

AN ACT

To amend sections 9.24, 9.981, 101.68, 102.02, 102.06, 108.05, 109.54, 109.57, 109.79, 109.91, 109.98, 117.10, 120.06, 120.13, 120.23, 120.52, 120.53, 121.37, 121.38, 122.011, 122.17, 122.171, 122.18, 122.40, 122.603, 122.71, 122.72, 122.73, 122.74, 122.75, 122.751, 122.76, 122.77, 122.78, 122.79, 122.82, 122.83, 122.95, 122.951, 123.01, 123.152, 123.17, 124.07, 124.321, 124.328, 125.041, 125.05, 125.11, 125.831, 125.832, 126.25, 127.16, 131.02, **131.23**, 133.08, 133.081, 133.09, 140.01, 141.011, 141.04, 145.01, 145.33, 147.05, 147.10, 147.11, 147.12, 147.371, 149.30, 150.07, 150.10, 154.11, 173.26, 173.40, 173.99, 181.251, 181.51, 181.52, 181.54, 181.55, 181.56, 183.28, 184.02, 305.171, 307.37, 307.695, 307.86, 307.88, 317.08, 317.36, 319.20, 319.302, 321.24, **323.01**, 323.152, 325.31, 329.04, **329.051**, 339.72, 339.88, 340.03, 340.16, 351.01, 351.021, 351.06, 351.141, 351.16, 718.09, 718.10, 731.14, 731.141, 742.59, 901.43, 903.05, 905.32, 905.33, 905.331, 905.36, 905.37, 905.38, 905.381, 905.50, 905.501, 905.66, 907.16, 913.02, 913.23, 915.02, 915.16, 915.24, 921.02, 921.16, 923.44, 923.45, 923.46, 926.01, 927.69, 1111.04, 1327.511, 1502.02, 1509.06, 1509.072, 1509.31, 1515.14, 1517.02, 1521.062, 1531.27, 1533.10, 1533.11, 1533.111, 1533.112, 1533.12, 1533.32, 1541.03, 1548.06, 1707.01, 1707.17, 1707.19, 1707.20, 1707.22, 1707.23, 1707.25, 1707.261, 1707.431, 1707.44, 1707.46, 1711.52, 1711.53, 1713.03, 1751.03, 1751.04, 1751.05, 1901.26, 1901.31, 1907.24, 2113.041, 2117.061, 2151.352, 2151.416,

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6/30/05
DATE *B. J. T. J.*
GOVERNOR

2152.43, 2152.74, 2303.201, **2305.234**, 2329.66,
2743.191, **2744.05**, 2744.08, 2901.07, 2913.40, 2921.13,
2923.25, 2923.35, 2923.46, 2925.44, 2933.43, 2933.74,
2949.092, 2971.05, 3107.10, **3111.04**, **3119.54**, 3121.12,
3121.50, 3125.18, 3301.079, 3301.0710, 3301.0711,
3301.0714, 3301.0715, 3301.12, 3301.16, 3301.311,
3301.32, 3301.56, 3301.86, 3301.88, 3302.03, 3313.207,
3313.208, 3313.209, 3313.489, 3313.975, 3313.976,
3313.977, 3313.978, 3313.98, 3314.013, 3314.015,
3314.02, 3314.021, 3314.03, 3314.031, 3314.032,
3314.06, 3314.074, 3314.08, 3314.13, 3315.17, 3315.18,
3315.37, 3316.06, 3316.16, 3317.01, 3317.013, 3317.02,
3317.021, 3317.022, 3317.023, 3317.024, 3317.026,
3317.027, 3317.028, 3317.029, 3317.0216, 3317.0217,
3317.03, 3317.031, 3317.05, 3317.052, 3317.053,
3317.06, 3317.063, 3317.07, 3317.081, 3317.09, 3317.10,
3317.16, 3317.20, 3317.21, 3317.22, 3317.23, 3317.50,
3317.51, 3318.091, 3318.33, 3319.081, 3319.17, 3319.22,
3319.235, 3319.55, 3323.021, 3323.091, 3323.14,
3323.16, 3327.01, 3332.092, 3333.04, 3333.044, 3333.12,
3333.121, 3333.27, 3333.28, 3333.36, 3333.38, 3334.01,
3334.02, 3334.03, 3334.07, 3334.08, 3334.09, 3334.10,
3334.11, 3334.12, 3334.15, 3334.16, 3334.17, 3334.18,
3334.19, 3335.02, 3345.10, 3345.19, 3345.32, 3353.01,
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3365.04, 3365.041, 3365.05, 3365.08, 3375.40, 3375.48,
3375.49, 3375.54, 3375.55, 3381.02, 3381.04, 3381.05,
3381.06, 3381.07, 3381.15, 3383.02, 3383.09, 3501.141,
3501.17, 3513.04, 3513.041, 3513.05, 3513.052,
3513.257, 3513.259, 3513.261, 3517.13, 3517.151,
3701.023, 3701.146, 3701.65, 3702.141, 3702.51,
3702.68, 3702.71, 3702.74, 3703.01, 3703.03, 3703.04,

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6/30/05, *Bob Taylor*
DATE GOVERNOR

3703.05, 3703.06, 3703.07, 3703.08, 3703.10, 3703.99,
3704.035, 3704.143, 3704.99, 3705.24, 3712.03, 3714.07,
3721.01, 3721.011, 3721.02, 3721.03, 3721.07, 3721.121,
3721.15, 3721.19, 3721.21, 3721.50, 3721.51, 3721.52,
3721.56, 3721.58, 3722.01, 3722.02, 3722.04, 3734.01,
3734.20, 3734.21, 3734.22, 3734.23, 3734.28, 3734.57,
3734.573, 3734.85, 3734.901, 3734.9010, 3735.27,
3743.01, 3743.02, 3743.04, 3743.05, 3743.06, 3743.15,
3743.17, 3743.18, 3743.19, 3743.57, 3743.59, 3743.65,
3743.75, 3745.11, 3745.12, 3746.04, 3746.071, 3748.07,
3748.13, 3773.34, 3773.38, 3773.39, 3773.40, 3773.57,
3781.07, 3781.10, 3781.102, 3793.09, 3901.021, 3901.17,
3901.3814, 3901.78, 3903.14, 3903.42, 3905.04, 3905.36,
3905.40, 3923.27, 4112.12, 4115.32, 4115.34, 4117.10,
4117.24, 4121.12, 4121.121, 4121.125, **4123.27** 4123.44,
4123.47, 4301.10, 4301.43, 4303.182, 4501.01, 4501.37,
4503.103, 4503.471, 4503.48, 4503.50, 4503.53,
4503.571, 4503.59, 4503.73, 4503.85, 4503.91, 4505.06,
4506.03, 4506.07, 4511.191, 4511.75, 4517.01, 4519.01,
4519.02, 4519.09, 4561.17, 4561.18, 4561.21, 4703.15,
4705.09, 4709.05, 4713.02, 4717.05, 4723.32, 4723.33,
4723.34, 4723.341, 4723.63, **4731.65**, **4731.71** 4736.11,
4736.12, 4740.14, 4753.03, 4753.06, 4753.071, 4753.08,
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4905.95, 4911.18, 4973.171, 5101.16, **5101.181**,
5101.184, 5101.21, 5101.241, **5101.26**, **5101.31** 5101.35,
5101.36 5101.46, 5101.47, 5101.75, 5101.752, 5101.80,
5101.801, 5101.821, 5104.01, 5104.02, 5104.32, 5107.05,
5107.10, 5107.26, 5107.30, 5107.58, **5110.01**, **5110.05**,
5110.352, 5110.39, 5111.011, 5111.019, 5111.0112,
5111.02, 5111.021, 5111.022, 5111.023, 5111.025,
5111.042, 5111.06, 5111.082, 5111.11, 5111.111,

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6/30/05 *Bd. Tuff*
DATE GOVERNOR

5111.113, 5111.16, 5111.17, 5111.19, 5111.20, 5111.204,
5111.21, 5111.22, 5111.221, 5111.23, 5111.231,
5111.235, 5111.241, 5111.25, 5111.251, 5111.255,
5111.257, 5111.26, 5111.261, 5111.263, 5111.264,
5111.27, 5111.28, 5111.29, 5111.291, 5111.30, 5111.31,
5111.32, 5111.33, 5111.62, 5111.81, 5111.85, 5111.87,
5111.871, 5111.88, 5111.97, 5111.99, 5112.03, 5112.08,
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5119.61, 5120.09, 5120.51, 5121.01, 5121.02, 5121.03,
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5122.31, 5123.01, 5123.045, 5123.046, 5123.047,
5123.049, 5123.0412, 5123.34, 5123.41, 5123.701,
5123.71, 5123.76, 5126.01, 5126.035, 5126.042,
5126.054, 5126.055, 5126.056, 5126.057, 5126.12,
5139.01, 5139.36, 5153.16, 5502.01, 5502.03, 5531.10,
5540.01, 5540.09, 5549.01, 5552.01, 5573.13, 5703.052,
5703.053, 5703.47, 5703.50, 5703.70, 5703.80, 5705.091,
5705.391, 5705.40, 5709.07, 5709.12, 5709.121, 5709.40,
5709.73, 5709.77, 5709.78, 5711.01, 5711.16, 5711.21,
5711.22, 5711.28, 5713.01, 5715.01, 5715.24, 5719.041,
5725.01, 5725.19, 5727.01, 5727.02, 5727.06, 5727.08,
5727.10, 5727.11, 5727.111, 5727.12, 5727.23, 5727.84,
5727.85, 5728.01, 5728.02, 5728.03, 5728.04, 5728.06,
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5739.01, 5739.02, 5739.025, 5739.03, 5739.033,
5739.034, 5739.035, 5739.08, 5739.09, 5739.10, 5739.12,
5739.16, 5739.17, 5741.02, 5741.16, 5743.01, 5743.02,
5743.03, 5743.05, 5743.071, 5743.08, 5743.10, 5743.111,

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6/30/05, Bob Taft
DATE GOVERNOR

5743.112, 5743.14, 5743.15, 5743.16, 5743.18, 5743.19, 5743.20, 5743.32, 5743.33, 5747.01, 5747.012, 5747.02, 5747.05, 5747.08, 5747.113, 5747.212, 5747.331, 5747.70, 5747.80, 5747.98, 5748.01, 5748.02, 5748.03, 5748.04, 5748.08, 5749.02, 5907.15, 5919.33, 5920.01, 6109.21, 6121.04, and 6123.04; to contingently amend sections 9.833, 9.90, 3311.19, 3313.12, 3313.202, 3313.33, 4117.03, and 4117.08; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 181.251 (5502.63), 181.51 (5502.61), 181.52 (5502.62), 181.54 (5502.64), 181.55 (5502.65), 181.56 (5502.66), 3314.031 (3314.21), 3314.032 (3314.22), 3314.034 (3314.24), 3317.21 (3318.47), 3317.22 (3318.48), 3317.23 (3318.49), 4723.63 (4723.91), 5101.75 (173.42), 5101.752 (173.43), 5111.02 (5111.021), 5111.021 (5111.022), 5111.022 (5111.023), 5111.023 (5111.0115), 5111.112 (5111.113), 5111.113 (5111.114), 5111.231 (5111.232), 5111.257 (5111.258), 5111.81 (5111.085), 5111.88 (5111.97), 5111.97 (5111.86), 5121.01 (5121.02), 5121.02 (5121.03), and 5121.03 (5121.01); to enact new sections 3317.012, 3353.02, 3353.03, 3704.14, 4723.63, 5111.02, 5111.112, 5111.231, 5111.24, 5111.257, 5111.34, 5111.88, and 5123.048, and sections 9.23, 9.231, 9.232, 9.233, 9.234, 9.235, 9.236, 9.237, 9.238, 9.239, 9.241, 101.391, 103.132, 109.579, 109.981, 120.07, 120.36, 121.373, 121.381, 121.382, 121.403, 122.075, 122.083, 122.172, 122.173, 125.18, 125.25, 125.60, 125.601, 125.602, 125.603, 125.604, 125.605, 125.606, 125.607, 125.608, 125.609, 125.6010, 125.6011, 125.6012, **131.022**, 153.02, 173.39, 173.391, 173.392, 173.393, 173.44, 173.45, 173.46, 173.47, 173.48, 173.49, 173.50,

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6/30/05, Bob Left
DATE GOVERNOR

305.28, 306.331, 307.676, 341.192, 901.44, 907.111,
1547.721, 1547.722, 1547.723, 1547.724, 1547.725,
1547.726, 1707.164, 1707.165, 1711.531, 1751.271,
2151.282, 2305.2341, 2307.65, 2744.082, 2913.401,
2927.023, 2949.093, 3125.191, 3302.10, 3310.01,
3310.02, 3310.03, 3310.04, 3310.05, 3310.06, 3310.07,
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3314.084, 3314.085, 3314.12, 3314.25, 3314.26, 3314.27,
3314.28, 3314.35, 3314.36, 3316.043, 3317.016,
3317.017, 3317.035, 3317.201, 3318.18, 3319.06,
3319.0810, 3319.172, 3323.20, 3323.30, 3323.31,
3323.32, 3323.33, 3324.10, 3325.10, 3325.11, 3325.12,
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3333.123, 3333.162, 3354.25, 3365.11, 3701.073,
3702.83, 3704.144, 3705.242, 3714.073, 3715.04,
3721.032, 3721.541, 3721.561, 3745.015, 3745.114,
3770.061, 3781.191, 3903.421, 4115.36, 4117.103,
4121.126, 4121.127, 4121.128, 4123.441, 4123.444,
4123.445, 4506.101, 4506.161, 4723.61, 4723.62,
4723.621, 4723.64, 4723.65, 4723.651, 4723.652,
4723.66, 4723.67, 4723.68, 4723.69, 4766.14, 4905.261,
4911.021, 5101.07, 5101.071, 5101.163, 5101.244,
5101.461, 5101.802, 5101.803, 5101.93, 5101.98,
5107.301, 5111.0114, 5111.027, 5111.061, 5111.062,
5111.083, 5111.084, 5111.10, 5111.161, 5111.162,
5111.163, 5111.176, 5111.177, 5111.191, 5111.222,
5111.223, 5111.242, 5111.243, 5111.244, 5111.254,
5111.265, 5111.266, 5111.65, 5111.651, 5111.66,
5111.661, 5111.67, 5111.671, 5111.672, 5111.673,
5111.674, 5111.675, 5111.676, 5111.677, 5111.68,
5111.681, 5111.682, 5111.683, 5111.684, 5111.685,

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6/30/05, Bob Taft
DATE GOVERNOR

5111.686, 5111.687, 5111.688, 5111.851, 5111.852,
5111.853, 5111.854, 5111.855, 5111.856, 5111.881,
5111.882, 5111.883, 5111.884, 5111.885, 5111.886,
5111.887, 5111.888, 5111.889, 5111.8810, 5111.8811,
5111.8812, 5111.89, 5111.891, 5111.892, 5111.893,
5111.914, 5111.915, 5111.971, 5111.98, 5112.341,
5121.30, 5121.31, 5121.32, 5121.33, 5121.34, 5121.35,
5121.36, 5121.37, 5121.38, 5121.40, 5121.41, 5121.42,
5121.43, 5121.44, 5121.45, 5121.46, 5121.47, 5121.48,
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5121.55, 5121.56, 5123.16, 5703.057, **5705.211**
5707.031, 5709.112, 5725.32, 5727.031, 5727.241,
5729.032, 5739.012, 5739.36, 5743.031, 5743.072,
5743.331, 5743.71, 5747.056, 5751.01, 5751.011,
5751.012, 5751.013, 5751.02, 5751.03, 5751.031,
5751.032, 5751.033, 5751.04, 5751.05, 5751.051,
5751.06, 5751.07, 5751.08, 5751.081, 5751.09, 5751.10,
5751.11, 5751.12, 5751.20, 5751.21, 5751.22, 5751.23,
5751.31, 5751.50, 5751.51, 5751.52, 5751.53, 5751.98,
5751.99, 5919.31, 5919.341, 6111.30, 6111.31, and
6111.32 to enact section 9.901 of the Revised Code
(certain of its phases contingently); and to repeal sections
181.53, 339.77, 742.36, 1541.221, 3301.31, 3301.33,
3301.34, 3301.35, 3301.36, 3301.37, 3301.38, 3301.80,
3301.85, 3301.87, 3311.40, 3314.15, 3317.012,
3317.0212, 3317.0213, 3353.02, 3353.03, 3506.17,
3704.14, 3704.142, 3704.17, 3721.511, 3901.41,
3901.781, 3901.782, 3901.783, 3901.784, 4519.06,
4519.07, 5101.751, 5101.753, 5101.754, 5111.041,
5111.205, 5111.24, 5111.262, 5111.34, **5115.10**, **5115.11**,
5115.12, **5115.13**, **5115.14**, 5123.041, 5123.048, 5571.13,
5731.20, and 5733.122 of the Revised Code; to amend

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6/30/05, *Bob Taft*
DATE GOVERNOR

Sections 16.09, 19.01, 20.01, 22.03, 22.04, 23.02, 23.12, 23.13, 23.19, 23.26, 23.45, and 24.01 of Am. Sub. H.B. 16 of the 126th General Assembly; to amend Section 3 of Am. H.B. 67 of the 126th General Assembly; to amend Sections 203.03, 203.03.09, 203.03.10, 203.06.06, 203.06.12, 203.06.15, and 203.06.24 of Am. Sub. H.B. 68 of the 126th General Assembly; to amend Section 41.36 of Am. Sub. H.B. 95 of the 125th General Assembly and to amend Section 41.36 of Am. Sub. H.B. 95 of the 125th General Assembly for the purpose of codifying it as section 3323.19 of the Revised Code; to amend Section 14 of Sub. H.B. 434 of the 125th General Assembly; to amend Section 4 of Am. Sub. H.B. 516 of the 125th General Assembly; to amend Sections 3.01, 3.04, and 26.01 of Am. Sub. S.B. 189 of the 125th General Assembly; to amend Section 22 of Am. Sub. S.B. 189 of the 125th General Assembly, as amended by Am. Sub. H.B. 16 of the 126th General Assembly; to amend Section 3 of Am. Sub. H.B. 621 of the 122nd General Assembly, as subsequently amended; to amend Section 153 of Am. Sub. H.B. 117 of the 121st General Assembly, as subsequently amended; to amend Section 5 of Am. Sub. S.B. 50 of the 121st General Assembly, as subsequently amended; and to repeal Sections 59.19, 89.17, and 147 of Am. Sub. H.B. 95 of the 125th General Assembly to make operating appropriations for the biennium beginning July 1, 2005 and ending June 30, 2007, and to provide authorization and conditions for the operation of state programs, and to repeal Section 553.01 of this act on February 16, 2006.

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

**ALL THE ABOVE
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6/20/05, *Rob Taft*
DATE GOVERNOR

SECTION 101.01. That sections 9.24, 9.981, 101.68, 102.02, 102.06, 108.05, 109.54, 109.57, 109.79, 109.91, 109.98, 117.10, 120.06, 120.13, 120.23, 120.52, 120.53, 121.37, 121.38, 122.011, 122.17, 122.171, 122.18, 122.40, 122.603, 122.71, 122.72, 122.73, 122.74, 122.75, 122.751, 122.76, 122.77, 122.78, 122.79, 122.82, 122.83, 122.95, 122.951, 123.01, 123.152, 123.17, 124.07, 124.321, 124.328, 125.041, 125.05, 125.11, 125.831, 125.832, 126.25, 127.16, 131.02, **131.23** 133.08, 133.081, 133.09, 140.01, 141.011, 141.04, 145.01, 145.33, 147.05, 147.10, 147.11, 147.12, 147.371, 149.30, 150.07, 150.10, 154.11, 173.26, 173.40, 173.99, 181.251, 181.51, 181.52, 181.54, 181.55, 181.56, 183.28, 184.02, 305.171, 307.37, 307.695, 307.86, 307.88, 317.08, 317.36, 319.20, 319.302, 321.24, **323.01** 323.152, 325.31, 329.04, **329.051** 339.72, 339.88, 340.03, 340.16, 351.01, 351.021, 351.06, 351.141, 351.16, 718.09, 718.10, 731.14, 731.141, 742.59, 901.43, 903.05, 905.32, 905.33, 905.331, 905.36, 905.37, 905.38, 905.381, 905.50, 905.501, 905.66, 907.16, 913.02, 913.23, 915.02, 915.16, 915.24, 921.02, 921.16, 923.44, 923.45, 923.46, 926.01, 927.69, 1111.04, 1327.511, 1502.02, 1509.06, 1509.072, 1509.31, 1515.14, 1517.02, 1521.062, 1531.27, 1533.10, 1533.11, 1533.111, 1533.112, 1533.12, 1533.32, 1541.03, 1548.06, 1707.01, 1707.17, 1707.19, 1707.20, 1707.22, 1707.23, 1707.25, 1707.261, 1707.431, 1707.44, 1707.46, 1711.52, 1711.53, 1713.03, 1751.03, 1751.04, 1751.05, 1901.26, 1901.31, 1907.24, 2113.041, 2117.061, 2151.352, 2151.416, 2152.43, 2152.74, 2303.201, **2305.234** 2329.66, 2743.191, **2744.05** 2744.08, 2901.07, 2913.40, 2921.13, 2923.25, 2923.35, 2923.46, 2925.44, 2933.43, 2933.74, 2949.092, 2971.05, 3107.10, **3111.04** **3119.54** 3121.12, 3121.50, 3125.18, 3301.079, 3301.0710, 3301.0711, 3301.0714, 3301.0715, 3301.12, 3301.16, 3301.311, 3301.32, 3301.56, 3301.86, 3301.88, 3302.03, 3313.207, 3313.208, 3313.209, 3313.489, 3313.975, 3313.976, 3313.977, 3313.978, 3313.98, 3314.013, 3314.015, 3314.02, 3314.021, 3314.03, 3314.031, 3314.032, 3314.06, 3314.074, 3314.08, 3314.13, 3315.17, 3315.18, 3315.37, 3316.06, 3316.16, 3317.01, 3317.013, 3317.02, 3317.021, 3317.022, 3317.023, 3317.024, 3317.026, 3317.027, 3317.028, 3317.029, 3317.0216, 3317.0217, 3317.03, 3317.031, 3317.05, 3317.052, 3317.053, 3317.06, 3317.063, 3317.07, 3317.081, 3317.09, 3317.10, 3317.16, 3317.20, 3317.21, 3317.22, 3317.23, 3317.50, 3317.51, 3318.091, 3318.33, 3319.081, 3319.17, 3319.22, 3319.235, 3319.55, 3323.021, 3323.091, 3323.14, 3323.16, 3327.01, 3332.092, 3333.04, 3333.044, 3333.12, 3333.121, 3333.27, 3333.28, 3333.36, 3333.38, 3334.01, 3334.02, 3334.03, 3334.07, 3334.08, 3334.09, 3334.10, 3334.11, 3334.12, 3334.15, 3334.16, 3334.17, 3334.18, 3334.19, 3335.02, 3345.10, 3345.19,

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6/30/05, Bob Tefft
DATE GOVERNOR

3345.32, 3353.01, 3353.04, 3353.06, 3353.07, 3362.02, 3365.01, 3365.02,
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6/20/05 *Rob T. Holt*
DATE GOVERNOR

5123.0412, 5123.34, 5123.41, 5123.701, 5123.71, 5123.76, 5126.01, 5126.035, 5126.042, 5126.054, 5126.055, 5126.056, 5126.057, 5126.12, 5139.01, 5139.36, 5153.16, 5502.01, **5502.03**, 5531.10, 5540.01, 5540.09, 5549.01, 5552.01, 5573.013, 5703.052, 5703.053, 5703.47, 5703.50, 5703.70, 5703.80, 5705.091, 5705.391, 5705.40, 5709.07, 5709.12, 5709.121, 5709.40, 5709.73, 5709.77, 5709.78, 5711.01, 5711.16, 5711.21, 5711.22, 5711.28, 5713.01, 5715.01, 5715.24, 5719.041, 5725.01, 5725.19, 5727.01, 5727.02, 5727.06, 5727.08, 5727.10, 5727.11, 5727.111, 5727.12, 5727.23, 5727.84, 5727.85, 5728.01, 5728.02, 5728.03, 5728.04, 5728.06, 5728.08, 5729.08, 5731.01, 5731.05, 5731.131, 5731.14, 5731.18, 5731.181, **5731.22**, 5731.23, 5731.39, 5731.41, 5733.01, 5733.065, 5733.066, 5733.33, 5733.351, 5733.352, 5733.40, 5733.41, 5733.49, 5733.98, 5737.03, 5739.01, 5739.02, 5739.025, 5739.03, 5739.033, 5739.034, 5739.035, 5739.08, 5739.09, 5739.10, 5739.12, 5739.16, 5739.17, 5741.02, 5741.16, 5743.01, 5743.02, 5743.03, 5743.05, 5743.071, 5743.08, 5743.10, 5743.111, 5743.112, 5743.14, 5743.15, 5743.16, 5743.18, 5743.19, 5743.20, 5743.32, 5743.33, 5747.01, 5747.012, 5747.02, 5747.05, 5747.08, 5747.113, 5747.212, 5747.331, 5747.70, 5747.80, 5747.98, 5748.01, 5748.02, 5748.03, 5748.04, 5748.08, 5749.02, 5907.15, 5919.33, 5920.01, 6109.21, 6121.04, and 6123.04 be amended; that sections 9.833, 9.90, 3311.19, 3313.12, 3313.202, 3313.33, 4117.03, and 4117.08 be contingently amended; that sections 181.251 (5502.63), 181.51 (5502.61), 181.52 (5502.62), 181.54 (5502.64), 181.55 (5502.65), 181.56 (5502.66), 3314.031 (3314.21), 3314.032 (3314.22), 3314.034 (3314.24), 3317.21 (3318.47), 3317.22 (3318.48), 3317.23 (3318.49), 4723.63 (4723.91), 5101.75 (173.42), 5101.752 (173.43), 5111.02 (5111.021), 5111.021 (5111.022), 5111.022 (5111.023), 5111.023 (5111.0115), 5111.112 (5111.113), 5111.113 (5111.114), 5111.231 (5111.232), 5111.257, (5111.258), 5111.81 (5111.085), 5111.88 (5111.97), 5111.97 (5111.86), 5121.01 (5121.02), 5121.02 (5121.03), and 5121.03 (5121.01) be amended for the purpose of adopting new section numbers as indicated in parentheses; that Section 41.36 of Am. Sub. H.B. 95 of the 125th General Assembly be amended and that Section 41.36 of Am. Sub. H.B. 95 of the 125th General Assembly be amended for the purpose of codifying it as section 3323.19 of the Revised Code; that new sections 3317.012, 3353.02, 3353.03, 3704.14, 4723.63, 5111.02, 5111.112, 5111.231, 5111.24, 5111.257, 5111.34, 5111.88, and 5123.048 and sections 9.23, 9.231, 9.232, 9.233, 9.234, 9.235, 9.236, 9.237, 9.238, 9.239, 9.241, 101.391, 103.132, 109.579, 109.981, 120.07, 120.36, 121.373, 121.381, 121.382, 121.403, 122.075, 122.083, 122.172, 122.173,

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6/30/05 *B. D. T. J.*
DATE GOVERNOR

125.18, 125.25, 125.60, 125.601, 125.602, 125.603, 125.604, 125.605,
125.606, 125.607, 125.608, 125.609, 125.6010, 125.6011, 125.6012,
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6/30/05 *Bob Taft*
DATE GOVERNOR

5751.11, 5751.12, 5751.20, 5751.21, 5751.22, 5751.23, 5751.31, 5751.50, 5751.51, 5751.52, 5751.53, 5751.98, 5751.99, 5919.31, 5919.341, 6111.30, 6111.31, and 6111.32 be enacted; and that section 9.901 of the Revised Code be enacted (certain of its phases contingently) to read as follows:

Sec. 9.23. As used in sections 9.23 to 9.239 of the Revised Code:

(A) "Allocable nondirect costs" means the amount of nondirect costs allocated as a result of actual expenditures on direct costs. "Allocable nondirect costs" shall be calculated as follows: direct costs actually incurred for the provision of services pursuant to a contract entered into under section 9.231 of the Revised Code divided by the minimum percentage of money that is to be expended on the recipient's direct costs, as specified in the contract, minus the direct costs actually incurred.

(B) "Contract payment earned" means payment pursuant to a contract entered into under section 9.231 of the Revised Code for direct costs actually incurred in performing the contract, up to the minimum percentage of money that is to be expended on the recipient's direct costs, as specified in the contract, plus allocable nondirect costs associated with those direct costs.

(C) "Direct costs" means the costs of providing services that directly benefit a patient, client, or the public and that are set forth in the contract entered into under section 9.231 of the Revised Code. "Direct costs" does not include the costs of any financial review or audit required under section 9.234 of the Revised Code.

(D)(1) "Governmental entity" means a state agency or a political subdivision of the state.

(2) "Contracting authority" of a governmental entity means the director or chief executive officer, in the case of a state agency, or the legislative authority, in the case of a political subdivision.

(E) "Minimum percentage of money that is to be expended on the recipient's direct costs" means the percentage of the total amount of the contract entered into under section 9.231 of the Revised Code that, at a minimum, has to be expended on the recipient's direct costs in performing the contract in order for the recipient to earn the total amount of the contract.

(F) "Political subdivision" means a county, township, municipal corporation, or any other body corporate and politic that is responsible for government activities in a geographic area smaller than that of the state.

(G) "Recipient" means a person that enters into a contract with a governmental entity under section 9.231 of the Revised Code.

(H) "State agency" means any organized body, office, agency,

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of division (E) of this section do not apply with respect to the companies or agreements described in divisions (F)(1) and (2) of this section, or in the circumstance described in division (F)(3) of this section.

(1) A bonding company or a company authorized to transact the business of insurance in this state, a self-insurance pool, joint self-insurance pool, risk management program, or joint risk management program, unless a court has entered a final judgment against the company and the company has not yet satisfied the final judgment.

(2) To medicaid provider agreements under Chapter 5111. of the Revised Code ~~or payments or provider agreements under disability assistance medical assistance established under Chapter 5115. of the Revised Code.~~

(3) When federal law dictates that a specified entity provide the goods, services, or construction for which a contract is being awarded, regardless of whether that entity would otherwise be prohibited from entering into the contract pursuant to this section.

(G)(1) This section applies only to contracts for goods, services, or construction that satisfy the criteria in either division (G)(1)(a) or (b) of this ~~division section~~. This section may apply to contracts for goods, services, or construction that satisfy the criteria in division (G)(1)(c) of this section, provided that the contracts also satisfy the criteria in either division (G)(1)(a) or (b) of this ~~division section~~.

(a) The cost for the goods, services, or construction provided under the contract is estimated to exceed twenty-five thousand dollars.

(b) The aggregate cost for the goods, services, or construction provided under multiple contracts entered into by the particular state agency and a single person or the particular political subdivision and a single person within the fiscal year preceding the fiscal year within which a contract is being entered into by that same state agency and the same single person or the same political subdivision and the same single person, exceeded fifty thousand dollars.

(c) The contract is a renewal of a contract previously entered into and renewed pursuant to that preceding contract.

(2) This section does not apply to employment contracts.

(H) As used in this section:

(1) "State agency" has the same meaning as in section 9.66 of the Revised Code.

(2) "Political subdivision" means a political subdivision as defined in section 9.82 of the Revised Code that has received more than fifty thousand dollars of state money in the current fiscal year or the preceding fiscal year.

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for the purchase during calendar year 2000 of new manufacturing machinery and equipment:

(d) Calendar years 1995, 1996, and 1997, with regard to a grant claimed for the purchase during calendar year 2001 of new manufacturing machinery and equipment:

(e) Calendar years 1996, 1997, and 1998, with regard to a grant claimed for the purchase during calendar year 2002 of new manufacturing machinery and equipment:

(f) Calendar years 1997, 1998, and 1999, with regard to a grant claimed for the purchase during calendar year 2003 of new manufacturing machinery and equipment:

(g) Calendar years 1998, 1999, and 2000, with regard to a grant claimed for the purchase during calendar year 2004 of new manufacturing machinery and equipment:

(h) Calendar years 1999, 2000, and 2001, with regard to a grant claimed for the purchase on or after January 1, 2005, and on or before June 30, 2005, of new manufacturing machinery and equipment.

(16) "Related member" has the same meaning as in section 5733.042 of the Revised Code.

(17) "Qualifying controlled group" has the same meaning as in section 5733.04 of the Revised Code.

(18) "Tax liability" has the same meaning as in section 122.172 of the Revised Code.

(B)(1) Subject to divisions (I) and (J) of this section, a grant is allowed against the tax imposed by section 5733.06 or 5747.02 of the Revised Code for a taxpayer that purchases new manufacturing machinery and equipment during the qualifying period, provided that the new manufacturing machinery and equipment are installed in this state not later than June 30, 2006. **The taxpayer need not be a manufacturer.**

(2)(a) Except as otherwise provided in division (B)(2)(b) of this section, a grant may be claimed under this section in excess of one million dollars only if the cost of all manufacturing machinery and equipment owned in this state by the taxpayer claiming the grant on the last day of the calendar year exceeds the cost of all manufacturing machinery and equipment owned in this state by the taxpayer on the first day of that calendar year.

As used in division (B)(2)(a) of this section, "calendar year" means the calendar year in which the machinery and equipment for which the grant is claimed was purchased.

(b) Division (B)(2)(a) of this section does not apply if the taxpayer claiming the grant applies for and is issued a waiver of the requirement of

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director of budget and management shall be supported by user charges. The director shall determine a rate that is sufficient to defray the expense of those services and the manner by which those charges shall be collected. All money collected from user charges shall be deposited in the state treasury to the credit of the ~~state~~ accounting and budgeting fund, which is hereby created. Rebates or revenue shares received from any state payment card program established under division (B) of section 126.21 of the Revised Code and miscellaneous payments that reimburse expenses paid from the ~~state~~ accounting and budgeting fund may be deposited into the ~~state~~ accounting and budgeting fund and used to support accounting and budgeting services.

Sec. 127.16. (A) Upon the request of either a state agency or the director of budget and management and after the controlling board determines that an emergency or a sufficient economic reason exists, the controlling board may approve the making of a purchase without competitive selection as provided in division (B) of this section.

(B) Except as otherwise provided in this section, no state agency, using money that has been appropriated to it directly, shall:

(1) Make any purchase from a particular supplier, that would amount to fifty thousand dollars or more when combined with both the amount of all disbursements to the supplier during the fiscal year for purchases made by the agency and the amount of all outstanding encumbrances for purchases made by the agency from the supplier, unless the purchase is made by competitive selection or with the approval of the controlling board;

(2) Lease real estate from a particular supplier, if the lease would amount to seventy-five thousand dollars or more when combined with both the amount of all disbursements to the supplier during the fiscal year for real estate leases made by the agency and the amount of all outstanding encumbrances for real estate leases made by the agency from the supplier, unless the lease is made by competitive selection or with the approval of the controlling board.

(C) Any person who authorizes a purchase in violation of division (B) of this section shall be liable to the state for any state funds spent on the purchase, and the attorney general shall collect the amount from the person.

(D) Nothing in division (B) of this section shall be construed as:

(1) A limitation upon the authority of the director of transportation as granted in sections 5501.17, 5517.02, and 5525.14 of the Revised Code;

(2) Applying to medicaid provider agreements under Chapter 5111. of the Revised Code ~~or payments or provider agreements under the disability medical assistance program established under Chapter 5115. of the Revised~~

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- (3) Applying to the purchase of examinations from a sole supplier by a state licensing board under Title XLVII of the Revised Code;
- (4) Applying to entertainment contracts for the Ohio state fair entered into by the Ohio expositions commission, provided that the controlling board has given its approval to the commission to enter into such contracts and has approved a total budget amount for such contracts as agreed upon by commission action, and that the commission causes to be kept itemized records of the amounts of money spent under each contract and annually files those records with the clerk of the house of representatives and the clerk of the senate following the close of the fair;
- (5) Limiting the authority of the chief of the division of mineral resources management to contract for reclamation work with an operator mining adjacent land as provided in section 1513.27 of the Revised Code;
- (6) Applying to investment transactions and procedures of any state agency, except that the agency shall file with the board the name of any person with whom the agency contracts to make, broker, service, or otherwise manage its investments, as well as the commission, rate, or schedule of charges of such person with respect to any investment transactions to be undertaken on behalf of the agency. The filing shall be in a form and at such times as the board considers appropriate.
- (7) Applying to purchases made with money for the per cent for arts program established by section 3379.10 of the Revised Code;
- (8) Applying to purchases made by the rehabilitation services commission of services, or supplies, that are provided to persons with disabilities, or to purchases made by the commission in connection with the eligibility determinations it makes for applicants of programs administered by the social security administration;
- (9) Applying to payments by the department of job and family services under section 5111.13 of the Revised Code for group health plan premiums, deductibles, coinsurance, and other cost-sharing expenses;
- (10) Applying to any agency of the legislative branch of the state government;
- (11) Applying to agreements or contracts entered into under section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214 of the Revised Code;
- (12) Applying to purchases of services by the adult parole authority under section 2967.14 of the Revised Code or by the department of youth services under section 5139.08 of the Revised Code;
- (13) Applying to dues or fees paid for membership in an organization or association;

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officer, employee, or agent responsible for administering the law under which the amount is payable shall immediately proceed to collect the amount or cause the amount to be collected and shall pay the amount into the state treasury or into the appropriate custodial fund in the manner set forth pursuant to section 113.08 of the Revised Code. Except as otherwise provided in this division, if the amount is not paid within forty-five days after payment is due, the officer, employee, or agent shall certify the amount due to the attorney general, in the form and manner prescribed by the attorney general, and notify the director of budget and management thereof. In the case of an amount payable by a student enrolled in a state institution of higher education, the amount shall be certified within the later of forty-five days after the amount is due or the tenth day after the beginning of the next academic semester, quarter, or other session following the session for which the payment is payable. The attorney general may assess the collection cost to the amount certified in such manner and amount as prescribed by the attorney general.

For the purposes of this section, a payment is due at the time provided in divisions (A)(1) to (9) of this section. If more than one division applies to a payment, the payment is due at the earliest of the applicable times.

(1) If a law, including an administrative rule, of this state prescribes the time a payment is required to be made or reported, when the payment is required by that law to be paid or reported.

(2) If the payment is for services rendered, when the rendering of the services is completed.

(3) If the payment is reimbursement for a loss, when the loss is incurred.

(4) In the case of a fine or penalty for which a law or administrative rule does not prescribe a time for payment, when the fine or penalty is first assessed.

(5) If the payment arises from a legal finding, judgment, or adjudication order, when the finding, judgment, or order is rendered or issued.

(6) If the payment arises from an overpayment of money by the state to another person, when the overpayment is discovered.

(7) The date on which the amount for which an individual is personally liable under section 5735.35, section 5739.33, or division (G) of section 5747.07 of the Revised Code is determined.

(8) Upon proof of claim being filed in a bankruptcy case.

(9) Any other appropriate time determined by the officer, employee, or agent responsible for administering the law under which the amount is payable on the basis of statutory requirements or ordinary business processes of the state agency to which the payment is owed.

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certified.

(3) If information contained in a claim that is sold, conveyed, or transferred to a private entity pursuant to this section is confidential pursuant to federal law or a section of the Revised Code that implements a federal law governing confidentiality, such information remains subject to that law during and following the sale, conveyance, or transfer.

Sec. 131.022. (A) As used in this section:

(1) "Final overdue claim" means a claim that has been certified to the attorney general under section 131.02 of the Revised Code, that has been final for at least one year, and for which no arrangements have been made for the payment thereof or, if such arrangements have been made, the person owing the claim has failed to comply with the terms of the arrangement for more than thirty days.

"Final overdue claim" includes collection costs incurred with respect to such a claim and assessed by the attorney general under division (A) of section 131.02 of the Revised Code, interest accreting to the claim under division (D) of that section, and fees added under division (E)(3) of that section.

(2) "Final" means a claim has been finalized under the law providing for the imposition or determination of the amount due, and any time provided for appeal of the amount, legality, or validity of the claim has expired without an appeal having been filed in the manner provided by law. "Final" includes, but is not limited to, a final determination of the tax commissioner for which the time for appeal has expired without a notice of appeal having been filed.

(B) If a claim is certified to the attorney general under section 131.02 of the Revised Code, at any time after the claim is a final overdue claim, the attorney general may sell or otherwise transfer the claim to any person. If the claim is to be sold, it may be sold by private negotiated sale or at public auction conducted by the attorney general or a designee, as is most likely, in the opinion of the attorney general, to yield the most favorable return on the sale. For the purposes of this division, a public auction includes an auction conducted electronically whereby bids are solicited and received via the internet and the solicitation is open to the public.

(C) The attorney general may consolidate any number of final overdue claims for sale under this section.

(D) Not less than sixty days before first offering a final overdue claim for sale, the attorney general shall provide written notice, by ordinary mail, to the person owing the claim at that person's last known mailing address. The notice shall state the following:

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(B) The fiscal officer of that subdivision shall prepare a statement, from the books of the subdivision, verified by the fiscal officer under oath, which shall contain the following facts of such subdivision:

- (1) The total bonded indebtedness;
- (2) The aggregate amount of notes payable or outstanding accounts of the subdivision, incurred prior to the commencement of the current fiscal year, which shall include all evidences of indebtedness issued by the subdivision except notes issued in anticipation of bond issues and the indebtedness of any nontax-supported public utility;
- (3) Except in the case of school districts, the aggregate current year's requirement for disability financial assistance ~~and disability medical assistance~~ provided under Chapter 5115. of the Revised Code that the subdivision is unable to finance except by the issue of bonds;
- (4) The indebtedness outstanding through the issuance of any bonds or notes pledged or obligated to be paid by any delinquent taxes;
- (5) The total of any other indebtedness;
- (6) The net amount of delinquent taxes unpledged to pay any bonds, notes, or certificates, including delinquent assessments on improvements on which the bonds have been paid;
- (7) The budget requirements for the fiscal year for bond and note retirement;
- (8) The estimated revenue for the fiscal year.

(C) The certificate and statement provided for in divisions (A) and (B) of this section shall be forwarded to the tax commissioner together with a request for authority to issue bonds of such subdivision in an amount not to exceed seventy per cent of the net unobligated delinquent taxes and assessments due and owing to such subdivision, as set forth in division (B)(6) of this section.

(D) No subdivision may issue bonds under this section in excess of a sufficient amount to pay the indebtedness of the subdivision as shown by division (B)(2) of this section and, except in the case of school districts, to provide funds for disability financial assistance ~~and disability medical assistance~~, as shown by division (B)(3) of this section.

(E) The tax commissioner shall grant to such subdivision authority requested by such subdivision as restricted by divisions (C) and (D) of this section and shall make a record of the certificate, statement, and grant in a record book devoted solely to such recording and which shall be open to inspection by the public.

(F) The commissioner shall immediately upon issuing the authority provided in division (E) of this section notify the proper authority having

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charge of the retirement of bonds of such subdivision by forwarding a copy of such grant of authority and of the statement provided for in division (B) of this section.

(G) Upon receipt of authority, the subdivision shall proceed according to law to issue the amount of bonds authorized by the commissioner, and authorized by the taxing authority, provided the taxing authority of that subdivision may by resolution submit to the electors of that subdivision the question of issuing such bonds. Such resolution shall make the declarations and statements required by section 133.18 of the Revised Code. The county auditor and taxing authority shall thereupon proceed as set forth in divisions (C) and (D) of such section. The election on the question of issuing such bonds shall be held under divisions (E), (F), and (G) of such section, except that publication of the notice of such election shall be made on four separate days prior to such election in one or more newspapers of general circulation in the subdivisions. Such bonds may be exchanged at their face value with creditors of the subdivision in liquidating the indebtedness described and enumerated in division (B)(2) of this section or may be sold as provided in Chapter 133. of the Revised Code, and in either event shall be uncontestable.

(H) The per cent of delinquent taxes and assessments collected for and to the credit of the subdivision after the exchange or sale of bonds as certified by the commissioner shall be paid to the authority having charge of the sinking fund of the subdivision, which money shall be placed in a separate fund for the purpose of retiring the bonds so issued. The proper authority of the subdivisions shall provide for the levying of a tax sufficient in amount to pay the debt charges on all such bonds issued under this section.

(I) This section is for the sole purpose of assisting the various subdivisions in paying their unsecured indebtedness, and providing funds for disability financial assistance ~~and disability medical assistance.~~ The bonds issued under authority of this section shall not be used for any other purpose and any exchange for other purposes, or the use of the money derived from the sale of such bonds by the subdivision for any other purpose, is misapplication of funds.

(J) The bonds authorized by this section shall be redeemable or payable in not to exceed ten years from date of issue and shall not be subject to or considered in calculating the net indebtedness of the subdivision. The budget commission of the county in which the subdivision is located shall annually allocate such portion of the then delinquent levy due such subdivision which is unpledged for other purposes to the payment of debt

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charges on the bonds issued under authority of this section.

(K) The issue of bonds under this section shall be governed by Chapter 133. of the Revised Code, respecting the terms used, forms, manner of sale, and redemption except as otherwise provided in this section.

The board of county commissioners of any county may issue bonds authorized by this section and distribute the proceeds of such bond issues to any or all of the cities and townships of such counties, according to their relative needs for disability financial assistance ~~and disability medical assistance~~ as determined by such county.

All sections of the Revised Code inconsistent with or prohibiting the exercise of the authority conferred by this section are inoperative respecting bonds issued under this section.

Sec. 133.08. (A) In addition to any power to issue securities under other provisions of the Revised Code for the purposes, a county may issue revenue securities as authorized in this section.

(B) A county may issue revenue securities to fund or refund revenue securities previously issued, or for any purposes for which it could issue self-supporting securities and, without limitation, any of the following general purposes:

(1) For one or more established sewer districts, any of the purposes provided in divisions (C)(2)(a) and (b) of section 133.07 of the Revised Code;

(2) Hospital facilities as defined in division (E) of section 140.01 of the Revised Code;

(3) Facilities described in division (C)(10) of section 133.07 of the Revised Code;

(4) Off-street parking facilities pursuant to section 307.02 of the Revised Code.

(C) The county shall establish rates or charges for the use, availability, or rental of the facilities to which the financing relates, being the improvement, enterprise, system, project, or categories of improvements or the operation or function that the facilities serve, which rates or charges shall be designed to provide revenues to the county sufficient to pay the costs of all current expenses of the facilities payable by the county and to pay the debt charges on the securities and to establish and maintain any contractually required special funds relating to the securities or the facilities.

(D) Revenue securities issued under this section shall not be general obligations of the county. Revenue securities issued under this section shall be secured only by a pledge of and lien upon the revenues of the county, derived from its ownership or operation of the facilities, including those

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desirable to carry out its duties;

(5) Solicit input and comments from the third frontier advisory board, and specialized industry, professional, and other relevant interest groups concerning its purposes;

(6) Facilitate alignment of the state's science and technology programs and activities;

(7) Make grants and loans to individuals, public agencies, private companies or organizations, or joint ventures for any of the broad range of activities related to its purposes.

(B) The commission shall do all of the following:

(1) Establish a competitive process for the award of grants and loans that is designed to fund the most meritorious proposals and, when appropriate, provide for peer review of proposals;

(2) Within ninety days after the end of each fiscal year, submit to the governor and the general assembly a report of the activities of the commission during the preceding fiscal year;

(3) With specific application to the biomedical research and technology transfer trust fund, periodically make strategic assessments of the types of state investments in biomedical research and biotechnology in the state that would likely create jobs and business opportunities in the state and produce the most beneficial long-term improvements to the public health of ~~Ohioians~~ Ohioans, including, but not limited to, biomedical research and biotechnology initiatives that address tobacco-related illnesses as may be outlined in any master agreement. The commission shall award grants and loans from the fund pursuant to a process established under division (B)(1) of this section.

(C) Notwithstanding the authority granted to the commission under sections 184.01 to 184.04 of the Revised Code, the commission shall not make any grants or loans to individuals, public agencies, private companies or organizations, or joint ventures for any activities involving stem cell research with human embryonic tissue.

Sec. 305.171. (A) The board of county commissioners of any county may contract for, purchase, or otherwise procure and pay all or any part of the cost of group insurance policies that may provide benefits including, but not limited to, hospitalization, surgical care, major medical care, disability, dental care, eye care, medical care, hearing aids, or prescription drugs, and that may provide sickness and accident insurance, group legal services, or group life insurance, or a combination of any of the foregoing types of insurance or coverage, for county officers and employees and their immediate dependents from the funds or budgets from which the county

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certified in accordance with section 319.28 of the Revised Code, including taxes levied against real estate; taxes on property whose value is certified pursuant to section 5727.23 of the Revised Code; recoupment charges applied pursuant to section 5713.35 of the Revised Code; all assessments; penalties and interest charged pursuant to section 323.121 of the Revised Code; charges added pursuant to section 319.35 of the Revised Code; and all of such charges which remain unpaid from any previous tax year.

(D) "Current taxes" means all taxes charged against an entry on the general tax list and duplicate of real and public utility property that have not appeared on such list and duplicate for any prior tax year and any penalty thereon charged by division (A) of section 323.121 of the Revised Code. Current taxes, whether or not they have been certified delinquent, become delinquent taxes if they remain unpaid after the last day prescribed for payment of the second installment of current taxes without penalty.

(E) "Delinquent taxes" means:

(1) Any taxes charged against an entry on the general tax list and duplicate of real and public utility property that were charged against an entry on such list and duplicate for a prior tax year and any penalties and interest charged against such taxes.

(2) Any current taxes charged on the general tax list and duplicate of real and public utility property that remain unpaid after the last day prescribed for payment of the second installment of such taxes without penalty, whether or not they have been certified delinquent, and any penalties and interest charged against such taxes.

(F) "Current tax year" means, with respect to particular taxes, the calendar year in which the first installment of taxes is due prior to any extension granted under section 323.17 of the Revised Code.

(G) "Liquidated claim" means:

(1) Any sum of money due and payable, upon a written contractual obligation executed between the subdivision and the taxpayer, but excluding any amount due on general and special assessment bonds and notes;

(2) Any sum of money due and payable, for disability financial assistance ~~or disability medical assistance~~ provided under Chapter 5115. of the Revised Code that is furnished to or in behalf of a subdivision, provided that such claim is recognized by a resolution or ordinance of the legislative body of such subdivision;

(3) Any sum of money advanced and paid to or received and used by a subdivision, pursuant to a resolution or ordinance of such subdivision or its predecessor in interest, and the moral obligation to repay which sum, when in funds, shall be recognized by resolution or ordinance by the subdivision.

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government entities, and, pursuant to division (C) of section 2301.35 and section 2301.42 of the Revised Code, private entities, to perform the Title IV-D services.

(d) Duties assigned under section 5111.98 of the Revised Code.

(2) Administer disability financial assistance, as required by the state department of job and family services under section 5115.03 of the Revised Code;

~~(3) Administer disability medical assistance, as required by the state department of job and family services under section 5115.13 of the Revised Code;~~

(4) Administer burials insofar as the administration of burials was, prior to September 12, 1947, imposed upon the board of county commissioners and if otherwise required by state law;

~~(5)~~(4) Cooperate with state and federal authorities in any matter relating to family services and to act as the agent of such authorities;

~~(6)~~(5) Submit an annual account of its work and expenses to the board of county commissioners and to the state department of job and family services at the close of each fiscal year;

~~(7)~~(6) Exercise any powers and duties relating to family services duties or workforce development activities imposed upon the county department of job and family services by law, by resolution of the board of county commissioners, or by order of the governor, when authorized by law, to meet emergencies during war or peace;

~~(8)~~(7) Determine the eligibility for medical assistance of recipients of aid under Title XVI of the "Social Security Act";

~~(9)~~(8) If assigned by the state director of job and family services under section 5101.515 of the Revised Code, determine applicants' eligibility for health assistance under the children's health insurance program part II;

~~(10)~~(9) Enter into a plan of cooperation with the board of county commissioners under section 307.983, consult with the board in the development of the transportation work plan developed under section 307.985, establish with the board procedures under section 307.986 for providing services to children whose families relocate frequently, and comply with the contracts the board enters into under sections 307.981 and 307.982 of the Revised Code that affect the county department;

~~(11)~~(10) For the purpose of complying with a fiscal agreement the board of county commissioners enters into under section 307.98 of the Revised Code, exercise the powers and perform the duties the fiscal agreement assigns to the county department;

~~(12)~~(11) If the county department is designated as the workforce

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development agency, provide the workforce development activities specified in the contract required by section 330.05 of the Revised Code.

(B) The powers and duties of a county department of job and family services are, and shall be exercised and performed, under the control and direction of the board of county commissioners. The board may assign to the county department any power or duty of the board regarding family services duties and workforce development activities. If the new power or duty necessitates the state department of job and family services changing its federal cost allocation plan, the county department may not implement the power or duty unless the United States department of health and human services approves the changes.

Sec. 329.051. The county department of job and family services shall make voter registration applications as prescribed by the secretary of state under section 3503.10 of the Revised Code available to persons who are applying for, receiving assistance from, or participating in any of the following:

(A) The disability financial assistance program established under Chapter 5115. of the Revised Code;

~~(B) The disability medical assistance program established under Chapter 5115. of the Revised Code;~~

~~(C)~~ The medical assistance program established under Chapter 5111. of the Revised Code;

~~(D)~~~~(C)~~ The Ohio works first program established under Chapter 5107. of the Revised Code;

~~(E)~~~~(D)~~ The prevention, retention, and contingency program established under Chapter 5108. of the Revised Code.

Sec. 339.72. (A) Each board of county commissioners shall provide for the county to be served by a tuberculosis control unit by designating a county tuberculosis control unit or by entering into an agreement with one or more boards of county commissioners of other counties under which the boards jointly designate a district tuberculosis control unit. The entity designated as the county or district tuberculosis control unit may be any of the following:

(1) A communicable disease control program operated by a board of health of a city or general health district pursuant to section 3709.22 of the Revised Code;

~~(2) A tuberculosis program operated by a county that receives funds pursuant to section 339.77 of the Revised Code;~~

~~(3)~~ A tuberculosis clinic established by a board of county commissioners pursuant to section 339.76 of the Revised Code;

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(k) Emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic, certified under Chapter 4765. of the Revised Code;

(l) Respiratory care professionals licensed under Chapter 4761. of the Revised Code;

(m) Speech-language pathologists and audiologists licensed under Chapter 4753. of the Revised Code.

(6) "Health care worker" means a person other than a health care professional who provides medical, dental, or other health-related care or treatment under the direction of a health care professional with the authority to direct that individual's activities, including medical technicians, medical assistants, dental assistants, orderlies, aides, and individuals acting in similar capacities.

(7) "Indigent and uninsured person" means a person who meets all of the following requirements:

(a) The person's income is not greater than two hundred per cent of the current poverty line as defined by the United States office of management and budget and revised in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended.

(b) The person is not eligible to receive medical assistance under Chapter 5111. ~~disability medical assistance under Chapter 5115.~~ of the Revised Code, or assistance under any other governmental health care program.

(c) Either of the following applies:

(i) The person is not a policyholder, certificate holder, insured, contract holder, subscriber, enrollee, member, beneficiary, or other covered individual under a health insurance or health care policy, contract, or plan.

(ii) The person is a policyholder, certificate holder, insured, contract holder, subscriber, enrollee, member, beneficiary, or other covered individual under a health insurance or health care policy, contract, or plan, but the insurer, policy, contract, or plan denies coverage or is the subject of insolvency or bankruptcy proceedings in any jurisdiction.

(8) "Nonprofit health care referral organization" means an entity that is not operated for profit and refers patients to, or arranges for the provision of, health-related diagnosis, care, or treatment by a health care professional or health care worker.

(9) "Operation" means any procedure that involves cutting or otherwise infiltrating human tissue by mechanical means, including surgery, laser surgery, ionizing radiation, therapeutic ultrasound, or the removal of

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property caused by an act or omission in connection with a governmental or proprietary function:

(A) Punitive or exemplary damages shall not be awarded.

(B)(1) If a claimant receives or is entitled to receive benefits for injuries or loss allegedly incurred from a policy or policies of insurance or any other source, the benefits shall be disclosed to the court, and the amount of the benefits shall be deducted from any award against a political subdivision recovered by that claimant. No insurer or other person is entitled to bring an action under a subrogation provision in an insurance or other contract against a political subdivision with respect to those benefits.

The amount of the benefits shall be deducted from an award against a political subdivision under division (B)(1) of this section regardless of whether the claimant may be under an obligation to pay back the benefits upon recovery, in whole or in part, for the claim. A claimant whose benefits have been deducted from an award under division (B)(1) of this section is not considered fully compensated and shall not be required to reimburse a subrogated claim for benefits deducted from an award pursuant to division (B)(1) of this section.

(2) Nothing in division (B)(1) of this section shall be construed to do either of the following:

(a) Limit the rights of a beneficiary under a life insurance policy or the rights of sureties under fidelity or surety bonds;

(b) Prohibit the department of job and family services from recovering from the political subdivision, pursuant to section 5101.58 of the Revised Code, the cost of medical assistance benefits provided under Chapter 5107. or 5111 or 5115 of the Revised Code.

(C)(1) There shall not be any limitation on compensatory damages that represent the actual loss of the person who is awarded the damages. However, except in wrongful death actions brought pursuant to Chapter 2125. of the Revised Code, damages that arise from the same cause of action, transaction or occurrence, or series of transactions or occurrences and that do not represent the actual loss of the person who is awarded the damages shall not exceed two hundred fifty thousand dollars in favor of any one person. The limitation on damages that do not represent the actual loss of the person who is awarded the damages provided in this division does not apply to court costs that are awarded to a plaintiff, or to interest on a judgment rendered in favor of a plaintiff, in an action against a political subdivision.

(2) As used in this division, "the actual loss of the person who is awarded the damages" includes all of the following:

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~~(F)~~ This section does not apply to an adoption by a stepparent whose spouse is a biological or adoptive parent of the minor.

Sec. 3111.04. (A) An action to determine the existence or nonexistence of the father and child relationship may be brought by the child or the child's personal representative, the child's mother or her personal representative, a man alleged or alleging himself to be the child's father, the child support enforcement agency of the county in which the child resides if the child's mother is a recipient of public assistance or of services under Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C.A. 651, as amended, or the alleged father's personal representative.

(B) An agreement does not bar an action under this section.

(C) If an action under this section is brought before the birth of the child and if the action is contested, all proceedings, except service of process and the taking of depositions to perpetuate testimony, may be stayed until after the birth.

(D) A recipient of public assistance or of services under Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C.A. 651, as amended, shall cooperate with the child support enforcement agency of the county in which a child resides to obtain an administrative determination pursuant to sections 3111.38 to 3111.54 of the Revised Code, or, if necessary, a court determination pursuant to sections 3111.01 to 3111.18 of the Revised Code, of the existence or nonexistence of a parent and child relationship between the father and the child. If the recipient fails to cooperate, the agency may commence an action to determine the existence or nonexistence of a parent and child relationship between the father and the child pursuant to sections 3111.01 to 3111.18 of the Revised Code.

(E) As used in this section, "public assistance" means medical assistance under Chapter 5111. of the Revised Code, assistance under Chapter 5107. of the Revised Code, or disability financial assistance under Chapter 5115. of the Revised Code, ~~or disability medical assistance under Chapter 5115. of the Revised Code.~~

Sec. 3119.54. If either party to a child support order issued in accordance with section 3119.30 of the Revised Code is eligible for medical assistance under Chapter 5111. ~~or 5115.~~ of the Revised Code and the other party has obtained health insurance coverage, the party eligible for medical assistance shall notify any physician, hospital, or other provider of medical services for which medical assistance is available of the name and address of the other party's insurer and of the number of the other party's health insurance or health care policy, contract, or plan. Any physician, hospital, or other provider of medical services for which medical assistance is available

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under Chapter 5111 **or 5115** of the Revised Code who is notified under this division of the existence of a health insurance or health care policy, contract, or plan with coverage for children who are eligible for medical assistance shall first bill the insurer for any services provided for those children. If the insurer fails to pay all or any part of a claim filed under this section and the services for which the claim is filed are covered by Chapter 5111. **or 5115** of the Revised Code, the physician, hospital, or other medical services provider shall bill the remaining unpaid costs of the services in accordance with Chapter 5111. **or 5115** of the Revised Code.

Sec. 3121.12. (A) On receipt of a notice that a lump sum payment of one hundred fifty dollars or more is to be paid to the obligor, the court, with respect to a court support order, or the child support enforcement agency, with respect to an administrative child support order, shall do either of the following:

(1) If the obligor is in default under the support order or has any arrearages under the support order, issue an order requiring the transmittal of the lump sum payment, or any portion of the lump sum payment sufficient to pay the arrearage in full, to the office of child support;

(2) If the obligor is not in default under the support order and does not have any arrearages under the support order, issue an order directing the person who gave the notice to the court or agency to immediately pay the full amount of the lump sum payment to the obligor.

~~(B) On receipt of any~~ Any moneys received by the office of child support pursuant to division (A) of this section, the office of child support shall pay the amount of the lump sum payment that is necessary to discharge all of the obligor's arrearages to the obligee and, within two business days after its receipt of the money, any amount that is remaining after the payment of the arrearages to the obligor be distributed in accordance with rules adopted under section 3121.71 of the Revised Code.

(C) A court that issued an order prior to January 1, 1998, requiring an employer to withhold an amount from an obligor's personal earnings for the payment of support shall issue a supplemental order that does not change the original order or the related support order requiring the employer to do all of the following:

(1) No later than the earlier of forty-five days before a lump sum payment is to be made or, if the obligor's right to a lump sum payment is determined less than forty-five days before it is to be made, the date on which that determination is made, notify the child support enforcement agency of any lump sum payment of any kind of one hundred fifty dollars or more that is to be paid to the obligor;

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

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

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

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

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

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

The district's per pupil amount under division (F) of section 3317.029 of the Revised Code is the amount calculated under division (F)(1) or (2) of that section, times a multiple of 0.40 in fiscal year 2006 and 0.70 in fiscal year 2007.

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

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

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

The district's per pupil amount under division (G) of section 3317.029

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education and related services pursuant to an IEP.

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

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

The district's per pupil amount under division (F) of section 3317.029 of the Revised Code shall be determined as described in division (C)(6) of this section.

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

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

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

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

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

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

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

The district's per pupil amount under divisions (H) and (I) of section 3317.029 of the Revised Code shall be determined as described in division (C)(8) of this section.

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of the books and records of the commission shall be delivered to the auditor of state for retention and safekeeping.

(D) Upon receipt of the certification provided for in division (B) of this section, the director of budget and management shall follow the procedures set forth in section 126.29 of the Revised Code.

(E) If, at the time of termination of the commission, an effective financial accounting and reporting system has not been fully implemented, the auditor of state shall monitor the progress of implementation and shall exercise authority under this section and Chapter 117. of the Revised Code to secure full implementation at the earliest time feasible but within two years after such termination.

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

This chapter shall be administered by the state board of education. The superintendent of public instruction shall calculate the amounts payable to each school district and shall certify the amounts payable to each eligible district to the treasurer of the district as provided by this chapter. **As soon as possible after such amounts are calculated, the superintendent shall certify to the treasurer of each school district the district's adjusted charge-off amount, as defined in section 5705.211 of the Revised Code, for the fiscal year for which those amounts are computed and for the fiscal year preceding that fiscal year. A separate certification of the adjusted charge-off amounts is not required if the certification of other amounts computed under this chapter indicates those adjusted charge-off amounts.** No moneys shall be distributed pursuant to this chapter without the approval of the controlling board.

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

Annually, the department of education shall calculate and report to each school district the district's total state and local funds for providing an adequate basic education to the district's nonhandicapped students, utilizing the determination in section 3317.012 of the Revised Code. In addition, the department shall calculate and report separately for each school district the district's total state and local funds for providing an adequate education for its handicapped students, utilizing the determinations in both sections 3317.012 and 3317.013 of the Revised Code.

Not later than the thirty-first day of August of each fiscal year, the department of education shall provide to each school district and county MR/DD board a preliminary estimate of the amount of funding that the

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districts, in a nonpublic school, or in a college under division (B) of section 3365.04 of the Revised Code.

(I) "Nonpublic school" means a chartered or nonchartered school for which minimum standards are prescribed by the state board of education pursuant to division (D) of section 3301.07 of the Revised Code.

(J) "School year" means the year beginning on the first day of July and ending on the thirtieth day of June.

(K) "Community school" means any school established pursuant to Chapter 3314. of the Revised Code that includes secondary grades.

(L) "Community school payments" means payments made by the department of education to a community school pursuant to division (D) of section 3314.08 of the Revised Code.

Sec. 3365.02. There is hereby established the post-secondary enrollment options program under which a secondary grade student who is a resident of this state may enroll at a college, on a full- or part-time basis, and complete nonsectarian courses for high school and college credit. **The purpose of the program is to provide enriched education opportunities to secondary grade students that are beyond the opportunities offered by the high school in which they are enrolled.**

Secondary grade students in a nonpublic school may participate in the post-secondary enrollment options program if the chief administrator of such school notifies the department of education by the first day of April prior to the school year in which the school's students will participate.

The state board of education, after consulting with the board of regents, shall adopt rules governing the program. The rules shall include:

(A) Requirements for school districts, community schools, or participating nonpublic schools to provide information about the program prior to the first day of March of each year to all students enrolled in grades eight through eleven;

(B) A requirement that a student or the student's parent inform the district board of education, the governing authority of a community school, or the nonpublic school administrator by the thirtieth day of March of the student's intent to participate in the program during the following school year. The rule shall provide that any student who fails to notify a district board, the governing authority of a community school, or the nonpublic school administrator by the required date may not participate in the program during the following school year without the written consent of the district superintendent, the governing authority of a community school, or the nonpublic school administrator.

(C) Requirements that school districts and community schools provide

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(B) The contract shall include all of the following obligations:

(1) The primary care physician agrees to provide primary care services in the health resource shortage area identified in the letter of intent for at least two years or one year per twenty thousand dollars of repayment agreed to under division (B)(3) of this section, whichever is greater;

(2) When providing primary care services in the health resource shortage area, the primary care physician agrees to do all of the following:

(a) Provide primary care services for a minimum of forty hours per week;

(b) Provide primary care services without regard to a patient's ability to pay;

(c) Meet the conditions prescribed by the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, and the department of job and family services for participation in the medical assistance program established under Chapter 5111. of the Revised Code and enter into a contract with the department to provide primary care services to recipients of the medical assistance program;

~~(d) Meet the conditions established by the department of job and family services for participation in the disability medical assistance program established under Chapter 5115. of the Revised Code and enter into a contract with the department to provide primary care services to recipients of disability medical assistance.~~

(3) The Ohio board of regents agrees, as provided in section 3702.75 of the Revised Code, to repay, so long as the primary care physician performs the service obligation agreed to under division (B)(1) of this section, all or part of the principal and interest of a government or other educational loan taken by the primary care physician for expenses described in section 3702.75 of the Revised Code;

(4) The primary care physician agrees to pay the board the following as damages if the physician fails to complete the service obligation agreed to under division (B)(1) of this section:

(a) If the failure occurs during the first two years of the service obligation, three times the total amount the board has agreed to repay under division (B)(3) of this section;

(b) If the failure occurs after the first two years of the service obligation, three times the amount the board is still obligated to repay under division (B)(3) of this section.

(C) The contract may include any other terms agreed upon by the parties, including an assignment to the Ohio board of regents of the physician's duty to pay the principal and interest of a government or other

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(a) Any civil penalties imposed against the facility under section 3722.08 of the Revised Code for violations that occur before the date of transfer of ownership or during any period in which the seller or the seller's agent operates the facility;

(b) Any outstanding liability to the state, unless the buyer or transferee has agreed, as a condition of the sale or transfer, to accept the outstanding liabilities and to guarantee their payment, except that if the buyer or transferee fails to meet these obligations the seller or transferor shall remain responsible for the outstanding liability.

(G) The director shall annually publish a list of licensed adult care facilities, facilities whose licenses have been revoked or not renewed, any facilities under an order suspending admissions pursuant to section 3722.07 of the Revised Code, and any facilities that have been assessed a civil penalty pursuant to section 3722.08 of the Revised Code. The director shall furnish information concerning the status of licensure of any facility to any person upon request. The director shall annually send a copy of the list to the department of job and family services, to the department of mental health, and to the department of aging.

Sec. 3734.01. As used in this chapter:

(A) "Board of health" means the board of health of a city or general health district or the authority having the duties of a board of health in any city as authorized by section 3709.05 of the Revised Code.

(B) "Director" means the director of environmental protection.

(C) "Health district" means a city or general health district as created by or under authority of Chapter 3709. of the Revised Code.

(D) "Agency" means the environmental protection agency.

(E) "Solid wastes" means such unwanted residual solid or semisolid material as results from industrial, commercial, agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations, or other waste materials of the type that normally would be included in demolition debris, nontoxic fly ash and bottom ash, including at least ash that results from the combustion of coal and ash that results from the combustion of coal in combination with scrap tires where scrap tires comprise not more than fifty per cent of heat input in any month, spent nontoxic foundry sand, nontoxic, nonhazardous, unwanted fired and unfired, glazed and unglazed, structural shale and clay products, and slag and other substances that are not harmful or inimical to public health, and includes, but is not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt, and debris. "Solid wastes" does not include any either of the following:

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(1) Any material that is an infectious waste or a hazardous waste;
(2) Spent petroleum refinery hydrotreating, hydrorefining, and hydrocracking catalysts that are used to produce ferrovanadium, iron nickel molybdenum, and calcium aluminate alloys for the steel, iron, and nickel industries unless the catalysts are disposed of at a solid waste facility licensed under this chapter or are accumulated speculatively.

(F) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, emitting, or placing of any solid wastes or hazardous waste into or on any land or ground or surface water or into the air, except if the disposition or placement constitutes storage or treatment or, if the solid wastes consist of scrap tires, the disposition or placement constitutes a beneficial use or occurs at a scrap tire recovery facility licensed under section 3734.81 of the Revised Code.


(G) "Person" includes the state, any political subdivision and other state or local body, the United States and any agency or instrumentality thereof, and any legal entity defined as a person under section 1.59 of the Revised Code.

(H) "Open burning" means the burning of solid wastes in an open area or burning of solid wastes in a type of chamber or vessel that is not approved or authorized in rules adopted by the director under section 3734.02 of the Revised Code or, if the solid wastes consist of scrap tires, in rules adopted under division (V) of this section or section 3734.73 of the Revised Code, or the burning of treated or untreated infectious wastes in an open area or in a type of chamber or vessel that is not approved in rules adopted by the director under section 3734.021 of the Revised Code.

(I) "Open dumping" means the depositing of solid wastes into a body or stream of water or onto the surface of the ground at a site that is not licensed as a solid waste facility under section 3734.05 of the Revised Code or, if the solid wastes consist of scrap tires, as a scrap tire collection, storage, monocell, monofill, or recovery facility under section 3734.81 of the Revised Code; the depositing of solid wastes that consist of scrap tires onto the surface of the ground at a site or in a manner not specifically identified in divisions (C)(2) to (5), (7), or (10) of section 3734.85 of the Revised Code; the depositing of untreated infectious wastes into a body or stream of water or onto the surface of the ground; or the depositing of treated infectious wastes into a body or stream of water or onto the surface of the ground at a site that is not licensed as a solid waste facility under section 3734.05 of the Revised Code.

(J) "Hazardous waste" means any waste or combination of wastes in solid, liquid, semisolid, or contained gaseous form that in the determination

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partnership, or public utility to any person other than the administrator or to the superior of such employee of the bureau.

Notwithstanding the restrictions imposed by this section, the governor, select or standing committees of the general assembly, the auditor of state, the attorney general, or their designees, pursuant to the authority granted in this chapter and Chapter 4121. of the Revised Code, may examine any records, claim files, or papers in possession of the industrial commission or the bureau. They also are bound by the privilege that attaches to these papers.

The administrator shall report to the director of job and family services or to the county director of job and family services the name, address, and social security number or other identification number of any person receiving workers' compensation whose name or social security number or other identification number is the same as that of a person required by a court or child support enforcement agency to provide support payments to a recipient or participant of public assistance, and whose name is submitted to the administrator by the director under section 5101.36 of the Revised Code. The administrator also shall inform the director of the amount of workers' compensation paid to the person during such period as the director specifies.

Within fourteen days after receiving from the director of job and family services a list of the names and social security numbers of recipients or participants of public assistance pursuant to section 5101.181 of the Revised Code, the administrator shall inform the auditor of state of the name, current or most recent address, and social security number of each person receiving workers' compensation pursuant to this chapter whose name and social security number are the same as that of a person whose name or social security number was submitted by the director. The administrator also shall inform the auditor of state of the amount of workers' compensation paid to the person during such period as the director specifies.

The bureau and its employees, except for purposes of furnishing the auditor of state with information required by this section, shall preserve the confidentiality of recipients or participants of public assistance in compliance with division (A) of section 5101.181 of the Revised Code.

For the purposes of this section, "public assistance" means medical assistance provided through the medical assistance program established under section 5111.01 of the Revised Code, Ohio works first provided under Chapter 5107. of the Revised Code, prevention, retention, and contingency benefits and services provided under Chapter 5108. of the Revised Code, or disability financial assistance provided under Chapter 5115. of the Revised Code. ~~or disability medical assistance provided under Chapter 5115. of the~~

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Revised Code.

Sec. 4123.44. The voting members of the workers' compensation oversight commission, the administrator of workers' compensation, and the bureau of workers' compensation chief investment officer are the trustees of the state insurance fund. The administrator of workers' compensation, in accordance with sections 4121.126 and 4121.127 of the Revised Code and the investment objectives, policies, and criteria established by the workers' compensation oversight commission pursuant to section 4121.12 of the Revised Code, and in consultation with the bureau of workers' compensation chief investment officer, may invest any of the surplus or reserve belonging to the state insurance fund.

The administrator shall not invest in any type of investment specified in divisions (G)(6)(a) to (j) of section 4121.12 of the Revised Code.

The administrator and other fiduciaries shall discharge their duties with respect to the funds with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims, and by diversifying the investments of the assets of the funds so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so.

To facilitate investment of the funds, the administrator may establish a partnership, trust, limited liability company, corporation, including a corporation exempt from taxation under the Internal Revenue Code, 100 Stat. 2085, 26 U.S.C. 1, as amended, or any other legal entity authorized to transact business in this state.

When reporting on the performance of investments, the administrator shall comply with the performance presentation standards established by the association for investment management and research.

All investments shall be purchased at current market prices and the evidences of title to the investments shall be placed in the custody of the treasurer of state, who is hereby designated as custodian, or in the custody of the treasurer of state's authorized agent. Evidences of title of the investments so purchased may be deposited by the treasurer of state for safekeeping with an authorized agent selected by the treasurer of state who is a qualified trustee under section 135.18 of the Revised Code. The treasurer of state or the agent shall collect the principal, dividends, distributions, and interest as they become due and payable and place them when collected into the state insurance fund.

The treasurer of state shall pay for investments purchased by the administrator on receipt of written or electronic instructions from the

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compensation, or the medical assistance program established under Chapter 5111. of the Revised Code, ~~and the disability medical assistance program established under Chapter 5115. of the Revised Code.~~

(E)(1) "Group practice" means a group of two or more holders of certificates under this chapter legally organized as a partnership, professional corporation or association, limited liability company, foundation, nonprofit corporation, faculty practice plan, or similar group practice entity, including an organization comprised of a nonprofit medical clinic that contracts with a professional corporation or association of physicians to provide medical services exclusively to patients of the clinic in order to comply with section 1701.03 of the Revised Code and including a corporation, limited liability company, partnership, or professional association described in division (B) of section 4731.226 of the Revised Code formed for the purpose of providing a combination of the professional services of optometrists who are licensed, certificated, or otherwise legally authorized to practice optometry under Chapter 4725. of the Revised Code, chiropractors who are licensed, certificated, or otherwise legally authorized to practice chiropractic under Chapter 4734. of the Revised Code, psychologists who are licensed, certificated, or otherwise legally authorized to practice psychology under Chapter 4732. of the Revised Code, registered or licensed practical nurses who are licensed, certificated, or otherwise legally authorized to practice nursing under Chapter 4723. of the Revised Code, pharmacists who are licensed, certificated, or otherwise legally authorized to practice pharmacy under Chapter 4729. of the Revised Code, physical therapists who are licensed, certificated, or otherwise legally authorized to practice physical therapy under sections 4755.40 to 4755.53 of the Revised Code, mechanotherapists who are licensed, certificated, or otherwise legally authorized to practice mechanotherapy under section 4731.151 of the Revised Code, and doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are licensed, certificated, or otherwise legally authorized for their respective practices under this chapter, to which all of the following apply:

(a) Each physician who is a member of the group practice provides substantially the full range of services that the physician routinely provides, including medical care, consultation, diagnosis, or treatment, through the joint use of shared office space, facilities, equipment, and personnel.

(b) Substantially all of the services of the members of the group are provided through the group and are billed in the name of the group and amounts so received are treated as receipts of the group.

(c) The overhead expenses of and the income from the practice are

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distributed in accordance with methods previously determined by members of the group.

(d) The group practice meets any other requirements that the state medical board applies in rules adopted under section 4731.70 of the Revised Code.

(2) In the case of a faculty practice plan associated with a hospital with a medical residency training program in which physician members may provide a variety of specialty services and provide professional services both within and outside the group, as well as perform other tasks such as research, the criteria in division (E)(1) of this section apply only with respect to services rendered within the faculty practice plan.

(F) "Home health care services" and "immediate family" have the same meanings as in the rules adopted under section 4731.70 of the Revised Code.

(G) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.

(H) A "referral" includes both of the following:

(1) A request by a holder of a certificate under this chapter for an item or service, including a request for a consultation with another physician and any test or procedure ordered by or to be performed by or under the supervision of the other physician;

(2) A request for or establishment of a plan of care by a certificate holder that includes the provision of designated health services.

(I) "Third-party payer" has the same meaning as in section 3901.38 of the Revised Code.

Sec. 4731.71. The auditor of state may implement procedures to detect violations of section 4731.66 or 4731.69 of the Revised Code within governmental health care programs administered by the state. The auditor of state shall report any violation of either section to the state medical board and shall certify to the attorney general in accordance with section 131.02 of the Revised Code the amount of any refund owed to a state-administered governmental health care program under section 4731.69 of the Revised Code as a result of a violation. If a refund is owed to the medical assistance program established under Chapter 5111. of the Revised Code ~~or the disability medical assistance program established under Chapter 5115. of the Revised Code.~~ the auditor of state also shall report the amount to the department of commerce.

The state medical board also may implement procedures to detect violations of section 4731.66 or 4731.69 of the Revised Code.

Sec. 4736.11. The state board of sanitarian registration shall issue a

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(i) The percentage shall not be less than seventy-five per cent nor more than eighty-two per cent;

(ii) The percentage shall not exceed the percentage that the state's qualified state expenditures is of the state's historic state expenditures as those terms are defined in 42 U.S.C. 609(a)(7).

(e) Other procedures and requirements necessary to implement this section.

(2) The director of job and family services may amend the rule adopted under division (F)(1)(d) of this section to modify the percentage on determination that the amount the general assembly appropriates for Title IV-A programs makes the modification necessary. The rule shall be adopted and amended as if an internal management rule and in consultation with the director of budget and management.

Sec. 5101.163. As used in this section, "maintenance of effort" means qualified state expenditures as defined in 42 U.S.C. 609(a)(7)(B)(i).

The department of job and family services may increase a county's share of public assistance expenditures determined under division (B) of section 5101.16 of the Revised Code if the United States secretary of health and human services requires an increase in the state's maintenance of effort because of one or more failures, resulting from the actions or inactions of one or more county family services agencies, to meet a requirement under Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. The department may so increase a county's share of public assistance expenditures only to the amount the county's county family services agencies are responsible for the increase in the state's maintenance of effort as determined pursuant to rules the director of job and family services shall adopt under section 111.15 of the Revised Code. The department is not required to make the increase in accordance with section 5101.24 of the Revised Code.

Sec. 5101.181. (A) As used in this section and section 5101.182 of the Revised Code, "public assistance" includes, in addition to Ohio works first, all of the following:

(1) Prevention, retention, and contingency;

(2) Medicaid;

(3) Disability financial assistance;

(4) Disability medical assistance provided before October 1, 2005,

under former Chapter 5115. of the Revised Code;

(5) General assistance provided prior to July 17, 1995, under former Chapter 5113. of the Revised Code.

(B) As part of the procedure for the determination of overpayment to a

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a prosecuting attorney, the attorney general, similar agencies of other states, federal law enforcement agencies, and postal inspectors. "Law enforcement agency" includes the peace officers and other law enforcement officers employed by the agency.

(E) "Medical assistance provided under a public assistance program" means medical assistance provided under the programs established under sections 5101.49, 5101.50 to 5101.503, and 5101.51 to 5101.5110, ~~Chapters Chapter 5111 and 5115.~~ or any other provision of the Revised Code.

(F) "Public assistance" means financial assistance, medical assistance, or social services provided under a program administered by the department of job and family services or a county agency pursuant to Chapter 329., 5101., 5104., 5107., 5108., 5111., or 5115. of the Revised Code or an executive order issued under section 107.17 of the Revised Code.

(G) "Public assistance recipient" means an applicant for or recipient or former recipient of public assistance.

Sec. 5101.31. Any record, data, pricing information, or other information regarding a drug rebate agreement or a supplemental drug rebate agreement for the medicaid program established under Chapter 5111 of the Revised Code ~~or the disability medical assistance program established under section 5115.10 of the Revised Code~~ that the department of job and family services receives from a pharmaceutical manufacturer or creates pursuant to negotiation of the agreement is not a public record under section 149.43 of the Revised Code and shall be treated by the department as confidential information.

Sec. 5101.35. (A) As used in this section:


(1) "Agency" means the following entities that administer a family services program:

- (a) The department of job and family services;
- (b) A county department of job and family services;
- (c) A public children services agency;
- (d) A private or government entity administering, in whole or in part, a family services program for or on behalf of the department of job and family services or a county department of job and family services or public children services agency.

(2) "Appellant" means an applicant, participant, former participant, recipient, or former recipient of a family services program who is entitled by federal or state law to a hearing regarding a decision or order of the agency that administers the program.

(3) "Family services program" means assistance provided under a Title IV-A program as defined in section 5101.80 of the Revised Code or under

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section 5101.80 of the Revised Code that is different from the appeals process established by this section. The different appeals process may include having a state agency that administers the Title IV-A program pursuant to an interagency agreement entered into under section 5101.801 of the Revised Code administer the appeals process.

(H) If an appellant receiving medicaid through a health insuring corporation that holds a certificate of authority under Chapter 1751. of the Revised Code is appealing a denial of medicaid services based on lack of medical necessity or other clinical issues regarding coverage by the health insuring corporation, the person hearing the appeal may order an independent medical review if that person determines that a review is necessary. The review shall be performed by a health care professional with appropriate clinical expertise in treating the recipient's condition or disease. The department shall pay the costs associated with the review.

A review ordered under this division shall be part of the record of the hearing and shall be given appropriate evidentiary consideration by the person hearing the appeal.

(I) The requirements of Chapter 119. of the Revised Code apply to a state hearing or administrative appeal under this section only to the extent, if any, specifically provided by rules adopted under this section.

Sec. 5101.36. Any application for public assistance gives a right of subrogation to the department of job and family services for any workers' compensation benefits payable to a person who is subject to a support order, as defined in section 3119.01 of the Revised Code, on behalf of the applicant, to the extent of any public assistance payments made on the applicant's behalf. If the director of job and family services, in consultation with a child support enforcement agency and the administrator of the bureau of workers' compensation, determines that a person responsible for support payments to a recipient of public assistance is receiving workers' compensation, the director shall notify the administrator of the amount of the benefit to be paid to the department of job and family services.

For purposes of this section, "public assistance" means medical assistance provided through the medical assistance program established under section 5111.01 of the Revised Code; Ohio works first provided under Chapter 5107. of the Revised Code; prevention, retention, and contingency benefits and services provided under Chapter 5108. of the Revised Code; disability financial assistance provided under Chapter 5115. of the Revised Code; or disability medical assistance provided under **former** Chapter 5115. of the Revised Code.

Sec. 5101.46. (A) As used in this section:

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determined by the county department, to obtain a loan, scholarship, grant, or other assistance to pay for the tuition, including a federal Pell grant under 20 U.S.C.A. 1070a and, an Ohio instructional grant under section 3333.12 of the Revised Code, and an Ohio college opportunity grant under section 3333.122 of the Revised Code. If the participant has made reasonable efforts but is unable to obtain sufficient assistance to pay the tuition the program may pay the tuition. On or after October 1, 1998, the county department may enter into a loan agreement with the participant to pay the tuition. The total period for which tuition is paid and loans made shall not exceed two years. If the participant, pursuant to division (B)(3) of section 5107.43 of the Revised Code, volunteers to participate in the education program for more hours each week than the participant is assigned to the program, the program may pay or the county department may loan the cost of the tuition for the additional voluntary hours as well as the cost of the tuition for the assigned number of hours. The participant may receive, for not more than three years, support services, including publicly funded child care under Chapter 5104. of the Revised Code and transportation, that the participant needs to participate in the program. To receive support services in the third year, the participant must be, as determined by the educational institution in which the participant is enrolled, in good standing with the institution.

A county department that provides loans under this section shall establish procedures governing loan application for and approval and administration of loans granted pursuant to this section.

Sec. 5110.01. As used in this chapter:

(A) "Administrative fee" means the amount specified in rules adopted under division (G) of section 5110.35 of the Revised Code.

(B) "Children's health insurance program" means the children's health insurance program part I and part II established under sections 5101.50 to 5101.5110 of the Revised Code.

~~(C) "Disability medical assistance program" means the program established under section 5115.10 of the Revised Code.~~

~~(D) "Medicaid" means the medical assistance program established under Chapter 5111. of the Revised Code.~~

~~(E)(D) "National drug code number" means the number registered for a drug pursuant to the listing system established by the United States food and drug administration under the "Drug Listing Act of 1972," 86 Stat. 559, 21 U.S.C. 360, as amended.~~

~~(F)(E) "Ohio's best Rx program administrator" means the entity, if any, the department of job and family services contracts with pursuant to section 5110.10 of the Revised Code to perform administrative functions of the~~

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pharmacy assistance program established by any person or government entity, and for whom no third-party payer or program funded in whole or part with state or federal funds is responsible for all or part of the cost of the drug the distributor dispenses to the individual.

Sec. 5110.05. (A) To be eligible for the Ohio's best Rx program, an individual must meet all of the following requirements at the time of application or reapplication for the program:

- (1) Be a resident of this state;
- (2) Have family income, as determined under rules adopted pursuant to section 5110.35 of the Revised Code, that does not exceed two hundred fifty per cent of the federal poverty guidelines, as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, or be sixty years of age or older;
- (3) Not have outpatient prescription drug coverage paid for in whole or in part by any of the following:
 - (a) A third-party payer;
 - (b) The medicaid program;
 - (c) The children's health insurance program;
 - (d) ~~The disability medical assistance program;~~
 - (e) Another health plan or pharmacy assistance program that uses state or federal funds to pay part or all of the cost of the individual's outpatient prescription drugs, other than a prescription drug discount card program established under section 173.061 of the Revised Code.
- (4) Not have had outpatient prescription drug coverage specified in division (A)(3) of this section during any of the four months preceding the month in which the application or reapplication for the Ohio's best Rx program is made, unless any of the following applies:
 - (a) The individual is sixty years of age or older.
 - (b) The third-party payer that paid all or part of the coverage filed for bankruptcy under federal bankruptcy laws.
 - (c) The individual is no longer eligible for coverage provided through a retirement plan subject to protection under the "Employee Retirement Income Security Act of 1974," 88 Stat. 832, 29 U.S.C. 1001, as amended.
 - (d) The individual is no longer eligible for the medicaid program, ~~or children's health insurance program, or disability medical assistance program.~~

(B) Application and annual reapplication for the Ohio's best Rx program shall be made in accordance with rules adopted under section 5110.35 of the Revised Code on a form prescribed in those rules. An individual may apply

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Code.

Sec. 5111.163. (A) As used in this section, "chronically ill child" means an individual who is not more than twenty-one years of age and meets the conditions specified in division (A)(2) of section 5111.01 of the Revised Code to be eligible for medicaid on the basis of being blind or disabled.

(B) Notwithstanding any conflicting provision of section 5111.16 of the Revised Code, the department of job and family services shall develop a pilot program for the care management of chronically ill children in accordance with this section. The pilot program shall be implemented not later than October 1, 2006, or, if by that date the department has not received any necessary federal approval to implement the program, as soon as practicable after receiving the approval. The department shall operate the program until October 1, 2008, except that the department shall cease operation of the program before that date if either of the following is the case:

(1) The department determines that requiring chronically ill children to participate in the care management system is not a cost-effective means of providing medicaid services.

(2) The combined state and federal cost of the children's care coordination described in division (D) of this section reaches three million dollars.

(C) The department shall ensure that the pilot program is operated in at least three counties selected by the department. In its consideration of the counties to be selected, the department may give priority to Hamilton county and Muskingum county. The department may extend its operation of the program into the areas surrounding the counties in which the program is operated.

(D) The purpose of the pilot program shall be to determine whether occurrences of acute illnesses and hospitalizations among chronically ill children can be prevented or reduced by establishing a medical home for the children where care is administered proactively and in a manner that is accessible, continuous, family-centered, coordinated, and compassionate. In establishing a medical home for a chronically ill child, all of the following apply:

(1) A physician shall serve as the care coordinator for the child. The care coordinator may be engaged in practice as a pediatrician certified in pediatrics by a medical specialty board of the American medical association or American osteopathic association, a pediatric subspecialist, or a provider for the program for medically handicapped children in the department of health. If the physician is in a group practice, any member of the group

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practice may serve as the child's care coordinator. The duties of the care coordinator may be performed by a person acting under the supervision of the care coordinator.

(2) The child may receive care from any health care practitioner appropriate to the child's needs, but the care coordinator shall direct and oversee the child's overall care.

(3) The care coordinator shall establish a relationship of mutual responsibility with the child's parents or other persons who are responsible for the child. Under this relationship, the care coordinator shall commit to developing a long-term disease prevention strategy and providing disease management and education services, while the child's parents or other persons who are responsible for the child shall commit to participating fully in implementing the child's care management plan.

(4) The medicaid program shall provide reimbursement for the reasonable and necessary costs of the services associated with care coordination, including, but not limited to, case management, care plan oversight, preventive care, health and behavioral care assessment and intervention, and any service modifier that reflects the provision of prolonged services or additional care.

(E) The department shall conduct an evaluation of the pilot program's effectiveness. As part of the evaluation, the department shall maintain statistics on physician expenditures, hospital expenditures, preventable hospitalizations, and other matters the department considers necessary to conduct the evaluation.

(F) The department shall adopt rules in accordance with Chapter 119, of the Revised Code as necessary to implement this section. The rules shall specify standards and procedures to be used in designating the chronically ill children who are required to participate in the pilot program.

Sec. 5111.17. (A) The department of job and family services may enter into contracts with managed care organizations, including health insuring corporations, under which the organizations are authorized to provide, or arrange for the provision of, health care services to medical assistance recipients who are required or permitted to obtain health care services through managed care organizations as part of the care management system established under section 5111.16 of the Revised Code.

(B) The department shall develop and implement a financial incentive program to improve and reward positive health outcomes through the managed care organization contracts entered into under this section. In developing and implementing the program, the department may take into consideration the recommendations regarding the program made by the

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shall be deposited in the state treasury to the credit of the general revenue fund.

(B) Whoever violates division (D) of section 5111.61 of the Revised Code is guilty of registering a false complaint, a misdemeanor of the first degree.

Sec. 5112.03. (A) The director of job and family services shall adopt, and may amend and rescind, rules in accordance with Chapter 119. of the Revised Code for the purpose of administering sections 5112.01 to 5112.21 of the Revised Code, including rules that do all of the following:

(1) Define as a "disproportionate share hospital" any hospital included under subsection (b) of section 1923 of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 1396r-4(b), as amended, and any other hospital the director determines appropriate;

(2) Prescribe the form for submission of cost reports under section 5112.04 of the Revised Code;

(3) Establish, in accordance with division (A) of section 5112.06 of the Revised Code, the assessment rate or rates to be applied to hospitals under that section;

(4) Establish schedules for hospitals to pay installments on their assessments under section 5112.06 of the Revised Code and for governmental hospitals to pay installments on their intergovernmental transfers under section 5112.07 of the Revised Code;

(5) Establish procedures to notify hospitals of adjustments made under division (B)(2)(b) of section 5112.06 of the Revised Code in the amount of installments on their assessment;

(6) Establish procedures to notify hospitals of adjustments made under division (D) of section 5112.09 of the Revised Code in the total amount of their assessment and to adjust for the remainder of the program year the amount of the installments on the assessments;

(7) Establish, in accordance with section 5112.08 of the Revised Code, the methodology for paying hospitals under that section.

The director shall consult with hospitals when adopting the rules required by divisions (A)(4) and (5) of this section in order to minimize hospitals' cash flow difficulties.

(B) Rules adopted under this section may provide that "total facility costs" excludes costs associated with any of the following:

(1) Recipients of the medical assistance program;

(2) Recipients of financial assistance provided under Chapter 5115. of the Revised Code;

(3) ~~Recipients of medical assistance provided under Chapter 5115. of~~

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the Revised Code:

(4) Recipients of the program for medically handicapped children established under section 3701.023 of the Revised Code;

(5)(4) Recipients of the medicare program established under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended:

(6)(5) Recipients of Title V of the "Social Security Act";

(7)(6) Any other category of costs deemed appropriate by the director in accordance with Title XIX of the "Social Security Act" and the rules adopted under that title.

Sec. 5112.08. The director of job and family services shall adopt rules under section 5112.03 of the Revised Code establishing a methodology to pay hospitals that is sufficient to expend all money in the indigent care pool. Under the rules:

(A) The department of job and family services may classify similar hospitals into groups and allocate funds for distribution within each group.

(B) The department shall establish a method of allocating funds to hospitals, taking into consideration the relative amount of indigent care provided by each hospital or group of hospitals. The amount to be allocated shall be based on any combination of the following indicators of indigent care that the director considers appropriate:

(1) Total costs, volume, or proportion of services to recipients of the medical assistance program, including recipients enrolled in health insuring corporations;

(2) Total costs, volume, or proportion of services to low-income patients in addition to recipients of the medical assistance program, which may include recipients of Title V of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, **and recipients of disability financial or medical assistance provided under Chapter 5115. of the Revised Code, and recipients of disability medical assistance formerly provided under Chapter 5115. of the Revised Code;**

(3) The amount of uncompensated care provided by the hospital or group of hospitals;

(4) Other factors that the director considers to be appropriate indicators of indigent care.

(C) The department shall distribute funds to each hospital or group of hospitals in a manner that first may provide for an additional distribution to individual hospitals that provide a high proportion of indigent care in relation to the total care provided by the hospital or in relation to other hospitals. The department shall establish a formula to distribute the

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remainder of the funds. The formula shall be consistent with section 1923 of the "Social Security Act," 42 U.S.C.A. 1396r-4, as amended, shall be based on any combination of the indicators of indigent care listed in division (B) of this section that the director considers appropriate.

(D) The department shall distribute funds to each hospital in installments not later than ten working days after the deadline established in rules for each hospital to pay an installment on its assessment under section 5112.06 of the Revised Code. In the case of a governmental hospital that makes intergovernmental transfers, the department shall pay an installment under this section not later than ten working days after the earlier of that deadline or the deadline established in rules for the governmental hospital to pay an installment on its intergovernmental transfer. If the amount in the hospital care assurance program fund and the hospital care assurance match fund created under section 5112.18 of the Revised Code is insufficient to make the total distributions for which hospitals are eligible to receive in any period, the department shall reduce the amount of each distribution by the percentage by which the amount is insufficient. The department shall distribute to hospitals any amounts not distributed in the period in which they are due as soon as moneys are available in the funds.

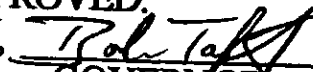
Sec. 5112.17. (A) As used in this section:

(1) "Federal poverty guideline" means the official poverty guideline as revised annually by the United States secretary of health and human services in accordance with section 673 of the "Community Service Block Grant Act," 95 Stat. 511 (1981), 42 U.S.C.A. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.

(2) "Third-party payer" means any private or public entity or program that may be liable by law or contract to make payment to or on behalf of an individual for health care services. "Third-party payer" does not include a hospital.

(B) Each hospital that receives funds distributed under sections 5112.01 to 5112.21 of the Revised Code shall provide, without charge to the individual, basic, medically necessary hospital-level services to individuals who are residents of this state, are not recipients of the medical assistance program, and whose income is at or below the federal poverty guideline. Recipients of disability financial assistance ~~and recipients of disability~~ ~~medical assistance~~ provided under Chapter 5115. of the Revised Code qualify for services under this section. The director of job and family services shall adopt rules under section 5112.03 of the Revised Code specifying the hospital services to be provided under this section.

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Sec. 5115.20. (A) The department of job and family services shall establish a disability advocacy program and each county department of job and family services shall establish a disability advocacy program unit or join with other county departments of job and family services to establish a joint county disability advocacy program unit. Through the program the department and county departments shall cooperate in efforts to assist applicants for and recipients of assistance under the disability financial assistance program ~~and the disability medical assistance program,~~ who might be eligible for supplemental security income benefits under Title XVI of the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, as amended, in applying for those benefits.

As part of their disability advocacy programs, the state department and county departments may enter into contracts for the services of persons and government entities that in the judgment of the department or county department have demonstrated expertise in representing persons seeking supplemental security income benefits. Each contract shall require the person or entity with which a department contracts to assess each person referred to it by the department to determine whether the person appears to be eligible for supplemental security income benefits, and, if the person appears to be eligible, assist the person in applying and represent the person in any proceeding of the social security administration, including any appeal or reconsideration of a denial of benefits. The department or county department shall provide to the person or entity with which it contracts all records in its possession relevant to the application for supplemental security income benefits. The department shall require a county department with relevant records to submit them to the person or entity.

(B) Each applicant for or recipient of disability financial assistance ~~or disability medical assistance,~~ who, in the judgment of the department or a county department might be eligible for supplemental security benefits, shall, as a condition of eligibility for assistance, apply for such benefits if directed to do so by the department or county department.

(C) With regard to applicants for and recipients of disability financial assistance ~~or disability medical assistance,~~ each county department of job and family services shall do all of the following:

- (1) Identify applicants and recipients who might be eligible for supplemental security income benefits;
- (2) Assist applicants and recipients in securing documentation of disabling conditions or refer them for such assistance to a person or government entity with which the department or county department has contracted under division (A) of this section;

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(3) Inform applicants and recipients of available sources of representation, which may include a person or government entity with which the department or county department has contracted under division (A) of this section, and of their right to represent themselves in reconsiderations and appeals of social security administration decisions that deny them supplemental security income benefits. The county department may require the applicants and recipients, as a condition of eligibility for assistance, to pursue reconsiderations and appeals of social security administration decisions that deny them supplemental security income benefits, and shall assist applicants and recipients as necessary to obtain such benefits or refer them to a person or government entity with which the department or county department has contracted under division (A) of this section.

(4) Require applicants and recipients who, in the judgment of the county department, are or may be aged, blind, or disabled, to apply for medical assistance under Chapter 5111. of the Revised Code, make determinations when appropriate as to eligibility for medical assistance, and refer their applications when necessary to the disability determination unit established in accordance with division (F) of this section for expedited review;

(5) Require each applicant and recipient who in the judgment of the department or the county department might be eligible for supplemental security income benefits, as a condition of eligibility for disability financial assistance ~~or disability medical assistance~~ to execute a written authorization for the secretary of health and human services to withhold benefits due that individual and pay to the director of job and family services or the director's designee an amount sufficient to reimburse the state and county shares of interim assistance furnished to the individual. For the purposes of division (C)(5) of this section, "benefits" and "interim assistance" have the meanings given in Title XVI of the "Social Security Act."

(D) The director of job and family services shall adopt rules in accordance with section 111.15 of the Revised Code for the effective administration of the disability advocacy program. The rules shall include all of the following:

(1) Methods to be used in collecting information from and disseminating it to county departments, including the following:

(a) The number of individuals in the county who are disabled recipients of disability financial assistance ~~or disability medical assistance;~~

(b) The final decision made either by the social security administration or by a court for each application or reconsideration in which an individual was assisted pursuant to this section.

(2) The type and process of training to be provided by the department of

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responsible for the applicant's or recipient's support, and from other sources, including any federal program designed to provide assistance to individuals with disabilities. The state or county department of job and family services may provide assistance to the applicant or recipient in securing other forms of financial assistance.

Sec. 5115.23. As used in this section, "erroneous payments" means **disability financial assistance payments** ~~or disability medical assistance payments~~ made to persons who are not entitled to receive them, including payments made as a result of misrepresentation or fraud, and payments made due to an error by the recipient or by the county department of job and family services that made the payment.

The department of job and family services shall adopt rules in accordance with section 111.15 of the Revised Code specifying the circumstances under which action is to be taken under this section to recover erroneous payments. The department, or a county department of job and family services at the request of the department, shall take action to recover erroneous payments in the circumstances specified in the rules. The department or county department may institute a civil action to recover erroneous payments.

Whenever disability financial assistance ~~or disability medical assistance~~ has been furnished to a recipient for whose support another person is responsible, the other person shall, in addition to the liability otherwise imposed, as a consequence of failure to support the recipient, be liable for all assistance furnished the recipient. The value of the assistance so furnished may be recovered in a civil action brought by the county department of job and family services.

Each county department of job and family services shall retain fifty per cent of the erroneous payments it recovers under this section. The department of job and family services shall receive the remaining fifty per cent.

Sec. 5119.61. Any provision in this chapter that refers to a board of alcohol, drug addiction, and mental health services also refers to the community mental health board in an alcohol, drug addiction, and mental health service district that has a community mental health board.

The director of mental health with respect to all facilities and programs established and operated under Chapter 340. of the Revised Code for mentally ill and emotionally disturbed persons, shall do all of the following:

(A) Adopt rules pursuant to Chapter 119. of the Revised Code that may be necessary to carry out the purposes of Chapter 340. and sections 5119.61 to 5119.63 of the Revised Code.

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job and family services to the employees of the county department of job and family services who perform duties under this section;

(3) Requirements for the written authorization required by division (C)(5) of this section.

(E) The department shall provide basic and continuing training to employees of the county department of job and family services who perform duties under this section. Training shall include but not be limited to all processes necessary to obtain federal disability benefits, and methods of advocacy.

(F) The department shall establish a disability determination unit and develop guidelines for expediting reviews of applications for medical assistance under Chapter 5111. of the Revised Code for persons who have been referred to the unit under division (C)(4) of this section. The department shall make determinations of eligibility for medical assistance for any such person within the time prescribed by federal regulations.

(G) The department may, under rules the director of job and family services adopts in accordance with section 111.15 of the Revised Code, pay a portion of the federal reimbursement described in division (C)(5) of this section to persons or government entities that assist or represent assistance recipients in reconsiderations and appeals of social security administration decisions denying them supplemental security income benefits.

(H) The director shall conduct investigations to determine whether disability advocacy programs are being administered in compliance with the Revised Code and the rules adopted by the director pursuant to this section.

Sec. 5115.22. (A) If a recipient of disability financial assistance **or** ~~disability medical assistance~~ or an individual whose income and resources are included in determining the recipient's eligibility for the assistance, becomes possessed of resources or income in excess of the amount allowed to retain eligibility, or if other changes occur that affect the recipient's eligibility or need for assistance, the recipient shall notify the state or county department of job and family services within the time limits specified in rules adopted by the director of job and family services in accordance with section 111.15 of the Revised Code. Failure of a recipient to report possession of excess resources or income or a change affecting eligibility or need within those time limits shall be considered prima-facie evidence of intent to defraud under section 5115.23 of the Revised Code.

(B) As a condition of eligibility for disability financial assistance **or** ~~disability medical assistance~~ and as a means of preventing or reducing the provision of assistance at public expense, each applicant for or recipient of the assistance shall make reasonable efforts to secure support from persons

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(2) The division and the department shall distribute any homeland security funds on a county basis and shall not distribute those funds on a regional basis unless federal law requires distribution on a regional basis.

(C) The director of public safety shall appoint an executive director, who shall be head of the division of homeland security and who regularly shall advise the governor and the director on matters pertaining to homeland security. The executive director shall serve at the pleasure of the director of public safety. To carry out the duties assigned under this section, the executive director, subject to the direction and control of the director of public safety, may appoint and maintain necessary staff and may enter into any necessary agreements.

(D) Except as otherwise provided by law, nothing in this section shall be construed to give the director of public safety or the executive director of the division of homeland security authority over the incident management structure or responsibilities of local emergency response personnel.

Sec. ~~181.51~~ 5502.61. As used in sections ~~181.51~~ 5502.61 to ~~181.56~~ 5502.66 of the Revised Code:

(A) "Federal criminal justice acts" means any federal law that authorizes financial assistance and other forms of assistance to be given by the federal government to the states to be used for the improvement of the criminal and juvenile justice systems of the states.

(B)(1) "Criminal justice system" includes all of the functions of the following:

(a) The state highway patrol, county sheriff offices, municipal and township police departments, and all other law enforcement agencies;

(b) The courts of appeals, courts of common pleas, municipal courts, county courts, and mayor's courts, when dealing with criminal cases;

(c) The prosecuting attorneys, city directors of law, village solicitors, and other prosecuting authorities when prosecuting or otherwise handling criminal cases and the county and joint county public defenders and other public defender agencies or offices;

(d) The department of rehabilitation and correction, probation departments, county and municipal jails and workhouses, and any other department, agency, or facility that is concerned with the rehabilitation or correction of criminal offenders;

(e) Any public or private agency whose purposes include the prevention of crime or the diversion, adjudication, detention, or rehabilitation of criminal offenders;

(f) Any public or private agency, the purposes of which include assistance to crime victims or witnesses.

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facilities or acquisition of capital equipment used in providing services to mentally retarded and developmentally disabled persons. The county board of mental retardation and developmental disabilities shall transmit a certified copy of the resolution to the board of county commissioners. Upon receiving the resolution, the board of county commissioners shall establish a county mental retardation and developmental disabilities capital fund.

A county board shall request, by resolution, that the board of county commissioners establish a county MR/DD medicaid reserve fund. On receipt of the resolution, the board of county commissioners shall establish a county MR/DD medicaid reserve fund. The portion of federal revenue funds that the county board earns for providing ~~habilitation center services,~~ medicaid case management services, and home and community-based services that is needed for the county board to pay for extraordinary costs, including extraordinary costs for services to individuals with mental retardation or other developmental disability, and ensure the availability of adequate funds in the event a county property tax levy for services for individuals with mental retardation or other developmental disability fails shall be deposited into the fund. The county board shall use money in the fund for those purposes in accordance with rules adopted under section 5123.0413 of the Revised Code.

Sec. 5705.211. (A) As used in this section:

(1) "Adjusted charge-off amount" for a fiscal year means two and three-tenths per cent of a school district's recognized valuation, as defined in section 3317.02 of the Revised Code, for the fiscal year.

(2) "Charge-off increase" for a tax year means the dollar amount, if any, by which the adjusted charge-off amount for the fiscal year ending in the preceding tax year exceeds the adjusted charge-off amount for the fiscal year ending in the current tax year.

(3) "Levies for current expenses" means any tax levied in excess of the ten-mill limitation for the current operating expenses of the district and any tax levied under sections 5705.194 to 5709.197 of the Revised Code.

(4) "Taxes charged and payable" means the taxes charged and payable from a tax levy extended on the real and public utility property tax list and the general list of personal property after any reduction under section 319.301 of the Revised Code but before any reduction under section 319.302, 323.152, or 323.158 of the Revised Code.

(B) The board of education of a city, local, or exempted village school district may adopt a resolution proposing the levy of a tax in excess of the ten-mill limitation for the purpose of paying the current operating expenses of the district. If the resolution is approved as provided in division (D) of

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this section, the tax may be levied at such a rate each year that the total taxes charged and payable from the levy equals the charge-off increase for the fiscal year or equals a lesser amount as prescribed under division (C) of this section. The tax may be levied for a continuing period of time or for a specific number of years, but not fewer than five years, as provided in the resolution. The tax may not be placed on the tax list for a tax year beginning before the first day of January following adoption of the resolution. A board of education may not adopt a resolution under this section proposing to levy a tax under this section concurrently with any other tax levied by the board under this section.

(C) After the first year a tax is levied under this section, the rate of the tax in any year shall not exceed the rate, estimated by the county auditor, that would cause the total taxes charged and payable from all the school district's property tax levies for current expenses, including the tax levied under this section, to exceed, if levied upon the total taxable value of real and personal property listed and assessed for taxation in the preceding year, one hundred four per cent of the taxes charged and payable from the same levies imposed in the preceding year. A board of education imposing a tax under this section may specify in the resolution imposing the tax that the percentage shall be less than one hundred four per cent, but the percentage shall not be less than one hundred per cent. At any time after a resolution adopted under this section is approved by a majority of electors as provided in division (D) of this section, the board of education, by resolution, may decrease the percentage specified in the resolution levying the tax.

For the purposes of this division, a renewal of a levy that was imposed in the preceding year is the same as the levy being renewed to the extent the rate of the renewal levy does not exceed the rate of the levy being renewed. A replacement of a levy that was imposed in the preceding year is the same as the replaced levy to the extent the effective rate of the replacement levy does not exceed the effective rate of the replaced levy in the last year the replaced levy was imposed. For the purposes of this division, "effective rate" of a levy equals the total of the taxes charged and payable from the levy divided by the taxable value of all real and tangible personal property subject to the levy.

(D) A resolution adopted under this section shall state that the purpose of the tax is to pay current operating expenses of the district, and shall specify the first year in which the tax is to be levied, the number of years the tax will be levied or that it will be levied for a continuing period of time, and the election at which the question of the tax is to appear on the ballot, which shall be a general or special election consistent with the requirements of

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section 3501.01 of the Revised Code. If the board of education specifies a percentage less than one hundred four per cent pursuant to division (C) of this section, the percentage shall be specified in the resolution.

Upon adoption of the resolution, the board of education may certify a copy of the resolution to the proper county board of elections. The copy of the resolution shall be certified to the board of elections not later than seventy-five days before the day of the election at which the question of the tax is to appear on the ballot. Upon receiving a timely certified copy of such a resolution, the board of elections shall make the necessary arrangements for the submission of the question to the electors of the school district, and the election shall be conducted, canvassed, and certified in the same manner as regular elections in the school district for the election of members of the board of education. Notice of the election shall be published in one or more newspapers of general circulation in the school district once per week for four consecutive weeks. The notice shall state that the purpose of the tax is for the current operating expenses of the school district, the first year the tax is to be levied, the number of years the tax is to be levied or that it is to be levied for a continuing period of time, that the tax is to be levied each year in an amount estimated to offset decreases in state base cost funding caused by increases in the district's taxable property valuation, and that the estimated additional tax in any year of the levy shall not cause the taxes charged and payable for school operating expenses to exceed the previous year's by more than one hundred four per cent, or a lesser percentage specified in the resolution levying the tax, except for increases caused by the addition of new taxable property.

The question shall be submitted as a separate proposition but may be printed on the same ballot with any other proposition submitted at the same election other than the election of officers.

The form of the ballot shall be substantially as follows:

"An additional tax for the benefit of (name of school district) for the purpose of paying the current operating expenses of the district, for (number of years or for continuing period of time), at a rate sufficient to offset any reduction in basic state funding caused by increases in the district's taxable property valuation, but limited to prevent total revenue for the district's operating expenses from increasing by more than per cent per year?"

| | | |
|--------------------------|----------------------|---|
| <input type="checkbox"/> | For the tax levy | " |
| <input type="checkbox"/> | Against the tax levy | |

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If a majority of the electors of the school district voting on the question vote in favor of the question, the board of elections shall certify the results of the election to the board of education and to the tax commissioner immediately after the canvass.

(E) When preparing any estimate of the contemplated receipts from a tax levied pursuant to this section for the purposes of sections 5705.28 to 5705.40 of the Revised Code, and in preparing to certify the tax under section 5705.34 of the Revised Code, a board of education authorized to levy such a tax shall use information supplied by the department of education to determine the charge-off increase for the tax year for which that certification is made. If the board levied a tax under this section in the preceding tax year, the sum to be certified for collection from the tax shall not exceed the sum that would exceed the limitation imposed under division (C) of this section. At the request of the board of education or the treasurer of the school district, the county auditor shall assist the board of education in determining the rate or sum that may be levied under this section.

The board of education shall certify the sum authorized to be levied to the county auditor, and, for the purpose of the county auditor determining the rate at which the tax is to be levied in the tax year, the sum so certified shall be the sum to be raised by the tax unless the sum exceeds the limitation imposed by division (C) of this section. A tax levied pursuant to this section shall not be levied at a rate in excess of the rate estimated by the county auditor to produce the sum certified by the board of education after the reduction required under section 319.301 of the Revised Code but before the reductions under sections 319.302, 323.152, and 323.158 of the Revised Code. Notwithstanding section 5705.34 of the Revised Code, a board of education authorized to levy a tax under this section shall certify the tax to the county auditor before the first day of October of the tax year in which the tax is to be levied, or at a later date as approved by the tax commissioner.

~~Sec. 5705.391. (A) A board of education shall adopt as part of its annual appropriation measure a spending plan or in the case of an amendment or supplement to an appropriation measure, an amended spending plan, setting forth a schedule of expenses and expenditures of all appropriated funds by the school district for the fiscal year. A copy of the annual appropriation measure and any amendment or supplement to it and the spending plan or amended plan shall be submitted to the superintendent of public instruction and shall set forth all revenues available for appropriation by the district during the fiscal year and their sources; the nature and amount of expenses to be incurred by the district during such year, the outstanding and unpaid~~

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(D) The generation-skipping tax levied by division (B) of this section shall be paid, without notice or demand by the tax commissioner, with the return, and shall be charged, collected, and administered in the same manner as estate taxes levied by this chapter. This chapter is generally applicable to, except to the extent it is inconsistent with the nature of, the generation-skipping tax.

(E) If another state levies a generation-skipping tax on a transfer described in division (B) of this section, the tax commissioner may enter into a compromise of the generation-skipping tax levied by division (B) of this section in the manner provided in section 5731.35 of the Revised Code, except that no approval of any probate court is required. If such a compromise agreement is made, no interest and penalties shall accrue for the period prior to the execution of the agreement and for sixty days after its execution.

Sec. 5731.22. (A) ~~If the executor, administrator, or other person required to file a return fails to file the return required by this chapter or to pay the tax due under this chapter on or before the date prescribed therefor, determined with regard to any extension of time for filing or payment, unless it is shown that such failure is due to reasonable cause and not due to willful neglect, there shall be added to the amount of tax as finally determined a penalty determined by the tax commissioner, in the amount of five ten per cent of the amount of that tax if the failure is not for more than one month, or, if the failure is for more than one month, in the amount of five per cent of the amount of that tax plus an additional five per cent for each additional month or fraction of a month during which the failure continues, not exceeding twenty five per cent in the aggregate. If, due to fraud, there is a failure to file the return or an underpayment of tax due under this chapter, there shall be added to the amount of tax as finally determined a penalty determined by the tax commissioner, in an amount not to exceed ten thousand dollars the tax due and unpaid. The penalties penalty imposed by this section shall be collected at the same time and in the same manner as the tax itself.~~

~~The penalties penalty shall be charged against the executor, administrator, or other person having custody or control of any property the transfer of which is subject to estate tax, and such executor, administrator, or other person is personally liable for the penalties. Such penalties penalty. The penalty shall be divided in the same manner prescribed for the division of the tax in sections 5731.50 and 5731.51 of the Revised Code.~~

~~(B) The county auditor, upon consultation with the county treasurer, shall remit a penalty imposed under this section on a person if that person~~

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applies for remission and shows that the failure to file the return or to pay the tax due under this chapter on or before the date prescribed for such filing or payment, determined with regard to any extension, was due to reasonable cause and not willful neglect. The county auditor shall notify the applicant of the remission decision by mail. If the county auditor denies the applicant's application for remission, the applicant, within sixty days after the notice of the county auditor's decision is mailed, may apply to the tax commissioner for review of the county auditor's decision. The application may be filed in person or by certified mail. If the application is filed by certified mail, the date of the United States postmark placed on the sender's receipt by the postal service shall be treated as the date of filing. The tax commissioner shall consider the application, determine whether the penalty should be remitted, and certify the determination to the applicant, the county auditor, and the county treasurer. The county auditor and county treasurer shall make any settlement, and the county treasurer shall correct the accounts required to be kept under section 5731.46 of the Revised Code, as necessitated by the tax commissioner's determination. The applicant may file an exception to the tax commissioner's determination with the probate court as provided under section 5731.30 of the Revised Code.

The tax commissioner may issue orders and instructions for the uniform implementation of this division by the county auditors and county treasurers of all counties, and such officers shall follow such orders and instructions.

Sec. 5731.23. Subject to division (A) of section 5731.25 of the Revised Code or any other statute extending the time for payment of an estate tax, the tax levied by section 5731.02 and division (A) of section 5731.19 of the Revised Code shall, without notice or demand by the tax commissioner, be due and payable by the person liable for it, at the expiration of nine months from the date of the decedent's death, to the treasurer of the county. If any amount of tax levied by section 5731.02 or division (A) of section 5731.19 of the Revised Code is not paid on or before nine months from the date of the decedent's death, interest on such amount shall be paid for the period from such date to the date paid, computed at the ~~rate per annum prescribed by federal short-term rate determined by the tax commissioner~~ under section 5703.47 of the Revised Code. Interest at the same rate shall be paid on any amount of tax determined to be due by way of deficiency from nine months from the date of the decedent's death to the date of payment thereof. Such interest shall be charged and collected in the same manner as the tax.

Interest computed at the ~~rate per annum prescribed by federal short-term rate determined by the tax commissioner~~ under section 5703.47 of the Revised Code shall be allowed and paid upon any overpayment of tax levied

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(i) A corporation that has made an election under subchapter S, chapter one, subtitle A, of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year;

(ii) A subsidiary that is wholly owned by any corporation that has made an election under subchapter S, chapter one, subtitle A of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year.

(2) For the purposes of this chapter, unless expressly stated otherwise, no qualifying person indirectly owns any asset directly or indirectly owned by any qualifying corporation.

(FF) For purposes of this chapter and Chapter 5751, of the Revised Code:

(1) "Trust" does not include a qualified pre-income tax trust.

(2) A "qualified pre-income tax trust" is any pre-income tax trust that makes a qualifying pre-income tax trust election as described in division (FF)(3) of this section.

(3) A "qualifying pre-income tax trust election" is an election by a pre-income tax trust to be subject to the tax imposed by section 5751.02 of the Revised Code and to be subject to the tax imposed by section 5751.02 of the Revised Code all pass-through entities in which it owns, directly, indirectly, or constructively through related interests by common owners, five per cent or more of the ownership or equity interests. The trustee shall notify the tax commissioner in writing of the election on or before April 15, 2006. The election, if timely made, shall be effective on and after January 1, 2005, and shall apply for all tax periods and tax years until revoked by the trustee of the trust.

(4) A "pre-income tax trust" is a trust that satisfies both of the following requirements:

(a) The document or instrument creating the trust was executed by the grantor before January 1, 1972.

(b) The trust became irrevocable upon the creation of the trust.

Sec. 5747.012. This section applies for the purposes of divisions (BB)(3) and (BB)(4)(a)(ii) of section 5747.01 of the Revised Code.

(A) As used in this section:

(1)(a) Except as set forth in division (A)(1)(b) of this section, "qualifying investment income" means the portion of a qualifying investment pass-through entity's net income attributable to transaction fees in connection with the acquisition, ownership, or disposition of intangible property; loan fees; financing fees; consent fees; waiver fees; application fees; net management fees; dividend income; interest income; net capital

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insurance in this state;

insurance company or foreign insurance company, as defined in section 5725.01 of the Revised Code, that paid the insurance company premiums tax imposed by section 5725.18 or Chapter 5729, of the Revised Code based on one or more measurement periods that include the entire tax period under this chapter:

(10) A person that solely facilitates or services one or more securitizations or similar transactions for any person described in division (E)(3), (5), (6), (7), (8), or (9) of this section. For purposes of this division, "securitization" means transferring one or more assets to one or more persons and then issuing securities backed by the right to receive payment from the asset or assets so transferred.

(11) Except as otherwise provided in this division, a pre-income tax trust as defined in division (FF)(4) of section 5747.01 of the Revised Code and any pass-through entity in which such pre-income tax trust owns, directly, indirectly, or constructively through related interests by common owners, more than five per cent of the ownership or equity interests. If the pre-income tax trust has made a qualifying pre-income tax trust election under division (FF)(3) of section 5747.01 of the Revised Code, then the trust and the pass-through entities in which it owns, directly, indirectly, or constructively through related interests by common owners, more than five per cent of the ownership or equity interests, shall not be excluded persons for purposes of the tax imposed under section 5751.02 of the Revised Code.

(F) Except as otherwise provided in divisions (F)(2), (3), (4), and (5) of this section, "gross receipts" means the total amount realized by a person, without deduction for the cost of goods sold or other expenses incurred, that contributes to the production of gross income of the person, including the fair market value of any property and any services received, and any debt transferred or forgiven as consideration.

(1) The following are examples of gross receipts:

(a) Amounts realized from the sale, exchange, or other disposition of the taxpayer's property to or with another;

(b) Amounts realized from the taxpayer's performance of services for another;

(c) Amounts realized from another's use or possession of the taxpayer's property or capital;

(d) Any combination of the foregoing amounts.

(2) "Gross receipts" excludes the following amounts:

(a) Interest income except interest on credit sales;

(b) Dividends and distributions from corporations, and distributive or

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group are subject to assessment under section 5751.09 of the Revised Code.

Sec. 5751.013. (A) Except as provided in division (B) of this section:

(1) A person shall include as taxable gross receipts the value of property the person transfers into this state for the person's own use within one year after the person receives the property outside this state; and

(2) In the case of an elected consolidated taxpayer or a combined taxpayer, the taxpayer shall include as taxable gross receipts the value of property that any of the taxpayer's members transferred into this state for the use of any of the taxpayer's members within one year after the taxpayer receives the property outside this state.

(B) Property brought into this state within one year after it is received outside this state by a person or group described in division (A)(1) or (2) of this section shall not be included as taxable gross receipts as required under those divisions if the tax commissioner ascertains that the property's receipt outside this state by the person or group followed by its transfer into this state within one year was not intended in whole or in part to avoid in whole or in part the tax imposed under this chapter.

(C) The tax commissioner may adopt rules necessary to administer this section.

Sec. 5751.02. (A) For the purpose of funding the needs of this state and its local governments beginning with the tax period that commences July 1, 2005, and continuing for every tax period thereafter, there is hereby levied a commercial activity tax on each person with taxable gross receipts for the privilege of doing business in this state. For the purposes of this chapter, "doing business" means engaging in any activity, whether legal or illegal, that is conducted for, or results in, gain, profit, or income, at any time during the calendar year. Persons on which the commercial activity tax is levied include, but are not limited to, persons with substantial nexus with this state. The tax imposed under this section is not a transactional tax and is not subject to Public Law No. 86-272, 73 Stat. 555. The tax imposed under this section is in addition to any other taxes or fees imposed under the Revised Code. The tax levied under this section is imposed on the person receiving the gross receipts and is not a tax imposed directly on a purchaser. The tax imposed by this section is an annual privilege tax for the calendar year that, in the case of calendar year taxpayers, is the annual tax period and, in the case of calendar quarter taxpayers, contains all quarterly tax periods in the calendar year. A taxpayer is subject to the annual privilege tax for doing business during any portion of such calendar year.

(B) The tax imposed by this section is a tax on the taxpayer and, **except as otherwise provided in this section,** shall not be billed or invoiced to

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another person. Even if the tax or any portion thereof is billed or invoiced and separately stated, such amounts remain part of the price for purposes of the sales and use taxes levied under Chapters 5739, and 5741, of the Revised Code. Nothing in division (B) of this section prohibits a person from including in the price charged for a good or service an amount sufficient to recover the tax imposed by this section or from recovering the amount of the tax imposed by this section as a combined or separately stated overhead charge or other charge as part of any legal contract, including an existing, an amended, or a future contract.

Sec. 5751.03. (A) Except as provided in divisions (B) and (D) of this section and in sections 5751.031 and 5751.032 of the Revised Code, the tax levied under this section for each tax period shall be the product of two and six-tenths mills per dollar times the remainder of the taxpayer's taxable gross receipts for the tax period after subtracting the exclusion amount provided for in division (C) of this section.

(B) Notwithstanding division (C) of this section, the tax on the first one million dollars in taxable gross receipts each calendar year shall be one hundred fifty dollars. For calendar year 2006, the tax imposed under this division shall be paid not later than May 10, 2006, by both calendar year taxpayers and calendar quarter taxpayers. For calendar year 2007 and thereafter, the tax imposed under this division shall be paid with the fourth-quarter tax return or annual tax return for the prior calendar year by both calendar year taxpayers and calendar quarter taxpayers.

(C)(1) Each calendar quarter taxpayer may exclude the first two hundred fifty thousand dollars of taxable gross receipts for a calendar quarter and may carry forward and apply any unused exclusion amount to the three subsequent calendar quarters. Each calendar year taxpayer may exclude the first one million dollars of taxable gross receipts for a calendar year.

(2) A taxpayer switching from a calendar year tax period to a calendar quarter tax period may, for the first quarter of the change, apply the prior calendar quarter exclusion amounts to the first calendar quarter return the taxpayer files that calendar year. The tax rate shall be based on the rate imposed that calendar quarter when the taxpayer switches from a calendar year to a calendar quarter tax period.

(D) There is hereby allowed a credit against the tax imposed under this chapter for each of the following calendar years if a transfer was made in the preceding calendar year from the general revenue fund to the commercial activity tax refund fund under division (D) of section 5751.032 of the Revised Code: calendar years 2008, 2010, and 2012. The credit is allowed

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application not later than fifteen days after receiving or being notified of them.

(G) The director shall issue or deny a section 401 water quality certification not later than one hundred eighty days after the complete application for the certification is received. The director shall provide an applicant for a section 401 water quality certification with an opportunity to review the certification prior to its issuance.

(H) The director shall maintain an accessible database that includes environmentally beneficial water restoration and protection projects that may serve as potential mitigation projects for projects in the state for which a section 401 water quality certification is required. A project's inclusion in the database does not constitute an approval of the project.

(I) As used in this section and sections 6111.31 and 6111.32 of the Revised Code, "section 401 water quality certification" means certification pursuant to section 401 of the Federal Water Pollution Control Act and this chapter and rules adopted under it that any discharge, as set forth in section 401, will comply with sections 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act.

Sec. 6111.31. All substantive wetland, stream, or lake mitigation standards, criteria, scientific methods, processes, or other procedures or policies that are used in a uniform manner by the director of environmental protection in evaluating the adequacy of a mitigation proposal contained in an application for a section 401 water quality certification shall be adopted and reviewed in accordance with sections 119.03 and 119.032 of the Revised Code before those standards, criteria, or scientific methods have the force of law. Until that time, any such mitigation standards, criteria, scientific methods, processes, or other procedures or policies that are used by or approved for use by the director to evaluate, measure, or determine the success, approval, or denial of a mitigation proposal, but that have not been subject to review under sections 119.03 and 119.032 of the Revised Code shall not be used as the basis for any certification or permit denial or as a standard applied to mitigation unless the applicant has been notified in advance that additional mitigation standards, criteria, scientific methods, processes, or procedures will be considered as part of the review process.

Sec. 6111.32. (A) Mitigation for wetland or stream impacts for which a section 401 water quality certification has been issued under section 6111.30 of the Revised Code shall be conducted by the applicant for the certification in accordance with the following requirements:

(1) For impacts to one acre or less of category 1 or category 2 wetlands, the applicant shall conduct mitigation within the same United States army

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corps of engineers district as the impacts, provided that the mitigation is conducted within that portion of the district that is located within this state.

(2) For all other wetland or stream impacts, mitigation shall occur in the following preferred order:

(a) Practicable on-site mitigation;

(b) Mitigation within the eight-digit United States geological survey watershed or mitigation within the service area of a wetland mitigation bank approved by a mitigation bank team;

(c) Mitigation in an adjacent eight-digit United States geological survey watershed;

(d) Mitigation within the same United States army corps of engineers district as the impacts, provided that the mitigation is conducted within that portion of the district that is located within this state.

(B) As used in this section, "category 1 wetland" and "category 2 wetland" have the same meanings as in section 6111.02 of the Revised Code.

Sec. 6121.04. The Ohio water development authority may do any or all of the following:

(A) Adopt bylaws for the regulation of its affairs and the conduct of its business;

(B) Adopt an official seal;

(C) Maintain a principal office and suboffices at places within the state that it designates;

(D) Sue and plead in its own name and be sued and impleaded in its own name with respect to its contracts or torts of its members, employees, or agents acting within the scope of their employment, or to enforce its obligations and covenants made under sections 6121.06, 6121.08, and 6121.13 of the Revised Code. Any such actions against the authority shall be brought in the court of common pleas of the county in which the principal office of the authority is located or in the court of common pleas of the county in which the cause of action arose, provided that the county is located within this state, and all summonses, exceptions, and notices of every kind shall be served on the authority by leaving a copy thereof at the principal office with the person in charge thereof or with the secretary-treasurer of the authority.

(E) Make loans and grants to governmental agencies for the acquisition or construction of water development projects by any such governmental agency and adopt rules and procedures for making such loans and grants;

(F) Acquire, construct, reconstruct, enlarge, improve, furnish, equip, maintain, repair, operate, or lease or rent to, or contract for operation by, a

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against liability for damage to property or injury to or death of persons arising from its operations, and any other insurance the authority may agree to provide under any resolution authorizing its development revenue bonds or in any trust agreement securing the same;

(N) Charge, alter, and collect rentals and other charges for the use or services of any development project as provided in section 6123.13 of the Revised Code;

(O) Provide coverage for its employees under Chapters 145., 4123., and 4141. of the Revised Code;

(P) Do all acts necessary or proper to carry out the powers expressly granted in this chapter.

Any instrument by which real property is acquired pursuant to this section shall identify the agency of the state that has the use and benefit of the real property as specified in section 5301.012 of the Revised Code.

SECTION 101.02. That existing sections 9.24, 9.833, 9.90, 9.981, 101.68, 102.02, 102.06, 108.05, 109.54, 109.57, 109.79, 109.91, 109.98, 117.10, 120.06, 120.13, 120.23, 120.52, 120.53, 121.37, 121.38, 122.011, 122.17, 122.171, 122.18, 122.40, 122.603, 122.71, 122.72, 122.73, 122.74, 122.75, 122.751, 122.76, 122.77, 122.78, 122.79, 122.82, 122.83, 122.95, 122.951, 123.01, 123.152, 123.17, 124.07, 124.321, 124.328, 125.041, 125.05, 125.11, 125.831, 125.832, 126.25, 127.16, 131.02, 131.23, 133.08, 133.081, 133.09, 140.01, 141.011, 141.04, 145.01, 145.33, 147.05, 147.10, 147.11, 147.12, 147.371, 149.30, 150.07, 150.10, 154.11, 173.26, 173.40, 173.99, 181.251, 181.51, 181.52, 181.54, 181.55, 181.56, 183.28, 184.02, 305.171, 307.37, 307.695, 307.86, 307.88, 317.08, 317.36, 319.20, 319.302, 321.24, 323.01, 323.152, 325.31, 329.04, 329.051, 339.72, 339.88, 340.03, 340.16, 351.01, 351.021, 351.06, 351.141, 351.16, 718.09, 718.10, 731.14, 731.141, 742.59, 901.43, 903.05, 905.32, 905.33, 905.331, 905.36, 905.37, 905.38, 905.381, 905.50, 905.501, 905.66, 907.16, 913.02, 913.23, 915.02, 915.16, 915.24, 921.02, 921.16, 923.44, 923.45, 923.46, 926.01, 927.69, 1111.04, 1327.511, 1502.02, 1509.06, 1509.072, 1509.31, 1515.14, 1517.02, 1521.062, 1531.27, 1533.10, 1533.11, 1533.111, 1533.112, 1533.12, 1533.32, 1541.03, 1548.06, 1707.01, 1707.17, 1707.19, 1707.20, 1707.22, 1707.23, 1707.25, 1707.261, 1707.431, 1707.44, 1707.46, 1711.52, 1711.53, 1713.03, 1751.03, 1751.04, 1751.05, 1901.26, 1901.31, 1907.24, 2113.041, 2117.061, 2151.352, 2151.416, 2152.43, 2152.74, 2303.201, 2305.234, 2329.66, 2743.191, 2744.05, 2744.08, 2901.07, 2913.40, 2921.13, 2923.25, 2923.35, 2923.46, 2925.44, 2933.43, 2933.74, 2949.092, 2971.05, 3107.10, 3111.04, 3119.54, 3121.12, 3121.50, 3125.18, 3301.079, 3301.0710,

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6/30/05, *[Signature]*
DATE GOVERNOR

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6/30/05, *Bob Taft*
DATE GOVERNOR

4766.09, 4905.10, 4905.54, 4905.95, 4911.18, 4973.171, 5101.16, **5101.181**
 5101.184, 5101.21, 5101.241, **5101.26** **5101.31** 5101.35, **5101.36** 5101.46,
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 5747.80, 5747.98, 5748.01, 5748.02, 5748.03, 5748.04, 5748.08, 5749.02,
 5907.15, 5919.33, 5920.01, 6109.21, 6121.04, and 6123.04 of the Revised
 Code are hereby repealed. Existing Section 41.36 of Am. Sub. H.B. 95 of
 the 125th General Assembly is hereby repealed.

**ALL THE ABOVE
 BOXED MATERIAL IS
 DISAPPROVED.**
 6/30/15 *Bob Taylor*
 DATE GOVERNOR

SECTION 105.01. That sections 181.53, 339.77, 742.36, 1541.221, 3301.31, 3301.33, 3301.34, 3301.35, 3301.36, 3301.37, 3301.38, 3301.80, 3301.85, 3301.87, 3311.40, 3314.15, 3317.012, 3317.0212, 3317.0213, 3353.02, 3353.03, 3506.17, 3704.14, 3704.142, 3704.17, 3721.511, 3901.41, 3901.781, 3901.782, 3901.783, 3901.784, 4519.06, 4519.07, 5101.751, 5101.753, 5101.754, 5111.041, 5111.205, 5111.24, 5111.262, 5111.34, **5115.10, 5115.11, 5115.12, 5115.13, 5115.14**, 5123.041, 5123.048, 5571.13, 5731.20, and 5733.122 of the Revised Code are hereby repealed.

SECTION 200.01. Except as otherwise provided, all appropriation items (AI) in this act are appropriated out of any moneys in the state treasury to the credit of the designated fund that are not otherwise appropriated. For all appropriations made in this act, the amounts in the first column are for fiscal year 2006 and the amounts in the second column are for fiscal year 2007.

FND AI TITLE APPROPRIATIONS

SECTION 203.03. ACC ACCOUNTANCY BOARD OF OHIO

General Services Fund Group

| | | | | | |
|---------------------------------|--------------------------|----|-----------|----|-----------|
| 4J8 889-601 | CPA Education Assistance | \$ | 209,510 | \$ | 209,510 |
| 4K9 889-609 | Operating Expenses | \$ | 1,069,776 | \$ | 1,069,776 |
| TOTAL GSF General Services Fund | | | | | |
| Group | | \$ | 1,279,286 | \$ | 1,279,286 |
| TOTAL ALL BUDGET FUND GROUPS | | | | | |
| | | \$ | 1,279,286 | \$ | 1,279,286 |

SECTION 203.06. PAY ACCRUED LEAVE LIABILITY

Accrued Leave Liability Fund Group

| | | | | | |
|-----------------------------------|--------------------|----|-------------|----|-------------|
| 806 995-666 | Accrued Leave Fund | \$ | 68,846,630 | \$ | 77,950,372 |
| 807 995-667 | Disability Fund | \$ | 48,057,723 | \$ | 50,955,496 |
| TOTAL ALF Accrued Leave Liability | | | | | |
| Fund Group | | \$ | 116,904,353 | \$ | 128,905,868 |

Agency Fund Group

| | | | | | |
|-----------------------------|------------------------------------|----|-------------|----|-------------|
| 808 995-668 | State Employee Health Benefit Fund | \$ | 480,879,258 | \$ | 550,922,742 |
| 809 995-669 | Dependent Care Spending Account | \$ | 2,801,543 | \$ | 2,969,635 |
| 810 995-670 | Life Insurance Investment Fund | \$ | 1,943,789 | \$ | 2,031,381 |
| 811 995-671 | Parental Leave Benefit Fund | \$ | 4,040,434 | \$ | 4,282,860 |
| 813 995-672 | Health Care Spending Account | \$ | 8,000,000 | \$ | 12,000,000 |
| TOTAL AGY Agency Fund Group | | | | | |
| | | \$ | 497,665,024 | \$ | 572,206,618 |

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6/30/05 *Bob Taft*
DATE GOVERNOR

Department of Job and Family Services and to assist individuals in planning for their long-term health care needs.

SECTION 203.21.06. PASSPORT

Of the foregoing appropriation item 490-607, PASSPORT, Fund 3C4, up to \$200,000 in fiscal year 2006 shall be used for an evaluation of the PASSPORT Program.

(A) There is hereby created the PASSPORT Evaluation Panel to oversee the performance of an evaluation of the PASSPORT Home and Community Based Waiver Program conducted by an independent contractor. The Panel shall be composed of the following members:

- (1) The Director of Aging or the Director's designee;
- (2) The Director of Job and Family Services or the Director's designee;
- (3) A representative of the Ohio Association of Area Agencies on Aging, appointed by the Association;
- (4) A representative of PASSPORT providers, appointed by the Director of Aging;
- (5) A representative of the Ohio Academy of Nursing Homes, appointed by the Academy;
- (6) A representative of the Ohio Health Care Association, appointed by the Association;
- (7) A representative of the Association for Ohio Philanthropic Homes and Housing for the Aging, appointed by the Association;
- (8) A representative of the American Association of Retired Persons, appointed by the Association;
- (9) A representative of Scripps Gerontology Center at Miami University, appointed by the Center.

Panel members shall serve without compensation. The Department of Aging shall provide assistance to the PASSPORT Evaluation Panel, including support services and meeting space. The Panel shall convene not later than sixty days after the effective date of this section.

(B) The Panel shall do all of the following:

- (1) Establish criteria to be used in selecting an independent contractor to evaluate the PASSPORT Program. The criteria shall specify that the independent contractor must not be affiliated with any state agency.
- (2) In accordance with the request for proposal process administered by the Department of Administrative Services, accept and evaluate bids from potential contractors;
- (3) Select to evaluate the PASSPORT Program an independent contractor that meets the criteria established by the Panel and the

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Department.

(C) The independent contractor selected by the PASSPORT Evaluation Panel shall, in conducting the evaluation of the PASSPORT Program, do all of the following:

(1) Examine the implementation by the existing PASSPORT system of the long-term care recommendations of the Ohio Commission to Reform Medicaid and coordinate the work of the PASSPORT evaluation with the Medicaid Transition Council and the Medicaid Care Management Work Group;

(2) Evaluate the cost-effectiveness of services provided under the program;

(3) Evaluate the population served and the appropriateness of the program for that population;

(4) Evaluate program outcomes to determine the program's effectiveness in preventing nursing home admissions;

(5) Evaluate the effectiveness of area agencies on aging in efficiently linking older Ohioans to the appropriate level of assistance based on the screening and assessment activities of the PASSPORT system;

(6) Examine the cost effectiveness of increasing the care management responsibilities of area agencies on aging to include the management of the Medicaid state plan services;

(7) Evaluate the effectiveness of client-to-case management ratios of area agencies on aging to assess whether clients receive quality outcomes in a cost-effective manner;

(8) Evaluate and assess the effectiveness of the PASSPORT program's authority to provide interventions that increase enrollment and decrease disenrollment and increase flexibility to provide quality, timely service to clients with special service needs;

(9) Evaluate the PASSPORT program's rate structure and contracting process to determine fair market rates and quality incentive indicators;

(10) Evaluate the effectiveness of the PASSPORT program's current provider procurement process;

(11) Determine elements of the program that may be vulnerable to fraud;

(12) Any additional action requested by the PASSPORT Evaluation Panel.

The independent contractor shall issue to the Panel quarterly reports and, by not later than May 15, 2007, a final report, of its findings. By not later than June 30, 2007, the PASSPORT Evaluation Panel shall approve a final report.

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counties. The program shall provide professional development that is based on a review of scientifically based research and is expected to improve student academic achievement as required by Title II of the "No Child Left Behind Act of 2001," 115 Stat. 1425, 20 U.S.C. 6612 et seq., for approximately eighty public and charter nonpublic teachers from Ohio's Appalachian counties each year. The Department of Education shall provide \$1,500,000 each fiscal year in federal grant funds from the State Grants For Improving Teacher Quality Program to the Columbiana County Educational Service Center for this purpose. The Center shall not expend these funds outside of Ohio.

SECTION 206.10.21. (A) Notwithstanding section 3313.41 of the Revised Code, a school district board of education in support of economic development within the territory of the district may dispose of real property that it owns in its corporate capacity, and that exceeds in value ten thousand dollars, by direct sale in lieu of offering the property for sale at public auction as provided in division (A) of that section, in lieu of offering the property for sale to an entity listed in division (C) of that section, or in lieu of offering the property for sale to a community school as provided in division (G) of that section, if all of the following conditions are satisfied:

- (1) The real property is encumbered by easements, liens, or other use restrictions that benefit the person acquiring the property under this section;
- (2) The real property was part of or adjacent to real property previously disposed of by the board of education;
- (3) The real property when sold will be used for commercial development.

(B) This section expires December 31, 2005.

SECTION 206.10.24. Regardless of the changes made by this act regarding the reporting of formula ADM by school districts, not later than July 1, 2006, the Superintendent of Public Instruction shall recommend to the General Assembly a plan whereby:

(A) School districts make a second annual certification of formula ADM in the second half of each fiscal year, prior to the first day of April;

(B) This second annual certification of formula ADM may be used to guarantee a minimum level of state funding to each school district for the next fiscal year, with sufficient notice so that the districts may prepare in

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entering operator shall be paid, for nursing facility services the nursing facility provides during the period beginning on the effective date of the change of operator and ending June 30, 2006, the rate paid to the exiting operator for nursing facility services that the nursing facility provided on the day immediately before the effective date of the change of operator.

(D) If, during fiscal year 2006, a nursing facility obtains certification as a nursing facility from the Director of Health and begins participation in the Medicaid program, the provider of the nursing facility shall be paid, for nursing facility services the nursing facility provides during the period beginning on the date the nursing facility begins participation in the Medicaid program and ending June 30, 2006, a rate that is the median of all rates paid to providers of nursing facilities on July 1, 2005.

(E) If, during fiscal year 2007, one or more Medicaid certified beds are added to a nursing facility with a valid Medicaid provider agreement for fiscal year 2006, the provider of the nursing facility shall be paid a rate for the new beds that is the same as the nursing facility's rate for the Medicaid certified beds that are in the nursing facility on the day before the new beds are added.

(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 nursing facilities 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)(1) A nursing facility's rate established under this section shall not be subject to any adjustments except as follows:

(a) An adjustment resulting from an audit of the nursing facility's 2003 cost report may be applied to a rate established under this section for the nursing facility not later than three years after the first day of the fiscal year for which the rate is established.

(b) Subject to division (G)(2) of this section the nursing facility's rate established under this section may be adjusted pursuant to a process established in rules adopted under section 5111.02 of the Revised Code to reflect a change in the nursing facility's capital costs due to any of the following:

(i) A change of provider agreement that goes into effect before July 1, 2005, and for which a rate adjustment is not implemented before June 30, 2005;

(ii) A reviewable activity for which a certificate of need application is filed with the Director of Health before July 1, 2005, costs are incurred

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before June 30, 2005, and a rate adjustment is not implemented before June 30, 2005;

(iii) An activity that the Director of Health, before July 1, 2005, rules is not a reviewable activity and for which costs are incurred before June 30, 2005, and a rate adjustment is not implemented before June 30, 2005.

(2) A nursing facility's rate established under this section may be adjusted pursuant to division (G)(1)(b)(ii) or (iii) of this section only if, after all other Medicaid obligations have been met, there are appropriations in appropriation item 600-525, Health Care/Medicaid, that would otherwise lapse to the General Revenue Fund. The Department of Job and Family Services may make adjustments pursuant to division (G)(1)(b)(ii) and (iii) of this section to the extent possible using the remaining appropriations that would otherwise lapse.

(H) The Department of Job and Family Services shall follow this section in determining the rate to be paid to the provider of a nursing facility under the Medicaid program for nursing facility services provided during fiscal year 2006 notwithstanding anything to the contrary in sections 5111.20 to 5111.33 of the Revised Code.

SECTION 206.66.23. FISCAL YEAR 2007 MEDICAID REIMBURSEMENT SYSTEM FOR NURSING FACILITIES

(A) As used in this section:

"Franchise permit fee" means the fee imposed by sections 3721.50 to 3721.58 of the Revised Code.

"Nursing facility" and "provider" have the same meanings as in section 5111.20 of the Revised Code.

"Nursing facility services" means nursing facility services covered by the Medicaid program that a nursing facility provides to a resident of the nursing facility who is a Medicaid recipient eligible for Medicaid-covered nursing facility services.

(B) Except as provided in division (C) of this section, the provider of a nursing facility that has a valid Medicaid provider agreement on June 30, 2006, and a valid Medicaid provider agreement for fiscal year 2007 shall be paid, for nursing facility services the nursing facility provides during fiscal year 2007, the rate determined for the nursing facility under sections 5111.20 to 5111.33 of the Revised Code.

(C) If the rate determined for a nursing facility under sections 5111.20 to 5111.33 of the Revised Code for nursing facility services provided during fiscal year 2007 is more than one hundred two per cent of the rate the provider is paid for nursing facility services the nursing facility provides on

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(2) Increase the appropriation in Department of Aging Fund 3C4, appropriation item 490-607, PASSPORT, by the federal share of the amount of the estimated costs;

(3) Reduce the federal share of GRF appropriation item 600-525, Health Care/Medicaid, by the federal share of the amount of the estimated costs;

(4) Increase the appropriation in Department of Job and Family Services Fund 3G5, appropriation item 600-655, Interagency Reimbursement, by the federal share of the amount of the estimated costs.

The funds that the Director of Budget and Management transfers and increases under this section are hereby appropriated.

SECTION 206.66.39. MEDICAID ELIGIBILITY REDUCTIONS

The Director of Job and Family Services shall, not later than ninety days after the effective date of this section, submit to the United States Secretary of Health and Human Services an amendment to the state Medicaid plan to reduce to ninety per cent of the federal poverty guidelines the amount specified in division (A)(2) of section 5111.019 of the Revised Code as it existed immediately prior to the amendment made by this act. The reduction shall be implemented not earlier than ninety days after the effective date of this section and not later than the effective date of federal approval.

SECTION 206.66.41. MEDICAID MANAGED CARE COVERAGE OF RESPIRATORY ANTI-VIRAL DRUGS FOR FY 2006 AND 2007

For fiscal years 2006 and 2007, the Department of Job and Family Services shall require a health insuring corporation with which the Department contracts under section 5111.17 of the Revised Code to provide coverage of prescription drugs that protect against respiratory syncytial virus for Medicaid recipients enrolled in the health insuring corporation who, as an infant born premature or other pediatric patient, are at risk for respiratory syncytial virus. In covering the drugs for these Medicaid recipients, the health insuring corporation shall do both of the following:

(A) Cover the drugs in at least the same amount, duration, and scope as the Medicaid program's coverage of the drugs for Medicaid recipients who receive state Medicaid plan services under the fee-for-service system;

(B) Establish access requirements for the drugs that are less or no more restrictive than the access requirements for the drugs under the fee-for-service system.

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DATE GOVERNOR

SECTION 206.66.42. DISABILITY MEDICAL ASSISTANCE PROGRAM

(A) The foregoing appropriation item 600-513, Disability Medical Assistance, shall be used by the Department of Job and Family Services to operate a Disability Medical Assistance Program before or after October 1, 2005, to replace the Disability Medical Assistance program established in Chapter 5115. of the Revised Code. The Department of Job and Family Services shall terminate the Disability Medical Assistance Program effective October 1, 2005. All rules, standards, guidelines, or orders adopted or issued by the Director of Job and Family Services to govern the Disability Medical Assistance Program before its termination shall remain in effect on and after October 1, 2005, for the following purposes:

- (1) To establish the legal obligations of the Department for claims arising from the Program;
- (2) To determine an individual's previous eligibility for the Program;
- (3) To determine the validity of a claim for services under the Program;
- (4) To recover erroneous payments, as defined in section 5115.23 of the Revised Code, made before October 1, 2005.

(B) The Department may use funds appropriated to it to satisfy Program claims or contingent claims existing before October 1, 2005. The Department shall not pay claims for services rendered on or after October 1, 2005.

(C) The Department shall pay a claim for services rendered by a medical provider to a Disability Medical Assistance Program recipient before October 1, 2005, only if the claim is received by the Department not later than April 1, 2006.

(D) A judge or other person designated to make a decision in a state hearing, administrative appeal, or judicial proceeding initiated under section 5101.35 of the Revised Code may adjudicate an appeal of a determination made by the Department under the Program before October 1, 2005. No person may adjudicate an appeal of a determination made by the Department under the Program on or after October 1, 2005.

(E) Notwithstanding the termination of the Disability Medical Assistance Program, the following remain effective on and after October 1, 2005:

- (1) As described in section 5101.58 of the Revised Code, the Department's and a county's right of recovery against the liability of a third party for the cost of medical services and care;
- (2) As described in section 5101.59 of the Revised Code, the assignment

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of a Program recipient's right to medical support made by court or administrative order or payments from a third party.

(F) The Department may take reasonable steps to inform Program recipients about the termination of the Program. A county department of job and family services shall take action with respect to these activities when requested by the Department.

(G) An action taken under division (F) of this section shall not be the basis for requiring the Department to extend the Program or to approve or extend a person's eligibility for the Program on or after October 1, 2005.

(H) The Director may adopt rules in accordance with section 111.15 of the Revised Code to implement this section.

SECTION 206.66.43. DISABILITY MEDICAL ASSISTANCE COUNCIL

(A) There is hereby established the Disability Medical Assistance Council, composed of the following individuals:

- (1) The Director of Job and Family Services or the Director's designee;
- (2) The Director of the Rehabilitative Services Commission or the Director's designee;
- (3) The Director of Rehabilitation and Correction or the Director's designee;
- (4) The Director of Mental Health or the Director's designee;
- (5) The Director of Alcohol and Drug Addiction Services or the Director's designee;
- (6) Two individuals appointed by the Director of Job and Family Services to represent health care and behavioral health care trade associations, one of whom shall represent county behavioral health boards;
- (7) Three members of the Medicaid Care Advisory Committee in the Department of Job and Family Services;
- (8) Three individuals appointed by the Director of Job and Family Services to represent low-income disabled individuals;
- (9) An individual appointed by the Director of Job and Family Services to represent county boards of job and family services;
- (10) An individual appointed by the Director of Job and Family Services to represent hospitals;
- (11) Two individuals appointed by the Director of Job and Family Services to represent the pharmaceutical industry.

(B) By not later than September 1, 2005, the Council shall submit to the Governor, the Speaker of the House of Representatives, and the President of the Senate a written report to propose a program to replace the Disability

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Medical Assistance Program when that program terminates. The report shall include recommendations for the program regarding all of the following:

- (1) The type, scope, and duration of services to be covered;
- (2) Delivery system options;
- (3) Eligibility criteria;
- (4) Measures that can be taken to assist individuals who received benefits from the Disability Medical Assistance Program but do not meet the eligibility criteria of the new program to transition to other government or private medical assistance programs;
- (5) A disability advocacy program to assist applicants for and recipients of assistance under the new program in the same manner as the disability advocacy program established under section 5115.20 of the Revised Code assisted Disability Medical Assistance Program applicants and recipients prior to October 1, 2005;
- (6) Any other recommendations the Council considers necessary and appropriate.

(C) The program proposed by the Council in the report described in division (B) of this section shall be implemented by not later than October 1, 2005.

SECTION 206.66.44. MEDICAID COVERAGE OF DENTAL SERVICES

For fiscal years 2006 and 2007, the Medicaid program shall do the following:

(A) For Medicaid recipients under twenty-one years of age, the Medicaid program shall cover dental services. This section does not limit the ability of the Department of Job and Family Services to adopt, amend, or rescind rules applicable to dental services, including rules that limit or reduce covered services, reduce reimbursement levels, or subject covered services to co-payments.

(B) For Medicaid recipients twenty-one years of age or older, the Medicaid program shall cover dental services in an amount, duration, and scope specified in rules that the Director of Job and Family Services shall adopt under section 5111.02 of the Revised Code but shall be less in amount, duration, and scope than the Medicaid program covered those services immediately before the effective date of this amendment.

SECTION 206.66.45. MEDICAID COVERAGE OF VISION SERVICES
For fiscal years 2006 and 2007, the Medicaid program shall cover vision

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First in accordance with rules specified in this section;

(3) The assistance group must include a member who was employed during the last month the assistance group participated in Ohio Works First in accordance with rules specified in this section;

(4) That member of the assistance group must remain employed in accordance with rules specified in this section;

(5) The assistance group must meet all other eligibility requirements established in rules specified in this section.

(C) If the Department establishes the Employment Retention Incentive Program, the Department shall provide cash payments under the program in a manner that enables the cash payments to be excluded from the definition of "assistance" in 45 C.F.R. 260.31(a) and instead be benefits that 45 C.F.R. 260.31(b) excludes from the definition of assistance. Each county Department of Job and Family Services shall make eligibility determinations for the program and perform other administrative duties for the program in accordance with rules specified in this section.

(D) If the Department establishes the Employment Retention Incentive Program, the Department shall adopt rules under division (C) of section 5101.801 of the Revised Code to establish all of the following for the program:

(1) The information that an application for the program must contain;

(2) The application process for the program, including the process to verify eligibility for the program;

(3) The manner in which an assistance group must have ceased to participate in Ohio Works First for the assistance group to qualify for the program;

(4) The manner in which an assistance group member must have been employed during the last month the assistance group participated in Ohio Works First for the assistance group to qualify for the program;

(5) The manner in which an assistance group member must remain employed for the assistance group to qualify for the program;

(6) Other eligibility requirements for the program;

(7) The amounts that eligible assistance groups are to receive as cash payments under the program;

(8) The frequency and duration that eligible assistance groups are to receive cash payments under the program;

(9) Requirements governing county departments' administrative duties regarding the program.

(E) In adopting rules under division (D)(2) of this section establishing the application process for the Employment Retention Incentive Program,

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the director may not require that application be submitted to county departments of job and family services.

* SECTION 206.67.11. Section 206.67.10 of this act takes effect July 1, 2006.

SECTION 206.67.12. 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) "Title IV-A funds" means funds provided under the temporary assistance for needy families block grant established by Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended.

(3) "Child care" has the same meaning as in section 5104.01 of the Revised Code.

(4) "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 does not exceed one hundred eighty-five per cent of the federal poverty line at application. If the family income of a child receiving early learning services under this section exceeds one hundred ninety-five per cent of the federal poverty line, the child ceases to be eligible for an early learning program.

(5) "Early learning program" means a program for eligible children that is funded with Title IV-A funds and provides Title IV-A services that are both of the following:

(a) Early learning services, as defined by the Department of Education pursuant to division (C)(1) of Section 206.09.54 of this act;

(b) Child care.

(6) "Early learning provider" means an entity that is receiving Title IV-A funds to operate an early learning program.

(7) "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.

(8) "Federal poverty line" has the same meaning as in section 5104.01

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of the Revised Code.

(9) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code.

(B) The Department of Job and Family Services and the Department of Education shall administer the Early Learning Initiative, established under Section 206.09.54 of this act, in accordance with sections 5101.80 and 5101.801 of the Revised Code. The Initiative shall provide early learning programs and child care to eligible children. Early learning programs may provide early learning services 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 all of the following:

(1) Enter into a contract with each early learning agency in accordance with Section 206.09.54 of this act;

(2) Reimburse early learning agencies for Title IV-A services provided to eligible children according to the terms of the contract and the rules adopted under division (C)(3) of this section;

(3) 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 sixty-five per cent of the federal poverty line but equal to or less than one hundred ninety-five per cent of the federal poverty line;

(b) An exemption from co-payment requirements for families whose family income is equal to or less than one hundred sixty-five per cent of the federal poverty line;

(c) A definition of "weekly attendance rate" for the purpose of reimbursing early learning agencies;

(d) Provisions that establish the following reimbursement rates for early learning agencies based on the attendance of eligible children:

(i) If an eligible child attends twenty-five or more hours in a given week, the weekly reimbursement shall not be less than two hundred dollars and seventy-three cents;

(ii) If an eligible child attends fifteen or more hours but less than twenty-five hours in a given week, the weekly reimbursement rate shall not be less than one hundred sixty dollars and fifty-eight cents;

(iii) If an eligible child attends less than fifteen hours in a given week, the hourly reimbursement rate shall not be less than eight dollars and three cents.

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Am. Sub. H. B. No. 66

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| | | | | | | |
|---|---------|-------------------------------------|----|-------------|----|-------------|
| 815 | 725-636 | Cooperative Management Projects | \$ | 120,449 | \$ | 120,449 |
| 816 | 725-649 | Wetlands Habitat | \$ | 966,885 | \$ | 966,885 |
| 817 | 725-655 | Wildlife Conservation Checkoff Fund | \$ | 5,000,000 | \$ | 5,000,000 |
| 818 | 725-629 | Cooperative Fisheries Research | \$ | 1,500,000 | \$ | 1,500,000 |
| 819 | 725-685 | Ohio River Management | \$ | 128,584 | \$ | 128,584 |
| TOTAL WLF Wildlife Fund Group | | | \$ | 57,163,418 | \$ | 58,163,418 |
| Waterways Safety Fund Group | | | | | | |
| 086 | 725-414 | Waterways Improvement | \$ | 3,792,343 | \$ | 3,792,343 |
| 086 | 725-418 | Buoy Placement | \$ | 52,182 | \$ | 52,182 |
| 086 | 725-501 | Waterway Safety Grants | \$ | 137,867 | \$ | 137,867 |
| 086 | 725-506 | Watercraft Marine Patrol | \$ | 576,153 | \$ | 576,153 |
| 086 | 725-513 | Watercraft Educational Grants | \$ | 366,643 | \$ | 366,643 |
| 086 | 739-401 | Division of Watercraft | \$ | 20,027,909 | \$ | 20,086,681 |
| 5AW | 725-682 | Watercraft Revolving Loans | \$ | 3,000,000 | \$ | 1,000,000 |
| TOTAL WSF Waterways Safety Fund Group | | | \$ | 27,953,097 | \$ | 26,011,869 |
| Holding Account Redistribution Fund Group | | | | | | |
| R17 | 725-659 | Performance Cash Bond Refunds | \$ | 374,263 | \$ | 374,263 |
| R43 | 725-624 | Forestry | \$ | 2,500,000 | \$ | 1,500,000 |
| TOTAL 090 Holding Account Redistribution Fund Group | | | \$ | 2,874,263 | \$ | 1,874,263 |
| Accrued Leave Liability Fund Group | | | | | | |
| 4M8 | 725-675 | FOP Contract | \$ | 20,844 | \$ | 20,844 |
| TOTAL ALF Accrued Leave Liability Fund Group | | | \$ | 20,844 | \$ | 20,844 |
| TOTAL ALL BUDGET FUND GROUPS | | | \$ | 331,086,195 | \$ | 331,719,662 |

SECTION 209.18.03. CENTRAL SUPPORT INDIRECT

With the exception of the Division of Wildlife, whose direct and indirect central support charges shall be paid out of the General Revenue Fund from the foregoing appropriation item 725-401, Wildlife-GRF Central Support, the Department of Natural Resources, with approval of the Director of Budget and Management, shall utilize a methodology for determining each division's payments into the Central Support Indirect Fund (Fund 157). The methodology used shall contain the characteristics of administrative ease and uniform application in compliance with federal grant requirements. It may include direct cost charges for specific services provided. Payments to the Central Support Indirect Fund (Fund 157) shall be made using an intrastate transfer voucher.

SECTION 209.18.06. FOUNTAIN SQUARE

The foregoing appropriation item 725-404, Fountain Square Rental

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years 2006 and 2007, the Director of Budget and Management is hereby authorized to transfer cash from non-federal, non-General Revenue Fund funds that are not constitutionally restricted to the General Revenue Fund. The total amount of cash transfers made pursuant to this section to the General Revenue Fund during fiscal years 2006 and 2007 shall not exceed \$60,000,000.

SECTION 312.06. TRANSFERS TO THE GENERAL REVENUE FUND OF INTEREST EARNED

Notwithstanding any provision of Ohio law to the contrary, the Director of Budget and Management, through June 30, 2007, may transfer interest earned by any fund in the Central Accounting System to the General Revenue Fund. This section does not apply to funds whose source of revenue is restricted or protected by the Constitution of this state, federal tax law, or the "Cash Management Improvement Act of 1990" 104 Stat. 1058 (1990), 31 U.S.C. 6501, et. seq., as amended.

SECTION 312.09. BUDGET STABILIZATION FUND TRANSFERS

(A) Notwithstanding any provision of law to the contrary, through June 30, 2006, if the Director of Budget and Management determines that the estimated ending fund balance of the General Revenue Fund will be greater than the amounts assumed in this act for fiscal year 2006, the Director shall transfer at least \$50,000,000 at the end of fiscal year 2006 to the Budget Stabilization Fund, if available unobligated balances exist. This division does not apply to division (A) of Section 206.66.21, TANF TRANSFERS, of this act.

(B) Notwithstanding any provision of law to the contrary, through June 30, 2007, if the Director of Budget and Management determines that the estimated ending fund balance of the General Revenue Fund will be greater than the amounts assumed in this act for fiscal year 2007, the Director may transfer up to the excess balance to the Budget Stabilization Fund. This division does not apply to division (A) of Section 206.66.21, TANF TRANSFERS, of this act.

(C) Notwithstanding any provision of law to the contrary, through June 30, 2007, if the Director of Budget and Management determines that state revenue receipts and available fund balances in any fund other than the General Revenue Fund exceed estimated state expenditures, the Director may transfer up to the excess revenue to the Budget Stabilization Fund. This division does not apply to revenue restricted or protected by the Ohio

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SECTION 315.04. RECOMMENDATIONS FOR A STATE GOVERNMENT REORGANIZATION PLAN

Within thirty days after the effective date of this section, the Department of Administrative Services shall begin developing recommendations for a state government reorganization plan focused on increased efficiencies in the operation of state government and a reduced number of state agencies. The Department shall present its recommendations to the Speaker of the House of Representatives, the President of the Senate, the Minority Leader of the House of Representatives, and the Minority Leader of the Senate by not later than January 1, 2007.

SECTION 315.06. CAREER-TECHNICAL SCHOOL BUILDING ASSISTANCE PROGRAM

All materials, assets, liabilities, and records of the Department of Education, irrespective of form or medium, deemed necessary by the Ohio School Facilities Commission to implement sections 3318.47, 3318.48, and 3318.49 of the Revised Code shall be transferred to the Commission not later than one hundred twenty days after the effective date of this section, in accordance with a transition plan which shall be developed and approved by the Commission in consultation with the Department.

All current and pending loans and appropriations, encumbrances, and funds related to the Career-Technical School Building Assistance Fund (Fund 020), deemed necessary by the Commission to implement section 3318.48 of the Revised Code, shall be transferred to the Commission not later than one hundred twenty days after the effective date of this section in accordance with the transition plan.

Any business commenced but not completed by the Department on the effective date of this section relating to the implementation of section 3318.48 of the Revised Code and the functions transferred by this section shall continue to be administered by the Department for a period of one hundred twenty days after the effective date of this section or until the transition plan described in this section is approved by the Commission, whichever occurs first. The Department shall provide the Commission whatever administrative assistance the Commission requires during the period of transition, which assistance shall be specified in the transition plan described in this section.

Wherever any law, contract, or other document refers to the Department, the State Board of Education, or the Superintendent of Public

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quarter taxpayers for that semiannual period shall be filed not later than February 10, 2006. The tax imposed by this section is a semiannual privilege tax measured for the semiannual period commencing July 1, 2005, that is the six-month tax period during which the tax is measured on receipts during that period. The semiannual tax payment for all taxpayers for that semiannual period shall be seventy-five dollars for the first five hundred thousand dollars in taxable gross receipts during that semiannual period. In addition, a tax is imposed on all taxable gross receipts for that semiannual period in excess of five hundred thousand dollars. Such tax shall equal the product of six-tenths of one mill per dollar (the result of rounding twenty-three per cent of two and six-tenths mills) times the remaining amount of taxable gross receipts after subtracting five hundred thousand dollars in taxable gross receipts.

(B) Only persons excluded pursuant to divisions (E)(2) to (10) of section 5751.01 of the Revised Code, as enacted by this act, and persons with less than one hundred fifty thousand dollars in taxable gross receipts during calendar year 2005 are not subject to this section.

(C) The tax commissioner shall take the necessary steps to implement this section and use money in the commercial tax administrative fund to promote awareness of the tax imposed under this section and under Chapter 5751. of the Revised Code as enacted by this act by means of advertising and other reasonable means.

SECTION 557.09.03. It is the intent of the General Assembly that section 5751.033 of the Revised Code, as enacted by this act, be applied in a manner that is consistent with and identical to the situsing provisions that apply to the corporation franchise tax. That section shall be interpreted and applied by the Tax Commissioner in a manner that is consistent with the body of case law addressing the situsing of sales for purposes of the sales factor as determined under Chapter 5733. of the Revised Code, and in a manner that is consistent with the Tax Commissioner's prior treatment of the corporation franchise tax sales factor situsing law for taxpayers under that chapter.

SECTION 557.09.06. (A) Notwithstanding any provision of Chapter 5751. of the Revised Code as enacted by this act, "gross receipts," as defined in section 5751.01 of the Revised Code, excludes all of the following receipts if they are received prior to July 1, 2007:

(1) Receipts from the sale of fuel by a refinery to a terminal that is intended to be used as motor fuel;

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calculations of the multipliers used in the determination of oil and gas valuations, in light of the amendment by this act to section 5715.01 of the Revised Code, and the enactment by this act of section 5709.112 of the Revised Code. The review shall be conducted in sufficient time to be used in the Commissioner's annual entry adopting the multipliers for tax year 2006, to ensure that oil and gas properties are uniformly assessed as provided by law and this act.

SECTION 557.13.06. Prior to adopting the rule defining "primarily," as required by division (B)(2) of section 5725.01 of the Revised Code, the Tax Commissioner shall seek the input of current dealers in intangibles.

SECTION 557.13.09. (A) There is hereby created the Joint Legislative Tax Reform Impact Study Committee. The Committee shall consist of the following members of the General Assembly: the chairperson of the Senate's standing committee with primary responsibility for tax legislation, the chairperson of the House of Representatives' standing committee with primary responsibility for tax legislation, four members of the House of Representatives appointed by the Speaker of the House of Representatives, and four members of the Senate appointed by the President of the Senate. Not more than two members appointed by the Speaker and not more than two members appointed by the President may be of the same political party. The appointments shall be made not later than July 31, 2005. The chairpersons of the standing committees with primary responsibility for tax legislation shall serve as co-chairpersons of the Committee. The Department of Taxation shall cooperate with the Committee and, on request, shall provide any information and assistance that is required by the Committee to carry out its duties.

(B) The Committee shall study the effects on school districts and other local taxing units of phasing-out the tangible personal property tax under this act, and any other matter related to that phase-out that it considers of significance. As part of the study, the Committee shall do all of the following:

- (1) Estimate the total taxes lost by school districts and local taxing units as a result of the phase-out;
- (2) Estimate the capacity of the commercial activity tax levied under Chapter 5751. of the Revised Code, as enacted by this act, to replace lost tangible personal property tax revenues and to fund the General Revenue Fund;

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(3) Estimate the cost for delivery of services by school districts and other local taxing units and the emerging service demands for those services arising from demographic and economic changes to the districts and units;

(4) Identify alternatives for effectively balancing state and local tax revenues available to school districts and other taxing units and their responsibilities for delivery of services;

(5) Examine how the commercial activity tax treats for-profit corporations as compared to nonprofit corporations;

(6) Review the impact of the commercial activity tax on the various business sectors;

(7) Estimate the revenue impact of reclassifying rental real property having more than three units as residential/agricultural real property instead of as nonresidential/agricultural real property under section 5713.041 of the Revised Code.

(C) At the call of the co-chairpersons, the Committee shall hold not less than four meetings. The co-chairpersons shall determine the time, place, and agenda for each meeting of the Committee. Not later than January 31, 2006, the Committee shall issue a report of its findings and shall make recommendations to the President of the Senate and the Speaker of the House of Representatives, at which time the Committee shall cease to exist.

SECTION 557.15. The amendment by this act of sections 319.302 and 323.152 of the Revised Code first applies in tax year 2005.

SECTION 557.17. The amendments to sections 5709.40, 5709.73, 5709.77, and 5709.78 of the Revised Code by this act do not apply, but those sections as they were in effect prior January 1, 2006, do apply, to any project, as defined in section 5709.40 of the Revised Code, if the project meets either of the following requirements:

(A) A project agreement has been completed on or before December 31, 2005, for the project.

(B) Bonds have been issued on or before December 31, 2005, for the project.

SECTION 557.19. Sections 5713.01 and 5727.12 of the Revised Code, as amended by this act, first apply to tax year 2006.

SECTION 557.24. The amendment by this act of sections 5731.01,

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or against any item of law of which any such section as amended or enacted is composed, the section as amended, enacted, or repealed goes into effect at the earliest time permitted by law that is on or after the effective date specified in this section.

Sections 9.24, 120.52, 120.53, 131.23, 317.08, 317.36, 323.01, 329.051, 340.03, 340.16, 1901.26, 1907.24, 2303.201, 2305.234, 2744.05, 3111.04, 3119.54, 3121.12, 3121.50, 3702.74, 4123.27, 4705.09, 4731.65, 4731.71, 4736.11, 5101.181, 5101.241, 5101.26, 5101.31, 5101.36, 5107.26, 5110.01, 5110.05, 5111.021 (5111.022), 5111.022 (5111.023), 5111.023 (5111.0115), 5111.025, 5111.062, 5111.10, 5111.85, 5111.851, 5111.852, 5111.853, 5111.854, 5111.855, 5111.856, 5111.89, 5111.891, 5111.892, 5111.893, 5111.914, 5111.97 (5111.86), 5112.03, 5112.08, 5112.17, 5115.10, 5115.11, 5115.12, 5115.13, 5115.14, 5115.20, 5115.22, 5115.23, and 5119.61 of the Revised Code take effect October 1, 2005.

Sections 1711.531, 4753.03, 4753.06, 4753.071, 4753.08, 4753.09, 5107.05, 5107.30, 5107.301, 5121.01 (5121.02), 5121.02 (5121.03), 5121.03 (5121.01), 5121.04, 5121.05, 5121.06, 5121.061, 5121.07, 5121.08, 5121.09, 5121.10, 5121.11, 5121.12, 5121.21, 5121.30, 5121.31, 5121.32, 5121.33, 5121.34, 5121.35, 5121.36, 5121.37, 5121.38, 5121.40, 5121.41, 5121.42, 5121.43, 5121.44, 5121.45, 5121.46, 5121.47, 5121.48, 5121.49, 5121.50, 5121.51, 5121.52, 5121.53, 5121.54, 5121.55, 5121.56, 5122.03, 5122.31, and 5123.701 of the Revised Code take effect January 1, 2006.

Sections 3301.0710 and 3301.0714 of the Revised Code take effect July 1, 2006.

SECTION 612.12. Sections 101.391, 108.05, 109.57, 109.91, 121.37, 121.38, 121.381, 121.382, 122.011, 122.083, 123.17, 125.11, 125.60, 125.601, 125.602, 125.603, 125.604, 125.605, 125.606, 125.607, 125.608, 125.609, 125.6010, 125.6011, 125.6012, 125.831, 125.832, 126.25, 131.02, 133.09, 141.011, 141.04, 147.05, 147.10, 147.11, 147.12, 147.371, 149.30, 181.251 (5502.63), 181.51 (5502.61), 181.52 (5502.62), 181.54 (5502.64), 181.55 (5502.65), 181.56 (5502.66), 307.86, 339.72, 339.88, 731.14, 731.141, 742.59, 901.43, 901.44, 905.32, 905.33, 905.331, 905.36, 905.37, 905.38, 905.381, 905.50, 905.66, 907.16, 913.02, 913.23, 915.02, 915.16, 915.24, 921.02, 921.16, 923.44, 923.45, 923.46, 926.01, 927.69, 1327.511, 1502.02, 1515.14, 1541.03, 1713.03, 2113.041, 2117.061, 2151.416, 2152.74, 2901.07, 2923.25, 3107.10, 3125.191, 3301.311, 3301.32, 3301.86, 3301.88, 3302.03, 3310.01, 3310.02, 3310.03, 3310.04, 3310.05, 3310.06,

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