative services shall establish an electronic site accessible through the internet to publish the following:

(1) A database containing each state employee's year-to-date gross pay and pay from the most recent pay period. The database shall contain searchable fields including the name of the agency, position title, and employee name. *JS*

(2) A database containing agency expenditures for goods and services that shall contain searchable fields including the name of the agency, expenditure amount, category of good or service for which an expenditure is made, and contractor or vendor name. *JS*

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(3) A database containing tax credits issued by the director of development to business entities that shall contain searchable fields including the name under which the tax credit is known, the name of the entity receiving the credit, and the county in which the credit recipient's principal place of business in this state is located.

(B) Daily, each executive agency shall provide to the department of administrative services information to be published in the databases under division (A) of this section. The director of administrative services may adopt rules governing the means by which information is submitted and databases are updated.

Sec. 125.831. As used in sections 125.831 to 125.834 of the Revised Code:

(A) "Alternative fuel" means any of the following fuels used in a motor vehicle:

- (1) E85 blend fuel;
- (2) Blended biodiesel;
- (3) Natural gas;
- (4) Liquefied petroleum gas;
- (5) Hydrogen;
- (6) Compressed air;
- (7) Any power source, including electricity;

~~(7)~~(8) Any fuel not described in divisions (A)(1) to ~~(6)~~(7) of this section that the United States department of energy determines, by final rule, to be substantially not petroleum, and that would yield substantial energy security and environmental benefits.

(B) "Biodiesel" means a mono-alkyl ester combustible liquid fuel that is derived from vegetable oils or animal fats, or any combination of those reagents that meets the American society for testing and materials specification for biodiesel fuel (B100) blend stock distillate fuels and any other standards that the director of administrative services adopts by rule.

(C) "Blended biodiesel" means a blend of biodiesel with petroleum based diesel fuel in which the resultant product contains not less than twenty per cent biodiesel that meets the American society for testing and materials specification for blended diesel fuel and any other standards that the director of administrative services adopts by rule.

(D) "Diesel fuel" means any liquid fuel that is capable of use in discrete form or as a blend component in the operation of engines of the diesel type.

(E) "E85 blend fuel" means fuel containing eighty-five per cent or more ethanol as defined in section 5733.46 of the Revised Code or containing any other percentage of not less than seventy per cent ethanol if the United

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control over the expenditures of the state. The director shall also furnish statements the governor requests showing the condition of any other fund.

If the governor ascertains that the available revenue receipts and balances for the general revenue fund for the current fiscal year will in all probability be less than the appropriations for the year, ~~he the governor~~ shall issue such orders to the state agencies as will prevent their expenditures and incurred obligations from exceeding such revenue receipts and balances.

If the governor ascertains that the available revenue receipts and balances for any fund other than the general revenue fund for the current fiscal year will in all probability be less than the appropriations for the year, ~~he the governor~~ may issue such orders to the state agencies as will prevent their expenditures and incurred obligations from exceeding such revenue receipts and balances.

If the governor determines that the available revenue receipts and balances in any fund or across funds will likely be less than the appropriations for the year, the governor may declare a fiscal emergency and may issue such orders as necessary to the director of budget and management to reduce expenditures, or to the director of administrative services to implement personnel actions consistent therewith, including, but not limited to, mandatory cost savings days under section 124.392 of the Revised Code.

As used in this section, "expenditures and incurred obligations" includes all moneys expended or obligated pursuant to appropriations by the general assembly that are calculated and distributed pursuant to a distribution formula in law.

Sec. 126.10. No certificate of participation or any similar debt instrument may be obtained or entered into by the state without the prior approval of the general assembly.

Sec. 126.21. (A) The director of budget and management shall do all of the following:

- (1) Keep all necessary accounting records;
- (2) Prescribe and maintain the accounting system of the state and establish appropriate accounting procedures and charts of accounts;
- (3) Establish procedures for the use of written, electronic, optical, or other communications media for approving and reviewing payment vouchers;
- (4) Reconcile, in the case of any variation between the amount of any appropriation and the aggregate amount of items of the appropriation, with the advice and assistance of the state agency affected by it and the legislative service commission, totals so as to correspond in the aggregate

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(3) The amount to be lent from the facilities establishment fund will not exceed seventy-five per cent of the total allowable costs of the eligible project, except that if any part of the amount to be lent from the facilities establishment fund is derived from the issuance and sale of project financing obligations the amount to be lent will not exceed ninety per cent of the total allowable costs of the eligible project;

(4) The eligible project could not be achieved in the local area in which it is to be located if the portion of the project to be financed by the loan instead were to be financed by a loan guaranteed under section 166.06 of the Revised Code;

(5) The repayment of the loan from the facilities establishment fund will be adequately secured by a mortgage, assignment, pledge, or lien provided for under section 9.661 of the Revised Code, at such level of priority as the director may require;

(6) The borrower will hold at least a ten per cent equity interest in the eligible project at the time the loan is made.

(B) The determinations of the director under division (A) of this section shall be conclusive for purposes of the validity of a loan commitment evidenced by a loan agreement signed by the director.

(C) In furtherance of the public policy of this chapter, there is hereby established the micro-lending program for the purpose of paying the allowable costs of eligible projects of eligible small businesses. From any amount of the facilities establishment fund that the general assembly designates for the purpose of the micro-lending program, the director of development shall, either directly or indirectly, make loans under this section to eligible small businesses. The director shall establish eligibility criteria and loan terms for the program that supplement eligibility criteria and loan terms otherwise prescribed for loans under this section, and may prescribe reduced service charges and fees. For the purpose of lending under the micro-lending program, the director of development shall give precedence to projects of eligible small businesses that foster the development of small entrepreneurial enterprises, notwithstanding the considerations prescribed by divisions (A)(1)(a) and (b) of section 166.05 of the Revised Code to the extent those considerations otherwise may have the effect of disqualifying projects of eligible small businesses. The director may enter into agreements with for-profit or non-profit organizations in this state to originate and administer loans made under the micro-lending program. *JS*

(D) Fees, charges, rates of interest, times of payment of interest and principal, and other terms, conditions, and provisions of and security for

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loans made from the facilities establishment fund pursuant to this section shall be such as the director determines to be appropriate and in furtherance of the purpose for which the loans are made. The moneys used in making such loans shall be disbursed from the facilities establishment fund upon order of the director. The director shall give special consideration in setting the required job creation ratios and interest rates for loans that are for voluntary actions.

~~(D)(E)~~ The director may take actions necessary or appropriate to collect or otherwise deal with any loan made under this section, including any action authorized by section 9.661 of the Revised Code. #

~~(E)(F)~~ The director may fix service charges for the making of a loan. #  
Such charges shall be payable at such times and place and in such amounts and manner as may be prescribed by the director.

Sec. 166.08. (A) As used in this chapter:

(1) "Bond proceedings" means the resolution, order, trust agreement, indenture, lease, and other agreements, amendments and supplements to the foregoing, or any one or more or combination thereof, authorizing or providing for the terms and conditions applicable to, or providing for the security or liquidity of, obligations issued pursuant to this section, and the provisions contained in such obligations.

(2) "Bond service charges" means principal, including mandatory sinking fund requirements for retirement of obligations, and interest, and redemption premium, if any, required to be paid by the state on obligations.

(3) "Bond service fund" means the applicable fund and accounts therein created for and pledged to the payment of bond service charges, which may be, or may be part of, the economic development bond service fund created by division (S) of this section including all moneys and investments, and earnings from investments, credited and to be credited thereto.

(4) "Issuing authority" means the treasurer of state, or the officer who by law performs the functions of such officer.

(5) "Obligations" means bonds, notes, or other evidence of obligation including interest coupons pertaining thereto, issued pursuant to this section.

(6) "Pledged receipts" means all receipts of the state representing the gross profit on the sale of spirituous liquor, as referred to in division (B)(4) of section 4301.10 of the Revised Code, after paying all costs and expenses of the division of liquor control and providing an adequate working capital reserve for the division of liquor control as provided in that division, but excluding the sum required by the second paragraph of section 4301.12 of the Revised Code, as in effect on May 2, 1980, to be paid into the state treasury; moneys accruing to the state from the lease, sale, or other

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Revised Code.

Sec. 303.213. (A) As used in this section, "small wind farm" means wind turbines and associated facilities ~~that are interconnected with a medium voltage power collection system and communications network and are with a single interconnection to the electrical grid and~~ designed for, or capable of, operation at an aggregate capacity of less than five megawatts.

(B) Notwithstanding division (A) of section 303.211 of the Revised Code, sections 303.01 to 303.25 of the Revised Code confer power on a board of county commissioners or board of zoning appeals to adopt zoning regulations governing the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any small wind farm, whether publicly or privately owned, or the use of land for that purpose, which regulations may be more strict than the regulations prescribed in rules adopted under division (C)(2) of section 4906.20 of the Revised Code.

(C) The designation under this section of a small wind farm as a public utility for purposes of sections 303.01 to 303.25 of the Revised Code shall not affect the classification of a small wind farm for purposes of state or local taxation.

(D) Nothing in division (C) of this section shall be construed as affecting the classification of a telecommunications tower as defined in division (B) or (E) of section 303.211 of the Revised Code or any other public utility for purposes of state and local taxation.

Sec. 305.20. For purposes of a statute or regulation that requires a county to publish a notice, advertisement, list, or other information more than once in a newspaper of general circulation, the second and subsequent publications are satisfied by posting the notice, advertisement, list, or other information on the county's internet web site if the first newspaper publication meets all the following conditions:

(A) It states that the notice, advertisement, list, or other information is posted on the county's internet web site;

(B) It includes the county's internet address on the world wide web; and

(C) It includes instructions for accessing the notice, advertisement, list, or other information on the county's internet web site.

A notice, advertisement, list, or other information posted on a county's internet web site shall provide the same information as does the newspaper publication of the notice, advertisement, list, or other information except that the conditions outlined in divisions (A) to (C) of this section do not need to be included.

If a county does not operate and maintain, or ceases to operate and

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maintain an internet web site, the county is not entitled to publish a notice, advertisement, list, or other information under this section and shall comply with the statutory publication requirements that otherwise apply to the notice, advertisement, list, or other information.

For purposes of this section, "county" means a board of county commissioners, a county elected official, or any contracting authority as defined in section 307.92 of the Revised Code.

Sec. 307.626. (A) By the first day of April of each year, the person convening the child fatality review board shall prepare and submit to the Ohio department of health a report that ~~includes all of~~ summarizes the following information with respect to ~~each the child death~~ deaths that ~~was~~ were reviewed by the review board in the previous calendar year:

- (1) The cause of death;
- (2) Factors contributing to death;
- (3) Age;
- (4) Sex;
- (5) Race;
- (6) The geographic location of death;
- (7) The year of death.

The report shall specify the number of child deaths that ~~have not been reviewed since the effective date of this section~~ were not reviewed during the previous calendar year.

The report may include recommendations for actions that might prevent other deaths, as well as any other information the review board determines should be included.

(B) Reports prepared under division (A) of this section shall be considered public records under section 149.43 of the Revised Code.

(C) The child fatality review board shall submit individual data with respect to each child death review into the Ohio department of health child death review database or the national child death review database. The individual data shall include the information specified in division (A) of this section and any other information the board considers relevant to the review. Individual data related to a child death review that is contained in the Ohio department of health child death review database is not a public record under section 149.43 of the Revised Code.

Sec. 307.629. (A) Except as provided in sections 5153.171 to 5153.173 of the Revised Code, any information, document, or report presented to a child fatality review board, all statements made by review board members during meetings of the review board, ~~and~~ all work products of the review board, and child fatality review data submitted by the child fatality review

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are rendered by an officer or employee, whose salary or per diem compensation is paid by the county, the applicable legal fees and any other extraordinary expenses, including overtime, provided for the service shall be taxed in the costs in the case and, when collected, shall be paid into the general fund of the county.

The sheriff shall charge the same fees for the execution of process issued in any other state as the sheriff charges for the execution of process of a substantively similar nature that is issued in this state.

Sec. 311.42. (A) Each county shall establish in the county treasury a sheriff's concealed handgun license issuance expense fund. The sheriff of that county shall deposit into that fund all fees paid by applicants for the issuance or renewal of a license or duplicate license to carry a concealed handgun under section 2923.125 of the Revised Code and all fees paid by the person seeking a temporary emergency license to carry a concealed handgun under section 2923.1213 of the Revised Code. The county shall ~~distribute the fees deposited into the fund in accordance with the specifications prescribed by the Ohio peace officer training commission under division (C) of section 109.731 of the Revised Code~~ distribute all fees deposited into the fund except forty dollars of each fee paid by an applicant under division (B) of section 2923.125 of the Revised Code, fifteen dollars of each fee paid under section 2923.1213 of the Revised Code, and thirty-five dollars of each fee paid under division (F) of section 2923.125 of the Revised Code to the attorney general to be used to pay the cost of background checks performed by the bureau of criminal identification and investigation and the federal bureau of investigation and to cover administrative costs associated with issuing the license.

(B) The sheriff, with the approval of the board of county commissioners, may expend any county portion of the fees deposited into the sheriff's concealed handgun license issuance expense fund for any costs incurred by the sheriff in connection with performing any administrative functions related to the issuance of licenses or temporary emergency licenses to carry a concealed handgun under section 2923.125 or 2923.1213 of the Revised Code, including, but not limited to, personnel expenses and the costs of any handgun safety education program that the sheriff chooses to fund.

Sec. 319.24. A county auditor shall use the information received pursuant to section 3705.031 of the Revised Code to assist the auditor in verifying whether real property or a manufactured or mobile home is eligible for a reduction in property taxes under division (A) or (B) of section 323.152 of the Revised Code or section 4503.065 of the Revised Code.

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the public at large, as determined by the superintendent.

(7) Any deficiencies ~~certified~~ identified by the ~~director~~ superintendent under section 1751.04 of the Revised Code have been corrected.

(8) The applicant has deposited securities as set forth in section 1751.27 of the Revised Code.

(C) If an applicant elects to fulfill the requirements of division ~~(A)~~(B)(5) of this section through an agreement with other health insuring corporations or insurers, the agreement shall require those health insuring corporations or insurers to give thirty days' notice to the superintendent prior to cancellation or discontinuation of the agreement for any reason.

(D) A certificate of authority shall be denied only after compliance with the requirements of section 1751.36 of the Revised Code.

Sec. 1751.14. (A) ~~Any~~ Notwithstanding section 3901.71 of the Revised Code, any policy, contract, or agreement for health care services authorized by this chapter that is issued, delivered, or renewed in this state and that provides that coverage of an unmarried dependent child will terminate upon attainment of the limiting age for dependent children specified in the policy, contract, or agreement, shall also provide in substance ~~that both of the following:~~

(1) Once an unmarried child has attained the limiting age for dependent children, as provided in the policy, contract, or agreement, upon the request of the subscriber, the health insuring corporation shall offer to cover the unmarried child until the child attains twenty-eight years of age if all of the following are true:

(a) The child is the natural child, stepchild, or adopted child of the subscriber.

(b) The child is a resident of this state or a full-time student at an accredited public or private institution of higher education.

(c) The child is not employed by an employer that offers any health benefit plan under which the child is eligible for coverage.

(d) After having attained the limiting age, the child has been continuously covered under any health benefit plan.

(e) The child is not eligible for coverage under the medicaid program established under Chapter 5111. of the Revised Code or the medicare program established under Title XVIII of the "Social Security Act," 42 U.S.C. 1395.

(2) That attainment of the limiting age for dependent children shall not operate to terminate the coverage of the a dependent child if the child is and continues to be both of the following:

(+)(a) Incapable of self-sustaining employment by reason of mental

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full for ~~docketing the cases or motions, making dockets from term to term, indexing and entering appearances, issuing process, filing papers, entering rules, motions, orders, continuances, decrees, and judgments, making lists of causes on the regular docket for publication each year, making and certifying orders, decrees, and judgments of the court to other tribunals, and the issuing of mandates. Except as provided in division (B) of this section, the each case filed in the supreme court under the Rules of Practice of the Supreme Court. The party invoking the action of the court shall pay the filing fee to the clerk before the case or motion is docketed, and it shall be taxed as costs and recovered from the other party if the party invoking the action of the court succeeds, unless the court otherwise directs.~~

~~(B)(1) As used in this division, "prosecutor" has the same meaning as in section 2935.01 of the Revised Code.~~

~~(2) The clerk of the supreme court shall not charge to and collect from a prosecutor the forty dollar filing fee prescribed by division (A) of this section when all of the following circumstances apply:~~

~~(a) In accordance with the Rules of Practice of the Supreme Court of Ohio, an indigent defendant in a criminal action or proceeding files in the appropriate court of appeals a notice of appeal within thirty days from the date of the entry of the judgment or final order that is the subject of the appeal.~~

~~(b) The indigent defendant fails to file or offer for filing in the supreme court within thirty days from the date of the filing of the notice of appeal in the court of appeals, a copy of the notice of appeal supported by a memorandum in support of jurisdiction and other documentation and information as required by the Rules of Practice of the Supreme Court of Ohio.~~

~~(c) The prosecutor or a representative of the prosecutor associated with the criminal action or proceeding files a motion to docket and dismiss the appeal of the indigent defendant for lack of prosecution as authorized by the Rules of Practice of the Supreme Court of Ohio.~~

~~(d) The prosecutor states in the motion that the forty dollar filing fee does not accompany the motion because of the applicability of this division, and the clerk of the supreme court determines that this division applies. No filing fee or security deposit shall be charged to an indigent party upon determination of indigency by the supreme court pursuant to the Rules of Practice of the Supreme Court.~~

Sec. 2505.09. Except as provided in section 2505.11 or 2505.12 or another section of the Revised Code or in applicable rules governing courts, the perfection of an appeal including an administrative-related appeal, does *W*

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not operate as a stay of execution until a stay of execution has been obtained pursuant to the Rules of Appellate Procedure or in another applicable manner, and a supersedeas bond is executed by the appellant to the appellee, with sufficient sureties and subject to section 2505.122 of the Revised Code, in a sum that is not less than, if applicable, the cumulative total for all claims covered by the final order, judgment, or decree and interest involved, except that the bond shall not exceed fifty million dollars excluding interest and costs, as directed by the court that rendered the final order, judgment, or decree that is sought to be superseded or by the court to which the appeal is taken. That bond shall be conditioned as provided in section 2505.14 of the Revised Code. *JS*

Sec. 2505.12. An appellant is not required to give a supersedeas bond in connection with any of the following:

(A) An Perfection of an appeal by any of the following: *JS*

(1) An executor, administrator, guardian, receiver, trustee, or trustee in bankruptcy who is acting in that person's trust capacity and who has given bond in this state, with surety according to law;

(2) The state or any political subdivision of the state;

(3) Any public officer of the state or of any of its political subdivisions who is suing or is sued solely in the public officer's representative capacity as that officer.

(B) An Perfection of an administrative-related appeal of a final order that is not for the payment of money. *JS*

Sec. 2505.122. An appellant who obtains a stay of execution pending the appeal of a final order, adjudication, or decision pursuant to section 2506.01 of the Revised Code shall simultaneously execute a supersedeas bond to the appellee, with sufficient sureties and in a sum that is equal to the cost of delay, increased cost of construction, legal expenses, loss of anticipated revenues, or the reasonable value of the matter at issue in the final order, adjudication, or decision, including any reasonable investment-backed expectations of the appellee. That bond shall be conditioned as provided in section 2505.14 of the Revised Code. *JS*

Sec. 2743.51. As used in sections 2743.51 to 2743.72 of the Revised Code:

(A) "Claimant" means both of the following categories of persons:

(1) Any of the following persons who claim an award of reparations under sections 2743.51 to 2743.72 of the Revised Code:

(a) A victim who was one of the following at the time of the criminally injurious conduct:

(i) A resident of the United States;

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of single plays necessary to accrue the redeemable vouchers required to obtain that prize; and

(d) Any redeemable vouchers or merchandise prizes are distributed at the site of the skill-based amusement machine at the time of play.

A card for the purchase of gasoline is a redeemable voucher for purposes of division (AAA)(1) of this section even if the skill-based amusement machine for the play of which the card is awarded is located at a place where gasoline may not be legally distributed to the public or the card is not redeemable at the location of, or at the time of playing, the skill-based amusement machine.

(2) A device shall not be considered a skill-based amusement machine and shall be considered a slot machine if it pays cash or one or more of the following apply:

(a) The ability of a player to succeed at the game is impacted by the number or ratio of prior wins to prior losses of players playing the game.

(b) Any reward of redeemable vouchers is not based solely on the player achieving the object of the game or the ~~players~~ player's score;

(c) The outcome of the game, or the value of the redeemable voucher or merchandise prize awarded for winning the game, can be controlled by a source other than any player playing the game.

(d) The success of any player is or may be determined by a chance event that cannot be altered by player actions.

(e) The ability of any player to succeed at the game is determined by game features not visible or known to the player.

(f) The ability of the player to succeed at the game is impacted by the exercise of a skill that no reasonable player could exercise.

(3) All of the following apply to any machine that is operated as described in division (AAA)(1) of this section:

(a) As used in this section, "game" and "play" mean one event from the initial activation of the machine until the results of play are determined without payment of additional consideration. An individual utilizing a machine that involves a single game, play, contest, competition, or tournament may be awarded redeemable vouchers or merchandise prizes based on the results of play.

(b) Advance play for a single game, play, contest, competition, or tournament participation may be purchased. The cost of the contest, competition, or tournament participation may be greater than a single noncontest, competition, or tournament play.

(c) To the extent that the machine is used in a contest, competition, or tournament, that contest, competition, or tournament has a defined starting

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~~revisions of the standards, to all school districts and community schools established under Chapter 3314. of the Revised Code. Any school district or community school may utilize the standards.~~

~~The department shall employ a full-time physical education coordinator to provide guidance and technical assistance to districts and community schools in implementing the standards adopted under this division. The superintendent of public instruction shall determine that the person employed as coordinator is qualified for the position, as demonstrated by possessing an adequate combination of education, license, and experience. The department shall hire a coordinator not later than October 31, 2007.~~

~~(C) The state board of education shall not adopt or revise any standards or curriculum in the area of health unless, by concurrent resolution, the standards, curriculum, or revisions are approved by both houses of the general assembly. Before the house of representatives or senate votes on a concurrent resolution approving health standards, curriculum, or revisions, its standing committee having jurisdiction over education legislation shall conduct at least one public hearing on the standards, curriculum, or revisions.~~

~~(D) The state board shall not adopt a diagnostic assessment or achievement test for any grade level or subject area other than those specified in section 3301.079 of the Revised Code.~~

~~Sec. 3301.0719. (A) As used in this section, "business education" includes, but is not limited to, accounting, career development, economics and personal finance, entrepreneurship, information technology, management, and marketing.~~

~~(B) Not later than July 1, 2010, the state board of education shall adopt standards for business education in grades seven through twelve. The standards shall incorporate existing business education standards as appropriate to help guide instruction in the state's schools. The department shall provide the standards, and any revisions of the standards, to all school districts, community schools established under Chapter 3314. of the Revised Code, and STEM schools established under Chapter 3326. of the Revised Code. Any school district, community school or STEM school may utilize the standards. Standards adopted under this division shall supplement, and not supersede, academic content standards adopted under section 3301.079 of the Revised Code.~~ *JS*

~~Sec. 3301.0721. The superintendent of public instruction shall develop a model curriculum for instruction in college and career readiness and financial literacy. The curriculum shall focus on grades seven through twelve, but the superintendent may include other grade levels. When the~~

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Chapter 3314. of the Revised Code but otherwise would be assigned under section 3319.01 of the Revised Code to a building described in division (A)(1) of this section.

(4) The student is enrolled in a school building that is operated by the student's resident district or in a community school established under Chapter 3314. of the Revised Code and otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (A)(1) of this section in the school year for which the scholarship is sought.

(5) The student is eligible to enroll in kindergarten in the school year for which a scholarship is sought, or is enrolled in a community school established under Chapter 3314. of the Revised Code, and all of the following apply to the student's resident district:

(a) The district has in force an intradistrict open enrollment policy under which no student in kindergarten or the community school student's grade level, respectively, is automatically assigned to a particular school building;

(b) In at least two of the three most recent ratings of school districts published prior to the first day of July of the school year for which a scholarship is sought, the district was declared to be in a state of academic emergency under section 3302.03 of the Revised Code;

(c) The district was not declared to be excellent or effective under that section in the most recent rating published prior to the first day of July of the school year for which a scholarship is sought.

(6) The student is enrolled in a new school building that is operated by the student's resident district and to which all of the following apply:

(a) The new building is open for instruction for its second or third school year.

(b) For the first school year that the new building was open for instruction, at least seventy-five per cent of the enrolled students had transferred directly from two or more school buildings that closed and to each of which all of the following apply:

(i) The closed buildings were operated by the same school district that operates the new building.

(ii) The closed buildings offered at least some of the grade levels that the new building also offers.

(iii) The closed buildings were declared, for at least two of their last three ratings under section 3302.03 of the Revised Code, to be in a state of academic emergency or academic watch.

(iv) The closed buildings were not declared to be excellent or effective in their last rating under section 3302.03 of the Revised Code.

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(c) If the new building is conducting its second school year of instruction, the building was declared, based on its first school year of instruction, to be in a state of academic emergency or academic watch under section 3302.03 of the Revised Code.

(d) If the new building is conducting its third school year of instruction, the building was declared, based on either its first or second school year of instruction, to be in a state of academic emergency or academic watch under section 3302.03 of the Revised Code, but was not declared to be excellent or effective under that section based on its second school year of instruction.

(7) The student is eligible to enroll in kindergarten in the school year for which a scholarship is sought and otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (A)(6) of this section.

(8) The student is enrolled in a community school established under Chapter 3314, of the Revised Code but otherwise would be assigned under section 3319.01 of the Revised Code to a building described in division (A)(6) of this section.

(B) A student who receives a scholarship under the educational choice scholarship pilot program remains an eligible student and may continue to receive scholarships in subsequent school years until the student completes grade twelve, so long as all of the following apply:

(1) The student's resident district remains the same, or the student transfers to a new resident district and otherwise would be assigned in the new resident district to a school building described in division (A)(1) or (6) of this section;

(2) The student takes each ~~state test~~ assessment prescribed for the student's grade level under section 3301.0710 or 3301.0712 of the Revised Code while enrolled in a chartered nonpublic school;

(3) In each school year that the student is enrolled in a chartered nonpublic school, the student is absent from school for not more than twenty days that the school is open for instruction, not including excused absences.

(C) The department shall cease awarding first-time scholarships pursuant to divisions (A)(1) to (4) of this section with respect to a school building that, in the most recent ratings of school buildings published under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (A)(1) of this section. The department shall cease awarding first-time scholarships pursuant to division (A)(5) of this section with respect to a school district that, in the most recent ratings of school districts published under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the

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criteria in division (A)(5) of this section. However, students who have received scholarships in the prior school year remain eligible students pursuant to division (B) of this section.

(D) The state board of education shall adopt rules defining excused absences for purposes of division (B)(3) of this section.

Sec. 3310.08. (A) The amount paid for an eligible student under the educational choice scholarship pilot program shall be the lesser of the tuition of the chartered nonpublic school in which the student is enrolled or the maximum amount prescribed in section 3310.09 of the Revised Code.

(B)(1) The department shall pay to the parent of each eligible student for whom a scholarship is awarded under the program, or to the student if at least eighteen years of age, periodic partial payments of the scholarship.

(2) The department shall proportionately reduce or terminate the payments for any student who withdraws from a chartered nonpublic school prior to the end of the school year.

(C)(1) The department shall deduct five thousand two hundred dollars from the payments made to each school district under ~~Chapter~~ Chapters 3306. and 3317. and, if necessary, sections 321.24 and 323.156 of the Revised Code ~~one of the following amounts, as applicable,~~ for each eligible student awarded a scholarship under the educational choice scholarship pilot program who is entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in the district:

~~(a) For each scholarship student enrolled in kindergarten, two thousand seven hundred dollars;~~

~~(b) For each scholarship student enrolled in grades one to twelve, five thousand two hundred dollars.~~

The amount deducted under division (C)(1) of this section funds scholarships for students under both the educational choice scholarship pilot program and the pilot project scholarship program under sections 3313.974 to 3313.979 of the Revised Code.

(2) If the department reduces or terminates payments to a parent or a student, as prescribed in division (B)(2) of this section, and the student enrolls in the schools of the student's resident district or in a community school, established under Chapter 3314. of the Revised Code, before the end of the school year, the department shall proportionally restore to the resident district the amount deducted for that student under division (C)(1) of this section.

(D) In the case of any school district from which a deduction is made under division (C) of this section, the department shall disclose on the district's SF-3 form, or any successor to that form used to calculate a

district's state funding for operating expenses, a comparison of the following:

(1) The district's ~~state base cost~~ state share of the adequacy amount payment, as calculated under ~~division (A)(1) of section 3317.022~~ 3306.13 of the Revised Code ~~prior to making the adjustments under divisions (A)(2) and (3) of that section,~~ with the scholarship students included in the district's formula ADM;

(2) What the district's ~~state base cost~~ share of the adequacy amount payment would have been, as calculated under ~~division (A)(1) of that section prior to making the adjustments under divisions (A)(2) and (3) of that section,~~ if the scholarship students were not included in the district's formula ADM.

This comparison shall display both the aggregate difference between the amounts described in divisions (D)(1) and (2) of this section, and the quotient of that aggregate difference divided by the number of eligible students for whom deductions are made under division (C) of this section.

Sec. 3310.09. ~~(A)~~ The maximum amount awarded to an eligible student ~~in fiscal year 2007~~ under the educational choice scholarship pilot program shall be as follows:

~~(1)(A)~~ For grades kindergarten through eight, four thousand two five hundred fifty dollars; JF

~~(2)(B)~~ For grades nine through twelve, five thousand three hundred dollars. JF

~~(B) In fiscal year 2008 and in each fiscal year thereafter, the maximum amount awarded under the program shall be the applicable maximum amount awarded in the previous fiscal year increased by the same percentage by which the general assembly increased the formula amount, as defined in section 3317.02 of the Revised Code, from the previous fiscal year.~~

Sec. 3310.11. (A) Only for the purpose of administering the educational choice scholarship pilot program, the department of education may request from any of the following entities the data verification code assigned under division (D)(2) of section 3301.0714 of the Revised Code to any student who is seeking a scholarship under the program:

- (1) The student's resident district;
- (2) If applicable, the community school in which that student is enrolled;
- (3) The independent contractor engaged to create and maintain student data verification codes.

(B) Upon a request by the department under division (A) of this section

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rule of the state board for the program established under this section.

(E) The state board shall adopt rules under Chapter 119. of the Revised Code prescribing procedures necessary to implement this section, including, but not limited to, procedures and deadlines for parents to apply for scholarships, standards for registered private providers, and procedures for approval of entities as registered private providers.

Sec. 3311.059. The procedure prescribed in this section may be used in lieu of a transfer prescribed under section 3311.231 of the Revised Code.

(A) Subject to divisions (B) and (C) of this section, a board of education of a local school district may by a resolution approved by a majority of all its members propose to sever that local school district from the territory of the educational service center in which the local school district is currently included and to instead annex the local school district to the territory of another educational service center, the current territory of which is adjacent to the territory of the educational service center in which the local school district is currently included. The resolution shall promptly be filed with the governing board of each educational service center affected by the resolution and with the superintendent of public instruction.

(B) The resolution adopted under division (A) of this section shall not be effective unless it is approved by the state board of education. In deciding whether to approve the resolution, the state board shall consider the impact financial, staffing, programmatic, and other impacts of an the severance and annexation on both the school district and the educational service center to which the district is proposed to be annexed, and the service center in which the district is currently located, including the effect on cost of operation and the ability of that both service center centers to continue to deliver services in a cost-effective and efficient manner. The state board shall not vote on whether to approve the resolution until it has been presented on its agenda, which is not a consent agenda, and heard before the state board at not fewer than two separate meetings of the state board. There shall be at least thirty days between the meeting at which the state board first hears the matter of the resolution and the meeting at which the state board votes on whether to approve the resolution. The state board shall provide for public testimony at each hearing on the matter of the resolution, shall provide written prior notice of each hearing to the governing board of both educational service centers affected by the proposed action, and shall attach to that written notice any documentation about the proposed action provided to the state board by the board of education of the local school district.

The severance of the local school district from one educational service center and its annexation to another educational service center under this

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from one educational service center and its annexation to another educational service center as provided in division (B) of this section, the governing board of each educational service center shall take such steps for the election of members of the governing board and for organization of the governing board as prescribed in Chapter 3313. of the Revised Code.

(E) If a school district is severed from one educational service center and annexed to another service center under this section, the board of education of that school district shall not propose a subsequent severance and annexation action under this section that would be effective sooner than five years after the effective date of the next previous severance and annexation action under this section.

Sec. 3311.0510. (A) If all of the local school districts that make up the territory of an educational service center have severed from the territory of that service center pursuant to section 3311.059 of the Revised Code, upon the effective date of the severance of the last remaining local school district to make up the territory of the service center, the governing board of that service center shall be abolished and such service center shall be dissolved by order of the superintendent of public instruction. The superintendent's order shall provide for the equitable division and disposition of the assets, property, debts, and obligations of the service center among the local school districts, of which the territory of the service center is or previously was made up, and the city and exempted village school districts with which the service center had agreements under section 3313.843 of the Revised Code for the service center's last fiscal year of operation. The superintendent's order shall provide that the tax duplicate of each of those school districts shall be bound for and assume the district's equitable share of the outstanding indebtedness of the service center. The superintendent's order is final and is not appealable.

Immediately upon the abolishment of the service center governing board pursuant to this section, the superintendent of public instruction shall appoint a qualified individual to administer the dissolution of the service center and to implement the terms of the superintendent's dissolution order. Prior to distributing assets to any school district under this section, but after paying in full other debts and obligations of the service center, the superintendent of public instruction may assess against the remaining assets of the service center the amount of the costs incurred by the department of education in performing the superintendent's duties under this division, including the fees, if any, owed to the individual appointed to administer the superintendent's dissolution order. Any excess cost incurred by the department under this division shall be divided equitably among the local

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school districts, of which the territory of the service center is or previously was made up, and the city and exempted village school districts with which the service center had agreements under section 3313.843 of the Revised Code for the service center's last fiscal year of operation. Each district's share of that excess cost shall be bound against the tax duplicate of that district.

(B) A final audit of the former service center shall be performed in accordance with procedures established by the auditor of state.

(C) The public records of an educational service center that is dissolved under this section shall be transferred in accordance with this division. Public records maintained by the service center in connection with services provided by the service center to local school districts shall be transferred to each of the respective local school districts. Public records maintained by the service center in connection with services provided under an agreement with a city or exempted village school district pursuant to section 3313.843 of the Revised Code shall be transferred to each of the respective city or exempted village school districts. All other public records maintained by the service center at the time the service center ceases operations shall be transferred to the Ohio historical society for analysis and disposition by the society in its capacity as archives administrator for the state and its political subdivisions pursuant to division (C) of section 149.30 and section 149.31 of the Revised Code.

Sec. 3311.06. (A) As used in this section:

(1) "Annexation" and "annexed" mean annexation for municipal purposes under sections 709.02 to 709.37 of the Revised Code.

(2) "Annexed territory" means territory that has been annexed for municipal purposes to a city served by an urban school district, but on September 24, 1986, has not been transferred to the urban school district.

(3) "Urban school district" means a city school district with an average daily membership for the 1985-1986 school year in excess of twenty thousand that is the school district of a city that contains annexed territory.

(4) "Annexation agreement" means an agreement entered into under division (F) of this section that has been approved by the state board of education or an agreement entered into prior to September 24, 1986, that meets the requirements of division (F) of this section and has been filed with the state board.

(B) The territory included within the boundaries of a city, local, exempted village, or joint vocational school district shall be contiguous except where a natural island forms an integral part of the district, where the state board of education authorizes a noncontiguous school district, as

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count of thirteen thousand or more determined pursuant to section 3317.03 of the Revised Code that has not entered into one or more agreements pursuant to this section prior to July 1, 1993, unless the district's total student count did not exceed thirteen thousand at the time it entered into an initial agreement under this section.

(B) The board of education of a city or exempted village school district and the governing board of an educational service center may enter into an agreement, through adoption of identical resolutions, under which the educational service center governing board will provide services to the city or exempted village school district.

Services provided under the agreement shall be specified in the agreement, and may include any one or a combination of the following: supervisory teachers; in-service and continuing education programs for city or exempted village school district personnel; curriculum services as provided to the local school districts under the supervision of the service center governing board; research and development programs; academic instruction for which the governing board employs teachers pursuant to section 3319.02 of the Revised Code; and assistance in the provision of special accommodations and classes for students with disabilities. Services included in the agreement shall be provided to the city or exempted village district in the same manner they are provided to local school districts under the governing board's supervision, unless otherwise specified in the agreement. The city or exempted village board of education shall reimburse the educational service center governing board pursuant to section 3317.11 of the Revised Code.

(C) If an educational service center received funding under division (B) of former section 3317.11 or division (F) of section 3317.11 of the Revised Code for an agreement under this section involving a city school district whose total student count was less than thirteen thousand, the service center may continue to receive funding under that division for such an agreement in any subsequent year if the city district's total student count exceeds thirteen thousand. However, only the first thirteen thousand pupils in the formula ADM of such district shall be included in determining the amount of the per pupil subsidy the service center shall receive under division (F) of section 3317.11 of the Revised Code.

(D) Any If an educational service center that has received funding under division (F) of section 3317.11 of the Revised Code, or under division (B) of former section 3317.11 of the Revised Code as it existed prior to September 26, 2003, for services provided to a city or exempted village school district pursuant to an agreement entered into under this section is dissolved or is

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scheduled to be dissolved under section 3311.0510 of the Revised Code, the city or exempted village school district that entered into that agreement with the service center may enter into a new agreement under this section with another service center for the same or similar services. In that case, the other service center shall receive funding under division (F) of section 3317.11 of the Revised Code for services to that district for any subsequent year that the new agreement is in force. An agreement entered into under this division shall be effective on the first day of July following the date both the service center governing board and the city or exempted village school district board approved the agreement, unless the agreement is so approved after the initial service center is dissolved, in which case the agreement shall be effective on the date that both boards have approved the agreement.

(E) Except for an agreement under division (D) of this section that is approved by the boards of the district and the new service center after the initial service center is dissolved, any agreement entered into pursuant to this section shall be valid only if a copy is filed with the department of education by the first day of the school year for which the agreement is in effect. An agreement under division (D) of this section that is approved by the boards of the district and the new service center after the initial service center is dissolved shall be valid only if a copy is filed with the department within ten days after both boards have approved the agreement.

Sec. 3313.86. The board of education of each city, exempted village, local, and joint vocational school district and the governing authority of each chartered nonpublic school periodically shall review its policies and procedures to ensure the safety of students, employees, and other persons using a school building from any known hazards in the building or on building grounds that, in the judgment of the board or governing authority, pose an immediate risk to health or safety. The board or governing authority shall further ensure that its policies and procedures comply with all federal laws and regulations regarding health and safety applicable to school buildings.

Sec. 3313.976. (A) No private school may receive scholarship payments from parents pursuant to section 3313.979 of the Revised Code until the chief administrator of the private school registers the school with the superintendent of public instruction. The state superintendent shall register any school that meets the following requirements:

(1) The school is located within the boundaries of the pilot project school district;

(2) The school indicates in writing its commitment to follow all requirements for a state-sponsored scholarship program specified under

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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 division 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

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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.

(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

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annually do all of the following:

(A) Calculate the adjusted valuation per pupil of each city, local, and exempted village school district according to the following formula:

The district's valuation per pupil -  
[\$30,000 X (1 - the district's income factor)].

For purposes of this calculation:

(1) Except for a district with an open enrollment net gain that is ten per cent or more of its formula ADM, "valuation per pupil" for a district means its average taxable value, divided by its formula ADM for the previous fiscal year. "Valuation per pupil," for a district with an open enrollment net gain that is ten per cent or more of its formula ADM, means its average taxable value, divided by the sum of its formula ADM for the previous fiscal year plus its open enrollment net gain for the previous fiscal year.

(2) "Average Except for a tangible personal property phase-out impacted district, "average taxable value" means the average of the sum of the amounts certified for a district under divisions (A)(1) and (2) of section 3317.021 of the Revised Code in the second, third, and fourth preceding fiscal years under divisions (A)(1) and (2) of section 3317.021 of the Revised Code. For a tangible personal property phase-out impacted district, "average taxable value" means the average of the sum of the amounts certified for the district under division (A)(1) and as public utility personal property under division (A)(2) of section 3317.021 of the Revised Code in the second, third, and fourth preceding fiscal years.

(3) "Entitled to attend school" means entitled to attend school in a city, local, or exempted village school district under section 3313.64 or 3313.65 of the Revised Code.

(4) "Formula ADM" and "income factor" have the same meanings as in section 3317.02 of the Revised Code.

(5) "Native student" has the same meaning as in section 3313.98 of the Revised Code.

(6) "Open enrollment net gain" for a district means (a) the number of the students entitled to attend school in another district but who are enrolled in the schools of the district under its open enrollment policy minus (b) the number of the district's native students who are enrolled in the schools of another district under the other district's open enrollment policy, both numbers as certified to the department under section 3313.981 of the Revised Code. If the difference is a negative number, the district's "open enrollment net gain" is zero.

(7) "Open enrollment policy" means an interdistrict open enrollment policy adopted under section 3313.98 of the Revised Code.

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(8) "Tangible personal property phase-out impacted district" means a school district for which the taxable value of its tangible personal property certified under division (A)(2) of section 3317.021 of the Revised Code for tax year 2005, excluding the taxable value of public utility personal property, made up twenty per cent or more of its total taxable value for tax year 2005 as certified under that section.

(B) Calculate for each district the three-year average of the adjusted valuations per pupil calculated for the district for the current and two preceding fiscal years;

(C) Rank all such districts in order of adjusted valuation per pupil from the district with the lowest three-year average adjusted valuation per pupil to the district with the highest three-year average adjusted valuation per pupil;

(D) Divide such ranking into percentiles with the first percentile containing the one per cent of school districts having the lowest three-year average adjusted valuations per pupil and the one-hundredth percentile containing the one per cent of school districts having the highest three-year average adjusted valuations per pupil;

(E) Determine the school districts that have three-year average adjusted valuations per pupil that are greater than the median three-year average adjusted valuation per pupil for all school districts in the state;

(F) On or before the first day of September, certify the information described in divisions (A) to (E) of this section to the Ohio school facilities commission.

Sec. 3318.051. (A) Any city, exempted village, or local school district that commences a project under sections 3318.01 to 3318.20, 3318.36, 3318.37, or 3318.38 of the Revised Code on or after ~~the effective date of this section~~ September 5, 2006, need not levy the tax otherwise required under division (B) of section 3318.05 of the Revised Code, if the district board of education adopts a resolution petitioning the Ohio school facilities commission to approve the transfer of money in accordance with this section and the commission approves that transfer. If so approved, the commission and the district board shall enter into an agreement under which the board, in each of twenty-three consecutive years beginning in the year in which the board and the commission enter into the project agreement under section 3318.08 of the Revised Code, shall transfer into the maintenance fund required by division (D) of section 3318.05 of the Revised Code not less than an amount equal to one-half mill for each dollar of the district's valuation unless and until the agreement to make those transfers is rescinded by the district board pursuant to division (F) of this section.

(B) On the first day of July each year, or on an alternative date

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~~persons, over eighteen years of age, who have died within such subdivision or within this state or another state, respectively, within such month. At least once each month the, each probate judge in this state shall file with the board of elections the names and residence addresses of all persons over eighteen years of age who have been adjudicated incompetent for the purpose of voting, as provided in section 5122.301 of the Revised Code. At least once each month the clerk of the court of common pleas shall file with the board the names and residence addresses of all persons who have been convicted during the previous month of crimes that would disfranchise such persons under existing laws of the state. Reports of conviction of crimes under the laws of the United States that would disfranchise an elector and that are provided to the secretary of state by any United States attorney shall be forwarded by the secretary of state to the appropriate board of elections.~~

Upon receiving ~~any~~ a report described in required by this section or section 3705.031 of the Revised Code, the board of elections shall promptly cancel ~~the~~ registration of ~~the each~~ elector named in the report. If the report contains a residence address of an elector in a county other than the county in which the board of elections is located, the director shall promptly send a copy of the report to the appropriate board of elections, which shall cancel the registration. 18  
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Sec. 3503.21. (A) The registration of a registered elector shall be canceled upon the occurrence of any of the following:

(1) The filing by a registered elector of a written request with a board of elections, on a form prescribed by the secretary of state and signed by the elector, that the registration be canceled. The filing of such a request does not prohibit an otherwise qualified elector from reregistering to vote at any time.

~~(2) The filing of a notice of the death of the registered elector as provided in section 3503.18 of the Revised Code;~~

~~(3) The conviction of the registered elector of a felony under the laws of this state, any other state, or the United States as provided in section 2961.01 of the Revised Code;~~

~~(4)(3) The adjudication of incompetency of the registered elector for the purpose of voting as provided in section 5122.301 of the Revised Code;~~

(4) The receipt by a board of elections of a report required by section 3705.031 of the Revised Code that contains the name of the registered elector; 18

(5) The change of residence of the registered elector to a location outside the county of registration in accordance with division (B) of this section;

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return envelope containing a form on which the voter may verify or correct the change of address information.

(E) The registration of a registered elector described in division (A)(6) or (B)(2) of this section shall be canceled not later than one hundred twenty days after the date of the second general federal election in which the elector fails to vote or not later than one hundred twenty days after the expiration of the four-year period in which the elector fails to vote or respond to a confirmation notice, whichever is later.

Sec. 3701.0211. (A) There is hereby created the hemophilia advisory council in the department of health. The council shall consist of the following members:

(1) The following nonvoting members:

(a) The director of health or the director's designee;

(b) The superintendent of insurance or the superintendent's designee;

(c) A representative of the department of job and family services.

(2) The following voting members, to be appointed by the governor with the advice and consent of the senate:

(a) Two individuals authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery who are currently treating patients with hemophilia or related bleeding disorders, one of whom specializes in pediatrics and one of whom specializes in the treatment of adults;

(b) An individual licensed under Chapter 4723. of the Revised Code to practice nursing who is currently treating patients with hemophilia or related bleeding disorders;

(c) An individual licensed under Chapter 4757. of the Revised Code as an independent social worker or social worker who is currently treating patients with hemophilia or related bleeding disorders;

(d) A representative of a federally funded hemophilia treatment center;

(e) A representative of a health insuring corporation that holds a certificate of authority issued under Chapter 1751. of the Revised Code or a company authorized under Chapter 3923. of the Revised Code to do the business of sickness and accident insurance in this state;

(f) A representative of an Ohio chapter of the national hemophilia foundation that serves the community of persons with hemophilia and related bleeding disorders;

(g) An adult with hemophilia or caregiver of an adult with hemophilia;

(h) A caregiver of a minor with hemophilia;

(i) A person with a bleeding disorder other than hemophilia or caregiver of a person with a bleeding disorder other than hemophilia;

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(j) A person with hemophilia who is a member of the Amish sect or a health professional currently treating persons with hemophilia who are members of the Amish sect.

(B) Not later than ninety days after the effective date of this section, the governor shall make initial appointments to the council. Of the initial appointments, four shall be for terms ending two years after the effective date of this section, four shall be for terms ending three years after that date, and three shall be for terms ending four years after that date. Thereafter, terms of office shall be two years, with each term ending on the same day of the same month as the term it succeeds. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Members may be reappointed.

Vacancies shall be filled in the same manner as original appointments. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term. A member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first.

(C) The voting members shall elect from among the council's members a chairperson who shall serve a one-year term. The council shall meet at the call of the chairperson, but not less than four times each year. A majority of the members of the council constitutes a quorum.

(D) Members shall serve without compensation, but may be reimbursed for actual and necessary expenses incurred in the performance of their duties.

(E) The council shall advise the director of health on all of the following:

(1) Reviewing the impact of changes to both of the following:

(a) Existing programs for persons with hemophilia and related bleeding disorders;

(b) Existing policies for persons with hemophilia and related bleeding disorders.

(2) Developing standards of care and standards of treatment for persons with hemophilia and related bleeding disorders;

(3) Developing programs of care and programs of treatment for persons with hemophilia and related bleeding disorders, including self-administration of medication, home care, medical and dental procedures, and techniques designed to provide maximum control over bleeding episodes;

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(4) Reviewing data and making recommendations regarding the ability of persons with hemophilia and related bleeding disorders to obtain appropriate health insurance coverage and access to appropriate care;

(5) Coordinating with other state agencies and private organizations to develop community-based initiatives to increase awareness of hemophilia and related bleeding disorders.

(F) The council shall annually submit to the governor and general assembly a report with recommendations on increasing access to care and treatment and obtaining appropriate health insurance coverage for persons with hemophilia and related bleeding disorders.

Sec. 3701.045. (A) The department of health, in consultation with the children's trust fund board established under section 3109.15 of the Revised Code and any bodies acting as child fatality review boards on ~~the effective date of this section~~ October 5, 2000, shall adopt rules in accordance with Chapter 119. of the Revised Code that establish a procedure for child fatality review boards to follow in conducting a review of the death of a child. The rules shall do all of the following:

(1) Establish the format for the annual reports required by section 307.626 of the Revised Code;

(2) Establish guidelines for a child fatality review board to follow in compiling statistics for annual reports so that the reports do not contain any information that would permit any person's identity to be ascertained from a report;

(3) Establish guidelines for a child fatality review board to follow in creating and maintaining the comprehensive database of child deaths required by section 307.623 of the Revised Code, including provisions establishing uniform record-keeping procedures;

(4) Establish guidelines for reporting child fatality review data to the department of health or a national child death review database, either of which must maintain the confidentiality of information that would permit a person's identity to be ascertained;

(5) Establish guidelines, materials, and training to help educate members of child fatality review boards about the purpose of the review process and the confidentiality of the information described in section 307.629 of the Revised Code and to make them aware that such information is not a public record under section 149.43 of the Revised Code.

(B) On or before the thirtieth day of September of each year, the department of health and the children's trust fund board jointly shall prepare and publish a report organizing and setting forth the data from the department of health child death review database or the national child death

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prescribe.

The department shall compile a list of the governmental entities, corporations, or associations registering under this division and shall update the list annually. Copies of the list shall be made available to nursing home administrators as defined in division (C) of section 3721.10 of the Revised Code and to adult care facility managers as defined in section 3722.01 of the Revised Code.

~~(C) Every governmental entity or private nonprofit corporation or association whose employees or representatives act as residents' rights advocates for community alternative homes pursuant to section 3724.08 of the Revised Code shall register with the department of health on forms furnished by the director of health and shall provide such reasonable identifying information as the director may prescribe.~~

~~The department shall compile a list of the governmental entities, corporations, and associations registering under this division and shall update the list annually. Copies of the list shall be made available to operators or residence managers of community alternative homes as defined in section 3724.01 of the Revised Code.~~

Sec. 3701.136. (A) There is hereby created the sickle cell anemia advisory committee. The committee shall assist the director of health in fulfilling the director's duties under section 3701.131 of the Revised Code.

(B) The director shall appoint five members to the committee who are familiar with sickle cell anemia, including researchers, health care professionals, and persons personally affected by sickle cell anemia.

Not later than ninety days after the effective date of this section, the director shall make initial appointments to the committee. Of the initial appointments, one shall be for a term ending one year after the effective date of this section, two shall be for terms ending two years after that date, and two shall be for terms ending three years after that date. Thereafter, terms of office shall be three years, with each term ending on the same day of the same month as did the term that it succeeds. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Members may be reappointed.

Vacancies shall be filled in the same manner as original appointments. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term. A member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first.

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denominator of which is seventeen, but not less than zero, multiplied by forty three per cent, plus one-half of six-sevenths of the difference between the telephone property fixed-rate levy loss for tax year 2011 and the telephone property fixed-rate levy loss for tax year 2010.

(13) On or before May 31, 2012, fourteen per cent of the amount determined under division (A)(2) of this section for fiscal year 2012, multiplied by a fraction, the numerator of which is fourteen and the denominator of which is seventeen but not less than zero, plus one-seventh of the difference between the telephone property fixed-rate levy loss for tax year 2011 and the telephone property fixed-rate levy loss for tax year 2010.

(14) On or before August 31, 2012, October 31, 2012, and May 31, 2013, the amount determined under division (A)(2) of this section multiplied by a fraction, the numerator of which is eleven and the denominator of which is seventeen, but not less than zero, multiplied by one third.

(15) On or before August 31, 2013, October 31, 2013, and May 31, 2014, the amount determined under division (A)(2) of this section multiplied by a fraction, the numerator of which is nine and the denominator of which is seventeen, but not less than zero, multiplied by one third.

(16) On or before August 31, 2014, October 31, 2014, and May 31, 2015, the amount determined under division (A)(2) of this section multiplied by a fraction, the numerator of which is seven and the denominator of which is seventeen, but not less than zero, multiplied by one third.

(17) On or before August 31, 2015, October 31, 2015, and May 31, 2016, the amount determined under division (A)(2) of this section multiplied by a fraction, the numerator of which is five and the denominator of which is seventeen, but not less than zero, multiplied by one third.

(18) On or before August 31, 2016, October 31, 2016, and May 31, 2017, the amount determined under division (A)(2) of this section multiplied by a fraction, the numerator of which is three and the denominator of which is seventeen, but not less than zero, multiplied by one third.

(19) On or before August 31, 2017, October 31, 2017, and May 31, 2018, the amount determined under division (A)(2) of this section multiplied by a fraction, the numerator of which is one and the denominator of which is seventeen, but not less than zero, multiplied by one third the thirty-first day of August and October of 2012 and of each year thereafter and the thirty-first day of May of 2013 and of each year thereafter, one-third of the amount determined under division (A)(2) of this section, but not less than zero.

The department of education shall report to each school district and joint vocational school district the apportionment of the payments among the

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school district's or joint vocational school district's funds based on the certifications under ~~division (F)~~ divisions (G) and (I) of section 5751.20 of the Revised Code.

Any qualifying levy that is a fixed-rate levy that is not applicable to a tax year after 2010 does not qualify for any reimbursement after the tax year to which it is last applicable.

(D) For taxes levied within the ten-mill limitation for debt purposes in tax year 2005, payments shall be made equal to one hundred per cent of the loss computed as if the tax were a fixed-rate levy, but those payments shall extend from fiscal year 2006 through fiscal year 2018, as long as the qualifying levy continues to be used for debt purposes. If the purpose of such a qualifying levy is changed, that levy becomes subject to the payments determined in division (C) of this section. 28

(E)(1) Not later than January 1, 2006, for each fixed-sum levy of each school district or joint vocational school district and for each year for which a determination is made under ~~division (F)~~ (E) of section 5751.20 of the Revised Code that a fixed-sum levy loss is to be reimbursed, the tax commissioner shall certify to the department of education the fixed-sum levy loss determined under that division. The certification shall cover a time period sufficient to include all fixed-sum levies for which the commissioner made such a determination. The department shall pay from the school district property tax replacement fund to the school district or joint vocational school district one-third of the fixed-sum levy loss so certified for each year, plus one-third of the amount certified under division (I) of section 5751.20 of the Revised Code, on or before the last day of May, August, and October of the current year. Payments under this division of the amounts certified under division (I) of section 5751.20 of the Revised Code shall continue until the levy adopted under section 5705.219 of the Revised Code expires.

(2) Beginning in 2006, by the first day of January of each year, the tax commissioner shall review the certification originally made under division (E)(1) of this section. If the commissioner determines that a debt levy that had been scheduled to be reimbursed in the current year has expired, a revised certification for that and all subsequent years shall be made to the department of education.

(F) Beginning in September 2007 and through June 2019, the director of budget and management shall transfer from the school district tangible property tax replacement fund to the general revenue fund each of the following: 28

(1) On the first day of September, one-fourth of the amount determined

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for that fiscal year under division (A)(1) of this section;

(2) On the first day of December, one-fourth of the amount determined for that fiscal year under division (A)(1) of this section;

(3) On the first day of March, one-fourth of the amount determined for that fiscal year under division (A)(1) of this section;

(4) On the first day of June, one-fourth of the amount determined for that fiscal year under division (A)(1) of this section.

If, when a transfer is required under division (F)(1), (2), (3), or (4) of this section, there is not sufficient money in the school district tangible property tax replacement fund to make the transfer in the required amount, the director shall transfer the balance in the fund to the general revenue fund and may make additional transfers on later dates as determined by the director in a total amount that does not exceed one-fourth of the amount determined for the fiscal year.

(G) ~~For each of the fiscal years 2006 through 2018, if~~ If the total amount in the school district tangible property tax replacement fund is insufficient to make all payments under divisions (C), (D), and (E) of this section at the times the payments are to be made, the director of budget and management shall transfer from the general revenue fund to the school district tangible property tax replacement fund the difference between the total amount to be paid and the amount in the school district tangible property tax replacement fund.

~~For each fiscal year after 2018, at the time payments under division (E) of this section are to be made, the director of budget and management shall transfer from the general revenue fund to the school district property tax replacement fund the amount necessary to make such payments.~~

(H) ~~On the fifteenth day of June of 2006 through 2011, the director of budget and management may transfer any balance in the school district tangible property tax replacement fund to the general revenue fund.~~ At the

~~end of fiscal years 2012 through 2018, any balance in the school district tangible property tax replacement fund shall remain in the fund to be used in future fiscal years for school purposes.~~

(2) ~~In each fiscal year beginning with fiscal year 2019~~ In each fiscal year thereafter, all amounts credited to the school district tangible personal property tax replacement fund shall be appropriated for school purposes.

(I) If all of the territory of a school district or joint vocational school district is merged with another district, or if a part of the territory of a school district or joint vocational school district is transferred to an existing or newly created district, the department of education, in consultation with the tax commissioner, shall adjust the payments made under this section as follows:

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levy losses, the department of education, in consultation with the tax commissioner, shall make an equitable division of the fixed-sum levy loss reimbursements.

Sec. 5751.22. (A) Not later than January 1, 2006, the tax commissioner shall compute the payments to be made to each local taxing unit for each year according to divisions (A)(1), (2), (3), and (4) of this section, and shall distribute the payments in the manner prescribed by division (C) of this section. The calculation of the fixed-sum levy loss shall cover a time period sufficient to include all fixed-sum levies for which the commissioner determined, pursuant to division (E) of section 5751.20 of the Revised Code, that a fixed-sum levy loss is to be reimbursed.

(1) ~~Except as provided in division (A)(4) of this section, for For~~ machinery and equipment, inventory, and furniture and fixtures fixed-rate levy losses determined under division (D) of section 5751.20 of the Revised Code, payments shall be made in an amount equal to each of those losses multiplied by the following:

- (a) ~~For tax years 2006 through 2010, one hundred per cent;~~
- (b) ~~For tax year 2011, a fraction, the numerator of which is fourteen and the denominator of which is seventeen;~~
- (c) ~~For tax year 2012, a fraction, the numerator of which is eleven and the denominator of which is seventeen;~~
- (d) ~~For tax year 2013, a fraction, the numerator of which is nine and the denominator of which is seventeen;~~
- (e) ~~For tax year 2014, a fraction, the numerator of which is seven and the denominator of which is seventeen;~~
- (f) ~~For tax year 2015, a fraction, the numerator of which is five and the denominator of which is seventeen;~~
- (g) ~~For tax year 2016, a fraction, the numerator of which is three and the denominator of which is seventeen;~~
- (h) ~~For tax year 2017, a fraction, the numerator of which is one and the denominator of which is seventeen;~~
- (i) ~~For tax years 2018 and thereafter, no fixed rate payments shall be made.~~

Any qualifying levy that is a fixed-rate levy that is not applicable to a tax year after 2010 shall not qualify for any reimbursement after the tax year to which it is last applicable.

(2) ~~Except as provided in division (A)(4) of this section, for For~~ telephone property fixed-rate levy losses determined under division (D)(4) of section 5751.20 of the Revised Code, payments shall be made in an amount equal to each of those losses multiplied by the following:

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(a) For tax years 2009 through 2011, one hundred per cent;  
(b) For tax year 2012, seven eighths;  
(c) For tax year 2013, six eighths;  
(d) For tax year 2014, five eighths;  
(e) For tax year 2015, four eighths;  
(f) For tax year 2016, three eighths;  
(g) For tax year 2017, two eighths;  
(h) For tax year 2018, one eighth;  
(i) For tax years 2019 and thereafter, no fixed rate payments shall be made.

Any qualifying levy that is a fixed-rate levy that is not applicable to a tax year after 2011 shall not qualify for any reimbursement after the tax year to which it is last applicable.

(3) For fixed-sum levy losses determined under division (E) of section 5751.20 of the Revised Code, payments shall be made in the amount of one hundred per cent of the fixed-sum levy loss for payments required to be made in 2006 and thereafter.

(4) For taxes levied within the ten-mill limitation for debt purposes in tax year 2005, payments shall be made ~~based on the schedule in division (A)(1) of this section for each of the calendar years 2006 through 2010. For each of the calendar years 2011 through 2017, the percentages for calendar year 2010 shall be used, as long as the qualifying levy continues to be used for debt purposes. If the purpose of such a qualifying levy is changed, that levy becomes subject to the payment schedules in divisions (A)(1)(a) to (h) of this section. No payments shall be made for such levies after calendar year 2017 equal to one hundred per cent of the loss computed as if the tax were a fixed-rate levy.~~

(B) Beginning in 2007, by the thirty-first day of January of each year, the tax commissioner shall review the calculation originally made under division (A) of this section of the fixed-sum levy losses determined under division (E) of section 5751.20 of the Revised Code. If the commissioner determines that a fixed-sum levy that had been scheduled to be reimbursed in the current year has expired, a revised calculation for that and all subsequent years shall be made.

(C) Payments to local taxing units required to be made under division (A) of this section shall be paid from the local government tangible property tax replacement fund to the county undivided income tax fund in the proper county treasury. Beginning in May 2006, one-seventh of the amount certified under that division shall be paid by the last day of May each year, and three-sevenths shall be paid by the last day of August and October each

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year. Within forty-five days after receipt of such payments, the county treasurer shall distribute amounts determined under division (A) of this section to the proper local taxing unit as if they had been levied and collected as taxes, and the local taxing unit shall apportion the amounts so received among its funds in the same proportions as if those amounts had been levied and collected as taxes.

(D) ~~For each of the fiscal years 2006 through 2019, if~~ If the total amount in the local government tangible property tax replacement fund is insufficient to make all payments under division (C) of this section at the times the payments are to be made, the director of budget and management shall transfer from the general revenue fund to the local government tangible property tax replacement fund the difference between the total amount to be paid and the amount in the local government tangible property tax replacement fund. ~~For each fiscal year after 2019, at the time payments under division (A)(2) of this section are to be made, the director of budget and management shall transfer from the general revenue fund to the local government property tax replacement fund the amount necessary to make such payments.~~

(E) On the fifteenth day of June of each year ~~from 2006 through 2018~~ beginning in 2006, the director of budget and management may transfer any balance in the local government tangible property tax replacement fund to the general revenue fund.

(F) If all or a part of the territories of two or more local taxing units are merged, or unincorporated territory of a township is annexed by a municipal corporation, the tax commissioner shall adjust the payments made under this section to each of the local taxing units in proportion to the tax value loss apportioned to the merged or annexed territory, or as otherwise provided by a written agreement between the legislative authorities of the local taxing units certified to the commissioner not later than the first day of June of the calendar year in which the payment is to be made.

Sec. 5751.23. (A) As used in this section:

(1) "Administrative fees" means the dollar percentages allowed by the county auditor for services or by the county treasurer as fees, or paid to the credit of the real estate assessment fund, under divisions (A) and (C) of section 319.54 and division (A) of section 321.26 of the Revised Code.

(2) "Administrative fee loss" means a county's loss of administrative fees due to its tax value loss, ~~determined as follows:~~

~~(a) For purposes of the determination made under division (B) of this section in the years 2006 through 2010, the administrative fee loss shall be computed by multiplying the amounts determined for all taxing districts in~~

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the county under divisions (D) and (E) of section 5751.20 of the Revised Code by nine thousand six hundred fifty-nine ten-thousandths of one per cent if total taxes collected in the county in 2004 exceeded one hundred fifty million dollars, or one and one thousand one hundred fifty-nine ten-thousandths of one per cent if total taxes collected in the county in 2004 were one hundred fifty million dollars or less;

~~(b) For purposes of the determination under division (B) of this section in the years after 2010, the administrative fee losses shall be determined by multiplying the administrative fee losses calculated for 2010 by the fractions in divisions (A)(1)(b) to (i) of section 5751.22 of the Revised Code.~~

(3) "Total taxes collected" means all money collected on any tax duplicate of the county, other than the estate tax duplicates. "Total taxes collected" does not include amounts received pursuant to divisions (F) and (G) of section 321.24 or section 323.156 of the Revised Code.

(B) Not later than December 31, 2005, the tax commissioner shall certify to each county auditor the tax levy losses calculated under divisions (D) and (E) of section 5751.20 of the Revised Code for each school district, joint vocational school district, and local taxing unit in the county. Not later than the thirty-first day of January of 2006 through 2017, the county auditor shall determine the administrative fee loss for the county and apportion that loss ratably among the school districts, joint vocational school districts, and local taxing units on the basis of the tax levy losses certified under this division.

(C) On or before each of the days prescribed for the settlements under divisions (A) and (C) of section 321.24 of the Revised Code in the years 2006 through 2017, the county treasurer shall deduct one-half of the amount apportioned to each school district, joint vocational school district, and local taxing unit from the portions of revenue payable to them.

(D) On or before each of the days prescribed for settlements under divisions (A) and (C) of section 321.24 of the Revised Code in the years 2006 through 2017, the county auditor shall cause to be deposited an amount equal to one-half of the amount of the administrative fee loss in the same funds as if allowed as administrative fees.

Sec. 5911.10. If any armory erected or purchased by the state becomes vacant because of the deactivation of the organizations quartered in that armory, the governor and the adjutant general may lease that armory for periods not to exceed one year; or, when authorized by an act of the general assembly, may sell that armory or lease it for a period of years. ~~The~~

The proceeds from the sale or lease of such an armory, or from the sale or lease of other facilities and land owned by the adjutant general, shall be

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(D) To the extent permitted by state or federal law, the director, local areas, counties, and municipal corporations authorized to administer workforce development activities may assess a fee for specialized services requested by an employer. The director shall adopt rules pursuant to Chapter 119. of the Revised Code governing the nature and amount of those types of fees.

SECTION 101.02. That existing sections 7.12, 9.06, 9.24, 9.314, 101.34, 101.72, 102.02, 105.41, 107.21, 107.40, 109.57, 109.572, 109.73, 109.731, 109.742, 109.744, 109.751, 109.761, 109.77, 109.802, 109.803, 117.13, 118.05, 120.08, 121.04, 121.07, 121.08, 121.083, 121.084, 121.31, 121.37, 121.40, 121.401, 121.402, 122.011, 122.05, 122.051, 122.075, 122.151, 122.17, 122.171, 122.40, 122.603, 122.71, 122.751, 122.76, 122.89, 123.01, 124.03, 124.04, 124.07, 124.11, 124.134, 124.14, 124.152, 124.181, 124.183, 124.22, 124.23, 124.27, 124.321, 124.324, 124.325, 124.34, 124.381, 124.382, 124.385, 124.386, 124.392, 124.81, 125.11, 125.18, 125.831, 126.05, 126.21, 126.35, 127.16, 131.23, 131.33, 133.01, 133.02, 133.06, 133.18, 133.20, 133.21, 133.34, 135.03, 135.06, 135.08, 135.32, 141.04, 145.012, 145.298, 148.02, 148.04, 149.43, 149.45, 150.01, 150.02, 150.03, 150.04, 150.05, 150.07, 152.09, 152.10, 152.12, 152.15, 152.33, 156.01, 156.02, 156.03, 156.04, 166.02, 166.07, 166.08, 166.11, 166.25, 169.08, 173.08, 173.35, 173.392, 173.40, 173.401, 173.42, 173.43, 173.50, 173.71, 173.76, 173.99, 174.02, 174.03, 174.06, 175.01, 176.05, 303.213, 307.626, 307.629, 307.79, 311.17, 311.42, 319.28, 319.301, 319.302, 319.54, 321.24, 321.261, 323.01, 323.121, 323.156, 323.73, 323.74, 323.77, 323.78, 329.03, 329.04, 329.042, 329.051, 329.06, 340.033, 343.01, 351.01, 351.021, 504.21, 505.82, 711.001, 711.05, 711.10, 711.131, 718.04, 721.15, 901.20, 901.32, 901.43, 903.082, 903.11, 903.25, 905.32, 905.33, 905.331, 905.36, 905.50, 905.51, 905.52, 905.56, 907.13, 907.14, 907.30, 907.31, 915.24, 918.08, 918.28, 921.02, 921.06, 921.09, 921.11, 921.13, 921.16, 921.22, 921.27, 921.29, 923.44, 923.46, 927.51, 927.52, 927.53, 927.56, 927.69, 927.70, 927.701, 927.71, 942.01, 942.02, 942.06, 942.13, 943.01, 943.02, 943.04, 943.05, 943.06, 943.07, 943.13, 943.14, 943.16, 953.21, 953.22, 953.23, 955.201, 1321.20, 1321.51, 1321.52, 1321.53, 1321.54, 1321.55, 1321.551, 1321.57, 1321.59, 1321.60, 1321.99, 1322.01, 1322.02, 1322.03, 1322.031, 1322.04, 1322.041, 1322.05, 1322.051, 1322.052, 1322.06, 1322.061, 1322.062, 1322.063, 1322.064, 1322.07, 1322.071, 1322.072, 1322.074, 1322.075, 1322.08, 1322.081, 1322.09, 1322.10, 1322.11, 1322.99, 1332.24, 1332.25, 1343.011, 1345.01, 1345.05, 1345.09

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1347.08, 1349.31, 1349.43, 1501.01, 1501.05, 1501.07, 1501.30, 1502.12, 1506.01, 1507.01, 1511.01, 1511.02, 1511.021, 1511.022, 1511.03, 1511.04, 1511.05, 1511.06, 1511.07, 1511.071, 1511.08, 1514.08, 1514.10, 1514.13, 1515.08, 1515.14, 1515.183, 1517.02, 1517.10, 1517.11, 1517.14, 1517.16, 1517.17, 1517.18, 1519.03, 1520.02, 1520.03, 1521.03, 1521.031, 1521.04, 1521.05, 1521.06, 1521.061, 1521.062, 1521.063, 1521.064, 1521.07, 1521.10, 1521.11, 1521.12, 1521.13, 1521.14, 1521.15, 1521.16, 1521.18, 1521.19, 1523.01, 1523.02, 1523.03, 1523.04, 1523.05, 1523.06, 1523.07, 1523.08, 1523.09, 1523.10, 1523.11, 1523.12, 1523.13, 1523.14, 1523.15, 1523.16, 1523.17, 1523.18, 1523.19, 1523.20, 1533.11, 1541.03, 1547.01, 1547.51, 1547.52, 1547.531, 1547.54, 1547.542, 1547.73, 1547.99, 1548.10, 1707.17, 1707.18, 1707.37, 1710.01, 1710.02, 1710.03, 1710.04, 1710.06, 1710.07, 1710.10, 1710.13, 1721.211, 1724.02, 1724.04, 1733.26, 1739.05, 1751.03, 1751.04, 1751.05, 1751.14, 1751.15, 1751.16, 1751.18, 1751.19, 1751.32, 1751.321, 1751.34, 1751.35, 1751.36, 1751.45, 1751.46, 1751.48, 1751.831, 1751.84, 1751.85, 1753.09, 1901.121, 1901.26, 1901.31, 1907.14, 1907.24, 2101.01, 2301.02, 2301.03, 2303.201, 2305.234, 2317.422, 2503.17, 2505.09, 2505.12, 2743.51, 2744.05, 2903.214, 2903.33, 2907.27, 2911.21, 2913.46, 2915.01, 2921.13, 2921.51, 2923.125, 2923.1210, 2923.1213, 2923.16, 2937.22, 2949.091, 2949.111, 2949.17, 2981.13, 3105.87, 3111.04, 3119.01, 3119.54, 3121.03, 3121.035, 3121.037, 3121.0311, 3121.19, 3121.20, 3121.898, 3123.952, 3125.25, 3301.07, 3301.075, 3301.079, 3301.0710, 3301.0711, 3301.0714, 3301.0715, 3301.0716, 3301.0718, 3301.12, 3301.16, 3301.46, 3301.55, 3301.57, 3302.01, 3302.02, 3302.021, 3302.03, 3302.031, 3302.05, 3302.07, 3304.16, 3304.231, 3307.31, 3307.64, 3309.41, 3309.48, 3309.51, 3310.03, 3310.08, 3310.09, 3310.11, 3310.14, 3310.41, 3311.059, 3311.06, 3311.19, 3311.21, 3311.29, 3311.52, 3311.76, 3313.174, 3313.483, 3313.53, 3313.532, 3313.536, 3313.55, 3313.60, 3313.602, 3313.603, 3313.605, 3313.608, 3313.6013, 3313.61, 3313.611, 3313.612, 3313.614, 3313.615, 3313.64, 3313.642, 3313.6410, 3313.65, 3313.713, 3313.843, 3313.976, 3313.978, 3313.98, 3313.981, 3314.012, 3314.015, 3314.016, 3314.02, 3314.021, 3314.03, 3314.08, 3314.085, 3314.087, 3314.091, 3314.10, 3314.13, 3314.19, 3314.25, 3314.26, 3314.35, 3314.36, 3315.37, 3316.041, 3316.06, 3316.20, 3317.01, 3317.011, 3317.013, 3317.02, 3317.021, 3317.022, 3317.023, 3317.024, 3317.025, 3317.0210, 3317.0211, 3317.0216, 3317.03, 3317.031, 3317.04, 3317.061, 3317.063, 3317.08, 3317.081, 3317.082, 3317.12, 3317.16, 3317.18, 3317.20, 3317.201, 3318.011, 3318.051, 3318.061, 3318.36, 3318.38, 3318.44, 3319.073, 3319.08, 3319.081,

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3319.088, 3319.11, 3319.151, 3319.16, 3319.161, 3319.22, 3319.221, 3319.233, 3319.234, 3319.235, 3319.24, 3319.25, 3319.26, 3319.28, 3319.291, 3319.303, 3319.36, 3319.391, 3319.41, 3319.51, 3319.56, 3319.57, 3319.60, 3319.61, 3319.63, 3321.01, 3321.05, 3323.05, 3323.091, 3323.14, 3323.142, 3324.05, 3325.08, 3326.02, 3326.03, 3326.04, 3326.05, 3326.06, 3326.07, 3326.08, 3326.11, 3326.14, 3326.20, 3326.23, 3326.33, 3326.36, 3326.37, 3326.51, 3327.02, 3327.04, 3327.05, 3327.10, 3329.16, 3333.04, 3333.122, 3333.123, 3333.16, 3333.28, 3333.35, 3333.38, 3333.42, 3333.61, 3333.62, 3333.66, 3334.03, 3334.07, 3334.08, 3334.11, 3334.12, 3343.04, 3345.011, 3345.062, 3345.12, 3345.32, 3345.61, 3345.62, 3345.63, 3345.64, 3345.65, 3345.66, 3349.242, 3351.07, 3354.26, 3365.01, 3365.04, 3365.041, 3365.07, 3365.08, 3365.09, 3365.10, 3501.17, 3503.18, 3503.21, 3701.045, 3701.07, 3701.242, 3701.247, 3701.344, 3701.78, 3702.30, 3702.51, 3702.52, 3702.524, 3702.525, 3702.53, 3702.532, 3702.54, 3702.544, 3702.55, 3702.57, 3702.59, 3702.60, 3702.61, 3702.74, 3702.87, 3702.89, 3702.90, 3702.91, 3702.92, 3702.93, 3702.94, 3703.01, 3703.03, 3703.04, 3703.05, 3703.06, 3703.07, 3703.08, 3703.10, 3703.21, 3703.99, 3704.03, 3704.14, 3704.144, **3705.03**, 3705.24, 3706.04, 3706.25, 3707.26, 3709.09, 3712.01, 3712.03, 3713.01, 3713.02, 3713.03, 3713.04, 3713.05, 3713.06, 3713.07, 3713.08, 3713.09, 3713.10, 3714.03, 3714.07, 3715.87, 3715.871, 3715.873, 3717.07, 3717.23, 3717.25, 3717.43, 3717.45, 3718.03, 3718.06, 3721.01, 3721.02, 3721.071, 3721.23, 3721.50, 3721.51, 3721.53, 3721.55, 3721.56, 3722.01, 3722.011, 3722.02, 3722.021, 3722.04, 3722.041, 3722.05, 3722.06, 3722.08, 3722.09, 3722.10, 3722.13, 3722.14, 3722.15, 3722.16, 3722.17, 3722.18, 3722.99, 3727.02, 3729.07, 3733.02, 3733.04, 3733.25, 3733.43, 3734.05, 3734.28, 3734.281, 3734.53, 3734.57, 3734.573, 3734.82, 3734.901, 3734.9010, 3737.71, 3743.04, 3743.25, 3745.015, 3745.05, 3745.11, 3748.01, 3748.04, 3748.07, 3748.12, 3748.13, 3749.04, 3767.41, 3770.03, 3770.05, 3773.35, 3773.36, 3773.43, 3773.45, 3773.53, 3781.03, 3781.07, 3781.10, 3781.102, 3781.11, 3781.12, 3781.19, 3783.05, 3791.02, 3791.04, 3791.05, 3791.07, 3793.02, 3793.04, 3901.381, 3901.3812, 3923.021, 3923.022, 3923.11, 3923.122, 3923.24, 2923.58, 2923.581, 3923.66, 3923.67, 3923.68, 3923.75, 3923.76, 3923.77, 3924.06, 3929.43, 3937.41, 3951.01, 4104.01, 4104.02, 4104.06, 4104.07, 4104.08, 4104.09, 4104.10, 4104.101, 4104.12, 4104.15, 4104.16, 4104.17, 4104.18, 4104.19, 4104.21, 4104.33, 4104.42, 4104.43, 4104.44, 4104.48, 4105.01, 4105.02, 4105.03, 4105.04, 4105.05, 4105.06, 4105.09, 4105.11, 4105.12, 4105.13, 4105.15, 4105.16, 4105.17, 4105.191, 4105.20, 4105.21, 4112.01, 4112.04, 4112.05, 4112.051, 4117.01, 4117.02, 4117.07, 4117.12, 4117.24

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4123.27, 4141.01, 4141.08, 4141.162, 4141.31, 4169.02, 4169.03, 4169.04,  
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5111.034, 5111.06, 5111.084, 5111.16, 5111.176, 5111.20, 5111.21,  
5111.211, 5111.231, 5111.232, 5111.24, 5111.243, 5111.25, 5111.261,  
5111.65, 5111.651, 5111.68, 5111.681, 5111.685, 5111.686, 5111.688, *ff*  
5111.705, 5111.85, 5111.851, 5111.874, 5111.875, 5111.89, 5111.891,  
5111.894, 5111.971, 5112.03, 5112.08, 5112.17, 5112.30, 5112.31, 5112.37,  
5112.39, 5115.20, 5115.22, 5115.23, 5119.16, 5119.61, 5120.032, 5120.033,  
5120.09, 5122.31, 5123.049, 5123.0412, 5123.0413, 5123.0417, 5123.19,  
5126.044, 5126.05, 5126.054, 5126.055, 5126.0512, 5126.19, 5126.24,  
5139.43, 5153.163, 5501.04, 5502.01, 5502.12, 5502.14, 5502.15, 5505.15,  
5701.11, 5703.21, 5703.37, 5703.80, 5705.01, 5705.211, 5705.214, 5705.25,  
5705.29, 5705.341, 5705.37, 5709.62, 5709.63, 5709.632, 5711.33, 5715.02,  
5715.251, 5715.26, 5717.03, 5717.04, 5721.01, 5721.32, 5721.33, 5722.02, *ff*

The above boxed and initialed text was  
disapproved.

Date: 7-17-09

Ted Strickland  
Ted Strickland, Governor

5722.04, 5722.21, 5723.04, 5725.18, 5725.98, 5727.81, 5727.811, 5727.84, 5728.12, 5729.03, 5729.98, 5733.01, 5733.04, 5733.47, 5733.98, 5735.142, 5739.01, 5739.02, 5739.03, 5739.033, 5739.09, 5739.131, 5743.15, 5743.61, 5747.01, 5747.13, 5747.16, 5747.18, 5747.76, 5747.98, 5748.02, 5748.03, 5749.02, 5749.12, 5751.01, 5751.011, 5751.012, 5751.013, 5751.02, 5751.03, 5751.04, 5751.05, 5751.051, 5751.06, 5751.08, 5751.09, 5751.20, 5751.21, 5751.22, 5751.23, 5911.10, 5913.051, 5913.09, 6103.01, 6103.02, 6109.21, 6111.04, 6111.044, 6111.44, 6117.01, 6117.02, 6119.011, and 6301.03 of the Revised Code are hereby repealed.

That existing Section 6 of H.B. 364 of the 124th General Assembly is hereby repealed.

SECTION 105.01. That sections 117.102, 173.71, 173.72, 173.721, 173.722, 173.723, 173.724, 173.73, 173.731, 173.732, 173.74, 173.741, 173.742, 173.75, 173.751, 173.752, 173.753, 173.76, 173.77, 173.771, 173.772, 173.773, 173.78, 173.79, 173.791, 173.80, 173.801, 173.802, 173.803, 173.81, 173.811, 173.812, 173.813, 173.814, 173.815, 173.82, 173.83, 173.831, 173.832, 173.833, 173.84, 173.85, 173.86, 173.861, 173.87, 173.871, 173.872, 173.873, 173.874, 173.875, 173.876, 173.88, 173.89, 173.891, 173.892, 173.90, 173.91, 905.38, 905.381, 905.66, 907.16, 927.74, 1504.01, 1504.02, 1504.03, 1504.04, 1517.15, 1521.02, 1711.58, 3301.0712, 3301.41, 3301.42, 3301.43, 3302.032, 3313.473, 3314.15, 3319.0810, 3319.222, 3319.23, 3319.261, 3319.302, 3319.304, 3333.27, 3701.77, 3701.771, 3701.772, 3701.93, 3701.931, 3701.932, 3701.933, 3701.934, 3701.935, 3701.936, 3702.511, 3702.523, 3702.527, 3702.528, 3702.529, 3702.542, 3704.143, 3724.01, 3724.02, 3724.021, 3724.03, 3724.04, 3724.05, 3724.06, 3724.07, 3724.08, 3724.09, 3724.10, 3724.11, 3724.12, 3724.13, 3724.99, 4517.052, 4517.27, 4735.22, 4735.23, 5101.072, 5103.154, 5111.263, 5112.371, 5115.10, 5115.11, 5115.12, 5115.13, 5115.14, 5145.32, and 5923.141 of the Revised Code are hereby repealed.

SECTION 105.10. Sections 1751.53 and 3923.38 of the Revised Code as they result from Section 120.10 of H.B. 2 of the 128th General Assembly are hereby repealed. This repeal enables the continued existence of those sections as they result from Section 101.01 of H.B. 2 of the 128th General Assembly.

**The above boxed and initialed text was  
disapproved.**

Date: 7-17-09

Ted Strickland  
Ted Strickland, Governor

5722.04, 5722.21, 5723.04, 5725.18, 5725.98, 5727.81, 5727.811, 5727.84, 5728.12, 5729.03, 5729.98, 5733.01, 5733.04, 5733.47, 5733.98, 5735.142, 5739.01, 5739.02, 5739.03, 5739.033, 5739.09, 5739.131, 5743.15, 5743.61, 5747.01, 5747.13, 5747.16, 5747.18, 5747.76, 5747.98, 5748.02, 5748.03, 5749.02, 5749.12, 5751.01, 5751.011, 5751.012, 5751.013, 5751.02, 5751.03, 5751.04, 5751.05, 5751.051, 5751.06, 5751.08, 5751.09, 5751.20, 5751.21, 5751.22, 5751.23 5911.10, 5913.051, 5913.09, 6103.01, 6103.02, 6109.21, 6111.04, 6111.044, 6111.44, 6117.01, 6117.02, 6119.011, and 6301.03 of the Revised Code are hereby repealed. *H*

That existing Section 6 of H.B. 364 of the 124th General Assembly is hereby repealed.

SECTION 105.01. That sections 117.102, 173.71, 173.72, 173.721, 173.722, 173.723, 173.724, 173.73, 173.731, 173.732, 173.74, 173.741, 173.742, 173.75, 173.751, 173.752, 173.753, 173.76, 173.77, 173.771, 173.772, 173.773, 173.78, 173.79, 173.791, 173.80, 173.801, 173.802, 173.803, 173.81, 173.811, 173.812, 173.813, 173.814, 173.815, 173.82, 173.83, 173.831, 173.832, 173.833, 173.84, 173.85, 173.86, 173.861, 173.87, 173.871, 173.872, 173.873, 173.874, 173.875, 173.876, 173.88, 173.89, 173.891, 173.892, 173.90, 173.91, 905.38, 905.381, 905.66, 907.16, 927.74, 1504.01, 1504.02, 1504.03, 1504.04, 1517.15, 1521.02, 1711.58, 3301.0712, 3301.41, 3301.42, 3301.43, 3302.032, 3313.473, 3314.15, 3319.0810, 3319.222, 3319.23, 3319.261, 3319.302, 3319.304, 3333.27, 3701.77, 3701.771, 3701.772, 3701.93, 3701.931, 3701.932, 3701.933, 3701.934, 3701.935, 3701.936, 3702.511, 3702.523, 3702.527, 3702.528, 3702.529, 3702.542, 3704.143, 3724.01, 3724.02, 3724.021, 3724.03, 3724.04, 3724.05, 3724.06, 3724.07, 3724.08, 3724.09, 3724.10, 3724.11, 3724.12, 3724.13, 3724.99, 4517.052, 4517.27, 4735.22, 4735.23, 5101.072, 5103.154, 5111.263, 5112.371, 5115.10, 5115.11, 5115.12, 5115.13, 5115.14, 5145.32, and 5923.141 of the Revised Code are hereby repealed.

SECTION 105.10. Sections 1751.53 and 3923.38 of the Revised Code as they result from Section 120.10 of H.B. 2 of the 128th General Assembly are hereby repealed. This repeal enables the continued existence of those sections as they result from Section 101.01 of H.B. 2 of the 128th General Assembly.

**The above boxed and initialed text was disapproved.**

Date: 7-17-09

*Test Strickland*

Under the Residential State Supplement Program, the amount used to determine whether a resident is eligible for payment and for determining the amount per month the eligible resident will receive shall be as follows:

(A) \$927 for a residential care facility, as defined in section 3721.01 of the Revised Code;

(B) \$927 for an adult group home, as defined in Chapter 3722. of the Revised Code;

(C) \$824 for an adult foster home, as defined in Chapter 173. of the Revised Code;

(D) \$824 for an adult family home, as defined in Chapter 3722. of the Revised Code;

(E) \$824 for an adult residential facility, as defined in Chapter 5119. of the Revised Code;

(F) \$618 for adult community mental health housing services, as defined in division (B)(5) of section 173.35 of the Revised Code.

The Departments of Aging and Job and Family Services shall reflect these amounts in any applicable rules the departments adopt under section 173.35 of the Revised Code.

#### TRANSFER OF RESIDENTIAL STATE SUPPLEMENT APPROPRIATIONS

The foregoing appropriation items 490412, Residential State Supplement, and 490610, PASSPORT/Residential State Supplement, may be used by the Director of Aging to transfer cash to the Home and Community Based Services for the Aged Fund (Fund 4J50), which is used by the Department of Job and Family Services and the Residential State Supplement Fund (Fund 5CH0), used by the Department of Mental Health for training for adult care facilities serving residents with mental illness. The transferred cash shall be used to make benefit payments to residential state supplement recipients. The transfer shall be made using an intrastate transfer voucher.

#### RESIDENTIAL STATE SUPPLEMENT WORKGROUP

(A) There is hereby created the Residential State Supplement Workgroup consisting of all of the following:

- (1) The Director of Aging or the Director's designee;
- (2) The Director of Health or the Director's designee;
- (3) The Director of Job and Family Services or the Director's designee;
- (4) The Director of Mental Health or the Director's designee.

(B) The Director of Aging or the Director's designee shall serve as the chairperson of the Workgroup. Members of the Workgroup shall serve without compensation, except to the extent that serving on the Workgroup is

*JS*

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Date: 7-17-09

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considered part of their regular employment duties.

(C) The Workgroup shall examine solely the issue of which state agency is the most appropriate to administer the Residential State Supplement Program. Not later than December 31, 2009, the Workgroup shall submit written recommendations on this issue to the Governor and, in accordance with section 101.68 of the Revised Code, to the General Assembly. The Workgroup shall cease to exist on submission of its recommendations.

*JS*

#### ALZHEIMER'S RESPITE

The foregoing appropriation item 490414, Alzheimer's Respite, shall be used to fund only Alzheimer's disease services under section 173.04 of the Revised Code.

#### EDUCATION AND TRAINING

The foregoing appropriation item 490606, Senior Community Outreach and Education, may be used to provide training to workers in the field of aging pursuant to division (G) of section 173.02 of the Revised Code.

#### REGIONAL LONG-TERM CARE OMBUDSMAN PROGRAM

The foregoing appropriation item 490609, Regional Long-Term Care Ombudsman, shall be used to pay the costs of operating the regional long-term care ombudsman programs designated by the Long-Term Care Ombudsman.

#### PASSPORT/RESIDENTIAL STATE SUPPLEMENT

The foregoing appropriation item 490610, PASSPORT/Residential State Supplement, may be used to fund the Residential State Supplement Program. The remaining available funds shall be used to fund the PASSPORT program.

#### TRANSFER OF APPROPRIATIONS - FEDERAL INDEPENDENCE SERVICES AND FEDERAL AGING GRANTS

At the request of the Director of Aging, the Director of Budget and Management may transfer appropriation between appropriation items 490612, Federal Independence Services, and 490618, Federal Aging Grants. The amounts transferred shall not exceed 30 per cent of the appropriation from which the transfer is made. Any transfers shall be reported by the Department of Aging to the Controlling Board at the next scheduled meeting of the board.

#### TRANSFER OF RESIDENT PROTECTION FUNDS

In each fiscal year, the Director of Budget and Management may transfer \$600,000 cash from the Resident Protection Fund (Fund 4E30), which is used by the Department of Job and Family Services, to the Ombudsman Support Fund (Fund 5BA0), which is used by the Department of Aging.

**The above boxed and initialed text was disapproved.**

Date: 7-17-09

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SECTION 209.40. UNIFIED LONG-TERM CARE BUDGET WORKGROUP

(A) There is hereby created the Unified Long-Term Care Budget Workgroup. The Workgroup shall consist of the following members:

- (1) The Director of Aging;
- (2) Consumer advocates, representatives of the provider community, representatives of managed care organizations with which the Department of Job and Family Services contracts under section 5111.17 of the Revised Code, and state policy makers, appointed by the Governor;

(3) Two members of the House of Representatives, one member from the majority party and one member from the minority party, appointed by the Speaker of the House of Representatives;

(4) Two members of the Senate, one member from the majority party and one member from the minority party, appointed by the President of the Senate.

The Director of Aging shall serve as the chairperson of the Workgroup.

The Workgroup shall be staffed by the departments of Aging and Job and Family Services.

(B) The Workgroup shall develop a unified long-term care budget that facilitates the following:

- (1) Providing a consumer a choice of services that meet the consumer's health care needs and improve the consumer's quality of life;
- (2) Providing a continuum of services that meet the needs of a consumer throughout life and promote a consumer's independence and autonomy;
- (3) Consolidating policymaking authority and the associated budgets in a single entity to simplify the consumer's decision making and maximize the state's flexibility in meeting the consumer's needs;
- (4) Assuring the state has a system that is cost effective and links disparate services across agencies and jurisdictions.

(C) On an annual basis, the Directors of Aging, Job and Family Services, and Budget and Management shall submit a written report to the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, the Minority Leader of the Senate, and the members of the Joint Legislative Committee on Medicaid Technology and Reform describing the progress towards establishing, or if already established, the effectiveness of the unified long-term care budget.

(D) In support of the Workgroup's proposal, the Director of Budget and Management may seek Controlling Board approval to transfer cash from the Nursing Facility Stabilization Fund (Fund 5R20), used by the Department of

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A museum is not eligible to receive funds from appropriation item 370502, State Program Subsidies, if \$8,000,000 or more in capital appropriations were appropriated by the state for the museum between January 1, 1986, and December 31, 2002.

*JS*

## SECTION 221.10. ATH ATHLETIC COMMISSION

## General Services Fund Group

4K90	175609	Operating Expenses	\$	247.624	\$	247.624
TOTAL GSF General Services Fund Group			\$	247.624	\$	247.624
TOTAL ALL BUDGET FUND GROUPS			\$	247.624	\$	247.624

## SECTION 223.10. AGO ATTORNEY GENERAL

## General Revenue Fund

GRF	055321	Operating Expenses	\$	45,469.699	\$	45,469.699
GRF	055405	Law-Related Education	\$	100.000	\$	100.000
GRF	055411	County Sheriffs' Pay Supplement	\$	757.921	\$	757.921
GRF	055415	County Prosecutors' Pay Supplement	\$	831.499	\$	831.499
TOTAL GRF General Revenue Fund			\$	47,159.119	\$	47,159.119

## General Services Fund Group

1060	055612	General Reimbursement	\$	38,750.000	\$	38,750.000
1950	055660	Workers' Compensation Section	\$	8,415.504	\$	8,415.504
4180	055615	Charitable Foundations	\$	7,286.000	\$	7,286.000
4200	055603	Attorney General Antitrust	\$	1,750.000	\$	1,750.000
4210	055617	Police Officers' Training Academy Fee	\$	2,000.000	\$	2,000.000
4Z20	055609	BCI Asset Forfeiture and Cost Reimbursement	\$	1,000.000	\$	1,000.000
5900	055633	Peace Officer Private Security Fund	\$	98.370	\$	98.370
5A90	055618	Telemarketing Fraud Enforcement	\$	7.500	\$	7.500
5L50	055619	Law Enforcement Assistance Program	\$	1,457.852	\$	0
6290	055636	Corrupt Activity Investigation and Prosecution	\$	15.000	\$	15.000
6310	055637	Consumer Protection Enforcement	\$	3,500.000	\$	3,500.000
TOTAL GSF General Services Fund Group			\$	64,280.226	\$	62,822.374

## Federal Special Revenue Fund Group

3060	055620	Medicaid Fraud Control	\$	3,879.672	\$	3,879.672
3810	055611	Civil Rights Legal Service	\$	402.540	\$	402.540
3830	055634	Crime Victims Assistance	\$	16,000.000	\$	16,000.000
3E50	055638	Attorney General Pass-Through Funds	\$	3,030.000	\$	3,030.000

The above boxed and initialed text was disapproved.

Date: 7-17-09

Ted Strickland  
Ted Strickland, Governor

The Department of Education may waive compliance with any minimum education standard established under section 3301.07 of the Revised Code for any alternative school that receives a grant under this section on the grounds that the waiver will enable the program to more effectively educate students enrolled in the alternative school.

Of the foregoing appropriation item 200421, Alternative Education Programs, a portion may be used for program administration, monitoring, technical assistance, support, research, and evaluation.

#### SECTION 265.10.50. SCHOOL MANAGEMENT ASSISTANCE

Of the foregoing appropriation item 200422, School Management Assistance, \$1,279,948 in fiscal year 2010 and \$1,500,000 in fiscal year 2011 shall be used by the Auditor of State in consultation with the Department of Education for expenses incurred in the Auditor of State's role relating to fiscal caution, fiscal watch, and fiscal emergency activities as defined in Chapter 3316. of the Revised Code and may also be used by the Auditor of State to conduct performance audits of other school districts with priority given to districts in fiscal distress. Districts in fiscal distress shall be determined by the Auditor of State and shall include districts that the Auditor of State, in consultation with the Department of Education determines are employing fiscal practices or experiencing budgetary conditions that could produce a state of fiscal watch or fiscal emergency.

The remainder of foregoing appropriation item 200422, School Management Assistance, shall be used by the Department of Education to provide fiscal technical assistance and inservice education for school district management personnel and to administer, monitor, and implement the fiscal caution, fiscal watch, and fiscal emergency provisions under Chapter 3316. of the Revised Code.

#### SECTION 265.10.60. POLICY ANALYSIS

The foregoing appropriation item 200424, Policy Analysis, shall be used by the Department of Education to support a system of administrative, statistical, and legislative education information to be used for policy analysis. Staff supported by this appropriation shall administer the development of reports, analyses, and briefings to inform education policymakers of current trends in education practice, efficient and effective use of resources, and evaluation of programs to improve education results. The database shall be kept current at all times. These research efforts shall be used to supply information and analysis of data to the General Assembly.

**The above boxed and initialed text was disapproved.**

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Equalization, shall be used to make payments pursuant to section 3318.18 of the Revised Code.

**SECTION 265.40.30. START-UP FUNDS**

Funds appropriated for the purpose of providing start-up grants to Title IV-A Head Start and Title IV-A Head Start Plus agencies in fiscal year 2004 and fiscal year 2005 for the provision of services to children eligible for Title IV-A services under the Title IV-A Head Start or Title IV-A Head Start Plus programs shall be reimbursed to the General Revenue Fund as follows:

(A) If, for fiscal years 2010 or 2011, an entity that was a Title IV-A Head Start or Title IV-A Head Start Plus agency will not be an early learning agency or early learning provider, the entity shall repay the entire amount of the start-up grant it received in fiscal year 2004 and fiscal year 2005 not later than June 30, 2019, in accordance with a payment schedule agreed to by the Department of Education.

(B) If an entity that was a Title IV-A Head Start or Title IV-A Head Start Plus agency in fiscal year 2004 or fiscal year 2005 will be an early learning agency or early learning provider in fiscal year 2010 and fiscal year 2011, the entity shall be allowed to retain any amount of the start-up grant it received, unless division (D) of this section applies to the entity. In that case, the entity shall repay the entire amount of the obligation described in that division not later than June 30, 2019.

(C) Within ninety days after the closure of an early learning agency or early learning provider that was a Title IV-A Head Start Plus agency in fiscal year 2004 or fiscal year 2005, the former Title IV-A Head Start agencies, Title IV-A Head Start Plus agencies, and the Department of Education shall determine the repayment schedule for amounts owed under division (A) of this section. These amounts shall be paid to the state not later than June 30, 2019.

(D) If an entity that was a Title IV-A Head Start or Title IV-A Head Start Plus agency in fiscal year 2004 or fiscal year 2005 owed the state any portion of the start-up grant amount during fiscal year 2006 or fiscal year 2007 but failed to repay the entire amount of the obligation by June 30, 2007, the entity shall be given an extension for repayment through June 30, 2019, before any amounts remaining due and payable to the state are referred to the Attorney General for collection under section 131.02 of the Revised Code.

(E) Any Title IV-A Head Start or Title IV-A Head Start Plus start-up grants that are retained by early learning agencies or early learning providers

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pursuant to this section shall be reimbursed to the General Revenue Fund when the early learning program ceases or if an early learning agency's or early learning provider's participation in the early learning program ceases or is terminated.

*JS***SECTION 265.40.40. AUXILIARY SERVICES REIMBURSEMENT**

Notwithstanding section 3317.064 of the Revised Code, if the unexpended, unencumbered cash balance is sufficient, the Treasurer of State shall transfer \$1,500,000 in fiscal year 2010 within thirty days after the effective date of this section, and \$1,500,000 in fiscal year 2011 by August 1, 2010, from the Auxiliary Services Personnel Unemployment Compensation Fund to the Auxiliary Services Reimbursement Fund (Fund 5980) used by the Department of Education.

**SECTION 265.40.50. LOTTERY PROFITS EDUCATION FUND**

Appropriation item 200612, Foundation Funding (Fund 7017), shall be used in conjunction with appropriation item 200550, Foundation Funding (GRF), to provide state foundation payments to school districts.

The Department of Education, with the approval of the Director of Budget and Management, shall determine the monthly distribution schedules of appropriation item 200550, Foundation Funding (GRF), and appropriation item 200612, Foundation Funding (Fund 7017). If adjustments to the monthly distribution schedule are necessary, the Department of Education shall make such adjustments with the approval of the Director of Budget and Management.

**SECTION 265.40.60. LOTTERY PROFITS EDUCATION RESERVE FUND**

(A) There is hereby created the Lottery Profits Education Reserve Fund (Fund 7018) in the State Treasury. Investment earnings of the Lottery Profits Education Reserve Fund shall be credited to the fund. The Superintendent of Public Instruction may certify cash balances exceeding \$75,000,000 in Fund 7018 to the Director of Budget and Management in June of any given fiscal year. Prior to making the certification, the Superintendent of Public Instruction shall determine whether the funds above the \$75,000,000 threshold are needed to help pay for foundation program obligations for that fiscal year.

For fiscal years 2010 and 2011, notwithstanding any provisions of law

**The above boxed and initialed text was disapproved.**

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*Ted Strickland*  
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(1) "Community school" means a community school established under Chapter 3314. of the Revised Code.

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

(3) "Foundation funding" means payments calculated for the respective fiscal year under Chapter 3317. of the Revised Code.

(4) "Transitional aid funding" means payments calculated for the respective fiscal year under Section 41.37 of Am. Sub. H.B. 95 of the 125th General Assembly, as subsequently amended; Section 206.09.39 of Am. Sub. H.B. 66 of the 126th General Assembly, as subsequently amended; and Section 269.30.80 of Am. Sub. H.B. 119 of the 127th General Assembly.

#### SECTION 265.60.80. COMMITTEE TO UPDATE STANDARDS AND CURRICULA

Not later than September 15, 2009, the State Board of Education shall convene a committee of national experts, state experts, and local practitioners to provide advice and guidance in the design of the updated standards and curricula required by section 3301.079 of the Revised Code, as amended by this act.

SECTION 265.60.90. All duties, powers, obligations, and functions performed by, all rights exercised by, and the remaining unexpended, unencumbered balance of any money appropriated or reappropriated to the Department of Administrative Services with regard to the School Employees Health Care Board under section 9.901 of the Revised Code, whether obligated or unobligated, are transferred to the Department of Education on July 1, 2009. The Department of Education thereupon succeeds to, and shall assume, all duties, powers, obligations, and functions performed by, all rights exercised by, and the remaining unexpended, unencumbered balance of any money appropriated or reappropriated to the Department of Administrative Services with regard to the School Employees Health Care Board under section 9.901 of the Revised Code.

Any aspect of the board's operations commenced but not completed by the Department of Administrative Services on July 1, 2009, shall be completed by the Superintendent of Public Instruction or staff of the Department of Education in the same manner, and with the same effect, as if completed by the Department of Administrative Services or the staff of the Department of Administrative Services. Any validation, cure, right, privilege, remedy, obligation, or liability related to the board's operations is

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Date: 7-17-09

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neither lost nor impaired by reason of the transfer and shall be administered by the Department of Education.

All of the rules, orders, and determinations of the Department of Administrative Services in relation to the board's operations continue in effect as rules, orders, and determinations of the Superintendent of Public Instruction until modified or rescinded by the Superintendent. At the request of the Superintendent, and if necessary to ensure the integrity of the numbering of the Administrative Code, the Director of the Legislative Service Commission shall renumber the rules of the board to reflect the transfer to the Department of Education.

The Department of Administrative Services and the Superintendent shall identify the employees of the board to be transferred to the Department of Education. The employees shall be transferred on July 1, 2009, or as soon as possible thereafter.

Whenever the Department of Administrative Services is referred to in relation to the board in any law, contract, or other document, the reference shall be deemed to refer to the Department of Education in relation to the board.

Any action or proceeding that is related to the board's operations and that is pending on the effective date of this section is not affected by the transfer and shall be prosecuted or defended in the name of the Superintendent or the Department of Education. In all such actions and proceedings, the Superintendent or the Department of Education, upon application to the court or agency, shall be substituted as a party.

On or after July 1, 2009, notwithstanding any provision of law to the contrary, the Director of Budget and Management shall take any action with respect to budget changes made necessary by the transfer, including the creation of new funds and the consolidation of funds. The Director may transfer cash balances between funds. The Director may cancel encumbrances and re-establish encumbrances or parts of encumbrances as needed in the fiscal year in the appropriate fund and appropriation item for the same purpose and to the same vendor. As determined by the Director, encumbrances re-established in the fiscal year in a different fund or appropriation item used by an agency or between agencies are appropriated. The Director shall reduce each year's appropriation balances by the amount of the encumbrance canceled in their respective funds and appropriation item. Any unencumbered or unallocated appropriation balances from the previous fiscal year may be transferred to the appropriate appropriation item to be used for the same purposes, as determined by the Director.

**The above boxed and initialed text was disapproved.**

Date: 7-17-09

Ted Strickland

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implementation plan to create a new administrative structure for early childhood programs and services within the Department of Education:

- (1) Create new funds and non-GRF appropriation items;
- (2) Transfer cash between funds;
- (3) Transfer appropriations within the same fund used by the same state agency.

Any transfers of cash approved by the Controlling Board under this section are hereby appropriated.

**SECTION 265.70.20. EARLY CHILDHOOD FINANCING WORKGROUP**

The Early Childhood Advisory Council shall establish an Early Childhood Financing Workgroup. The chairperson of the Early Childhood Advisory Council shall serve as chairperson of the Early Childhood Financing Workgroup. The Early Childhood Financing Workgroup shall develop recommendations that explore the implementation of a single financing system for early care and education programs that includes aligned payment mechanisms and consistent eligibility and co-payment policies. Not later than December 31, 2009, the Early Childhood Financing Workgroup shall submit its recommendations to the Governor. Upon the order of the Early Childhood Advisory Council, the Early Childhood Financing Workgroup shall cease to exist.

**SECTION 265.70.23. RECOMMENDATIONS FOR MINIMUM SCHOOL YEAR**

Not later than December 31, 2010, the Superintendent of Public Instruction shall submit to the General Assembly, in accordance with section 101.68 of the Revised Code, a report of the Superintendent's findings and recommendations on extending the school year.

**SECTION 265.70.40. MORATORIUM ON LOCAL SCHOOL DISTRICT RELOCATIONS TO DIFFERENT EDUCATIONAL SERVICE CENTERS**

Notwithstanding section 3311.059 of the Revised Code, as amended by this act, and notwithstanding Section 265.70.41 of this act, no severance of the territory of a local school district from the educational service center to which it currently belongs and annexation of that district's territory to an adjacent educational service center, as otherwise authorized under that

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section, shall be effective for the period beginning on the effective date of this section and ending July 1, 2011. All resolutions proposing such severance and annexation approved by the State Board of Education but not effective prior to July 1, 2009, are hereby void. All resolutions proposing such severance and annexation pending on the effective date of this section are hereby void and shall not be considered by the State Board. If the board of education of a local school district with such a severance and annexation action pending or approved on the effective date of this section that is void under this section desires to have the action considered after July 1, 2011, the board shall adopt after that date a new resolution in the manner prescribed by section 3311.059 of the Revised Code. No local school district shall adopt a severance and annexation resolution under that section during the period beginning on the effective date of this section and ending July 1, 2011.

SECTION 265.70.41. The amendments to section 3311.059 of the Revised Code enacted by this act shall apply to any resolution proposing the severance of a local school district from its current educational service center and annexation of the district to the territory of another service center pending before the State Board of Education on and after the effective date of this section.

SECTION 265.70.50. (A) Not later than December 31, 2010, the Department of Education, in consultation with the Educator Standards Board, shall develop a model peer assistance and review program and shall develop recommendations to expand the use of peer assistance and review programs in school districts throughout the state.

(B) In developing the model program required under this section, the Department shall review existing peer assistance and review programs in Ohio school districts and shall consult with the districts about the operation of those programs. The model program shall include the following elements:

(1) Releasing experienced classroom teachers from instructional duties for up to three years to focus full-time on mentoring and evaluating new teachers and underperforming veteran teachers through classroom observations and follow-up meetings;

(2) Professional development for new and underperforming teachers that is targeted at their instructional weaknesses;

(3) A committee comprised of representatives of teachers and the employer to review teacher evaluations and make recommendations

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Revised Code. The terms of office of the additional members shall end on January 27, 2011, except that a legislative member ceases to be a member of the Board on ceasing to be a member of the General Assembly. Vacancies occurring prior to January 27, 2011, shall be filled in the manner prescribed for original appointments under this section.

**MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS**

The foregoing appropriation item 440607, Medically Handicapped Children - County Assessments (Fund 6660), shall be used to make payments under division (E) of section 3701.023 of the Revised Code.

**CASH TRANSFER FROM THE SEWAGE INNOVATION FUND TO FEE SUPPORTED PROGRAMS FUND**

On July 1, 2009, or as soon as possible thereafter, the Director of Health shall certify to the Director of Budget and Management the amount of cash to be transferred from the Sewage Innovation Fund (Fund 5CJ0) to the Fee Supported Program Fund (Fund 4700) to meet the needs of the Sewage Program. The Director of Budget and Management may transfer the amount certified. The amount certified is hereby appropriated.

**NURSING FACILITY TECHNICAL ASSISTANCE PROGRAM**

On July 1, 2009, or as soon as possible thereafter, the Director of Budget and Management may transfer, cash from the Resident Protection Fund (Fund 4E30), which is used by the Ohio Department of Job and Family Services, to the Nursing Facility Technical Assistance Program Fund (Fund 5L10), which is used by the Ohio Department of Health, to be used under section 3721.026 of the Revised Code. The transfers shall be up to \$698,595 in each fiscal year.

**TOBACCO USE PREVENTION**

The Department of Health shall seek Controlling Board approval prior to expending any moneys from appropriation item 440656, Tobacco Use Prevention. The Department shall submit a spending plan to the Controlling Board for each project for which they seek expenditure approval.

**SECTION 289.30. DISEASE AND CANCER COMMISSION**

(A) There is hereby established in the Department of Health the Disease and Cancer Commission. The Commission shall be composed of individuals selected by the Director of Health who are both of the following:

(1) Representatives of boards of health of city health districts or general health districts, or the authorities having the duties of a board of health under section 3709.05 of the Revised Code;

(2) Located in an area in which the Director of Health determines that the above boxed and initialed text was disapproved.

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is a high prevalence of one of the following:

- (a) Colorectal cancer;
- (b) Prostate cancer;
- (c) Sickle cell anemia;
- (d) Triple negative breast cancer.

(B) The Governor shall designate from among the Commission members an individual to serve as the chairperson of the Commission who shall establish the meeting time and locations for the Commission.

(C) The Commission shall study colorectal cancer, prostate cancer, sickle cell anemia, and triple negative breast cancer in areas of the state in which the Director determines such conditions are prevalent. Not later than June 30, 2011, the Commission shall submit a report to the Governor, Speaker and Minority Leader of the House of Representatives, and President and Minority Leader of the Senate describing its findings on the prevalence of colorectal cancer, prostate cancer, sickle cell anemia, and triple negative breast cancer in the areas included in the study. The report shall include policy recommendations to combat the prevalence of these conditions in such areas.

(D) The Commission shall cease to exist on submission of the report under division (C) of this section.

#### SECTION 289.40. FUNDING FOR IMMUNIZATIONS

To the extent permitted under state and federal law, the Department of Health shall use state general revenue funds and federal funds appropriated for the purchase of vaccinations to provide immunizations to children and adults in Ohio.

#### SECTION 289.60. FEDERAL ABSTINENCE EDUCATION PROGRAM

The Director of Health shall apply to the United States Secretary of Health and Human Services for abstinence education funding under Title V of the "Social Security Act," 42 U.S.C. 710.

#### SECTION 289.70. LIMITED EXTENSION OF THE MORATORIUM UNDER THE CERTIFICATE OF NEED PROGRAM

(A) As used in this section, "certificate of need" and "long-term care bed" have the same meanings as in section 3702.51 of the Revised Code.

(B) Until the effective date of the actions taken by this act to amend, enact, and repeal sections included within the range consisting of sections

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\$2,116,272 of the foregoing appropriation item 820603, Health Information Technology and Health Care Coverage and Quality Council, may be used to support the implementation of strategies recommended by the Health Care Coverage and Quality Council established in section 3923.90 of the Revised Code.

An amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 820603, Health Information Technology and Health Care Coverage and Quality Council, at the end of fiscal year 2010 is hereby reappropriated for the same purpose for fiscal year 2011.

#### MARKET CONDUCT EXAMINATION

When conducting a market conduct examination of any insurer doing business in this state, the Superintendent of Insurance may assess the costs of the examination against the insurer. The superintendent may enter into consent agreements to impose administrative assessments or fines for conduct discovered that may be violations of statutes or rules administered by the superintendent. All costs, assessments, or fines collected shall be deposited to the credit of the Department of Insurance Operating Fund (Fund 5540).

#### EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES

The Director of Budget and Management, at the request of the Superintendent of Insurance, may transfer funds from the Department of Insurance Operating Fund (Fund 5540), established by section 3901.021 of the Revised Code, to the Superintendent's Examination Fund (Fund 5550), established by section 3901.071 of the Revised Code, only for expenses incurred in examining domestic fraternal benefit societies as required by section 3921.28 of the Revised Code.

#### TRANSFER FROM FUND 5540 TO GENERAL REVENUE FUND

Not later than the thirty-first day of July each fiscal year, the Director of Budget and Management shall transfer \$5,000,000 from the Department of Insurance Operating Fund (Fund 5540) to the General Revenue Fund.

#### SECTION 307.20. HEALTH CARE COVERAGE AND QUALITY COUNCIL

(A) The Health Care Coverage and Quality Council created under section 3923.90 of the Revised Code, as enacted by this act, shall hold its first meeting not later than September 1, 2009.

(B) In addition to the Council's duties specified in section 3923.91 of the Revised Code, the Council shall evaluate and recommend strategies pursuant to the recommendations of the former Ohio Medicaid

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Administrative Study Council to establish an initiative conducted by clinicians in the Office of Ohio Health Plans within the Department of Job and Family Services to do all of the following:

(1) Adopt evidence-based protocols for the prevention and management of disease;

(2) Develop a centralized system for payment of Medicaid claims;

(3) Provide physicians, nurses, and allied health professionals with training on Medicaid claims procedures and Medicaid payment reforms;

(4) Monitor results for preventive and primary care services.

(C) Not later than June 30, 2010, the Council shall submit a report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

#### SECTION 309.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES

##### General Revenue Fund

GRF600321	Support Services				
	State	\$	40,291,316	\$	39,559,293
	Federal	\$	10,029,863	\$	9,848,154
	Support Services Total	\$	50,321,179	\$	49,407,447
GRF600410	TANF State	\$	155,494,648	\$	161,298,234
GRF600413	Child Care Match/Maintenance of Effort	\$	79,401,065	\$	84,732,730
GRF600416	Computer Projects				
	State	\$	73,314,812	\$	73,337,904
	Federal	\$	10,742,500	\$	9,039,372
	Computer Projects Total	\$	84,057,312	\$	82,377,276
GRF600417	Medicaid Provider Audits	\$	1,210,625	\$	1,191,010
GRF600420	Child Support Administration	\$	6,011,708	\$	5,908,839
GRF600421	Office of Family Stability	\$	3,796,625	\$	3,753,002
GRF600423	Office of Children and Families	\$	5,298,150	\$	5,232,561
GRF600425	Office of Ohio Health Plans				
	State	\$	11,811,384	\$	6,500,422
	Federal	\$	12,642,827	\$	12,083,374
	Office of Ohio Health Plans Total	\$	24,454,211	\$	18,583,796
GRF600502	Administration - Local	\$	20,706,497	\$	19,838,659
GRF600511	Disability Financial Assistance	\$	29,399,013	\$	30,759,074
GRF600521	Entitlement Administration - Local	\$	87,310,316	\$	80,223,023
GRF600523	Children and Families Services	\$	60,538,878	\$	59,005,915
GRF600525	Health Care/Medicaid				
	State	\$	2,483,515,766	\$	3,206,274,820
	Federal	\$	6,317,293,740	\$	7,144,647,402
	Health Care Total	\$	8,800,809,506	\$	10,350,922,222
GRF600526	Medicare Part D	\$	221,686,721	\$	228,356,466
GRF600528	Adoption Services				

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R013 600644	Forgery Collections	\$	10.000	\$	10.000
TOTAL 090 Holding Account Redistribution		\$	2,210.000	\$	2,210.000
Fund Group					
TOTAL ALL BUDGET FUND GROUPS		\$	19,881,336.782	\$	20,707,186.534

## SECTION 309.20. SUPPORT SERVICES

## SECTION 309.20.10. AGENCY FUND GROUP

The Agency Fund Group and Holding Account Redistribution Fund Group shall be used to hold revenues until the appropriate fund is determined or until the revenues are directed to the appropriate governmental agency other than the Department of Job and Family Services. If receipts credited to the Support Intercept – Federal Fund (Fund 1920), the Support Intercept – State Fund (Fund 5830), the Food Stamp Offset Fund (Fund 5B60), the Refunds and Audit Settlements Fund (Fund R012), or the Forgery Collections Fund (Fund R013) exceed the amounts appropriated from the fund, the Director of Job and Family Services may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

## SECTION 309.30. MEDICAID

## SECTION 309.30.10. HEALTH CARE/MEDICAID

The foregoing appropriation item 600525, Health Care/Medicaid, shall not be limited by section 131.33 of the Revised Code.

SECTION 309.30.12. MEDICAID COVERAGE OF OXYGEN SERVICES TO ICF/MR RESIDENTS

Of the foregoing appropriation item 600525, Health Care/Medicaid, \$30,000 in each fiscal year shall be used to reimburse medical suppliers of oxygen services in accordance with section 5111.236 of the Revised Code.



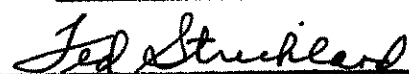
## SECTION 309.30.15. CHILDREN'S HOSPITALS

(A) As used in this section:

(1) "Children's hospital" means a hospital that primarily serves patients

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anything to the contrary in sections 5111.20 to 5111.33 of the Revised Code.

**SECTION 309.30.30. NURSING FACILITY CAPITAL COSTS STUDY**

Not later than December 31, 2010, the Department of Job and Family Services shall submit a report to the Governor and, in accordance with section 101.68 of the Revised Code, the General Assembly with recommendations for developing a new system for reimbursing nursing facilities' capital costs under the Medicaid program. The report may include recommendations for changes to other parts of the Medicaid reimbursement system for nursing facilities. The Department shall prepare the report in consultation with the Ohio Academy of Nursing Homes; the Association of Ohio Philanthropic Homes, Housing, and Services for the Aging; and the Ohio Health Care Association. The recommendations regarding the new system for reimbursing nursing facilities for capital costs shall focus on both of the following:

(A) Resulting in a statewide average per diem rate, weighted by Medicaid days, for capital costs for the first fiscal year the system is implemented that is budget neutral compared to the statewide average per diem rate, weighted by Medicaid days, for capital costs under section 5111.25 of the Revised Code;

(B) Appropriately recognizing increased costs incurred by nursing facilities for capital improvements to, and replacement of, existing nursing facilities.

**SECTION 309.30.60. FISCAL YEAR 2010 MEDICAID REIMBURSEMENT SYSTEM FOR ICFs/MR**

(A) As used in this section:

"Change of operator," "entering operator," and "exiting operator" have the same meanings as in section 5111.65 of the Revised Code.

"Franchise permit fee" and "provider" have the same meanings as in section 5111.20 of the Revised Code.

"ICF/MR" means an intermediate care facility for the mentally retarded as defined in section 5111.20 of the Revised Code.

"ICF/MR services" means services covered by the Medicaid program that an ICF/MR provides to a Medicaid recipient eligible for the services.

"Medicaid days" means all days during which a resident who is a Medicaid recipient occupies a bed in an ICF/MR that is included in the ICF/MR's Medicaid-certified capacity. Therapeutic or hospital leave days for which payment is made under section 5111.33 of the Revised Code.

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equal to the percentage by which the mean total per diem rate exceeds \$278.15.

(E) The rate of an ICF/MR set pursuant to this section shall not be subject to any adjustments authorized by sections 5111.20 to 5111.33 of the Revised Code, or any rule authorized by those sections, during the remainder of fiscal year 2011.

(F) If the United States Centers for Medicare and Medicaid Services requires that the franchise permit fee be reduced or eliminated, the Department of Job and Family Services shall reduce the amount it pays providers of ICF/MR services under this section as necessary to reflect the loss to the state of the revenue and federal financial participation generated from the franchise permit fee.

(G) The Department of Job and Family Services shall follow this section in determining the rate to be paid providers of ICF/MR services subject to this section notwithstanding anything to the contrary in sections 5111.20 to 5111.33 of the Revised Code.

**SECTION 309.30.71. ICF/MR REIMBURSEMENT STUDY COUNCIL**

(A) There is hereby created the ICF/MR Reimbursement Study Council consisting of all of the following members:

- (1) The Director of Job and Family Services;
- (2) The Deputy Director of the Office of Ohio Health Plans of the Department of Job and Family Services;
- (3) The Director of Developmental Disabilities;
- (4) One representative of Medicaid recipients residing in intermediate care facilities for the mentally retarded, appointed by the Governor;
- (5) Two representatives of each of the following organizations, appointed by their respective governing bodies:
  - (a) The Ohio Provider Resource Association;
  - (b) The Ohio Health Care Association;
  - (c) The Ohio Association of County Boards of Mental Retardation and Developmental Disabilities.

Initial appointments of members described in divisions (A)(4) and (5) of this section shall be made not later than thirty days after the effective date of this section. Vacancies shall be filled in the same manner as the original appointments. Members described in those divisions shall serve at the pleasure of the official or governing body making the appointment of the member.

The Director of Job and Family Services shall serve as chairperson of the council. Members of the council shall serve without compensation.

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except to the extent that serving on the council is part of their regular duties of employment.

(B) The council shall review the system established by sections 5111.20 to 5111.33 of the Revised Code for reimbursing intermediate care facilities for the mentally retarded under the Medicaid program. Not later than July 1, 2010, the council shall issue a report of its activities, findings, and recommendations to the Governor, the Speaker of the House of Representatives, and the President of the Senate.

(C) In its consideration of the system for reimbursing intermediate care facilities for the mentally retarded under division (B) of this section, the council shall use the following principles:

(1) The system should appropriately account for differences in acuity and service needs among individuals in intermediate care facilities for the mentally retarded.

(2) The system should support and encourage quality services, including both of the following elements:

(a) A high level of coverage of direct care costs;

(b) Pay for performance mechanisms.

(3) The system should reflect appropriate recognition that virtually all individuals served in intermediate care facilities for the mentally retarded are Medicaid recipients.

(4) The system should encourage cost-effective service delivery.

(5) The system should encourage innovation in service delivery.

(6) The system should encourage appropriate maintenance, improvement, and replacement of facilities.

(D) The council shall cease to exist on the submission of a report under division (B) of this section.

#### SECTION 309.30.73. INCREASE IN MEDICAID RATES FOR HOSPITAL INPATIENT AND OUTPATIENT SERVICES

The Director of Job and Family Services shall amend rules adopted under section 5111.02 of the Revised Code as necessary to increase, for the period beginning October 1, 2009, and ending June 30, 2011, the Medicaid reimbursement rates for Medicaid-covered hospital inpatient services and hospital outpatient services that are paid under the prospective payment system established in those rules to rates that result in an amount that is five per cent higher than the amount resulting from the rates in effect on September 30, 2009.

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Health, in accordance with an interagency agreement that delegates authority from the Department of Job and Family Services to the Department of Mental Health to administer specified Medicaid services. The transfer shall be made using an intrastate transfer voucher.

The Department of Job and Family Services shall transfer \$14,700,000 cash, during the FY 2010-FY 2011 biennium, from the Medicaid Program Support Fund (Fund 5C90), to the Sale of Goods and Services Fund (Fund 1490), used by the Department of Mental Health. The transfer shall be made using an intrastate transfer voucher.

The Director of Budget and Management shall transfer \$4,700,000 cash in fiscal year 2010 and \$3,200,000 cash in fiscal year 2011 from the Medicaid Program Support Fund (Fund 5C90) to the Nursing Facility Stabilization Fund (Fund 5R20).

**SECTION 309.32.30. PRESCRIPTION DRUG REBATE FUND**

The foregoing appropriation item 600692, Health Care Services, shall be used by the Department of Job and Family Services to pay for Medicaid services and contracts.

**SECTION 309.32.40. FEDERAL MATCH FOR ADAMHS BOARDS' ADMINISTRATIVE COSTS**

As used in this section, "community behavioral health boards" means boards of alcohol, drug addiction, and mental health services, community mental health boards, and alcohol and drug addiction services boards.

Not later than October 1, 2009, the Director of Job and Family Services shall seek federal approval to establish a system under which community behavioral health boards obtain federal financial participation for the allowable administrative activities the boards perform in the administration of the Medicaid program. The Director shall implement the system on receipt of federal approval. The Director shall work with the Directors of Alcohol and Drug Addiction Services and Mental Health and representatives of community behavioral health boards when implementing this section.

**SECTION 309.32.43. FUNDING OF MEDICAID-COVERED COMMUNITY BEHAVIORAL HEALTH SERVICES**

(A) As used in this section:

"Community behavioral health boards" means boards of alcohol, drug addiction, and mental health services; community mental health boards; and

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alcohol and drug addiction services boards.

"Community mental health facility" has the same meaning as in section 5111.023 of the Revised Code.

(B) Notwithstanding any conflicting provision of sections 5111.912 and 5111.913 of the Revised Code, both of the following apply to community behavioral health boards with respect to payments made under those sections for the nonfederal share of Medicaid payments to providers for services under a Medicaid component, or aspect of a component, the Department of Mental Health or Department of Alcohol and Drug Addiction Services administers:

(1) A community behavioral health board shall use state funds provided to the board for the purpose of funding community mental health services to make the payments.

(2) In addition to the funds used under division (B)(1) of this section, a community behavioral health board may use money available to the board that is raised by a county tax levy to make the payments if using the money for that purpose is consistent with the purpose for which the tax was levied.

(C) Notwithstanding division (C) of section 5111.023 of the Revised Code, the comprehensive annual plan specified in that division may certify the availability of unencumbered community mental health local funds to match federal Medicaid reimbursement funds earned by community mental health facilities.

(D) This section expires on July 1, 2011.

**SECTION 309.32.45. MEDICAID NONEMERGENCY MEDICAL TRANSPORTATION MANAGEMENT PILOT PROGRAM**

(A) The Department of Job and Family Services shall establish a Medicaid nonemergency medical transportation management pilot program. The pilot program shall be operated for two years.

(B) A county department of job and family services serving a county with a population greater than two hundred thousand persons may participate in the pilot program. A county department participating in the pilot program shall identify which groups of Medicaid recipients residing in the county shall be required to participate in the pilot program. The county department shall also contract with one or more medical transportation management organizations to have the organizations manage nonemergency medical transportation services provided under the Medicaid program to the groups required to participate in the pilot program. To be eligible to contract with a county department, a medical transportation management organization must have experience in coordinating nonemergency medical

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item 600658, Child Support Collections, to support public assistance activities.

SECTION 309.40.55. KINSHIP PERMANENCY INCENTIVE PROGRAM

The foregoing appropriation item 600541, Kinship Permanency Incentive Program, shall be used to support the Kinship Permanency Incentive Program created under section 5101.802 of the Revised Code.

SECTION 309.40.60. EARLY LEARNING INITIATIVE

(A) As used in this section:

(1) "Title IV-A services" means benefits and services that are allowable under Title IV-A of the "Social Security Act," as specified in 42 U.S.C. 604(a), except that they shall not be benefits and services included in the term "assistance" as defined in 45 C.F.R. 260.31(a) and shall be benefits and services that are excluded from the definition of the term "assistance" under 45 C.F.R. 260.31(b).

(2) "Eligible child" means a child who is at least three years of age but not of compulsory school age or enrolled in kindergarten, is eligible for Title IV-A services, and whose family income at the time of application does not exceed two hundred per cent of the federal poverty guidelines.

(3) "Early learning program" means a program for eligible children that provides Title IV-A services, according to the purposes listed in 45 C.F.R. 260.20(c), that are early learning services, as defined by pursuant to division (D)(1) of this section.

(4) "Early learning provider" means an entity that operates an early learning program.

(5) "Early learning agency" means an early learning provider or an entity that has entered into an agreement with an early learning provider requiring the early learning provider to operate an early learning program on behalf of the entity.

(6) "Federal poverty line" has the same meaning as in section 5104.01 of the Revised Code.

(7) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code.

(B) The Early Learning Initiative is hereby established. The Department of Education and the Department of Job and Family Services shall administer the Initiative in accordance with sections 5101.80 and 5101.801 of the Revised Code. The Initiative shall

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eligible children. Early learning services may be provided on a full-day basis, a part-day basis, or both a full-day and part-day basis.

(C) The Department of Job and Family Services shall do both of the following:

(1) Reimburse early learning agencies for services provided to eligible children according to the terms of the contract and the rules adopted under division (C)(2) of this section;

(2) In consultation with the Department of Education, adopt rules in accordance with Chapter 119. of the Revised Code to implement the Early Learning Initiative. The rules shall include all of the following:

(a) Provisions regarding the establishment of co-payments for families of eligible children whose family income is more than one hundred per cent of the federal poverty guidelines but equal to or less than the maximum amount of family income authorized for an eligible child as defined in division (A)(2) of this section;

(b) An exemption from co-payment requirements for families whose family income is equal to or less than one hundred per cent of the federal poverty guideline;

(c) A definition of "enrollment" for the purpose of compensating early learning agencies;

(d) Provisions that establish compensation rates for early learning agencies based on the enrollment of eligible children;

(e) Provisions for the completion of criminal record checks for employees of early learning agencies and early learning providers whereby sections 109.572(A)(8), (A)(9), and (B)(2) of the Revised Code are considered applicable to these employees;

(f) Provisions for the timeline of eligibility determination;

(g) A requirement that early learning programs licensed by the Department of Education under sections 3301.52 to 3301.59 of the Revised Code participate in the quality-rating program established under section 5104.30 of the Revised Code.

(D) The Department of Education shall do all of the following:

(1) Define the early learning services that will be provided to eligible children through the Early Learning Initiative;

(2) In consultation with the Department of Job and Family Services, develop an application form and criteria for the selection of early learning agencies. The criteria shall require an early learning agency, or each early learning provider with which the agency has entered into an agreement for the operation of an early learning program on the agency's behalf, to be licensed by the Department of Education under sections 3301.52 to 3301.59

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of the Revised Code or by the Department of Job and Family Services under Chapter 5104. of the Revised Code;

(3) Establish early learning program guidelines for school readiness to assess the operation of early learning programs.

(E) Any entity that seeks to be an early learning agency shall apply to the Department of Education by a deadline established by the Department. The Department of Education shall select entities that meet the criteria established under division (D)(2) of this section to be early learning agencies. Upon selection of an entity to be an early learning agency, the Department of Education shall designate the number of eligible children the agency may enroll. The Department of Education shall notify the Department of Job and Family Services of the number so designated.

(F) The Department of Education and the Department of Job and Family Services shall enter into a contract with each early learning agency selected under division (E) of this section. The requirements of section 127.16 of the Revised Code do not apply to contracts entered into under this section. The contract shall outline the terms and conditions applicable to the provision of Title IV-A services for eligible children and shall include at least the following:

(1) The respective duties of the early learning agency, the Department of Education, and the Department of Job and Family Services;

(2) Requirements applicable to the allowable use of and accountability for compensation paid under the contract;

(3) Reporting requirements, including a requirement that the early learning provider inform the Department of Education when the provider learns that a kindergarten eligible child will not be enrolled in kindergarten;

(4) The compensation schedule payable under the contract;

(5) Audit requirements;

(6) Provisions for suspending, modifying, or terminating the contract.

(G) If an early learning agency, or an early learning provider operating an early learning program on the agency's behalf, substantially fails to meet the early learning program guidelines for school readiness or exhibits substandard performance, as determined by the Department of Education, the agency shall develop and implement a corrective action plan. The Department of Education shall approve the corrective action plan prior to implementation.

(H) If an early learning agency fails to implement a corrective action plan under division (G) of this section, the Department of Education may direct the Department of Job and Family Services to either withhold funding or request that the Department of Job and Family Services suspend or

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terminate the contract with the agency.

(I) Each early learning program shall do all of the following:

(1) Meet teacher qualification requirements prescribed by section 3301.311 of the Revised Code;

(2) Align curriculum to the early learning content standards;

(3) Meet any assessment requirements prescribed by section 3301.0715 of the Revised Code that apply to the program;

(4) Require teachers, except teachers enrolled and working to obtain a degree pursuant to section 3301.311 of the Revised Code, to attend a minimum of twenty hours per biennium of professional development as prescribed by the Department of Education regarding the implementation of early learning program guidelines for school readiness;

(5) Document and report child progress;

(6) Meet and report compliance with the early learning program guidelines for school success;

(7) Participate in early language and literacy classroom observation evaluation studies.

(J) Each county Department of Job and Family Services shall determine eligibility for Title IV-A services for children seeking to enroll in an early learning program within fifteen days after receipt of a completed application in accordance with rules adopted under this section.

(K) The provision of early learning services in an early learning program shall not prohibit or otherwise prevent an individual from obtaining certificates for payment under division (C) of section 5104.32 of the Revised Code.

(L) Notwithstanding section 126.07 of the Revised Code:

(1) Any fiscal year 2010 contract executed prior to July 1, 2009, between the Departments of Job and Family Services and Education and an early learning agency that was not an early learning agency as of June 30, 2009, shall be deemed to be effective as of July 1, 2009, upon issuance of a state purchase order, even if the purchase order is approved at some later date.

(2) Any fiscal year 2010 contract executed between the Departments of Job and Family Services and Education and an early learning agency that had a valid contract for early learning services on June 30, 2009, shall be deemed to be effective as of July 1, 2009, upon the issuance of a state purchase order, even if the purchase order is approved at some later date.

(3) Any fiscal year 2011 contract executed prior to July 1, 2010, between the Departments of Job and Family Services and Education and an early learning agency that was not an early learning agency as of June 30,

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2010, shall be deemed to be effective as of July 1, 2010, upon issuance of a state purchase order, even if the purchase order is approved at some later date.

(4) Any fiscal year 2011 contract executed between the Departments of Job and Family Services and Education and an early learning agency that had a valid contract for early learning services on June 30, 2010, shall be deemed to be effective as of July 1, 2010, upon the issuance of a state purchase order, even if the purchase order is approved at some later date.

(M) The Departments of Job and Family Services and Education shall contract for up to 12,000 enrollment slots for eligible children in each fiscal year through the Early Learning Initiative.

(N) Eligible expenditures for the Early Learning Initiative shall be claimed each fiscal year to help meet the state's TANF maintenance of effort requirement. The Superintendent of Public Instruction and the Director of Job and Family Services shall enter into an interagency agreement to carry out the requirements under this division, which shall include developing reporting guidelines for these expenditures.

#### SECTION 309.40.70. COMMITTEE TO STUDY PUBLICLY FUNDED CHILD CARE SERVICES

(A) A committee is hereby created to study publicly funded child care services, including the Early Learning Initiative enacted pursuant to this act and pursuant to changes in the administrative rules governing reimbursement and eligibility for publicly funded child day-care. The study shall include the following subjects:

(1) The effects of changing the definitions of full-time and part-time care on the following:

(a) Children, families, and providers of care, including the effects on the quality of care;

(b) Number of children served and the availability and accessibility of subsidized care to caregivers with full-time and part-time jobs;

(c) Availability of full-time and part-time care in areas with a high incidence of poverty;

(d) Private pay rates;

(e) Closure of centers and center programs;

(f) Loss of jobs in the child care industry.

(2) The effects of changes to the Early Learning Initiative on families and children including the following:

(a) Distribution and use of program slots across the state;

(b) Effect of mandatory participation in the voluntary child day-care

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in preparation for the implementation of the pilot program and any post-pilot program evaluation activity. After the eighteen-month period, the ten sites may continue to administer the Alternative Response approach uninterrupted, unless the Department determines otherwise.

The Department shall assure that the Alternative Response pilot program is independently evaluated with respect to outcomes for children and families, costs, worker satisfaction, and any other criteria the Department determines will be useful in the consideration of statewide implementation of an Alternative Response approach to child protection. The measure associated with the eighteen-month pilot program shall, for the purposes of the evaluation, be compared with those same measures in the pilot counties during the eighteen-month period immediately preceding the beginning of the pilot program period. If the independent evaluation of the pilot program recommends statewide implementation of an Alternative Response approach to child protection, the Department may expand the Alternative Response approach statewide through a schedule determined by the Department. Prior to statewide implementation, the Department shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to carry out the purposes of this section. Until that time, the Department may adopt rules in accordance with section 111.15 of the Revised Code, as if they were internal management rules, as necessary to carry out the purposes of this section.

**SECTION 309.45.15. INDEPENDENT LIVING SERVICES**

Of the foregoing appropriation item 600523, Children and Families Services, up to \$1,500,000 in each fiscal year shall be used to provide independent living services to foster youth and former foster youth between 16 and 21 years of age.

**SECTION 309.45.21. CHILD, FAMILY, AND ADULT COMMUNITY AND PROTECTIVE SERVICES**

(A) The foregoing appropriation item 600533, Child, Family, and Adult Community & Protective Services, shall be distributed to each county department of job and family services using the formula the Department of Job and Family Services uses when distributing Title XX funds to county departments of job and family services under section 5101.46 of the Revised Code. County departments shall use the funds distributed to them under this section as follows, in accordance with the written plan of cooperation entered into under section 307.983 of the Revised Code:

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(1) To assist individuals achieve or maintain self-sufficiency, including by reducing or preventing dependency among individuals with family income not exceeding two hundred per cent of the federal poverty guidelines;

(2) Subject to division (B) of this section, to respond to reports of abuse, neglect, or exploitation of children and adults, including through the alternative approach pilot program developed under Section 309.40.40 of this act;

(3) To provide outreach and referral services regarding home and community-based services to individuals at risk of placement in a group home or institution, regardless of the individuals' family income and without need for a written application;

(4) To provide outreach, referral, application assistance, and other services to assist individuals receive assistance, benefits, or services under Medicaid; Title IV-A programs, as defined in section 5101.80 of the Revised Code; the Supplemental Nutrition Assistance Program; and other public assistance programs.

(B) Protective services may be provided to a child or adult as part of a response, under division (A)(2) of this section, to a report of abuse, neglect, or exploitation without regard to a child or adult's family income and without need for a written application. The protective services may be provided if the case record documents circumstances of actual or potential abuse, neglect, or exploitation.

#### SECTION 309.45.25. ADOPTION ASSISTANCE LOAN

Of the foregoing appropriation item 600634, Adoption Assistance Loan, the Department of Job and Family Services may use up to ten per cent for administration of adoption assistance loans pursuant to section 3107.018 of the Revised Code.

#### SECTION 309.45.90. REALLOCATION OF UNUSED COUNTY ALLOCATIONS

(A) As used in this section:

(1) "Income maintenance funds" means funds the Department of Job and Family Services allocates to a county to meet matching fund requirements or reimburse a county for administrative expenditures incurred in the administration of the Disability Financial Assistance Program, Medicaid Program, or Supplemental Nutrition Assistance Program.

(2) "TANF funds" means funds the Department of Job and Family

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Services allocates to a county for Title IV-A programs, as defined in section 5101.80 of the Revised Code.

(3) "TANF Title XX transfer funds" means funds the Department of Job and Family Services allocates to a county for purposes of section 5101.461 of the Revised Code.

(4) "Title XX social services funds" means funds the Department of Job and Family Services allocates to a county department of job and family services for purposes of section 5101.46 of the Revised Code.

(B) If a county informs the Department of Job and Family Services that the county will not use the entire amount of the income maintenance funds, TANF funds, TANF Title XX transfer funds, or Title XX social services funds allocated to the county for fiscal year 2010 or fiscal year 2011 or the Department determines through an annual close out or reconciliation of funds that a county did not use the entire amount of any of those funds allocated to the county for fiscal year 2010 or 2011, the Department shall reallocate the portion of the funds the county will or did not use to other counties for the remainder of the fiscal year in which the funds are reallocated or the next fiscal year. In reallocating the funds, the Department shall do both of the following:

(1) For each of the funds separately, rank each county by the percentage reduction in allocations of the funds from the fiscal year preceding the fiscal year in which the reallocation is made to the fiscal year in which the reallocation is made, with the county that has the greatest reduction percentage placed at the top of the ranking;

(2) Reallocate each of the funds separately to counties in the order in which counties are ranked under division (B)(1) of this section in a manner that provides, to the extent funds are available for reallocation, for each county to be, as a result of the reallocation, allocated the same amount of the funds that the county was allocated the previous fiscal year, other than the counties that will or did not use the full amount of their allocation of the funds.

#### SECTION 309.50. UNEMPLOYMENT COMPENSATION

##### SECTION 309.50.10. EMPLOYER SURCHARGE

The surcharge and the interest on the surcharge amounts due for calendar years 1988, 1989, and 1990 as required by Am. Sub. H.B. 171 of the 117th General Assembly, Am. Sub. H.B. 111 of the 118th General Assembly, and section 4141.251 of the Revised Code as it existed prior to

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the Revised Code.

SECTION 335.40.10. BEHAVIORAL HEALTH SERVICES - CHILDREN

The foregoing appropriation item 335404, Behavioral Health Services-Children, shall be used to provide behavioral health services for children and their families. At least \$1,000,000 in each fiscal year shall be used to provide behavioral health treatment services for children under the age of seven and their families. Behavioral health services include mental health and alcohol and other drug treatment services and other necessary supports. *JS*

The foregoing appropriation item 335404, Behavioral Health Services-Children, shall be distributed to boards of alcohol, drug addiction, and mental health services, including community mental health boards and alcohol and drug addiction boards, based upon a distribution formula approved by the Director of Mental Health, except that the amount earmarked for children under the age of seven shall be distributed to the local boards based on community-need as determined by the Director of Mental Health. These moneys shall be used in accordance with the board's applicable plan or plans developed under sections 340.03 and 340.033 of the Revised Code and in collaboration with the local family and children first council. Collaboration with the local council shall be conducted through a process defined by a system of care guidance as approved by the Ohio Family and Children First Cabinet Council.

SECTION 335.40.20. COMMUNITY MEDICATION SUBSIDY

The foregoing appropriation item 335419, Community Medication Subsidy, shall be used to provide subsidized support for psychotropic medication needs of indigent citizens in the community to reduce unnecessary hospitalization because of lack of medication and to provide subsidized support for methadone costs.

SECTION 335.40.30. LOCAL MENTAL HEALTH SYSTEMS OF CARE

The foregoing appropriation item 335505, Local Mental Health Systems of Care, shall be used for mental health services provided by community mental health boards in accordance with a community mental health plan submitted under section 340.03 of the Revised Code and as approved by the

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5180	725643	Oil and Gas Permit Fees	\$	2,974,378	\$	2,974,378
5180	725677	Oil and Gas Well Plugging	\$	800,000	\$	800,000
5210	725627	Off-Road Vehicle Trails	\$	143,490	\$	143,490
5220	725656	Natural Areas and Preserves	\$	1,400,000	\$	1,400,000
5260	725610	Strip Mining Administration Fee	\$	3,267,587	\$	3,364,361
5270	725637	Surface Mining Administration	\$	1,946,591	\$	1,946,591
5290	725639	Unreclaimed Land Fund	\$	2,021,713	\$	2,023,831
5310	725648	Reclamation Forfeiture	\$	1,500,000	\$	1,500,000
5320	725644	Litter Control and Recycling	\$	6,280,681	\$	6,280,681
5860	725633	Scrap Tire Program	\$	1,000,000	\$	1,000,000
5B30	725674	Mining Regulation		28,850		28,850
5BV0	725658	Heidelberg Water Quality Lab	\$	250,000	\$	250,000
5BV0	725683	Soil and Water Districts	\$	10,875,577	\$	18,104,906
5CU0	725647	Mine Safety	\$	3,053,843	\$	3,199,923
5EJ0	725608	Forestry Law Enforcement	\$	1,000	\$	1,000
5EK0	725611	Natural Areas & Preserves Law Enforcement	\$	1,000	\$	1,000
5EL0	725612	Wildlife Law Enforcement	\$	12,000	\$	12,000
5EM0	725613	Park Law Enforcement	\$	34,000	\$	34,000
5EN0	725614	Watercraft Law Enforcement	\$	2,500	\$	2,500
6150	725661	Dam Safety	\$	807,403	\$	807,403
TOTAL SSR State Special Revenue Fund Group			\$	77,528,497	\$	84,902,003
Clean Ohio Conservation Fund Group						
7061	725405	Clean Ohio Operating	\$	310,000	\$	310,000
TOTAL CLF Clean Ohio Conservation Fund Group			\$	310,000	\$	310,000
Wildlife Fund Group						
5P20	725634	Wildlife Boater Angler Administration	\$	2,000,000	\$	2,000,000
7015	740401	Division of Wildlife Conservation	\$	58,614,436	\$	54,906,000
8150	725636	Cooperative Management Projects	\$	120,449	\$	120,449
8160	725649	Wetlands Habitat	\$	966,885	\$	966,885
8170	725655	Wildlife Conservation Checkoff Fund	\$	2,800,000	\$	2,800,000
8180	725629	Cooperative Fisheries Research	\$	1,500,000	\$	1,500,000
8190	725685	Ohio River Management	\$	128,584	\$	128,584
TOTAL WLF Wildlife Fund Group			\$	66,130,354	\$	62,421,918
Waterways Safety Fund Group						
7086	725414	Waterways Improvement	\$	4,265,575	\$	4,265,575
7086	725418	Buoy Placement	\$	52,182	\$	52,182
7086	725501	Waterway Safety Grants	\$	137,867	\$	137,867
7086	725506	Watercraft Marine Patrol	\$	576,153	\$	576,153
7086	725513	Watercraft Educational Grants	\$	366,643	\$	366,643
7086	739401	Division of Watercraft	\$	19,949,181	\$	19,949,181
TOTAL WSF Waterways Safety Fund						

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shall be used exclusively for the purposes of plugging wells and to properly restore the land surface of idle and orphan oil and gas wells pursuant to section 1509.071 of the Revised Code. No funds from the appropriation item shall be used for salaries, maintenance, equipment, or other administrative purposes, except for those costs directly attributed to the plugging of an idle or orphan well. This appropriation item shall not be used to transfer cash to any other fund or appropriation item.

#### LITTER CONTROL AND RECYCLING

Of the foregoing appropriation item 725644, Litter Control and Recycling, up to \$1,500,000 may be used in each fiscal year for the administration of the Recycling and Litter Prevention Program.

#### SECTION 343.40.10. CLEAN OHIO OPERATING EXPENSES

The foregoing appropriation item 725405, Clean Ohio Operating, shall be used by the Department of Natural Resources in administering section 1519.05 of the Revised Code.

#### SECTION 343.50. WATERCRAFT MARINE PATROL

Of the foregoing appropriation item 739401, Division of Watercraft, up to \$200,000 in each fiscal year shall be expended for the purchase of equipment for marine patrols qualifying for funding from the Department of Natural Resources pursuant to section 1547.67 of the Revised Code. Proposals for equipment shall accompany the submission of documentation for receipt of a marine patrol subsidy pursuant to section 1547.67 of the Revised Code and shall be loaned to eligible marine patrols pursuant to a cooperative agreement between the Department of Natural Resources and the eligible marine patrol.

#### SCENIC RIVERS PROGRAM

On July 1 of each fiscal year or as soon as possible thereafter, the Director of Budget and Management shall transfer \$500,000 cash from the Waterways Safety Fund (Fund 7086) to the Scenic Rivers Protection Fund (Fund 4U60) for use by the Division of Watercraft in administering the Wild, Scenic, and Recreational Rivers Program pursuant to Chapter 1547. of the Revised Code. The amount transferred is hereby appropriated in appropriation item 725668, Scenic Rivers Protection.

*JS*

#### SECTION 343.60. PARKS CAPITAL EXPENSES FUND

The Director of Natural Resources shall submit to the Director of

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notwithstanding any other provision of law to the contrary, the Director of Budget and Management, at the request of the Director of Rehabilitation and Correction, shall transfer up to \$14,000,000 in appropriations, in each of fiscal years 2010 and 2011, from appropriation item 501321, Institutional Operations, to any combination of appropriation items 501405, Halfway House; 501407, Community Residential Programs; 501408, Community Misdemeanor Programs; and 501501, Community Residential Programs - CBCF.

#### OHIO BUILDING AUTHORITY LEASE PAYMENTS

The foregoing appropriation item 501406, Lease Rental Payments, shall be used to meet all payments during the period from July 1, 2009, to June 30, 2011, under the primary leases and agreements for those buildings made under Chapter 152. of the Revised Code. These appropriations are the source of funds pledged for bond service charges or obligations issued pursuant to Chapter 152. of the Revised Code.

#### PRISONER COMPENSATION

Money from the foregoing appropriation item 501403, Prisoner Compensation, shall be transferred on a quarterly basis by intrastate transfer voucher to the Services and Agricultural Fund (Fund 1480) for the purposes of paying prisoner compensation.

#### OSU MEDICAL CHARGES

Notwithstanding section 341.192 of the Revised Code, at the request of the Department of Rehabilitation and Correction, The Ohio State University Medical Center, including the James Cancer Hospital and Solove Research Institute and the Richard M. Ross Heart Hospital, shall provide necessary care to persons who are confined in state adult correctional facilities. The provision of necessary care shall be billed to the Department at a rate not to exceed the authorized reimbursement rate for the same service established by the Department of Job and Family Services under the Medical Assistance Program.

#### SECTION 375.20. PILOT PROJECT FOR THE CONTRACTUAL PROVISION OF INMATE HEALTHCARE

The Department of Rehabilitation and Correction may develop, oversee, and evaluate a pilot project for the provision of comprehensive correctional health care services through private correctional health care contractors to complement the current system for the provision of health care services to inmates of state correctional facilities. If the Department develops a pilot project, private correctional health care contractors shall be selected through a request for proposal process. The department shall determine the method

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for requesting proposals, the form of the request-for-proposal, and criteria for the provision of comprehensive correctional health care services under the pilot project. Comprehensive correctional health care services are medical, dental, and mental health care services comparable to those provided by the Department of Rehabilitation and Correction to inmates at and outside of state correctional facilities. The department shall determine the award of contracts based upon written criteria prepared by the department.

A pilot project for the provision of comprehensive correctional health care services must include a minimum of 20 per cent of the current inmate population and be designed to include a representative sample of the inmate population in order to promote a realistic comparison of services and costs. The department shall control inmate participation in the pilot project based on current standard operating procedures and the need to maintain the representative sample of the inmate population. The department shall determine the locations for the pilot project and in making that determination shall give consideration to the geographic proximity of medical facilities to promote economies of scale. The locations shall include a representative sample of current facilities, the facilities' missions, and medical acuity. The mix of facilities shall remain consistent throughout the pilot project in order to promote a realistic comparison of costs and services.

If the Department develops the pilot project, it shall be developed and implemented by January 1, 2010, for a period of two years and shall be conditioned upon a private contractor offering a minimum of 10 per cent savings from the department's projected costs for comprehensive correctional health care services during the period of the project. The cost comparison shall include all on-site and off-site healthcare costs, including all personnel, benefit, administrative, overhead, and transportation costs.

#### SECTION 377.10. RSC REHABILITATION SERVICES COMMISSION

##### General Revenue Fund

GRF 415402	Independent Living Council	\$	252,000	\$	252,000
GRF 415406	Assistive Technology	\$	26,618	\$	26,618
GRF 415431	Office for People with Brain Injury	\$	126,567	\$	126,567
GRF 415506	Services for People with Disabilities	\$	13,116,630	\$	13,116,630
GRF 415508	Services for the Deaf	\$	28,000	\$	28,000
TOTAL GRF General Revenue Fund		\$	13,549,815	\$	13,549,815

##### General Services Fund Group

4670 415609	Business Enterprise Operating Expenses	\$	1,393,002	\$	1,389,851
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(3) A school district's "portion of the basic project cost" means the amount calculated under section 3318.032 of the Revised Code.

(B) Notwithstanding any provision of Chapter 3318. of the Revised Code to the contrary, in the case of a school district that received in fiscal year 2008 elector approval for a bond issue for its portion of the basic project cost of a project under sections 3318.01 to 3318.20 of the Revised Code, based on a preliminary estimated equity list projecting rankings of school districts if amendments to section 3318.011 of the Revised Code enacted by Am. Sub. H.B. 119 of the 127th General Assembly had been effective for projects in that fiscal year, and which district on the alternate equity list for fiscal year 2009 funding required by Section 733.13 of Am. Sub. H.B. 562 of the 127th General Assembly, retroactively applying those amendments, was ranked one percentile higher than on the preliminary estimated equity list, resulting in the district's calculated portion being one per cent higher than the amount projected at the time of the bond issue election, the Ohio School Facilities Commission shall reduce the district's portion to that projected on the preliminary estimated equity list.

SECTION 385.93. (A) As used in this section, "equity list" means the school district percentile rankings calculated under section 3318.011 of the Revised Code.

(B) Not later than thirty days after the effective date of this section, the Department of Education shall create an alternate equity list for fiscal year 2009, for use in fiscal year 2010, by recalculating each school district's percentile ranking under section 3318.011 of the Revised Code and shall certify the alternate equity list to the Ohio School Facilities Commission. For this purpose, the Department shall recalculate each school district's percentile ranking using the district's "average taxable value" as that term is defined in the version of section 3318.011 of the Revised Code, as it results from the amendments to that section enacted by this act.

(C) The Commission shall use the alternate equity list certified under division (B) of this section to determine the priority for assistance under sections 3318.01 to 3318.20 of the Revised Code in fiscal year 2010 for each school district that has not previously been offered funding under those sections. However, no district that already has been offered assistance under those sections for fiscal year 2010 prior to the Commission's receipt of the alternate equity list shall be denied the opportunity for assistance under those sections for that fiscal year.

(D) Notwithstanding any provision of Chapter 3318. of the Revised Code to the contrary, for each school district that receives the Commission's

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conditional approval of the district's project under sections 3318.01 to 3318.20 of the Revised Code in fiscal year 2010, the district's portion of the basic project cost shall be the lesser of the following:

(1) The amount required under section 3318.032 of the Revised Code calculated using the percentile in which the district ranks on the alternate equity list certified under division (B) of this section;

(2) The amount required under section 3318.032 of the Revised Code calculated using the percentile in which the district ranks on the original equity list for fiscal year 2009.

#### PAYMENT OF DEBT FOR STATEHOUSE RESTORATION

There is hereby appropriated from the Public School Building Fund (Fund 7021) in fiscal year 2010 the amount necessary to pay any outstanding debt obligations issued for the restoration of the Ohio Statehouse that was completed in 1996.

#### SECTION 387.10. SOS SECRETARY OF STATE

##### General Revenue Fund

GRF 050321	Operating Expenses	\$	2,290,508	\$	2,290,508
GRF 050407	Pollworkers Training	\$	250,197	\$	250,197
TOTAL GRF General Revenue Fund		\$	2,540,705	\$	2,540,705

##### General Services Fund Group

4120 050609	Notary Commission	\$	500,000	\$	500,000
4130 050601	Information Systems	\$	75,000	\$	50,000
4140 050602	Citizen Education Fund	\$	55,712	\$	55,712
4S80 050610	Board of Voting Machine Examiners	\$	7,200	\$	7,200
5FG0 050620	BOE Reimbursement and Education	\$	100,000	\$	100,000
5FH0 050621	Statewide Ballot Advertising	\$	300,000	\$	300,000
5FJ0 050622	County Voting Machine Revolving Lease/Loan Fund	\$	500,000	\$	500,000

TOTAL General Services Fund Group		\$	1,537,912	\$	1,512,912
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##### Federal Special Revenue Fund Group

3AH0 050614	Election Reform/Health and Human Services	\$	800,000	\$	800,000
3AS0 050616	2005 HAVA Voting Machines	\$	3,000,000	\$	3,000,000

TOTAL FED Federal Special Revenue Fund Group		\$	3,800,000	\$	3,800,000
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##### State Special Revenue Fund Group

5N90 050603	Business Services Operating Expenses	\$	14,086,100	\$	14,245,400
5N90 050607	Technology Improvements	\$	180,000	\$	180,000

TOTAL SSR State Special Revenue					
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There are hereby appropriated out of any moneys in the state treasury to the credit of the General Revenue Fund, which are not otherwise appropriated, funds sufficient to make any payment required by division (B)(2) of section 5747.03 of the Revised Code.

**SECTION 503.80. EXPENDITURES AND APPROPRIATION INCREASES APPROVED BY THE CONTROLLING BOARD**

Any money that the Controlling Board approves for expenditure or any increase in appropriation that the Controlling Board approves under sections 127.14, 131.35, and 131.39 of the Revised Code or any other provision of law is hereby appropriated for the period ending June 30, 2011.

**SECTION 503.90. FUNDS RECEIVED FOR USE OF GOVERNOR'S RESIDENCE**

If the Governor's Residence Fund (Fund 4H20) receives payment for use of the residence pursuant to section 107.40 of the Revised Code, the amounts so received are hereby appropriated to appropriation item 100604, Governor's Residence Gift.

**SECTION 503.95.** The Director of Transportation shall permit the construction of a curb cut on State Route 91, near Vine Street, in Lake County.

**SECTION 506.10. UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS**

Unless the agency and nuclear electric utility mutually agree to a higher amount by contract, the maximum amounts that may be assessed against nuclear electric utilities under division (B)(2) of section 4937.05 of the Revised Code and deposited into the specified funds are as follows:

<u>Fund</u>	<u>User</u>	<u>FY 2010</u>	<u>FY 2011</u>
Utility Radiological Safety Fund (Fund 4E40)	Department of Agriculture	\$ 134,631	\$ 134,631
Radiation Emergency Response Fund (Fund 6100)	Department of Health	\$ 887,445	\$ 920,372
ER Radiological Safety Fund (Fund 6440)	Environmental Protection Agency	\$ 286,114	\$ 286,114

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used by the School Facilities Commission, to the General Revenue Fund. Not later than June 30, 2013, \$250,000,000 cash shall be deposited into a fund of the Commission, for the purpose of constructing or renovating school facilities pursuant to Chapter 3318. of the Revised Code.

**SECTION 512.60. CASH TRANSFERS TO THE GENERAL REVENUE FUND FROM NON-GRF FUNDS**

Notwithstanding any provision of law to the contrary, during fiscal years 2010 and 2011, the Director of Budget and Management may transfer cash from non-General Revenue Funds that are not constitutionally restricted to the General Revenue Fund in order to ensure that available General Revenue Fund receipts and balances are sufficient to support General Revenue Fund appropriations in each fiscal year.

Before September 1 of each fiscal year, the Director of Budget and Management shall prepare quarterly estimates identifying funds in the state treasury from which cash transfers are to be made and the anticipated amount of these cash transfers. Beginning with the quarter ending September 30, 2009, and on a quarterly basis thereafter, the Director of Budget and Management shall prepare a summary comparing the estimated and actual amounts of these cash transfers by fund. This quarterly summary shall be included in the report required under section 126.05 of the Revised Code.

**SECTION 512.80. GRF TRANSFER TO THE PUBLIC AUDIT EXPENSE INTRA-STATE FUND**

On July 1, 2009, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$400,900 cash from the General Revenue Fund to the Public Audit Expense Intra-State Fund (Fund 1090). The amounts transferred are hereby appropriated to help pay for expenses incurred in the Auditor of State's role relating to fiscal caution, fiscal watch, and fiscal emergency activities as defined in Chapter 3316. of the Revised Code and for performance audits for school districts in fiscal distress.

*JS*

**SECTION 512.85. TRANSFER AND ADJUSTMENT OF ARRA STATE FISCAL STABILIZATION FUND APPROPRIATIONS**

The Director of Budget and Management, with the approval of Controlling Board, may transfer appropriation between GRF appropriation items within the budgets and between the budgets of agencies receiving

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*Ted Strickland*  
Ted Strickland, Governor

requirement in division (B) of section 125.081 of the Revised Code, or to comply with the procurement goals specified under division (B)(2) or (14) of section 123.152 of the Revised Code, the state agency shall establish, not later than December 31, 2009, a long-term plan for complying with those provisions.

SECTION 701.70. The Department of Administrative Services shall conduct a pilot project involving propane-powered state vehicles. During the period commencing October 1, 2009, and ending September 30, 2010, the Department of Administrative Services shall convert or cause to be converted to a propane fuel system five per cent of the gasoline-powered passenger cars, sport utility vehicles, and light-duty pickup trucks that are owned by the state and are used by the Department of Natural Resources, five per cent of such vehicles that are used by the Department of Public Safety, and five per cent of such vehicles that are used by the Department of Transportation. During the period commencing October 1, 2010, and ending December 31, 2010, the Department shall convert or cause to be converted to a propane fuel system an additional five per cent of the gasoline-powered motor vehicles that are described in this section and are used by the Department of Natural Resources, an additional five per cent of such vehicles that are used by the Department of Public Safety, and an additional five per cent of such vehicles that are used by the Department of Transportation. Only propane fuel systems that have been approved by the United States Environmental Protection Agency shall be installed in state vehicles pursuant to this section.

During the period commencing October 1, 2009, and ending September 30, 2011, the Department shall keep detailed records of the propane-powered vehicles, including fuel mileage and maintenance costs. After September 30, 2011, the Department shall conduct a study of the pilot project to assess all aspects of the use by the state of the propane-powered vehicles during the pilot project. The study shall include all relevant findings and recommendations, if any, regarding future use of propane gas in state vehicles, and shall be compiled into a final report.

Not later than December 31, 2011, the Department shall submit copies of the final report to the Governor, the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives.

**The above boxed and initialed text was disapproved.**

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SECTION 701.80. The Director of Budget and Management shall prepare, beginning on October 1, 2009, and on the first day of each calendar quarter thereafter, a list of all employees paid by warrant of the Director who work primarily for one state agency while being paid from appropriations made to another state agency. The Director shall provide a copy of the list to the President of the Senate, the Speaker of the House of Representatives, and the Minority Leaders of the Senate and House of Representatives.

SECTION 701.90. (A) To facilitate the implementation of the motion picture production tax credit authorized in section 122.85 of the Revised Code, the Director of Development may develop, publish; accept, and review applications for certification of motion pictures as tax credit-eligible productions and may indicate preliminary certification before the effective date of that section. A motion picture for which the director has issued a preliminary certification becomes a motion picture certified as a tax credit-eligible production on the effective date of section 122.85 of the Revised Code.

(B) In adopting the rules required under division (K) of section 122.85 of the Revised Code, as enacted by this act, the Director of Development shall file the notice and text of the proposed rules as required by division (B) of section 119.03 of the Revised Code not later than two hundred five days after the effective date of this section.

(C) Not later than eighty days after the effective date of this section, the Director of Development shall adopt initial rules to effect the same purposes of the rules required under division (K) of section 122.85 of the Revised Code, as enacted by this act. The initial rules shall be adopted pursuant to section 111.15 of the Revised Code, but division (D) of that section does not apply to the adoption of the initial rules. The initial rules shall be effective until the final rules adopted pursuant to division (B) of this section and Chapter 119. of the Revised Code take effect.

SECTION 703.10. (A) The board of county commissioners of a county with a population of not less than 800,000 and not more than 900,000 as determined by the most recent federal decennial census shall conduct a pilot project authorizing commercial advertising on county web sites in accordance with this section.

(B) The board of county commissioners, by resolution adopted by a

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majority of the board's members, shall authorize commercial advertising on a county web site under this section. The resolution shall include all of the following:

(1) A statement authorizing county officials to place commercial advertisements on web sites of county offices under those county officials;

(2) Requirements and procedures for making requests for proposals under this section;

(3) Any other requirements or limitations necessary to authorize under this section commercial advertising on county web sites.

(C) The board of county commissioners shall send a copy of the resolution to each county official. After receiving the resolution, the county official shall determine if the official intends to implement the resolution. The county official may make requests for proposals in the manner specified by the resolution for the purpose of identifying advertisers who, and whose advertisements will, meet any criteria specified in the request for proposals and any requirements and limitations specified in the resolution. The county official may enter into a contract with such an advertiser whereby the advertiser places an advertisement on the office's web site and pays a fee in consideration to the county general fund. Any contract entered into under this section shall be concluded not later than December 31, 2011.

(D) A county web site on which commercial advertising is placed under this section shall be used exclusively to provide information from a county office to the public, and shall not be used as a public forum.

(E) The pilot project conducted under this section shall conclude on December 31, 2011. Not later than 30 days after the conclusion of the pilot project, the board of county commissioners shall submit a report to the Governor, the Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate regarding the operation of the pilot project. The report shall include the board's recommendations on whether commercial advertising on county web sites should be continued and expanded to other counties.

(F) As used in this section:

(1) "Advertising" means internet advertising, including banners and icons that may contain links to commercial internet web sites. "Advertising" does not include "spyware," "malware," or any viruses or programs considered to be malicious.

(2) "County official" includes the county auditor, county treasurer, county engineer, county recorder, county prosecuting attorney, county sheriff, county coroner, board of county commissioners, clerk of the probate court, clerk of the juvenile court, clerk of court for all divisions of the court

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of common pleas, clerk of a county-operated municipal court, and clerk of a county court.

(3) "County web site" means any web site, internet page, or web page of a county office, with respective internet addresses or subdomains, that are intended to provide to the public information about services offered by the county office, including relevant forms and searchable data.

SECTION 709.10. (A) There is hereby created in the Department of Agriculture the Ohio Beekeepers Task Force consisting of the following members:

(1) Two members of the standing committee of the House of Representatives that is primarily responsible for considering agricultural matters appointed by the Governor, each from a different political party;

(2) Two members of the standing committee of the Senate that is primarily responsible for considering agricultural matters appointed by the Governor, each from a different political party;

(3) The Chief of the Division of Plant Industry in the Department of Agriculture or the Chief's designee;

(4) The Director of Natural Resources or the Director's designee;

(5) Two representatives of the Ohio State Beekeepers Association appointed by the Association;

(6) The Director of The Ohio State University Extension or the Director's designee;

(7) An apiculture specialist of The Ohio State University Extension appointed by the Director of The Ohio State University Extension;

(8) The Chair of The Ohio State University Department of Entomology or the Chair's designee;

(9) A representative of the Ohio Produce Growers and Marketing Association appointed by the Association;

(10) A representative of the Ohio Farm Bureau Federation Bee and Honey Committee appointed by the Federation;

(11) A representative of the Ohio Farmers Union appointed by the Union;

(12) A representative of the County Commissioners Association of Ohio appointed by the Association.

(B) The members shall be appointed not later than sixty days after the effective date of this section. The Task Force shall hold its first meeting not later than ninety days after the effective date of this section.

(C) The Governor shall select a chairperson and vice-chairperson from among the members of the Task Force. ~~The above boxed and initialed text was disapproved.~~

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unnecessary costs, removing barriers to effective and efficient service coordination, eliminating duplicate services, prioritizing high risk populations, and any other matters the Workgroup considers relevant to service coordination. Not later than July 31, 2009, the Workgroup shall submit a report to the Governor with recommendations for implementing the procedures.

(E) The Workgroup shall cease to exist June 30, 2011.

**SECTION 751.30. PROMPT PAYMENT POLICY WORKGROUP**

(A) There is hereby created the Prompt Payment Policy Workgroup. The Workgroup shall consist of the following members:

(1) One representative of the Office of Budget and Management, appointed by the Director of Budget and Management;

(2) Three representatives of the Department of Insurance, appointed by the Superintendent of Insurance;

(3) Four representatives of the Office of Ohio Health Plans in the Department of Job and Family Services, appointed by the Director of Job and Family Services;

(4) Two representatives of Ohio's Medicaid managed care plans, appointed by the Executive Director of Ohio's Care Coordination Plans;

(5) Two representatives from the community of provider associations, one appointed by the Speaker of the House of Representatives and one appointed by the President of the Senate;

(6) Two members of the Ohio House of Representatives, one appointed by the Speaker of the House of Representatives and one appointed by the Minority Leader;

(7) Two members of the Ohio Senate, one appointed by the President of the Senate and one appointed by the Minority Leader.

(B) The Director of the Department of Job and Family Services, or the Director's designee, shall serve as chairperson of the Workgroup.

(C) Members of the Workgroup shall serve without compensation, except to the extent that serving on the Workgroup is considered part of the members' regular employment duties.

(D) The Workgroup shall do all of the following:

(1) Recommend one set of regulations to govern prompt payment policies for Medicaid managed care plans;

(2) Research and analyze prompt payment policies related to aged medical claims within the health insurance industry and the Medicaid program;

(3) Review general payment rules, payment policies related to electronic

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and paper claims, definitions of clean and unclean claims, late payment penalties, auditing requirements, and any other issues related to Medicaid prompt payment policy identified by the Workgroup;

(4) Review statistical data on the compliance rates of current policies.

(E) Not later than February 1, 2010, the Workgroup shall submit a report to the Governor and the majority and minority leadership in both Houses of the Ohio General Assembly. The report shall contain prompt payment policy recommendations for Ohio's Medicaid program.

(F) The Workgroup shall cease to exist February 28, 2010.

SECTION 751.40. The Director of Natural Resources shall enter into a memorandum of understanding with Farmers and Hunters Feeding the Hungry. The memorandum shall prescribe a method by which, during the period from July 1, 2009, through June 30, 2011, Farmers and Hunters Feeding the Hungry may donate venison to Ohio's food banks. The memorandum also shall prescribe methods that encourage private persons to make matching donations in money or food to Ohio's food banks that are equal or greater in value to the venison that is donated by the Farmers and Hunters Feeding the Hungry.

SECTION 753.10. (A) The Director of Natural Resources shall enter into a memorandum of understanding with the Southeastern Ohio Port Authority to develop the future use of the property that formerly comprised the Marietta State Nursery. The memorandum shall provide for all of the following:

(1) Sale of the property for highest and best use;

(2) Sale and usage of the property that is compatible with neighboring properties;

(3) Maximum financial return for the Department of Natural Resources;

(4) Expeditious sale of parcels of the property.

(B) The memorandum shall require contracted professional engineering services to provide both of the following:

(1) A phase I environmental site assessment;

(2) A master plan for property development, including all of the following:

(a) An inventory of site features and assets;

(b) Collection of public input through a meeting and comment period;

(c) Identification of site usage areas such as commercial, light industrial, residential, recreational use, or green space use;

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SECTION 803.10. Section 1751.14 of the Revised Code, as amended by this act, shall apply only to policies, contracts, and agreements that are delivered, issued for delivery, or renewed in this state on or after July 1, 2010; section 3923.24 of the Revised Code, as amended by this act, shall apply only to policies of sickness and accident insurance and plans of health coverage that are established or modified in this state on or after July 1, 2010; and section 3923.241, as enacted by this act, shall apply only to public employee health plans established or modified in this state on or after July 1, 2010.

SECTION 803.20. Sections 718.04 and 5747.01 of the Revised Code, as amended by this act, first apply to taxable years beginning on or after January 1, 2010.

The amendment by this act of sections 5733.47 and 5747.76 of the Revised Code applies to credits claimed with respect to certificates issued in taxable years ending on or after the effective date of this amendment.

SECTION 803.30. In anticipation of the amendments to section 124.134 of the Revised Code taking effect on August 30, 2009, the Director of Administrative Services shall determine an additional, prorated amount of vacation leave for employees who are in their fourth, ninth, fourteenth, nineteenth, or twenty-fourth year of service to receive as a result of the transition occurring on that date. The additional, prorated amount shall be such that the affected employees are not harmed as a result of the transition, and shall be added to the vacation leave balances of the affected employees on August 30, 2009.

SECTION 803.50. The amendment by this act of section 5727.811 of the Revised Code applies to the measurement period that includes the effective date of that section and ensuing measurement periods.

SECTION 803.60. The amendment of section 105.41 of the Revised Code by this act does not abrogate any collective bargaining agreement, for the duration of the agreement, that applies to employees of the Capitol Square Review and Advisory Board and that was entered into under Chapter 4117. of the Revised Code before the effective date of that amendment.

*JS*  
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1523.05, 1523.06, 1523.07, 1523.08, 1523.09, 1523.10, 1523.11, 1523.12, 1523.13, 1523.14, 1523.15, 1523.16, 1523.17, 1523.18, 1523.19, 1523.20, 1541.03, 1547.01, 1547.02, 1547.51, 1547.52, 1547.531, 1547.54, 1547.542, 1547.73, 1547.85, 1547.86, 1547.87, 1547.99, 1548.10, 1707.37, 2101.01, 2301.02, 2301.03, 2921.13, 3301.122, 3301.57, 3301.95, 3302.031, 3302.05, 3302.07, 3306.01, 3306.012, 3306.02, 3306.03, 3306.04, 3306.05, 3306.051, 3306.052, 3306.06, 3306.07, 3306.08, 3306.09, 3306.091, 3306.10, 3306.11, 3306.12, 3306.13, 3306.17, 3306.18, 3306.19, 3306.191, 3306.192, 3306.21, 3306.22, 3306.25, 3306.29, 3306.291, 3306.292, 3306.30, 3306.31, 3306.33, 3306.34, 3306.35, 3306.40, 3306.50, 3306.51, 3306.52, 3306.53, 3306.54, 3306.55, 3306.56, 3306.57, 3306.58, 3307.31, 3307.64, 3309.41, 3309.48, 3309.51, 3310.08, 3310.09, 3310.41, 3311.059, 3311.0510, 3311.06, *HS* 3311.19, 3311.21, 3311.29, 3311.52, 3311.76, 3313.483, 3313.55, 3313.64, 3313.642, 3313.843, 3313.98, 3313.981, 3314.028, 3314.08, 3314.085, *HS* 3314.087, 3314.088, 3314.091, 3314.10, 3314.13, 3314.35, 3316.041, 3316.06, 3316.20, 3317.01, 3317.011, 3317.013, 3317.018, 3317.02, 3317.021, 3317.022, 3317.023, 3317.024, 3317.025, 3317.0210, 3317.0211, 3317.0216, 3317.031, 3317.04, 3317.061, 3317.063, 3317.081, 3317.082, 3317.12, 3317.16, 3317.18, 3317.20, 3317.201, 3318.011, 3318.051, *HS* 3319.088, 3319.221, 3319.57, 3319.70, 3319.71, 3323.091, 3323.14, 3323.142, 3324.05, 3326.21, 3326.33, 3326.39, 3327.02, 3327.04, 3327.05, 3329.16, 3333.04, 3333.122, 3333.27, 3333.28, 3333.38, 3333.391, 3333.392, 3333.61, 3333.62, 3333.66, 3345.32, 3349.242, 3353.20, 3365.01, 3704.14, 3704.143, 3706.04, 3712.03, 3714.03, 3718.03, 3733.43, 3745.015, 3748.01, 3748.04, 3748.07, 3748.12, 3748.13, 3770.03, 3770.21, 3901.3812, 3923.90, 3923.91, 4117.02, 4117.12, 4117.24, 4141.01, 4141.31, 4501.06, 4501.24, 4501.29, 4503.068, 4503.10, 4503.19, 4503.40, 4503.42, 4505.06, 4505.09, 4519.59, 5101.073, 5111.21, 5111.65, 5111.651, 5111.68, *HS* 5111.681, 5111.685, 5111.686, 5111.688, 5111.689, 5111.874, 5111.875, 5112.30, 5112.31, 5112.37, 5112.39, 5112.40, 5112.41, 5112.42, 5112.43, 5112.44, 5112.45, 5112.46, 5112.47, 5112.48, 5123.0412, 5123.0417, 5123.19, 5123.193, 5123.197, 5126.05, 5126.24, 5153.163, 5502.12, 5703.80, 5715.26, 5725.18, 5727.84, 5729.03, 5739.01, 5739.03, 5739.033, 5739.051, and 6111.044 of the Revised Code.

The amendment by this act of sections 711.001, 711.05, 711.10, 711.131, 4736.01, 6111.04, and 6111.044 of the Revised Code as amended by Sections 101.01 and 101.02 takes effect immediately when this act becomes law.

The repeal and reenactment of section 5112.371 of the Revised Code.

The amendment by this act to division (A) of section 124.134 of the

**The above boxed and initialed text was disapproved.**

Date: 7-17-09

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Revised Code takes effect on August 30, 2009, and the remainder of that section takes effect immediately when this act becomes law.

The amendment, enactment, or repeal of sections 122.85, 3721.02, 3721.50, 3721.51, 3721.511, 3721.512, 3721.513, 3721.53, 3721.55, 3721.56, 4301.43, 4503.182, 4507.23, 5111.20, 5111.231, 5111.24, 5111.243, 5111.25, 5111.262, and 5111.263 of the Revised Code takes effect July 1, 2009.

The repeal of sections 5112.40, 5112.41, 5112.42, 5112.43, 5112.44, 5112.45, 5112.46, 5112.47, and 5112.48 of the Revised Code takes effect October 1, 2011.

Sections of this act prefixed with section numbers in the 200's, 300's, 400's, 500's, 700's, and 800's, except for Sections 265.60.60, 265.70.20, 265.80.10, 309.40.20, 309.50.30, 313.20, 371.60.20, 399.20, 523.10, 701.20, 745.60, and 751.10 of this act.

The amendment of Sections 120.01 and 120.02 of Am. Sub. H.B. 119 of the 127th General Assembly takes effect immediately when this act becomes law.

The amendment of Section 153 of Am. Sub. H.B. 117 of the 121st General Assembly.

Sections 309.30.20, 309.30.30, 309.30.40, 309.30.50, 309.30.60, and 309.30.70 of this act take effect July 1, 2009. *18*

SECTION 812.30. The sections that are listed in the left-hand column of the following table combine amendments by this act that are and that are not exempt from the referendum under Ohio Constitution, Article II, Sections 1c and 1d and section 1.471 of the Revised Code.

The middle column identifies the amendments to the listed sections that are subject to the referendum under Ohio Constitution, Article II, Section 1c and therefore take effect on the ninety-first day after this act is filed with the Secretary of State or, if a later effective date is specified, on that date.

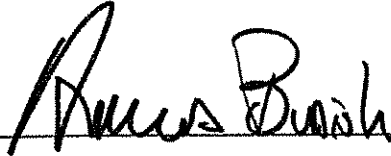
The right-hand column identifies the amendments to the listed sections that are exempt from the referendum because they are or relate to an appropriation for current expenses within the meaning of Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, or define a tax levy within the meaning of Ohio Constitution, Article II, Section 1d, and therefore take effect immediately when this act becomes law or, if a later effective date is specified, on that date.

Section of law	Amendments subject to referendum	Amendments exempt from referendum
121.04	All amendments except	

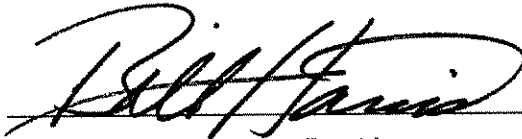
**The above boxed and initialed text was disapproved.**

Date: 7-19-09

Ted Strickland  
Ted Strickland, Governor



Speaker \_\_\_\_\_ of the House of Representatives.




President \_\_\_\_\_ of the Senate.

Passed July 13, 2009

Approved \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Governor.

The boxed and initialed text contained  
in Am. Sub. H.B. No. 1 is disapproved.  
All remaining text is approved.

  
Governor

July 17, 2009

Members of the committee shall serve without compensation, but may be reimbursed for actual and necessary expenses incurred in the performance of their duties.

(C) The committee shall annually select from among its members a chairperson. The committee shall meet at the call of the chairperson, but not less than twice each year. A majority of the members of the committee constitutes a quorum.

Sec. 3701.242. (A) An HIV test ~~shall~~ may be performed ~~only if, prior to the test, informed consent is obtained either by the person or agency of state or local government ordering the test or by the person or agency performing the test. Consent may be given orally or in writing after the person or agency performing or ordering the test has given the individual to be tested or his guardian the following information:~~

~~(1) An oral or written explanation of the test and testing procedures, including the purposes and limitations of the test and the meaning of its results;~~

~~(2) An oral or written explanation that the test is voluntary, that consent to be tested may be withdrawn, if the test is performed on an outpatient basis, at any time before the individual tested leaves the premises where blood is taken for the test, or, if the test is performed on an inpatient basis, within one hour after the blood is taken for the test, and that the individual or guardian may elect to have an anonymous test;~~

~~(3) An oral or written explanation about behaviors known to pose risks for transmission of HIV infection.~~

~~The public health council shall adopt rules, pursuant to recommendations of the director of health and in accordance with Chapter 119, of the Revised Code, specifying the information required by this section to be given to an individual before he is given an HIV test. The rules shall contain specifications for an informed consent form that includes the required information. The director of health shall prepare and distribute the form. A person or government agency required by division (A) of this section to give information to an individual may satisfy the requirement by obtaining the signature of the individual on the form prepared by the director by or on the order of a health care provider who, in the exercise of the provider's professional judgment, determines the test to be necessary for providing diagnosis and treatment to the individual to be tested, if the individual or the individual's parent or guardian has given consent to the provider for medical or other health care treatment. The health care provider shall inform the individual of the individual's right under division (D) of this section to an anonymous test.~~

The above boxed and initialed text was disapproved.

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mandated. Upon making such a determination, the director of environmental protection may request the director of administrative services to extend the terms of the contract that was entered into under the authority of Section 7 of Am. Sub. H.B. 24 of the 127th general assembly. Upon receiving the request, the director of administrative services shall extend the contract, beginning on July 1, 2009, in accordance with this section. The contract shall be extended for a period of up to six months with the contractor who conducted the motor vehicle inspection and maintenance program under that contract.

(2) Prior to the expiration of the contract extension that is authorized by division (A)(1) of this section, the director of environmental protection may request the director of administrative services to enter into a contract with a vendor to operate a motor vehicle inspection and maintenance program in each county in this state in which such a program is federally mandated through June 30, 2011, with an option for the state to renew the contract through June 30, 2012. The contract shall ensure that the motor vehicle inspection and maintenance program achieves at least the same ozone precursor reductions as achieved by the program operated under the authority of the contract that was extended under division (A)(1) of this section. The director of administrative services shall select a vendor through a competitive selection process in compliance with Chapter 125. of the Revised Code.

(3) Notwithstanding any law to the contrary, the director of administrative services shall ensure that a competitive selection process regarding a contract to operate a motor vehicle inspection and maintenance program in this state incorporates the following elements, which shall be included in the contract:

(a) A requirement that the vendor selected to operate the program provide notification of the program's requirements to each owner of a motor vehicle that is required to be inspected under the program. The contract shall require the notification to be provided not later than sixty days prior to the date by which the owner of the motor vehicle is required to have the motor vehicle inspected. The director of environmental protection and the vendor shall jointly agree on the content of the notice. However, the notice shall include at a minimum the locations of all inspection facilities within a specified distance of the address that is listed on the owner's motor vehicle registration.

(b) A requirement that the vendor selected to operate the program spend not more than five hundred thousand dollars over the term of the contract for public education regarding the locations at which motor vehicle inspections

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will be conducted:

(c) A requirement that the vendor selected to operate the program acquire all facilities that were previously utilized for motor vehicle emissions inspections via arm's-length transactions at the discretion of the interested parties if the vendor chooses to utilize those inspection facilities for purposes of the contract. The competitive selection process shall not include a requirement that a vendor pay book value for such facilities.

(d) A requirement that the motor vehicle inspection and maintenance program utilize established local businesses, such as existing motor vehicle repair facilities, for the purpose of expanding the number of inspection facilities for consumer convenience and increased local business participation.

(4) A motor vehicle inspection and maintenance program operated under this section shall comply with division (B) of this section. The director of environmental protection shall administer the motor vehicle inspection and maintenance program operated under this section.

(B) The motor vehicle inspection and maintenance program authorized by this section, at a minimum, shall do all of the following:

(1) Comply with the federal Clean Air Act;

(2) Provide for the extension of a contract for a period of two years, beginning on January 1, 2006, and ending on December 31, 2007, with the contractor who conducted the enhanced motor vehicle inspection and maintenance program in those federally mandated counties pursuant to a contract entered into under former section 3704.14 of the Revised Code as that section existed prior to its repeal and reenactment by Am. Sub. H.B. 66 of the 126th General Assembly;

(3) Provide for the issuance of inspection certificates;

(4)(3) Provide for a new car exemption for motor vehicles four years old or newer and provide that a new motor vehicle is exempt for four years regardless of whether legal title to the motor vehicle is transferred during that period.

(B)(C) The director shall not implement a motor vehicle inspection and maintenance program in any county other than a county in which a motor vehicle inspection and maintenance program is federally mandated. A motor vehicle inspection and maintenance program shall not be implemented in any county in which such a program is not authorized under division (A) of this section without the approval of the general assembly through the enactment of legislation. Further, a motor vehicle inspection and maintenance program shall not be implemented in any county beyond June 30, 2012, without the approval of the general assembly through the

**The above boxed and initialed text was disapproved.**

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Ted Strickland  
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contributions that are made pursuant to the settlement of an administrative action or civil action that is brought at the request of the director of environmental protection pursuant to Chapter 3704., 3714., 3734., 6109., or 6111. of the Revised Code, shall be credited to the clean diesel school bus fund, which is hereby created in the state treasury. The director shall use money credited to the fund to make grants to school districts in the state and to county boards of developmental disabilities for the purpose of adding pollution control equipment to diesel-powered school buses and to pay the environmental protection agency's costs incurred in administering this section. In addition, the director may use money credited to the fund to make grants to school districts and to county boards of developmental disabilities for the purpose of maintaining pollution control equipment that is installed on diesel-powered school buses and to pay the additional cost incurred by a school district or a county board for using ultra-low sulfur diesel fuel instead of diesel fuel for the operation of diesel-powered school buses.

In making grants under this section, the director shall give priority to school districts and to county boards of developmental disabilities that are located in a county that is designated as nonattainment by the United States environmental protection agency for the fine particulate national ambient air quality standard under the federal Clean Air Act. In addition, the director may give a higher priority to a school district or a county board of developmental disabilities that employs additional measures that reduce air pollution from the district's or the county board's school bus fleet.

The director shall adopt rules establishing procedures and requirements that are necessary to implement this section, including procedures and requirements governing applications for grants.

Sec. 3705.03. (A) The director of health shall designate the state registrar, who shall head the office of vital statistics and do all of the following:

- (1) Administer and enforce this chapter, the rules issued under this chapter, and the instructions of the director for the efficient administration of the system of vital statistics;
- (2) Direct and supervise the system of vital statistics and be custodian of the vital records;
- (3) Direct, supervise, and control the activities of all persons engaged in activities governed by this chapter;
- (4) Conduct training programs to promote uniformity of policy and procedures throughout the state in matters pertaining to the system of vital statistics.

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(5) Comply with the requirements in section 3705.031 of the Revised Code

(B) To preserve vital records, the state registrar may prepare a typewritten, photographic, electronic, or other reproduction of certificates or reports in the office of vital statistics. These reproductions, when certified by the director or state registrar, shall be accepted as the original records. The documents from which the reproductions have been made and verified may be disposed of as provided by rules that shall be adopted by the director.

Sec. 3705.031. (A) Once each calendar month, the state registrar shall review all death certificates the state registrar receives, pursuant to section 3705.07 of the Revised Code, from each local registrar of vital statistics in this state, and from a vital statistics official in another state, in the preceding calendar month. The state registrar shall identify those death certificates that pertain to individuals who were at least eighteen years of age at the time of death.

(B) From each death certificate identified pursuant to division (A) of this section, the registrar shall determine the following information:

- (1) The decedent's name;
- (2) The decedent's date of birth;
- (3) The decedent's date of death;
- (4) The decedent's age on the date of death;
- (5) The address of the decedent's residence on the date of death;
- (6) The county and state in which the decedent's residence on the date of death was located.

(C) Not later than the end of the calendar month in which a review under division (A) of this section occurs, the state registrar shall file with each county auditor and county board of elections in this state a report that summarizes the information in divisions (B)(1) to (6) of this section for each decedent whose residence was located in that county.

Sec. 3705.24. (A)(1) The public health council shall, in accordance with section 111.15 of the Revised Code, adopt rules prescribing fees for the following items or services provided by the state office of vital statistics:

- (a) Except as provided in division (A)(4) of this section:
  - (i) A certified copy of a vital record or a certification of birth;
  - (ii) A search by the office of vital statistics of its files and records pursuant to a request for information, regardless of whether a copy of a record is provided;
  - (iii) A copy of a record provided pursuant to a request;
- (b) Replacement of a birth certificate following an adoption.

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~~(F)(G)~~ A form that an individual receiving a drug under the program must sign before receiving the drug to confirm that the individual understands the immunity provisions of the program;

~~(G)(H)~~ A formula to determine the amount of a handling fee that pharmacies, hospitals, and nonprofit clinics may charge to drug recipients to cover restocking and dispensing costs;

~~(H)(I)~~ In addition, for drugs donated or given to the program by individuals:

(1) A list of drugs, arranged either by category or by individual drug, that the program will accept from individuals. The list shall include orally administered cancer drugs that are described in division (C) of section 3715.87 of the Revised Code.

(2) A list of drugs, arranged either by category or by individual drug, that the program will not accept from individuals. The list shall not include orally administered cancer drugs that are described in division (C) of section 3715.87 of the Revised Code. The list must include a statement as to why the drug is ineligible to be donated or given.

(3) A form each donor must sign stating that the donor is the owner of the drugs and intends to voluntarily donate them to the program.

~~(I)(J)~~ In addition, for drugs donated to the program by health care facilities:

(1) A list of drugs, arranged either by category or by individual drug, that the program will accept from health care facilities. The list shall include orally administered cancer drugs that are described in division (C) of section 3715.87 of the Revised Code.

(2) A list of drugs, arranged either by category or by individual drug, that the program will not accept from health care facilities. The list shall not include orally administered cancer drugs that are described in division (C) of section 3715.87 of the Revised Code. The list must include a statement as to why the drug is ineligible to be donated or given.

~~(J)(K)~~ Any other standards and procedures the board considers appropriate.

The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 3717.07. (A) For purposes of establishing a licensing fee under sections 3717.25 and 3717.45 of the Revised Code, the director of agriculture and the public health council shall adopt rules establishing a uniform methodologies methodology for use in calculating the costs of licensing retail food establishments in the categories specified by the director and a uniform methodology for use in calculating the costs of

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~~charges-renewal-fees~~. If an applicant is subject to a penalty, the licensor shall not renew the license until the applicant pays the penalty.

(E)(1) A licensor may issue not more than ten temporary food service operation licenses per licensing period to the same person or government entity to operate at different events within the licensor's jurisdiction. For each particular event, a licensor may issue only one temporary food service operation license to the same person or government entity.

(2) A licensor may issue a temporary food service operation license to operate for more than five consecutive days if both of the following apply:

(a) The operation will be operated at an event organized by a county agricultural society or independent agricultural society organized under Chapter 1711. of the Revised Code;

(b) The person who will receive the license is a resident of the county or one of the counties for which the agricultural society was organized.

(3) A person may be granted only one temporary food service operation license per licensing period pursuant to division (E)(2) of this section.

(F) The licensor may place restrictions or conditions on a food service operation license limiting the types of food that may be prepared or served by the food service operation based on the equipment or facilities of the food service operation. Limitations pertaining to a mobile or catering food service operation shall be posted on the back of the license.

(G) The person or government entity holding a license for a food service operation shall display the license for that food service operation at all times at the licensed location. A person or government entity holding a catering food service operation license shall also maintain a copy of the license at each catered event.

(H) With the assistance of the department of health, the licensor, to the extent practicable, shall computerize the process for licensing food service operations.

Sec. 3717.45. (A) A licensor may charge fees for issuing and renewing food service operation licenses. Any licensing fee charged shall be used solely for the administration and enforcement of the provisions of this chapter and the rules adopted under it applicable to food service operations.

Any licensing fee charged under this section shall be based on the licensor's costs of regulating food service operations, as determined according to the uniform methodologies methodology established under section 3717.07 of the Revised Code. If the licensor is a board of health, a fee may be disapproved by the district advisory council in the case of a general health district or the legislative authority of the city in the case of a city health district. A disapproved fee shall not be charged by the board of

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elements authorized under this section, for the purpose of managing solid wastes that consist of scrap tires and solid waste facilities that are scrap tire collection, storage, monocell, monofill, or recovery facilities.

(H) Neither this section nor the solid waste management plan of a county or joint district applies to the construction, operation, use, repair, or maintenance of any compost facility that exclusively composts raw rendering material.

Sec. 3734.57. (A) The following fees are hereby levied on the transfer or disposal of solid wastes in this state:

(1) One dollar per ton on and after July 1, 2003, through June 30, ~~2010~~ 2012, one-half of the proceeds of which shall be deposited in the state treasury to the credit of the hazardous waste facility management fund created in section 3734.18 of the Revised Code and one-half of the proceeds of which shall be deposited in the state treasury to the credit of the hazardous waste clean-up fund created in section 3734.28 of the Revised Code;

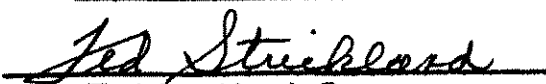
(2) An additional one dollar per ton on and after July 1, 2003, through June 30, ~~2010~~ 2012, the proceeds of which shall be deposited in the state treasury to the credit of the solid waste fund, which is hereby created. The environmental protection agency shall use money in the solid waste fund to pay the costs of administering and enforcing the laws pertaining to solid wastes, infectious wastes, and construction and demolition debris, including, without limitation, ground water evaluations related to solid wastes, infectious wastes, and construction and demolition debris, under this chapter and Chapter 3714. of the Revised Code and any rules adopted under them, providing compliance assistance to small businesses, and paying a share of the administrative costs of the environmental protection agency pursuant to section 3745.014 of the Revised Code.

(3) An additional one dollar and fifty cents per ton on and after July 1, 2005, through June 30, ~~2010~~ 2012, the proceeds of which shall be deposited in the state treasury to the credit of the environmental protection fund created in section 3745.015 of the Revised Code;

(4) An additional one dollar per ton on and after August 1, 2009, through June 30, 2012, the proceeds of which shall be deposited in the state treasury to the credit of the environmental protection fund. The fee established in division (A)(4) of this section does not apply to a solid waste transfer facility or solid waste disposal facility if the facility is located in a county that has a population equal to or greater than four hundred thousand according to the most recent decennial federal census and the property boundary of the facility is located within fifteen miles of the property

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boundary of a solid waste disposal facility in another state. *JS*

(5) An additional twenty-five cents per ton on and after August 1, 2009, through June 30, 2012, the proceeds of which shall be deposited in the state treasury to the credit of the soil and water conservation district assistance fund created in section 1515.14 of the Revised Code. The fee established in division (A)(5) of this section does not apply to a solid waste transfer facility or solid waste disposal facility if the facility is located in a county that has a population equal to or greater than four hundred thousand according to the most recent decennial federal census and the property boundary of the facility is located within fifteen miles of the property boundary of a solid waste disposal facility in another state. *JS*

In the case of solid wastes that are taken to a solid waste transfer facility located in this state prior to being transported for disposal at a solid waste disposal facility located in this state or outside of this state, the fees levied under this division shall be collected by the owner or operator of the transfer facility as a trustee for the state. The amount of fees required to be collected under this division at such a transfer facility shall equal the total tonnage of solid wastes received at the facility multiplied by the fees levied under this division. In the case of solid wastes that are not taken to a solid waste transfer facility located in this state prior to being transported to a solid waste disposal facility, the fees shall be collected by the owner or operator of the solid waste disposal facility as a trustee for the state. The amount of fees required to be collected under this division at such a disposal facility shall equal the total tonnage of solid wastes received at the facility that was not previously taken to a solid waste transfer facility located in this state multiplied by the fees levied under this division. Fees levied under this division do not apply to materials separated from a mixed waste stream for recycling by a generator or materials removed from the solid waste stream through recycling, as "recycling" is defined in rules adopted under section 3734.02 of the Revised Code.

The owner or operator of a solid waste transfer facility or disposal facility, as applicable, shall prepare and file with the director of environmental protection each month a return indicating the total tonnage of solid wastes received at the facility during that month and the total amount of the fees required to be collected under this division during that month. In addition, the owner or operator of a solid waste disposal facility shall indicate on the return the total tonnage of solid wastes received from transfer facilities located in this state during that month for which the fees were required to be collected by the transfer facilities. The monthly returns shall be filed on a form prescribed by the director. Not later than thirty days

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(2) "Federally eligible individual" means an eligible individual as defined in 45 C.F.R. 148.103.

Sec. 3923.24. ~~Every~~ (A) Notwithstanding section 3901.71 of the Revised Code, every certificate furnished by an insurer in connection with, or pursuant to any provision of, any group sickness and accident insurance policy delivered, issued for delivery, renewed, or used in this state on or after January 1, 1972, ~~and every~~ policy of sickness and accident insurance delivered, issued for delivery, renewed, or used in this state on or after January 1, 1972, ~~and every multiple employer welfare arrangement offering an insurance program,~~ which provides that coverage of an unmarried dependent child of a parent or legal guardian will terminate upon attainment of the limiting age for dependent children specified in the contract shall also provide in substance ~~that both of the following:~~

(1) Once an unmarried child has attained the limiting age for dependent children, as provided in the policy, upon the request of the insured, the insurer shall offer to cover the unmarried child until the child attains twenty-eight years of age if all of the following are true:

(a) The child is the natural child, stepchild, or adopted child of the insured.

(b) The child is a resident of this state or a full-time student at an accredited public or private institution of higher education.

(c) The child is not employed by an employer that offers any health benefit plan under which the child is eligible for coverage.

(d) After having attained the limiting age, the child has been continuously covered under any health benefit plan.

(e) The child is not eligible for coverage under the medicaid program established under Chapter 5111. of the Revised Code or the medicare program established under Title XVIII of the "Social Security Act," 42 U.S.C. 1395.

(2) That attainment of such the limiting age for dependent children shall not operate to terminate the coverage of such a dependent child if the child is and continues to be both of the following:

(A)(a) Incapable of self-sustaining employment by reason of mental retardation or physical handicap;

(B)(b) Primarily dependent upon the policyholder or certificate holder for support and maintenance.

(B) Proof of such incapacity and dependence for purposes of division (A)(2) of this section shall be furnished by the policyholder or by the certificate holder to the insurer within thirty-one days of the child's attainment of the limiting age. Upon request, but not more frequently than

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unmarried dependent child will terminate upon attainment of the limiting age for dependent children specified in the plan shall also provide in substance both of the following:

(1) Once an unmarried child has attained the limiting age for dependent children, as provided in the plan, upon the request of the employee, the public employee benefit plan shall offer to cover the unmarried child until the child attains twenty-eight years of age if all of the following are true:

(a) The child is the natural child, stepchild, or adopted child of the employee.

(b) The child is a resident of this state or a full-time student at an accredited public or private institution of higher education.

(c) The child is not employed by an employer that offers any health benefit plan under which the child is eligible for coverage.

(d) After having attained the limiting age, the child has been continuously covered under any health benefit plan.

(e) The child is not eligible for coverage under the medicaid program established under Chapter 5111, of the Revised Code or the medicare program established under Title XVIII of the "Social Security Act." 42 U.S.C. 1395.

(2) That attainment of the limiting age for dependent children shall not operate to terminate the coverage of a dependent child if the child is and continues to be both of the following:

(a) Incapable of self-sustaining employment by reason of mental retardation or physical handicap;

(b) Primarily dependent upon the plan member for support and maintenance.

(B) Proof of incapacity and dependence for purposes of division (A)(2) of this section shall be furnished to the public employee benefit plan within thirty-one days of the child's attainment of the limiting age. Upon request, but not more frequently than annually, the public employee benefit plan may require proof satisfactory to it of the continuance of such incapacity and dependency.

(C) Nothing in this section shall do any of the following:

(1) Require that any public employee benefit plan offer coverage for dependent children or provide coverage for an unmarried dependent child's children as dependents on the public employee benefit plan;

(2) Require an employer to pay for any part of the premium for an unmarried dependent child that has attained the limiting age for dependents, as provided in the plan;

(3) Require an employer to offer health insurance coverage to the

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bargaining agreement on June 1, 2005;

(18) Members and employees of the capitol square review and advisory board.

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(D) "Employee organization" means any labor or bona fide organization in which public employees participate and that exists for the purpose, in whole or in part, of dealing with public employers concerning grievances, labor disputes, wages, hours, terms, and other conditions of employment.

(E) "Exclusive representative" means the employee organization certified or recognized as an exclusive representative under section 4117.05 of the Revised Code.

(F) "Supervisor" means any individual who has authority, in the interest of the public employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other public employees; to responsibly direct them; to adjust their grievances; or to effectively recommend such action, if the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment, provided that:

(1) Employees of school districts who are department chairpersons or consulting teachers shall not be deemed supervisors;

(2) With respect to members of a police or fire department, no person shall be deemed a supervisor except the chief of the department or those individuals who, in the absence of the chief, are authorized to exercise the authority and perform the duties of the chief of the department. Where prior to June 1, 1982, a public employer pursuant to a judicial decision, rendered in litigation to which the public employer was a party, has declined to engage in collective bargaining with members of a police or fire department on the basis that those members are supervisors, those members of a police or fire department do not have the rights specified in this chapter for the purposes of future collective bargaining. The state employment relations board shall decide all disputes concerning the application of division (F)(2) of this section.

(3) With respect to faculty members of a state institution of higher education, heads of departments or divisions are supervisors; however, no other faculty member or group of faculty members is a supervisor solely because the faculty member or group of faculty members participate in decisions with respect to courses, curriculum, personnel, or other matters of academic policy;

(4) No teacher as defined in section 3319.09 of the Revised Code shall be designated as a supervisor or a management level employee unless the teacher is employed under a contract governed by section 3319.01,

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less than four per cent of alcohol by volume and not more than fourteen per cent of alcohol by volume, ninety-eight cents per wine gallon for wine containing more than fourteen per cent but not more than twenty-one per cent of alcohol by volume, one dollar and eight cents per wine gallon for vermouth, and one dollar and forty-eight cents per wine gallon for sparkling and carbonated wine and champagne, the tax to be paid by the holders of A-2 and B-5 permits or by any other person selling or distributing wine upon which no tax has been paid. From the tax paid under this section on wine, vermouth, and sparkling and carbonated wine and champagne, the treasurer of state shall credit to the Ohio grape industries fund created under section 924.54 of the Revised Code a sum equal to one cent per gallon for each gallon upon which the tax is paid.

(C) For the purpose of providing revenues for the support of the state, there is hereby levied a tax on prepared and bottled highballs, cocktails, cordials, and other mixed beverages at the rate of one dollar and twenty cents per wine gallon to be paid by holders of A-4 permits or by any other person selling or distributing those products upon which no tax has been paid. Only one sale of the same article shall be used in computing the amount of tax due. The tax on mixed beverages to be paid by holders of A-4 permits under this section shall not attach until the ownership of the mixed beverage is transferred for valuable consideration to a wholesaler or retailer, and no payment of the tax shall be required prior to that time.

(D) During the period of July 1, ~~2007~~ 2009, through June 30, 2009 2011, from the tax paid under this section on wine, vermouth, and sparkling and carbonated wine and champagne, the treasurer of state shall credit to the Ohio grape industries fund created under section 924.54 of the Revised Code a sum equal to two cents per gallon upon which the tax is paid. The amount credited under this division is in addition to the amount credited to the Ohio grape industries fund under division (B) of this section.

(E) For the purpose of providing revenues for the support of the state, there is hereby levied a tax on cider at the rate of twenty-four cents per wine gallon to be paid by the holders of A-2 and B-5 permits or by any other person selling or distributing cider upon which no tax has been paid. Only one sale of the same article shall be used in computing the amount of the tax due.

Sec. 4301.85. (A) The serving or consumption of beer or intoxicating liquor shall not be prohibited in a facility that is owned or leased by the state and that is used by visiting foreign military units for training, provided that such serving or consumption of beer or intoxicating liquor shall be done according to the policies and procedures agreed upon by the commanding

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officers of the foreign military units, the adjutant general, and the United States department of defense liaisons or their designated representatives to the foreign military units.

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(B) As used in this section, "beer" and "intoxicating liquor" have the same meanings as in section 4301.01 of the Revised Code.

Sec. 4303.181. (A) Permit D-5a may be issued either to the owner or operator of a hotel or motel that is required to be licensed under section 3731.03 of the Revised Code, that contains at least fifty rooms for registered transient guests or is owned by a state institution of higher education as defined in section 3345.011 of the Revised Code or a private college or university, and that qualifies under the other requirements of this section, or to the owner or operator of a restaurant specified under this section, to sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold, and to registered guests in their rooms, which may be sold by means of a controlled access alcohol and beverage cabinet in accordance with division (B) of section 4301.21 of the Revised Code; and to sell the same products in the same manner and amounts not for consumption on the premises as may be sold by holders of D-1 and D-2 permits. The premises of the hotel or motel shall include a retail food establishment or a food service operation licensed pursuant to Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that is affiliated with the hotel or motel and within or contiguous to the hotel or motel, and that serves food within the hotel or motel, but the principal business of the owner or operator of the hotel or motel shall be the accommodation of transient guests. In addition to the privileges authorized in this division, the holder of a D-5a permit may exercise the same privileges as the holder of a D-5 permit.

The owner or operator of a hotel, motel, or restaurant who qualified for and held a D-5a permit on August 4, 1976, may, if the owner or operator held another permit before holding a D-5a permit, either retain a D-5a permit or apply for the permit formerly held, and the division of liquor control shall issue the permit for which the owner or operator applies and formerly held, notwithstanding any quota.

A D-5a permit shall not be transferred to another location. No quota restriction shall be placed on the number of D-5a permits that may be issued.

The fee for this permit is two thousand three hundred forty-four dollars.

(B) Permit D-5b may be issued to the owner, operator, tenant, lessee, or occupant of an enclosed shopping center to sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for

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(I)(1) Each county shall establish an indigent drivers interlock and alcohol monitoring fund and a juvenile indigent drivers interlock and alcohol treatment fund, and each municipal corporation in which there is a municipal court shall establish an indigent drivers interlock and alcohol monitoring fund. All revenue that the general assembly appropriates to the indigent drivers interlock and alcohol monitoring fund for transfer to a county indigent drivers interlock and alcohol monitoring fund, a county juvenile indigent drivers interlock and alcohol monitoring fund, or a municipal indigent drivers interlock and alcohol monitoring fund, all portions of license reinstatement fees that are paid under division (F)(2) of this section and that are credited under that division to the indigent drivers interlock and alcohol monitoring fund in the state treasury, and all portions of fines that are paid under division (G) of section 4511.19 of the Revised Code and that are credited by division (G)(5)(e) of that section to the indigent drivers interlock and alcohol monitoring fund in the state treasury shall be deposited in the appropriate fund in accordance with division (I)(2) of this section.

(2) That portion of the license reinstatement fee that is paid under division (F) of this section and that portion of the fine paid under division (G) of section 4511.19 of the Revised Code and that is credited under either division to the indigent drivers interlock and alcohol monitoring fund shall be deposited into a county indigent drivers interlock and alcohol monitoring fund, a county juvenile indigent drivers interlock and alcohol monitoring fund, or a municipal indigent drivers interlock and alcohol monitoring fund as follows:

(a) If the fee or fine is paid by a person who was charged in a county court with the violation that resulted in the suspension or fine, the portion shall be deposited into the county indigent drivers interlock and alcohol monitoring fund under the control of that court.

(b) If the fee or fine is paid by a person who was charged in a juvenile court with the violation that resulted in the suspension or fine, the portion shall be deposited into the county juvenile indigent drivers interlock and alcohol monitoring fund established in the county served by the court.

(c) If the fee or fine is paid by a person who was charged in a municipal court with the violation that resulted in the suspension, the portion shall be deposited into the municipal indigent drivers interlock and alcohol monitoring fund under the control of that court.

Sec. 4511.69. (A) (1) Every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be stopped or parked with the right-hand wheels of the vehicle parallel with and not more than twelve

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inches from the right-hand curb, unless it is impossible to approach so close to the curb; in such case the stop shall be made as close to the curb as possible and only for the time necessary to discharge and receive passengers or to load or unload merchandise. Local authorities by ordinance may permit angle parking on any roadway under their jurisdiction, except that angle parking shall not be permitted on a state route within a municipal corporation unless an unoccupied roadway width of not less than twenty-five feet is available for free-moving traffic subject to division

(A)(2) of this section.

(2)(a) On and after the effective date of this amendment, no angled parking space that is located on a state route within a municipal corporation is subject to elimination, irrespective of whether there is or is not at least twenty-five feet of unoccupied roadway width available for free-moving traffic at the location of that angled parking space, unless the municipal corporation approves of the elimination of the angled parking space.

(b) Replacement, repainting, or any other repair performed by or on behalf of the municipal corporation of the lines that indicate the angled parking space does not constitute an intent by the municipal corporation to eliminate the angled parking space.

(B) Local authorities by ordinance may permit parking of vehicles with the left-hand wheels adjacent to and within twelve inches of the left-hand curb of a one-way roadway.

(C) No vehicle or trackless trolley shall be stopped or parked on a road or highway with the vehicle or trackless trolley facing in a direction other than the direction of travel on that side of the road or highway.

(D) Notwithstanding any statute or any rule, resolution, or ordinance adopted by any local authority, air compressors, tractors, trucks, and other equipment, while being used in the construction, reconstruction, installation, repair, or removal of facilities near, on, over, or under a street or highway, may stop, stand, or park where necessary in order to perform such work, provided a flagperson is on duty or warning signs or lights are displayed as may be prescribed by the director of transportation.

(E) Special parking locations and privileges for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces, shall be provided and designated by all political subdivisions and by the state and all agencies and instrumentalities thereof at all offices and facilities, where parking is provided, whether owned, rented, or leased, and at all publicly owned parking garages. The locations shall be designated through the posting of an elevated sign, whether permanently affixed or movable, imprinted with the international

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vehicle, or truck registered in this state of heavy duty equipment, including shock absorbers and overload springs;

(2) The operation on a street or highway of a passenger car, multipurpose passenger vehicle, or truck registered in this state with normal wear to the suspension system if the normal wear does not adversely affect the control of the vehicle.

(F) This section and the rules adopted pursuant to it do not apply to any specially designed or modified passenger car, multipurpose passenger vehicle, or truck when operated off a street or highway in races and similar events.

(G) ~~Except as otherwise provided in this division, whoever~~ **Whoever** violates this section is guilty of a minor misdemeanor. ~~If the offender previously has been convicted of a violation of this section, whoever violates this section is guilty of a misdemeanor of the third degree.~~ **28'**  
**26'**

Sec. 4513.03. (A) Every vehicle upon a street or highway within this state during the time from sunset to sunrise, and at any other time when there are unfavorable atmospheric conditions or when there is not sufficient natural light to render discernible persons, vehicles, and substantial objects on the highway at a distance of one thousand feet ahead, shall display lighted lights and illuminating devices as required by sections 4513.04 to 4513.37 of the Revised Code, for different classes of vehicles; except that every motorized bicycle shall display at such times lighted lights meeting the rules adopted by the director of public safety under section 4511.521 of the Revised Code. No motor vehicle, during such times, shall be operated upon a street or highway within this state using only parking lights as illumination.

Whenever in such sections a requirement is declared as to the distance from which certain lamps and devices shall render objects visible, or within which such lamps or devices shall be visible, such distance shall be measured upon a straight level unlighted highway under normal atmospheric conditions unless a different condition is expressly stated.

Whenever in such sections a requirement is declared as to the mounted height of lights or devices, it shall mean from the center of such light or device to the level ground upon which the vehicle stands.

(B) ~~Whoever violates this section shall be punished as provided in section 4513.99 of the Revised Code is guilty of a minor misdemeanor.~~

Sec. 4513.04. (A) Every motor vehicle, other than a motorcycle, and every trackless trolley shall be equipped with at least two headlights with at least one near each side of the front of the motor vehicle or trackless trolley.

Every motorcycle shall be equipped with at least one and not more than

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carrier;

(2) Four thousand five hundred dollars for the first cask designated for transport by rail and three thousand dollars for each additional cask designated for transport by rail that is shipped by the same person or entity in the same shipment.

(B)(1) This section does not apply to either of the following:

(a) Any shipment of material that is subject to division (A)(1) of section 4163.07 of the Revised Code by or for the United States government for military or national defense purposes;

(b) Any shipment of material that is subject to division (A)(1) of section 4163.07 of the Revised Code to or from a plant that is owned by the United States department of energy and that is located in this state or to or from entities that operate on land located in this state that is owned or controlled by the United States department of energy or the United States department of defense.

(2) Except as provided in division (B)(1)(a) and (b) of this section, this section applies to all other shipments of any material that is subject to division (A)(1) of section 4163.07 of the Revised Code by or for the United States government to the extent permitted by federal law.

(C) Whoever violates division (A) of this section is liable for a civil penalty in an amount not to exceed ten times the amount of the fee that is due under this section. The attorney general, upon the request of the public utilities commission, shall bring a civil action to collect the penalty. Penalties collected under this section shall be deposited in the state treasury to the credit of the radioactive waste transportation fund created in section 4905.802 of the Revised Code.

(D) If a highway route controlled quantity shipment of a material that is subject to division (A)(1) of section 4163.07 of the Revised Code has been the subject of a United States department of transportation level VI inspection and has passed the inspection, the shipment shall not otherwise be subject to inspection by state or local officials unless such inspection is determined to be necessary by the state highway patrol. The public utilities commission shall establish procedures for the reduction of the fee established in division (A) of this section for such shipments to incorporate police escort services only. The procedures shall require the payment of the fee only after the police escort has been completed. *JS*

Sec. 4928.01. (A) As used in this chapter:

(1) "Ancillary service" means any function necessary to the provision of electric transmission or distribution service to a retail customer and includes, but is not limited to, scheduling, system control, and dispatch services;

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(1) The medicaid program established by Chapter 5111. of the Revised Code;

(2) The children's health insurance program parts I, II, and III provided for under sections 5101.50, 5101.51, and 5101.52 of the Revised Code;

(3) Publicly funded child care provided under Chapter 5104. of the Revised Code;

(4) The ~~food-stamp~~ supplemental nutrition assistance program administered by the department of job and family services pursuant to section 5101.54 of the Revised Code;

(5) Other programs the director determines are supportive of children, adults, or families;

(6) Other programs regarding which the director determines administrative cost savings and efficiency may be achieved through the department accepting applications, determining eligibility, redetermining eligibility, or performing related administrative activities.

(B) If federal law requires a face-to-face interview to complete an eligibility determination for a program specified in or pursuant to division (A) of this section, the face-to-face interview shall not be conducted by the department of job and family services.

(C) Subject to division (B) of this section, if the director elects to accept applications, determine eligibility, redetermine eligibility, and perform related administrative activities for a program specified in or pursuant to division (A) of this section, both of the following apply:

(1) An individual seeking services under the program may apply for the program to the director or to the entity that state law governing the program authorizes to accept applications for the program.

(2) The director is subject to federal statutes and regulations and state statutes and rules that require, permit, or prohibit an action regarding accepting applications, determining or redetermining eligibility, and performing related administrative activities for the program.

(D) The director may adopt rules as necessary to implement this section.  
Sec. 5101.50. (A) As used in sections 5101.50 to 5101.529 5101.5210 of the Revised Code:

(1) "Children's health insurance program" means the program authorized by Title XXI of the "Social Security Act," 111 Stat. 552 (1997), 42 U.S.C.A. 1397aa.

(2) "Federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code.

(B) The director of job and family services may continue to operate the children's health insurance program initially authorized by an executive

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order issued under section 107.17 of the Revised Code as long as federal financial participation is available for the program. If operated, the program shall provide health assistance to uninsured individuals under nineteen years of age with family incomes not exceeding one hundred fifty per cent of the federal poverty guidelines. In accordance with 42 U.S.C.A. 1397aa, the director may provide for the health assistance to meet the requirements of 42 U.S.C.A. 1397cc, to be provided under the medicaid program established under Chapter 5111. of the Revised Code, or to be a combination of both.

Sec. 5101.504. (A) A school-based health center, as defined in 42 U.S.C. 1397jj(c)(9), may furnish health assistance services that the children's health insurance program part I covers if the center meets the requirements applicable to other providers providing those services.

(B) The director may adopt rules under section 5101.502 of the Revised Code pertaining to the billing, reimbursement, and data collection for school-based health centers.

Sec. 5101.510. (A) A school-based health center, as defined in 42 U.S.C. 1397jj(c)(9), may furnish health assistance services that the children's health insurance program part II covers if the center meets the requirements applicable to other providers providing those services.

(B) The director may adopt rules under section 5101.512 of the Revised Code pertaining to the billing, reimbursement, and data collection for school-based health centers.

Sec. 5101.511. (A) The director of job and family services may submit a waiver request to the United States secretary of health and human services to provide health assistance to any individual who meets all of the following requirements:

(1) Is the parent of a child under nineteen years of age who resides with the parent and is eligible for health assistance under the children's health insurance program part I or II or the medicaid program established under Chapter 5111. of the Revised Code;

(2) Is uninsured;

(3) Has a family income that does not exceed one hundred per cent of the federal poverty guidelines.

(B) A waiver request the director submits under division (A) of this section may seek federal funds allotted to the state under Title XXI of the "Social Security Act," 111 Stat. 558 (1997), 42 U.S.C.A. 1397dd, as amended, that are not otherwise used to fund the children's health insurance program parts I and II.

(C) If a waiver request the director submits under division (A) of this section is granted, the director may adopt rules in accordance with Chapter

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119. of the Revised Code as necessary for the efficient administration of the program authorization by the waiver.

Sec. 5101.5210. (A) A school-based health center, as defined in 42 U.S.C. 1397jj(c)(9), may furnish health assistance services that the children's health insurance program part III covers if the center meets the requirements applicable to other providers providing those services.

(B) The director may adopt rules under section 5101.522 of the Revised Code pertaining to the billing, reimbursement, and data collection for school-based health centers.

Sec. 5101.5212. (A) Under the children's buy-in program and subject to section 5101.5213 of the Revised Code, an individual who does both of the following in accordance with rules adopted under section 5101.5215 of the Revised Code qualifies for medical assistance under the program, unless the director of job and family services has adopted rules under division (B) of section 5101.5215 of the Revised Code to limit the number of individuals who may participate in the program at one time and the program is serving the maximum number of individuals specified in the rules:

~~(A)(1) Applies for the children's buy-in program;~~

~~(B)(2) Provides satisfactory evidence of all of the following:~~

~~(1)(a) That the individual is under nineteen years of age;~~

~~(2)(b) That the individual's countable family income exceeds two three hundred fifty per cent of the federal poverty guidelines;~~

~~(3) That (c) Except as provided in division (B) of this section, that the individual has not had creditable coverage for at least six three months before enrolling in the children's buy-in program, unless the individual lost the only creditable coverage available to the individual because the individual exhausted a lifetime benefit limitation;~~

~~(4) That one or more of the following apply to the individual:~~

~~(a) The individual is unable to obtain creditable coverage due to a pre-existing condition of the individual;~~

~~(b) The individual lost the only creditable coverage available to the individual because the individual has exhausted a lifetime benefit limitation;~~

~~(c) The premium for the only creditable coverage available to the individual is greater than two hundred per cent of the premium applicable to the individual under the children's buy-in program;~~

~~(d) The individual participates in the program for medically handicapped children.~~

~~(5)(d) That the individual meets the additional eligibility requirements for the children's buy-in program established in rules adopted under section 5101.5215 of the Revised Code.~~

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investigation, report, or testimony, except liability for perjury, unless the person has acted in bad faith or with malicious purpose.

(E) No employer or any other person with the authority to do so shall discharge, demote, transfer, prepare a negative work performance evaluation, or reduce benefits, pay, or work privileges, or take any other action detrimental to an employee or in any way retaliate against an employee as a result of the employee's having filed a report under this section.

(F) Neither the written or oral report provided for in this section nor the investigatory report provided for in section 5101.62 of the Revised Code shall be considered a public record as defined in section 149.43 of the Revised Code. Information contained in the report shall upon request be made available to the adult who is the subject of the report, to agencies authorized by the department to receive information contained in the report, and to legal counsel for the adult.

Sec. 5101.84. An individual otherwise ineligible for aid under Chapter 5107. or 5108. of the Revised Code or ~~food stamps~~ supplemental nutrition assistance program benefits under the "Food Stamp and Nutrition Act of 1977," 78 Stat. 703, 2008 (7 U.S.C. 2011, ~~as amended, et seq.~~) because of paragraph (a) of ~~section 115 of the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," 110 Stat. 2105, 21 U.S.C. 862a;~~ is eligible for the aid or benefits if the individual meets all other eligibility requirements for the aid or benefits.

Sec. 5103.02. As used in sections 5103.03 to 5103.17 of the Revised Code:

(A) "Association (1) Except as provided in division (A)(2) of this section, "association" or "institution" includes any all of the following;

(a) Any incorporated or unincorporated organization, society, association, or agency, public or private, that receives or cares for children for two or more consecutive weeks; any

(b) Any individual, including the operator of a foster home, who, for hire, gain, or reward, receives or cares for children for two or more consecutive weeks, unless the individual is related to them by blood or marriage; and any

(c) Any individual not in the regular employ of a court, or of an institution or association certified in accordance with section 5103.03 of the Revised Code, who in any manner becomes a party to the placing of children in foster homes, unless the individual is related to such children by blood or marriage, or is the appointed guardian of such children; provided, that any, or is authorized pursuant to Chapter 3107, of the Revised Code.

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(2) The following are exempt from the requirements of sections 5103.03 to 5103.17 of the Revised Code:

(a) Any organization, society, association, school, agency, child guidance center, detention or rehabilitation facility, or children's clinic licensed, regulated, approved, operated under the direction of, or otherwise certified by the department of education, a local board of education, the department of youth services, the department of mental health, or the department of mental retardation and developmental disabilities, or any.

This exemption includes any facility under the control of the department of youth services and any place of detention for children established and maintained pursuant to sections 2152.41 to 2152.44 of the Revised Code.

(b) Any individual who provides care for only a single-family group, placed there by their parents or other relative having custody, shall not be considered as being within the purview of these sections;

(c) A child day-care center subject to Chapter 5104. of the Revised Code.

(B) "Family foster home" means a foster home that is not a specialized foster home.

(C) "Foster caregiver" means a person holding a valid foster home certificate issued under section 5103.03 of the Revised Code.

(D) "Foster home" means a private residence in which children are received apart from their parents, guardian, or legal custodian, by an individual reimbursed for providing the children nonsecure care, supervision, or training twenty-four hours a day. "Foster home" does not include care provided for a child in the home of a person other than the child's parent, guardian, or legal custodian while the parent, guardian, or legal custodian is temporarily away. Family foster homes and specialized foster homes are types of foster homes.

(E) "Medically fragile foster home" means a foster home that provides specialized medical services designed to meet the needs of children with intensive health care needs who meet all of the following criteria:

(1) Under rules adopted by the department of job and family services governing payment under Chapter 5111. of the Revised Code for long-term care services, the children require a skilled level of care.

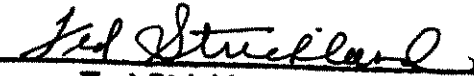
(2) The children require the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of their medical conditions.

(3) The children require the services of a registered nurse on a daily basis.

(4) The children are at risk of institutionalization in a hospital, skilled

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nursing facility, or intermediate care facility for the mentally retarded.

(F) "Recommending agency" means a public children services agency, private child placing agency, or private noncustodial agency that recommends that the department of job and family services take any of the following actions under section 5103.03 of the Revised Code regarding a foster home:

- (1) Issue a certificate;
- (2) Deny a certificate;
- (3) Renew a certificate;
- (4) Deny renewal of a certificate;
- (5) Revoke a certificate.

(G) "Specialized foster home" means a medically fragile foster home or a treatment foster home.

(H) "Treatment foster home" means a foster home that incorporates special rehabilitative services designed to treat the specific needs of the children received in the foster home and that receives and cares for children who are emotionally or behaviorally disturbed, chemically dependent, mentally retarded, developmentally disabled, or who otherwise have exceptional needs.

Sec. 5103.03. (A) The director of job and family services shall adopt rules as necessary for the adequate and competent management of institutions or associations. The director shall ensure that foster care home study rules adopted under this section align any home study content, time period, and process with any home study content, time period, and process required by rules adopted under section 3107.033 of the Revised Code.

(B)(1) ~~(a) Except for facilities under the control of the department of youth services, places of detention for children established and maintained pursuant to sections 2152.41 to 2152.44 of the Revised Code, and child day care centers subject to Chapter 5104. of the Revised Code as provided in division (B)(1)(b) of this section,~~ the department of job and family services every ~~two~~ four years shall pass upon the fitness of every institution and association that receives, or desires to receive and care for children, or places children in private homes.

~~(b) The department of job and family services every two years shall pass upon the fitness of any individual, including the operator of a foster home, who, for hire, gain, or reward, receives or cares for children for two or more consecutive weeks, unless the individual is related to them by blood or marriage.~~

(2) When the department of job and family services is satisfied as to the care given such children, and that the requirements of the statutes and rules

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covering the management of such institutions and associations are being complied with, it shall issue to the institution or association a certificate to that effect. A certificate issued pursuant to division (B)(1)(a) of this section is valid for four years, unless sooner revoked by the department. A certificate issued pursuant to division (B)(1)(b) of this section is valid for two years, unless sooner revoked by the department. When determining whether an institution or association meets a particular requirement for certification, the department may consider the institution or association to have met the requirement if the institution or association shows to the department's satisfaction that it has met a comparable requirement to be accredited by a nationally recognized accreditation organization.

(3) The department may issue a temporary certificate valid for less than one year authorizing an institution or association to operate until minimum requirements have been met.

(4) An institution or association that knowingly makes a false statement that is included as a part of certification under this section is guilty of the offense of falsification under section 2921.13 of the Revised Code and the department shall not certify that institution or association.

(5) The department shall not issue a certificate to a prospective foster home or prospective specialized foster home pursuant to this section if the prospective foster home or prospective specialized foster home operates as a type A family day-care home pursuant to Chapter 5104. of the Revised Code. The department shall not issue a certificate to a prospective specialized foster home if the prospective specialized foster home operates a type B family day-care home pursuant to Chapter 5104. of the Revised Code.

(C) The department may revoke a certificate if it finds that the institution or association is in violation of law or rule. No juvenile court shall commit a child to an association or institution that is required to be certified under this section if its certificate has been revoked or, if after revocation, the date of reissue is less than fifteen months prior to the proposed commitment.

(D) Every two years, on On a date specified by the department in accordance with division (D)(1) or (2) of this section, each institution or association desiring certification or recertification shall submit to the department a report showing its condition, management, competency to care adequately for the children who have been or may be committed to it or to whom it provides care or services, the system of visitation it employs for children placed in private homes, and other information the department requires;

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(1) Every four years, for an institution or association that receives a certificate pursuant to division (B)(1)(a) of this section:

(2) Every two years, for an individual who receives a certificate pursuant to division (B)(1)(b) of this section.

(E) The department shall, not less than once each year, send a list of certified institutions and associations to each juvenile court and certified association or institution.

(F) No person shall receive children or receive or solicit money on behalf of such an institution or association not so certified or whose certificate has been revoked.

(G)(1) The director may delegate by rule any duties imposed on it by this section to inspect and approve family foster homes and specialized foster homes to public children services agencies, private child placing agencies, or private noncustodial agencies.

(2) The director shall adopt rules that require a foster caregiver or other individual certified to operate a foster home under this section to notify the recommending agency that the foster caregiver or other individual is certified to operate a type B family day-care home under Chapter 5104. of the Revised Code.

(H) If the director of job and family services determines that an institution or association that cares for children is operating without a certificate, the director may petition the court of common pleas in the county in which the institution or association is located for an order enjoining its operation. The court shall grant injunctive relief upon a showing that the institution or association is operating without a certificate.

(I) If both of the following are the case, the director of job and family services may petition the court of common pleas of any county in which an institution or association that holds a certificate under this section operates for an order, and the court may issue an order, preventing the institution or association from receiving additional children into its care or an order removing children from its care:

(1) The department has evidence that the life, health, or safety of one or more children in the care of the institution or association is at imminent risk.

(2) The department has issued a proposed adjudication order pursuant to Chapter 119. of the Revised Code to deny renewal of or revoke the certificate of the institution or association.

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 ~~twice~~ once during every

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provider has not billed or otherwise submitted a medicaid claim to the department for two years or longer, ~~and the department has determined that the provider has moved from the address on record with the department without leaving an active forwarding address with the department.~~

(13) The provider agreement is denied, terminated, or not renewed because the provider fails to provide to the department the national provider identifier assigned the provider by the national provider system pursuant to 45 C.F.R. 162.408.

In the case of a provider described in division (D)(12) or (13) of this section, the department may terminate or not renew the take its proposed action against a provider agreement by sending a notice explaining the department's proposed action to the provider. The notice shall be sent to the provider's address on record with the department. The In the case of a provider described in division (D)(12) of this section, the notice may be sent by regular mail. In the case of a provider described in division (D)(13) of this section, the notice shall be sent by certified mail. #

(E) The department may withhold payments for services rendered by a medicaid provider under the ~~medical assistance~~ medicaid program during the pendency of proceedings initiated under division (B)(1) of this section. If the proceedings are initiated under division (B)(2) of this section, the department may withhold payments only to the extent that they equal amounts determined in a final fiscal audit as being due the state. This division does not apply if the department fails to comply with section 119.07 of the Revised Code, requests a continuance of the hearing, or does not issue a decision within thirty days after the hearing is completed. This division does not apply to nursing facilities and intermediate care facilities for the mentally retarded as defined in section 5111.20 of the Revised Code.

Sec. 5111.084. (A) There is hereby established the pharmacy and therapeutics committee of the department of job and family services. The committee shall assist the department with developing and maintaining a preferred drug list.

The committee shall review and recommend to the director of job and family services the drugs that should be included on the preferred drug list. The recommendations shall be made based on the evaluation of competent evidence regarding the relative safety, efficacy, and effectiveness of prescription drugs within a class or classes of prescription drugs.

(B) The committee shall consist of ten members and shall be appointed by the director of job and family services. The director shall seek recommendations for membership from relevant professional organizations. A candidate for membership recommended by a professional organization

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shall have professional experience working with medicaid recipients. The director shall not appoint a member who is employed by the department. *JS*

The membership of the committee shall include:

(A)(1) Three pharmacists licensed under Chapter 4729. of the Revised Code;

(B)(2) Two doctors of medicine and two doctors of osteopathy who hold certificates to practice issued under Chapter 4731. of the Revised Code, one of whom is a family practice physician;

(C)(3) A registered nurse licensed under Chapter 4723. of the Revised Code;

(D)(4) A pharmacologist who has a doctoral degree;

(E)(5) A psychiatrist who holds a certificate to practice issued under Chapter 4731. of the Revised Code and specializes in psychiatry.

(C) The committee shall elect one of from among its members as a chairperson. Five committee members constitute a quorum.

The committee shall establish guidelines necessary for the committee's operation.

The committee may establish one or more subcommittees to investigate and analyze issues consistent with the duties of the committee under this section. The subcommittees may submit proposals regarding the issues to the committee and the committee may adopt, reject, or modify the proposals. *JS*

A vote by a majority of a quorum is necessary to make recommendations to the director. In the case of a tie, the chairperson shall decide the outcome.

(D) The director shall act on the committee's recommendations not later than thirty days after the recommendation is posted on the department's web site under division (F) of this section. If the director does not accept a recommendation of the committee, the director shall present the basis for this determination not later than fourteen days after making the determination or at the next scheduled meeting of the committee, whichever is sooner. *JS*

(E) An interested party may request, and shall be permitted, to make a presentation or submit written materials to the committee during a committee meeting. The presentation or other materials shall be relevant to an issue under consideration by the committee and any written material, including a transcript of testimony to be given on the day of the meeting, may be submitted to the committee in advance of the meeting.

(F) The department shall post the following on the department's web site:

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(1) Guidelines established by the committee under division (C) of this section;

(2) A detailed committee agenda not later than fourteen days prior to the date of a regularly scheduled meeting and not later than seventy-two hours prior to the date of a special meeting called by the committee;

(3) Committee recommendations not later than seven days after the meeting at which the recommendation was approved;

(4) The director's final determination as to the recommendations made by the committee under this section.

Sec. 5111.092. (A) Not later than January 1, 2010, and each year thereafter, the department of job and family services shall prepare a report on the department's efforts to minimize fraud, waste, and abuse in the medicaid program.

(B) Each report shall include at least both of the following with regard to minimizing fraud, waste, and abuse in the medicaid program:

(1) Goals and objectives;

(2) Performance measures for monitoring all state and local activities.

(C) Each report shall be made available on the department's web site.

The department shall submit a copy of each report to the governor and, in accordance with section 101.68 of the Revised Code, the general assembly. Copies of the report also shall be made available to the public on request.

Sec. 5111.16. (A) As part of the medicaid program, the department of job and family services shall establish a care management system. The department shall submit, if necessary, applications to the United States department of health and human services for waivers of federal medicaid requirements that would otherwise be violated in the implementation of the system.

(B) The department shall implement the care management system in some or all counties and shall designate the medicaid recipients who are required or permitted to participate in the system. In the department's implementation of the system and designation of participants, all of the following apply:

(1) In the case of individuals who receive medicaid on the basis of being included in the category identified by the department as covered families and children, the department shall implement the care management system in all counties. All individuals included in the category shall be designated for participation, except for ~~individuals~~ individuals included in one or more of the medicaid recipient groups specified in 42 C.F.R. 438.50(d). The department shall designate the participants not later than January 1, 2006.

Beginning not later than December 31, 2006, the department shall ensure

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section from calculation of a nursing facility's semiannual or annual average case-mix score and the cost per case-mix unit for the facility's peer group.

Sec. 5111.233. The costs of day programming shall be part of the direct care costs of an intermediate care facility for the mentally retarded as off-site day programming if the area in which the day programming is provided is not certified by the director of health as an intermediate care facility for the mentally retarded under Title XIX and regardless of either of the following:

(A) Whether or not the area in which the day programming is provided is less than two hundred feet away from the intermediate care facility for the mentally retarded;

(B) Whether or not the day programming is provided by an individual who, or organization that, is a related party to the provider of the intermediate care facility for the mentally retarded.

Sec. 5111.236. (A) As used in this section, "medically fragile child" means an individual under eighteen years of age who requires both of the following:

(1) The services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of the individual's medical condition;

(2) The services of a registered nurse on a daily basis.

(B) The medicaid program shall cover oxygen services that a medical supplier with a valid medicaid provider agreement provides to a medicaid recipient who is a medically fragile child and resides in an intermediate care facility for the mentally retarded. The medicaid program shall cover such oxygen services regardless of any of the following:

(1) The percentage of the medicaid recipient's arterial oxygen saturation at rest, exercise, or sleep;

(2) The type of system used in delivering the oxygen to the medicaid recipient;

(3) Whether the intermediate care facility for the mentally retarded in which the medicaid recipient resides purchases or rents the equipment used in the delivery of the oxygen to the recipient.

(C) A medical supplier of an oxygen service shall bill the department of job and family services directly for oxygen services the medicaid program covers under this section. The provider of an intermediate care facility for the mentally retarded may not include the cost of an oxygen service covered by the medicaid program under this section in the facility's cost report unless the facility is the medical supplier of the oxygen service.

Sec. 5111.24. (A) As used in this section, "applicable calendar year" means the following:

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the group of positions that is listed on the cost report form and that includes the position held by the owner or the owner's relative. In the case of an owner or owner's relative who serves the facility in a capacity such as corporate officer, proprietor, or partner for which no comparable position or group of positions is listed on the cost report form, the compensation cost limit shall be based on civil service equivalents and shall be specified in rules adopted under section 5111.02 of the Revised Code.

Compensation cost limits for administrators shall be based on compensation costs for administrators who are not owners or relatives of owners, as reported on facility cost reports. Compensation cost limits for administrators of four or more intermediate care facilities for the mentally retarded shall be the same as the limits for administrators of intermediate care facilities for the mentally retarded with one hundred fifty or more beds.

Sec. 5111.262. No person, other than the provider of a nursing facility, shall submit a claim for medicaid reimbursement for a service provided to a nursing facility resident if the service is included in a medicaid payment made to the provider of a nursing facility under sections 5111.20 to 5111.33 of the Revised Code or in the reimbursable expenses reported on a provider's cost report for a nursing facility. No provider of a nursing facility shall submit a separate claim for medicaid reimbursement for a service provided to a resident of the nursing facility if the service is included in a medicaid payment made to the provider under sections 5111.20 to 5111.33 of the Revised Code or in the reimbursable expenses on the provider's cost report for the nursing facility.

Sec. 5111.65. As used in sections 5111.65 to 5111.688 5111.689 of the Revised Code: 38

(A) "Change of operator" means an entering operator becoming the operator of a nursing facility or intermediate care facility for the mentally retarded in the place of the exiting operator.

(1) Actions that constitute a change of operator include the following:

(a) A change in an exiting operator's form of legal organization, including the formation of a partnership or corporation from a sole proprietorship;

(b) A transfer of all the exiting operator's ownership interest in the operation of the facility to the entering operator, regardless of whether ownership of any or all of the real property or personal property associated with the facility is also transferred;

(c) A lease of the facility to the entering operator or the exiting operator's termination of the exiting operator's lease;

(d) If the exiting operator is a partnership, dissolution of the partnership;

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intermediate care facility for the mentally retarded on the effective date of a change of operator;

(2) An operator that will cease to be the operator of a nursing facility or intermediate care facility for the mentally retarded on the effective date of a facility closure;

(3) An operator of an intermediate care facility for the mentally retarded that is undergoing or has undergone a voluntary termination;

(4) An operator of a nursing facility that is undergoing or has undergone a voluntary withdrawal of participation.

(H)(1) "Facility closure" means discontinuance of the use of the building, or part of the building, that houses the facility as a nursing facility or intermediate care facility for the mentally retarded that results in the relocation of all of the facility's residents. A facility closure occurs regardless of any of the following:

(a) The operator completely or partially replacing the facility by constructing a new facility or transferring the facility's license to another facility;

(b) The facility's residents relocating to another of the operator's facilities;

(c) Any action the department of health takes regarding the facility's certification under Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended, that may result in the transfer of part of the facility's survey findings to another of the operator's facilities;

(d) Any action the department of health takes regarding the facility's license under Chapter 3721. of the Revised Code;

(e) Any action the department of mental retardation and developmental disabilities takes regarding the facility's license under section 5123.19 of the Revised Code.

(2) A facility closure does not occur if all of the facility's residents are relocated due to an emergency evacuation and one or more of the residents return to a medicaid-certified bed in the facility not later than thirty days after the evacuation occurs.

(I) "Fiscal year," "franchise permit fee." "intermediate care facility for the mentally retarded," "nursing facility," "operator," "owner," and "provider agreement" have the same meanings as in section 5111.20 of the Revised Code. *JS*

(J) "Qualified affiliated operator" means an operator to whom all of the following apply: *JS*

(1) The operator is affiliated with either of the following:

(a) The exiting operator for whom the affiliated operator is to assume

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liability for the entire amount of the exiting operator's debt under the medicaid program or the portion of the debt that represents the franchise permit fee the exiting operator owes;

(b) The entering operator involved in the change of operator with the exiting operator specified in division (J)(1)(a) of this section.

(2) The operator has one or more valid provider agreements.

(3) During the twelve-month period preceding the month in which the department of job and family services receives the notice of the facility closure, voluntary termination, or voluntary withdrawal of participation under section 5111.66 of the Revised Code or the notice of the change of operator under section 5111.67 of the Revised Code, the average monthly medicaid payment made to the operator pursuant to the operator's one or more provider agreements equals at least ninety per cent of the average monthly medicaid payment made to the exiting operator pursuant to the exiting operator's provider agreement.

(K) "Voluntary termination" means an operator's voluntary election to terminate the participation of an intermediate care facility for the mentally retarded in the medicaid program but to continue to provide service of the type provided by a residential facility as defined in section 5123.19 of the Revised Code.

(K)(L) "Voluntary withdrawal of participation" means an operator's voluntary election to terminate the participation of a nursing facility in the medicaid program but to continue to provide service of the type provided by a nursing facility.

Sec. 5111.651. Sections 5111.65 to 5111.688 5111.689 of the Revised Code do not apply to a nursing facility or intermediate care facility for the mentally retarded that undergoes a facility closure, voluntary termination, voluntary withdrawal of participation, or change of operator on or before September 30, 2005, if the exiting operator provided written notice of the facility closure, voluntary termination, voluntary withdrawal of participation, or change of operator to the department of job and family services on or before June 30, 2005.

Sec. 5111.68. (A) On receipt of a written notice under section 5111.66 of the Revised Code of a facility closure, voluntary termination, or voluntary withdrawal of participation or a written notice under section 5111.67 of the Revised Code of a change of operator, the department of job and family services shall determine estimate the amount of any overpayments made under the medicaid program to the exiting operator, including overpayments the exiting operator disputes, and other actual and potential debts the exiting operator owes or may owe to the department and United States centers for

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medicare and medicaid services under the medicaid program including a franchise permit fee. In determining

(B) In estimating the exiting operator's other actual and potential debts to the department and the United States centers for medicare and medicaid services under the medicaid program, the department shall include use a debt estimation methodology the director of job and family services shall establish in rules adopted under section 5111.689 of the Revised Code. The methodology shall provide for estimating all of the following that the department determines is are applicable:

- (1) Refunds due the department under section 5111.27 of the Revised Code;
- (2) Interest owed to the department and United States centers for medicare and medicaid services;
- (3) Final civil monetary and other penalties for which all right of appeal has been exhausted;
- (4) Money owed the department and United States centers for medicare and medicaid services from any outstanding final fiscal audit, including a final fiscal audit for the last fiscal year or portion thereof in which the exiting operator participated in the medicaid program.

(5) Other amounts the department determines are applicable.

(B) ~~If the department is unable to determine the amount of the overpayments and other debts for any period before the effective date of the entering operator's provider agreement or the effective date of the facility closure, voluntary termination, or voluntary withdrawal of participation, the department shall make a reasonable estimate of the overpayments and other debts for the period. The department shall make the estimate using information available to the department, including prior determinations of overpayments and other debts.~~

(C) The department shall provide the exiting operator written notice of the department's estimate under division (A) of this section not later than thirty days after the department receives the notice under section 5111.66 of the Revised Code of the facility closure, voluntary termination, or voluntary withdrawal of participation or the notice under section 5111.67 of the Revised Code of the change of operator. The department's written notice shall include the basis for the estimate.

Sec. 5111.681. (A) Except as provided in division divisions (B) and (C) of this section, the department of job and family services shall may withhold the greater of the following from payment due an exiting operator under the medicaid program:

(1) The the total amount of any overpayments made under the medicaid

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program to the exiting operator, including overpayments the exiting operator disputes, and other actual and potential debts, including any unpaid penalties, specified in the notice provided under division (C) of section 5111.68 of the Revised Code that the exiting operator owes or may owe to the department and United States centers for medicare and medicaid services under the medicaid program.

(2) An amount equal to the average amount of monthly payments to the exiting operator under the medicaid program for the twelve month period immediately preceding the month that includes the last day the exiting operator's provider agreement is in effect or, in the case of a voluntary withdrawal of participation, the effective date of the voluntary withdrawal of participation.

(B) The In the case of a change of operator, the following shall apply regarding a withholding under division (A) of this section if the entering operator or a qualified affiliated operator executes a successor liability agreement in a manner prescribed by the department to assume liability for the entire amount specified in the notice provided under division (C) of section 5111.68 of the Revised Code or the portion of that amount that represents the franchise permit fee the exiting operator owes:

(1) If the entering operator or a qualified affiliated operator assumes liability for the entire amount specified in the notice, the department may choose shall not to make the withholding under division (A) of this section if an entering operator does both of the following:

(1) Enters into a nontransferable, unconditional, written agreement with the department to pay the department any debt the exiting operator owes the department under the medicaid program;

(2) Provides the department a copy of the entering operator's balance sheet that assists the department in determining whether to make the withholding under division (A) of this section.

(2) If the entering operator or qualified affiliated operator assumes liability for only the portion of the amount specified in the notice that represents the franchise permit fee the exiting operator owes, the department shall exclude from the withholding the amount for which the entering operator or qualified affiliated operator assumes liability.

(C) In the case of a voluntary termination, voluntary withdrawal of participation, or facility closure, the following shall apply regarding a withholding under division (A) of this section if the exiting operator or a qualified affiliated operator executes a successor liability agreement in a manner prescribed by the department to assume liability for the entire amount specified in the notice provided under division (C) of section

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5111.68 of the Revised Code or the portion of that amount that represents the franchise permit fee the exiting operator owes:

(1) If the exiting operator or qualified affiliated operator assumes liability for the entire amount specified in the notice, the department shall not make the withholding.

(2) If the exiting operator or qualified affiliated operator assumes liability for only the portion of the amount specified in the notice that represents the franchise permit fee the exiting operator owes, the department shall exclude from the withholding the amount for which the exiting operator or qualified affiliated operator assumes liability.

(D) Execution of a successor liability agreement does not waive an exiting operator's right to contest the amount specified in the notice the department provides the exiting operator under division (C) of section 5111.68 of the Revised Code.

Sec. 5111.685. The department of job and family services shall determine the actual amount of debt an exiting operator owes the department and the United States centers for medicare and medicaid services under the medicaid program by completing all final fiscal audits not already completed and performing all other appropriate actions the department determines to be necessary. The department shall issue a an initial debt summary report on this matter not later than ninety sixty days after the date the exiting operator files the properly completed cost report required by section 5111.682 of the Revised Code with the department or, if the department waives the cost report requirement for the exiting operator, ninety sixty days after the date the department waives the cost report requirement. The report shall include the department's findings and the amount of debt the department determines the exiting operator owes the department and United States centers for medicare and medicaid services under the medicaid program. Only the parts

The exiting operator and a qualified affiliated operator who executes a successor liability agreement under section 5111.681 of the Revised Code, if any, may request an informal settlement conference to contest any of the department's findings included in the initial debt summary report. The request for the conference must be submitted to the department not later than thirty days after the date the department issues the initial debt summary report. If the department has withheld money from payment due the exiting operator under division (A) of section 5111.681 of the Revised Code, the department shall conclude the conference not later than sixty days after the date the department receives the timely request for the conference unless the department and exiting operator or qualified affiliated operator agree to a

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later conclusion date. The exiting operator or qualified affiliated operator may submit information to the department explaining what the operator contests before and during the conference, including documentation of the amount of any debt the department owes the operator. The department shall issue a revised debt summary report after the conference's conclusion. If the department has withheld money from payment due the exiting operator under division (A) of section 5111.681 of the Revised Code, the department shall issue the revised debt summary report not later than sixty days after the conference's conclusion. The revised debt summary report shall include the department's findings and the amount of debt the department determines the exiting operator owes the department and United States centers for medicare and medicaid services under the medicaid program. The department shall explain its findings and determination in the revised debt summary report.

The exiting operator and a qualified affiliated operator who executes a successor liability agreement under section 5111.681 of the Revised Code, if any, may request an adjudication regarding any part of the report that are subject to an adjudication as specified in section 5111.30 of the Revised Code are subject to an adjudication conducted initial and revised debt summary reports in accordance with Chapter 119. of the Revised Code. However, an initial debt summary report is not subject to the adjudication if a revised debt summary report is issued following an informal conference settlement conducted regarding it; the revised debt summary report is subject to the adjudication instead. The adjudication shall be consolidated with any other uncompleted adjudication that concerns a matter addressed in the initial or revised debt summary report. If the department has withheld money from payment due the exiting operator under division (A) of section 5111.681 of the Revised Code, the department shall complete the adjudication not later than sixty days after the department receives a request for the adjudication.

Sec. 5111.686. The department of job and family services shall release the actual amount withheld under division (A) of section 5111.681 of the Revised Code, less any amount the exiting operator owes the department and United States centers for medicare and medicaid services under the medicaid program, as follows:

(A) ~~Ninety one days after the date the exiting operator files a properly completed cost report required by section 5111.682 of the Revised Code unless~~ Unless the department issues the initial debt summary report required by section 5111.685 of the Revised Code not later than ~~ninety sixty~~ days after the date the exiting operator files the properly completed cost report required by section 5111.682 of the Revised Code, sixty-one days after the

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date the exiting operator files the properly completed cost report;

(B) ~~Not later than thirty days after the exiting operator agrees to a final fiscal audit resulting from the report required by section 5111.685 of the Revised Code if If the department issues the initial debt summary report required by section 5111.685 of the Revised Code not later than ninety sixty~~ days after the date the exiting operator files a properly completed cost report required by section 5111.682 of the Revised Code ~~not later than the~~ following:

(1) ~~Thirty days after the later of the deadline for requesting an informal settlement conference under section 5111.685 of the Revised Code and the deadline for requesting an adjudication under that section regarding the initial debt summary report if the exiting operator and a qualified affiliated operator who executes a successor liability agreement under section 5111.681 of the Revised Code, if any, fail to request both the conference and the adjudication on or before the deadline;~~

(2) ~~Thirty days after the deadline for requesting an adjudication under section 5111.685 of the Revised Code regarding a revised debt summary report issued under that section if the exiting operator or a qualified affiliated operator who executes a successor liability agreement under section 5111.681 of the Revised Code, if any, requests an informal settlement conference under that section on or before the deadline for requesting the conference but fails to request an adjudication regarding the revised debt summary report on or before the deadline for requesting the adjudication;~~

(3) ~~Thirty days after the completion of an adjudication of the initial or revised debt summary report if the exiting operator or a qualified affiliated operator who executes a successor liability agreement under section 5111.681 of the Revised Code, if any, requests the adjudication on or before the deadline for requesting the adjudication.~~

(C) ~~Ninety one days after the date the department waives the cost report requirement of section 5111.682 of the Revised Code unless Unless the department issues the initial debt summary report required by section 5111.685 of the Revised Code not later than ninety sixty days after the date the department waives the cost report requirement of section 5111.682 of the Revised Code, sixty-one days after the date the department waives the cost report requirement;~~

(D) ~~Not later than thirty days after the exiting operator agrees to a final fiscal audit resulting from the report required by section 5111.685 of the Revised Code if If the department issues the initial debt summary report required by section 5111.685 of the Revised Code not later than ninety sixty~~

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days after the date the department waives the cost report requirement of section 5111.682 of the Revised Code, not later than the following:

(1) Thirty days after the later of the deadline for requesting an informal settlement conference under section 5111.685 of the Revised Code and the deadline for requesting an adjudication under that section regarding the initial debt summary report if the exiting operator and a qualified affiliated operator who executes a successor liability agreement under section 5111.681 of the Revised Code, if any, fail to request both the conference and the adjudication on or before the deadline;

(2) Thirty days after the deadline for requesting an adjudication under section 5111.685 of the Revised Code regarding a revised debt summary report issued under that section if the exiting operator or a qualified affiliated operator who executes a successor liability agreement under section 5111.681 of the Revised Code, if any, requests an informal settlement conference under that section on or before the deadline for requesting the conference but fails to request an adjudication regarding the revised debt summary report on or before the deadline for requesting the adjudication;

(3) Thirty days after the completion of an adjudication of the initial or revised debt summary report if the exiting operator or a qualified affiliated operator who executes a successor liability agreement under section 5111.681 of the Revised Code, if any, requests the adjudication on or before the deadline for requesting the adjudication.

Sec. 5111.688. (A) All amounts withheld under section 5111.681 of the Revised Code from payment due an exiting operator under the medicaid program shall be deposited into the medicaid payment withholding fund created by the controlling board pursuant to section 131.35 of the Revised Code. Money in the fund shall be used as follows:

(1) To pay an exiting operator when a withholding is released to the exiting operator under section 5111.686 or 5111.687 of the Revised Code;

(2) To pay the department of job and family services and United States centers for medicare and medicaid services the amount an exiting operator owes the department and United States centers under the medicaid program.

(B) Amounts paid from the medicaid payment withholding fund pursuant to division (A)(2) of this section shall be deposited into the appropriate department fund.

Sec. ~~5111.688~~ 5111.689. The director of job and family services may  
shall adopt rules under section 5111.02 of the Revised Code to implement  
sections 5111.65 to ~~5111.688~~ 5111.689 of the Revised Code, including rules  
applicable to an exiting operator that provides written notification under

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begin providing home and community-based services.

(2) The operator complies with the requirements of sections 5111.65 to 5111.688 5111.689 of the Revised Code regarding a voluntary termination as defined in section 5111.65 of the Revised Code if those requirements are applicable. *JS*

(3) The operator notifies each of the facility's residents that the facility is to cease providing ICF/MR services and inform each resident that the resident may do either of the following:

(a) Continue to receive ICF/MR services by transferring to another facility that is an intermediate care facility for the mentally retarded willing and able to accept the resident if the resident continues to qualify for ICF/MR services;

(b) Begin to receive home and community-based services instead of ICF/MR services from any provider of home and community-based services that is willing and able to provide the services to the resident if the resident is eligible for the services and a slot for the services is available to the resident.

(4) The operator meets the requirements for providing home and community-based services, including the following:

(a) Such requirements applicable to a residential facility if the operator maintains the facility's license as a residential facility;

(b) Such requirements applicable to a facility that is not licensed as a residential facility if the operator surrenders the facility's residential facility license under section 5123.19 of the Revised Code.

(5) The director of mental retardation and developmental disabilities approves the conversion.

(C) The notice to the director of mental retardation and developmental disabilities under division (B)(1) of this section shall specify whether the operator wishes to surrender the facility's license as a residential facility under section 5123.19 of the Revised Code.

(D) If the director of mental retardation and developmental disabilities approves a conversion under division (B) of this section, the director of health shall terminate the certification of the intermediate care facility for the mentally retarded to be converted. The director of health shall notify the director of job and family services of the termination. On receipt of the director of health's notice, the director of job and family services shall terminate the operator's medicaid provider agreement that authorizes the operator to provide ICF/MR services at the facility. The operator is not entitled to notice or a hearing under Chapter 119. of the Revised Code before the director of job and family services terminates the medicaid

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provider agreement.

Sec. 5111.875. (A) For the purpose of increasing the number of slots available for home and community-based services and subject to sections 5111.877 and 5111.878 of the Revised Code, a person who acquires, through a request for proposals issued by the director of mental retardation and developmental disabilities, a residential facility that is an intermediate care facility for the mentally retarded and for which the license as a residential facility was previously surrendered or revoked may convert some or all of the facility's beds from providing ICF/MR services to providing home and community-based services if all of the following requirements are met:

(1) The person provides the directors of health, job and family services, and mental retardation and developmental disabilities at least ninety days' notice of the person's intent to make the conversion.

(2) The person complies with the requirements of sections 5111.65 to ~~5111.688~~ 5111.689 of the Revised Code regarding a voluntary termination as defined in section 5111.65 of the Revised Code if those requirements are applicable. *JS*

(3) If the person intends to convert all of the facility's beds, the person notifies each of the facility's residents that the facility is to cease providing ICF/MR services and informs each resident that the resident may do either of the following:

(a) Continue to receive ICF/MR services by transferring to another facility that is an intermediate care facility for the mentally retarded willing and able to accept the resident if the resident continues to qualify for ICF/MR services;

(b) Begin to receive home and community-based services instead of ICF/MR services from any provider of home and community-based services that is willing and able to provide the services to the resident if the resident is eligible for the services and a slot for the services is available to the resident.

(4) If the person intends to convert some but not all of the facility's beds, the person notifies each of the facility's residents that the facility is to convert some of its beds from providing ICF/MR services to providing home and community-based services and inform each resident that the resident may do either of the following:

(a) Continue to receive ICF/MR services from any provider of ICF/MR services that is willing and able to provide the services to the resident if the resident continues to qualify for ICF/MR services;

(b) Begin to receive home and community-based services instead of

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accordance with Chapters 4919., 4921., and 4923. of the Revised Code regarding commercial motor vehicle transportation safety, economic, and hazardous materials requirements.

(G) Notwithstanding Chapter 4117. of the Revised Code, the department of public safety may establish requirements for its enforcement personnel, including its enforcement agents described in section 5502.14 of the Revised Code, that include standards of conduct, work rules and procedures, and criteria for eligibility as law enforcement personnel.

(H) The department shall administer, maintain, and operate the Ohio criminal justice network. The Ohio criminal justice network shall be a computer network that supports state and local criminal justice activities. The network shall be an electronic repository for various data, which may include arrest warrants, notices of persons wanted by law enforcement agencies, criminal records, prison inmate records, stolen vehicle records, vehicle operator's licenses, and vehicle registrations and titles.

(I) The department shall coordinate all homeland security activities of all state agencies and shall be a liaison between state agencies and local entities for those activities and related purposes.

(J) Beginning July 1, 2004, the department shall administer and enforce the laws relative to private investigators and security service providers specified in Chapter 4749. of the Revised Code.

(K) The department shall administer criminal justice services in accordance with sections 5502.61 to 5502.66 of the Revised Code.

Sec. 5502.12. (A) The accident reports submitted pursuant to section 5502.11 of the Revised Code shall be for the use of the director of public safety for purposes of statistical, safety, and other studies. The law enforcement agency that submitted a report shall furnish a copy of such report and associated documents to any person claiming an interest arising out of a motor vehicle accident, or to the person's attorney, upon the payment of a nonrefundable fee ~~that shall not exceed of four dollars or the amount approved by the board of county commissioners of the county in which the law enforcement agency is located as provided in division (B) of this section.~~ With respect to accidents investigated by the state highway patrol, the director of public safety shall furnish to such person all related reports and statements upon the payment of a nonrefundable fee of four dollars. The cost of photographs or any other electronic format shall be a four-dollar fee in addition to the nonrefundable four-dollar fee for the accident report, whether the report was submitted by the state highway patrol or another law enforcement agency. A law enforcement agency may charge a fee that is in excess of four dollars for photographs and other

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rates shall be reported on the basis of that method. The Ohio retirement study council shall make recommendations to the general assembly that it finds necessary for the proper financing of the benefits of the state highway patrol retirement system.

Sec. 5525.26. Except as provided in federal law, if a project for the construction, reconstruction, or other improvement to a road or highway is administered by the department of transportation or any local public authority authorized under division (C) of section 5501.03 of the Revised Code, if the project is located in a municipal corporation with a population of at least four hundred thousand that is in a county with a population of at least one million two hundred thousand, and if the project is funded with at least one hundred thousand dollars from a political subdivision, then a contractor for the project shall comply with regulations or ordinances of the political subdivision that are in effect before July 1, 2009, and that specifically relate to the employment of residents and local businesses of the political subdivision in the performance of the work of the project, and such ordinances or regulations shall be included by reference unambiguously in the contract between the department of transportation or public authority and the contractor for the project.

Sec. 5537.051. (A)(1) In any county that as of January 1, 2009, had closed one or more roads as a result of grade separation failure at intersections of a turnpike project with a county or township road, the Ohio turnpike commission is responsible for the major maintenance and repair and replacement of such failed grade separations. The governmental entity with jurisdiction over the county or township road is responsible for routine maintenance of such failed grade separations.

(2) This section does not apply to any grade separation at intersections of a turnpike project with a county or township road except as described in division (A)(1) of this section.

(B) As used in this section:

(1) "Major maintenance and repair and replacement" relates to all elements constructed as part of or required for a grade separation, including box culverts, bridges, pile, foundations, substructures, abutments, piers, superstructures, approach slabs, slopes, approaches, embankments, railing, guardrails, drainage facilities including headwalls, and underdrains, inlets, catch basins and grates, fences, and appurtenances. Major maintenance and repair includes the painting and the repair of deteriorated or damaged elements to restore the structural integrity of any grade separation including embankments.

(2) "Routine maintenance" includes, without limitation, clearing debris.

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sweeping, snow and ice removal, wearing surface improvements, marking for traffic control, minor and emergency repairs to railing and appurtenances, and emergency patching. *JS*

Sec. 5701.11. The effective date to which this section refers is the effective date of this section as amended by ~~Sub. H.B. 458~~ 1 of the ~~127th~~ 128th general assembly.

(A)(1) Except as provided under division (A)(2) or (B) of this section, any reference in Title LVII of the Revised Code to the Internal Revenue Code, to the Internal Revenue Code "as amended," to other laws of the United States, or to other laws of the United States, "as amended," means the Internal Revenue Code or other laws of the United States as they exist on the effective date.

(2) This section does not apply to any reference in Title LVII of the Revised Code to the Internal Revenue Code as of a date certain specifying the day, month, and year, or to other laws of the United States as of a date certain specifying the day, month, and year.

(B)(1) For purposes of applying section 5733.04, 5745.01, or 5747.01 of the Revised Code to a taxpayer's taxable year ending after December ~~31, 2007~~ 30, 2008, and before the effective date, a taxpayer may irrevocably elect to incorporate the provisions of the Internal Revenue Code or other laws of the United States that are in effect for federal income tax purposes for that taxable year if those provisions differ from the provisions that, under division (A) of this section, would otherwise apply. The filing by the taxpayer for that taxable year of a report or return that incorporates the provisions of the Internal Revenue Code or other laws of the United States applicable for federal income tax purposes for that taxable year, and that does not include any adjustments to reverse the effects of any differences between those provisions and the provisions that would otherwise apply, constitutes the making of an irrevocable election under this division for that taxable year.

(2) Elections under prior versions of division (B)(1) of this section remain in effect for the taxable years to which they apply.

Sec. 5703.21. (A) Except as provided in divisions (B) and (C) of this section, no agent of the department of taxation, except in the agent's report to the department or when called on to testify in any court or proceeding, shall divulge any information acquired by the agent as to the transactions, property, or business of any person while acting or claiming to act under orders of the department. Whoever violates this provision shall thereafter be disqualified from acting as an officer or employee or in any other capacity under appointment or employment of the department.

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for taxation.

Any party to the appeal shall have the right to appeal from the judgment of the court of appeals on questions of law, as in other cases.

Sec. 5721.01. (A) As used in this chapter:

(1) "Delinquent lands" means all lands upon which delinquent taxes, as defined in section 323.01 of the Revised Code, remain unpaid at the time a settlement is made between the county treasurer and auditor pursuant to division (C) of section 321.24 of the Revised Code.

(2) "Delinquent vacant lands" means all lands that have been delinquent lands for at least one year and that are unimproved by any dwelling.

(3) "County land reutilization corporation" means a county land reutilization corporation organized under Chapter 1724. of the Revised Code.

(B) As used in sections 5719.04, 5721.03, and 5721.31 of the Revised Code and in any other sections of the Revised Code to which those sections are applicable, a newspaper or newspaper of general circulation shall be a publication bearing a title or name, regularly issued as frequently as once a week ~~for a definite price or consideration paid for by not less than fifty per cent of those to whom distribution is made, having a second class mailing privilege,~~ being not less than four pages, published continuously during the immediately preceding one-year period, and circulated generally in the political subdivision in which it is published. Such publication shall be of a type to which the general public resorts for passing events of a political, religious, commercial, and social nature, current happenings, announcements, miscellaneous reading matter, advertisements, and other notices that has at least twenty-five per cent editorial, nonadvertising content, exclusive of inserts, measured relative to total publication space, and an audited circulation to at least fifty per cent of the households in the newspaper's retail trade zone as defined by the auditor. *JS*

Sec. 5721.32. (A) The sale of tax certificates by public auction may be conducted at any time after completion of the advertising of the sale under section 5721.31 of the Revised Code, on the date and at the time and place designated in the advertisements, and may be continued from time to time as the county treasurer directs. The county treasurer may offer the tax certificates for sale in blocks of tax certificates, consisting of any number of tax certificates as determined by the county treasurer.

(B)(1) The sale of tax certificates under this section shall be conducted at a public auction by the county treasurer or a designee of the county treasurer.

(2) No person shall be permitted to bid without completing a bidder. **The above boxed and initialed text was disapproved.**

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to an assessment rate specified in section 5727.111 of the Revised Code in tax year 2004.

(18) "Telephone property tax value loss" means the amount determined under division (C)(4) of this section.

(19) "Telephone property fixed-rate levy loss" means the amount determined under division (D)(4) of this section.

(B) The commercial activities tax receipts fund is hereby created in the state treasury and shall consist of money arising from the tax imposed under this chapter. All money in that Eighty-five one-hundredths of one per cent of the money credited to that fund shall be credited to the tax reform system implementation fund, which is hereby created in the state treasury, and shall be used to defray the costs incurred by the department of taxation in administering the tax imposed by this chapter and in implementing tax reform measures. The remainder in the commercial activities tax receipts fund shall be credited for each fiscal year in the following percentages to the general revenue fund, to the school district tangible property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section 5751.21 of the Revised Code, and to the local government tangible property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section 5751.22 of the Revised Code, in the following percentages:

Fiscal year	General Revenue Fund	School District Tangible Property Tax Replacement Fund	Local Government Tangible Property Tax Replacement Fund
2006	67.7%	22.6%	9.7%
2007	0%	70.0%	30.0%
2008	0%	70.0%	30.0%
2009	0%	70.0%	30.0%
2010	0%	70.0%	30.0%
2011 and thereafter	0%	70.0%	30.0%
2012	5.3%	70.0%	24.7%
2013	10.6%	70.0%	19.4%
2014	14.1%	70.0%	15.9%
2015	17.6%	70.0%	12.4%
2016	21.1%	70.0%	8.9%

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2017	24.6%	70.0%	5.4%
2018	28.1%	70.0%	1.9%
2019 and thereafter	30%	70%	0%

(C) Not later than September 15, 2005, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its machinery and equipment, inventory property, furniture and fixtures property, and telephone property tax value losses, which are the applicable amounts described in divisions (C)(1), (2), (3), and (4) of this section, except as provided in division (C)(5) of this section:

(1) Machinery and equipment property tax value loss is the taxable value of machinery and equipment property as reported by taxpayers for tax year 2004 multiplied by:

- (a) For tax year 2006, thirty-three and eight-tenths per cent;
- (b) For tax year 2007, sixty-one and three-tenths per cent;
- (c) For tax year 2008, eighty-three per cent;
- (d) For tax year 2009 and thereafter, one hundred per cent.

(2) Inventory property tax value loss is the taxable value of inventory property as reported by taxpayers for tax year 2004 multiplied by:

- (a) For tax year 2006, a fraction, the numerator of which is five and three-fourths and the denominator of which is twenty-three;
- (b) For tax year 2007, a fraction, the numerator of which is nine and one-half and the denominator of which is twenty-three;
- (c) For tax year 2008, a fraction, the numerator of which is thirteen and one-fourth and the denominator of which is twenty-three;
- (d) For tax year 2009 and thereafter a fraction, the numerator of which is seventeen and the denominator of which is twenty-three.

(3) Furniture and fixtures property tax value loss is the taxable value of furniture and fixture property as reported by taxpayers for tax year 2004 multiplied by:

- (a) For tax year 2006, twenty-five per cent;
- (b) For tax year 2007, fifty per cent;
- (c) For tax year 2008, seventy-five per cent;
- (d) For tax year 2009 and thereafter, one hundred per cent.

The taxable value of property reported by taxpayers used in divisions (C)(1), (2), and (3) of this section shall be such values as determined to be final by the tax commissioner as of August 31, 2005. Such determinations shall be final except for any correction of a clerical error that was made prior to August 31, 2005, by the tax commissioner.

(4) Telephone property tax value loss is the taxable value of telephone

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for each tax year from 2006 through 2011 its telephone property fixed-rate levy loss, ~~which. Except as provided in division (F) of this section, such losses~~ are the applicable amounts described in divisions (D)(1), (2), (3), and (4) of this section:

(1) The machinery and equipment fixed-rate levy loss is the machinery and equipment property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(2) The inventory fixed-rate loss is the inventory property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(3) The furniture and fixtures fixed-rate levy loss is the furniture and fixture property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(4) The telephone property fixed-rate levy loss is the telephone property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(E) Not later than September 15, 2005, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its fixed-sum levy loss. The fixed-sum levy loss is the amount obtained by subtracting the amount described in division (E)(2) of this section from the amount described in division (E)(1) of this section:

(1) The sum of the machinery and equipment property tax value loss, the inventory property tax value loss, and the furniture and fixtures property tax value loss, and, for 2008 ~~through 2017 and thereafter~~ the telephone property tax value loss of the district or unit multiplied by the sum of the fixed-sum tax rates of qualifying levies. For 2006 through 2010, this computation shall include all qualifying levies remaining in effect for the current tax year and any school district levies imposed under section 5705.194 or 5705.213 of the Revised Code that are qualifying levies not remaining in effect for the current year. For 2011 ~~through 2017 in the case of school district levies imposed under section 5705.194 or 5705.213 of the Revised Code and for all years after 2010 in the case of other fixed-sum levies and thereafter,~~ this computation shall include only qualifying levies remaining in effect for the current year. For purposes of this computation, a qualifying school district levy imposed under section 5705.194 or 5705.213 of the Revised Code remains in effect in a year after 2010 only if, for that year, the board of education levies a school district levy imposed under section 5705.194 ~~or, 5705.199, 5705.213, or 5705.219~~ of the Revised Code for an annual sum at least equal to the annual sum levied by the board in tax year 2004 less the amount of the payment certified under this division for 2006.

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under this division and division (D) of this section first apply in the year following the first year the district levies the tax under section 5705.219 of the Revised Code.

(G) Not later than October 1, 2005, the tax commissioner shall certify to the department of education for every school district and joint vocational school district the machinery and equipment, inventory, furniture and fixtures, and telephone property tax value losses determined under division (C) of this section, the machinery and equipment, inventory, furniture and fixtures, and telephone fixed-rate levy losses determined under division (D) of this section, and the fixed-sum levy losses calculated under division (E) of this section. The calculations under divisions (D) and (E) of this section shall separately display the levy loss for each levy eligible for reimbursement.

~~(G)(H)~~ Not later than October 1, 2005, the tax commissioner shall certify the amount of the fixed-sum levy losses to the county auditor of each county in which a school district, joint vocational school district, or local taxing unit with a fixed-sum levy loss reimbursement has territory.

(I) Not later than the twenty-eighth day of February each year beginning in 2011 and ending in 2014, the tax commissioner shall certify to the department of education for each school district first levying a tax under section 5705.219 of the Revised Code in the preceding year the revised fixed-rate levy losses determined under divisions (D) and (F) of this section.

Sec. 5751.21. (A) Not later than the thirtieth day of July of 2007 through 2017 and of each year thereafter, the department of education shall consult with the director of budget and management and determine the following for each school district and each joint vocational school district eligible for payment under division (B) of this section:

(1) The state education aid offset, which is the difference obtained by subtracting the amount described in division (A)(1)(b) of this section from the amount described in division (A)(1)(a) of this section:

(a) The state education aid computed for the school district or joint vocational school district for the current fiscal year as of the thirtieth day of July;

(b) The state education aid that would be computed for the school district or joint vocational school district for the current fiscal year as of the thirtieth day of July if the recognized valuation included the machinery and equipment, inventory, furniture and fixtures, and telephone property tax value losses for the school district or joint vocational school district for the second preceding tax year, and if taxes charged and payable associated with the tax value losses are accounted for in any state education aid computation

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## Attachment 2

### Copy of Statute Language

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- » [Chapter 3704: AIR POLLUTION CONTROL](#)

## **3704.03 Director of environmental protection - powers and duties.**

The director of environmental protection may do any of the following:

- (A) Develop programs for the prevention, control, and abatement of air pollution;
- (B) Advise, consult, contract, and cooperate with any governmental or private agency in the furtherance of the purposes of this chapter;
- (C) Encourage, participate in, or conduct studies, investigations, and research relating to air pollution, collect and disseminate information, and conduct education and training programs relating to the causes, prevention, control, and abatement of air pollution;
- (D) Adopt, modify, and rescind rules prescribing ambient air quality standards for the state as a whole or for various areas of the state that are consistent with and no more stringent than the national ambient air quality standards in effect under the federal Clean Air Act;
- (E) Adopt, modify, suspend, and rescind rules for the prevention, control, and abatement of air pollution, including rules prescribing for the state as a whole or for various areas of the state emission standards for air contaminants, and other necessary rules for the purpose of achieving and maintaining compliance with ambient air quality standards in all areas within the state as expeditiously as practicable, but not later than any deadlines applicable under the federal Clean Air Act; rules for the prevention or control of the emission of hazardous or toxic air contaminants; rules prescribing fugitive dust limitations and standards that are related, on an areawide basis, to attainment and maintenance of ambient air quality standards; rules prescribing shade, density, or opacity limitations and standards for emissions, provided that with regard to air contaminant sources for which there are particulate matter emission standards in addition to a shade, density, or opacity rule, upon demonstration by such a source of compliance with those other standards, the shade, density, or opacity rule shall provide for establishment of a shade, density, or opacity limitation for that source that does not require the source to reduce emissions below the level specified by those other standards; rules for the prevention or control of odors and air pollution nuisances; rules that prevent significant deterioration of air quality to the extent required by the federal Clean Air Act; rules for the protection of visibility as required by the federal Clean Air Act; and rules prescribing open burning limitations and standards. In adopting, modifying, suspending, or rescinding any such rules, the director, to the extent consistent with the federal Clean Air Act, shall hear and give consideration to evidence relating to all of the following:
  - (1) Conditions calculated to result from compliance with the rules, the overall cost within this state of compliance with the rules, and their relation to benefits to the people of the state to be derived from that compliance;



- (2) The quantity and characteristics of air contaminants, the frequency and duration of their presence in the ambient air, and the dispersion and dilution of those contaminants;
- (3) Topography, prevailing wind directions and velocities, physical conditions, and other factors that may or may combine to affect air pollution.

Consistent with division (K) of section 3704.036 of the Revised Code, the director shall consider alternative emission limits proposed by the owner or operator of an air contaminant source that is subject to an emission limit established in rules adopted under this division and shall accept those alternative emission limits that the director determines to be equivalent to emission limits established in rules adopted under this division.

(F)

- (1) Adopt, modify, suspend, and rescind rules consistent with the purposes of this chapter prohibiting the location, installation, construction, or modification of any air contaminant source or any machine, equipment, device, apparatus, or physical facility intended primarily to prevent or control the emission of air contaminants unless an installation permit therefor has been obtained from the director or the director's authorized representative.

(2)

- (a) Applications for installation permits shall be accompanied by plans, specifications, construction schedules, and such other pertinent information and data, including data on ambient air quality impact and a demonstration of best available technology, as the director may require. Installation permits shall be issued for a period specified by the director and are transferable. The director shall specify in each permit the applicable emission standards and that the permit is conditioned upon payment of the applicable fees as required by section [3745.11](#) of the Revised Code and upon the right of the director's authorized representatives to enter upon the premises of the person to whom the permit has been issued, at any reasonable time and subject to safety requirements of the person in control of the premises, for the purpose of determining compliance with such standards, this chapter, the rules adopted thereunder, and the conditions of any permit, variance, or order issued thereunder. Each proposed new or modified air contaminant source shall provide such notice of its proposed installation or modification to other states as is required under the federal Clean Air Act. Installation permits shall include the authorization to operate sources installed and operated in accordance with terms and conditions of the installation permits for a period not to exceed one year from commencement of operation, which authorization shall constitute an operating permit under division (G) of this section and rules adopted under it.

No installation permit shall be required for activities that are subject to and in compliance with a plant-wide applicability limit issued by the director in accordance with rules adopted under this section.

No installation permit shall be issued except in accordance with all requirements of this chapter and rules adopted thereunder. No application shall be denied or permit revoked or modified without a written order stating the findings upon which denial, revocation, or modification is based. A copy of the order shall be sent to the applicant or permit holder by certified mail.

- (b) An air contaminant source that is the subject of an installation permit shall be installed or modified in accordance with the permit not later than eighteen months

after the permit's effective date at which point the permit shall terminate unless one of the following applies:

- (i) The owner or operator has undertaken a continuing program of installation or modification during the eighteen-month period.
- (ii) The owner or operator has entered into a binding contractual obligation to undertake and complete within a reasonable period of time a continuing program of installation or modification of the air contaminant source during the eighteen-month period.
- (iii) The director has extended the date by which the air contaminant source that is the subject of the installation permit must be installed or modified.
- (iv) The installation permit is the subject of an appeal by a party other than the owner or operator of the air contaminant source that is the subject of the installation permit, in which case the date of termination of the permit is not later than eighteen months after the effective date of the permit plus the number of days between the date in which the permit was appealed and the date on which all appeals concerning the permit have been resolved.
- (v) The installation permit has been superseded by a subsequent installation permit, in which case the original installation permit terminates on the effective date of the superseding installation permit.

Division (F)(2)(b) of this section applies to an installation permit that has not terminated as of the effective date of this amendment.

The director may adopt rules in accordance with Chapter 119. of the Revised Code for the purpose of establishing additional requirements that are necessary for the implementation of division (F)(2)(b) of this section.

• • •

Amended by 128th General Assembly File No.9, HB 1, §101.01, eff. 10/16/2009.

Effective Date: 10-29-1993; 08-03-2006; 2007 HB119 06-30-2007.

**Related Legislative Provision:** See 129th General Assembly File No.39, SB 171, §4 .

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# Attachment 3

## Public Participation

**Public Notice – Draft Available for Comment**  
**Ohio Environmental Protection Agency**  
**Request for Approval of Ohio Revised Code (ORC) 3704.03(F)(2)(b)**  
**Installation Permit Extension Provision into Ohio's State Implementation Plan (SIP)**

Ohio EPA has prepared a letter for submittal to the U.S. EPA requesting paragraph (A)(2)(b)(iv) of the Ohio Revised Code (ORC) section 3704.03 be incorporated into Ohio's state implementation plan (SIP).

In 2009, the Ohio General Assembly modified portions of ORC 3704.03 in order to update the requirements for the expiration of air pollution installation permits. Specifically, paragraph (F)(2)(b) was inserted into ORC 3704.03. The language prescribes that installation permits are initially effective for 18 months, but the 18-month time period can be modified for cause as described in the law. This portion of the law became effective October 16, 2009.

While most of these provisions are contained within Ohio Administrative Code (OAC) rule 3745-31-07, Ohio's SIP approved language, paragraph (A)(2)(b)(iv) of ORC 3704.03 is not. This paragraph allows an extension to the permit termination, **for a limited time**, where the permit is the subject of an appeal by a party other than the owner or operator of the air contaminant source. Ohio EPA is requesting this provision be incorporated into Ohio's SIP at this time.

Ohio EPA is seeking public comment to satisfy U.S. EPA requirements for public involvement in SIP related activities in accordance with 40 CFR 51.102. Written comments will be received on or before **Tuesday, September 15, 2020** at the following address:

E-mail: paul.braun@epa.ohio.gov

Mailing address: Paul Braun  
Ohio Environmental Protection Agency, DAPC  
Lazarus Government Center  
P.O. Box 1049  
Columbus, Ohio 43216-1049  
Phone: (614) 644-3734

A public hearing on this action may be requested by contacting Paul Braun at (614) 644-3734 or paul.braun@epa.ohio.gov no later than September 15, 2020. If a public hearing is requested, a new notification will be published to identify the time and location of the public hearing. The public hearing will be held at least 30 days after the date of the new notification.

All interested persons are entitled to comment on these changes. All comments submitted to the above address by the close of business on September 15, 2020 will be considered by Ohio EPA prior to final action on this action. Written statements submitted after September 15, 2020 may be considered as time and circumstances permit but will not be part of the official record.

This SIP submittal is available on Ohio EPA DAPC's Web page for electronic downloading at: [https://www.epa.ohio.gov/Portals/27/sip/ORC\\_3704\\_SIPpkgSubmittal\\_ltr\\_Draft.pdf](https://www.epa.ohio.gov/Portals/27/sip/ORC_3704_SIPpkgSubmittal_ltr_Draft.pdf). Questions regarding accessing the web site should be directed to Paul Braun at 614-644-3734; other questions or comments about this document may also be directed to Mr. Braun at the above address.



## Division of Air Pollution Control Response to Comments

**Package:** Draft of Request for Approval of Installation Permit Extension Provision into Ohio's State Implementation Plan (SIP)

### **Agency Contact for this Package**

Division Contact: (insert name, division, phone number, e-mail address)

Ohio EPA held a 30-day public comment period ending September 15, 2020 regarding the draft Request for Approval of Ohio Revised Code (ORC) Installation Permit Expiration Provision into Ohio's State Implementation Plan (SIP). This document summarizes the comments and questions received during the comment period.

Ohio EPA reviewed and considered all comments received during the public comment period. By law, Ohio EPA has authority to consider specific issues related to protection of the environment and public health.

In an effort to help you review this document, the questions are grouped by topic and organized in a consistent format. The name of the commenter follows the comment in parentheses.

### **General/Overall Concerns**

#### **Comment 1:**

The OMA is dedicated to protecting and growing manufacturing in Ohio. The OMA represents over 1,300 manufacturers in every industry throughout Ohio. For more than 100 years, the OMA has supported reasonable, necessary and transparent environmental regulations that promote the health and well-being of Ohio's citizens. The OMA appreciates the opportunity to comment on Ohio EPA's draft letter to U.S. EPA.

The OMA's members are routinely impacted by Ohio EPA's air pollution control laws and rules, including the provisions governing air pollution control permits to install, and R.C. 3704.03(F)(2)(b)(iv) in particular. The OMA fully supports Ohio EPA's request to U.S. EPA to incorporate this provision into Ohio's SIP.

The OMA would like to thank Ohio EPA for the opportunity to comment. The commenters support Ohio's adoption of a program based on U.S. EPA's CAMR proposal. **(Rob Brundrett, Director, Public Policy Services, The Ohio Manufacturer's Association (OMA))**

#### **Response 1:**

Ohio EPA thanks the OMA for their comment in support of the incorporation of this provision into Ohio's state implementation plan (SIP).

**End of Response to Comments**