

provider has not billed or otherwise submitted a medicaid claim to the department for two years or longer, and the department has determined that the provider has moved from the address on record with the department without leaving an active forwarding address with the department.

(13) The provider agreement is denied, terminated, or not renewed because the provider fails to provide to the department the national provider identifier assigned the provider by the national provider system pursuant to 45 C.F.R. 162.408.

In the case of a provider described in division (D)(12) or (13) of this section, the department may ~~terminate or not renew the~~ take its proposed action against a provider agreement by sending a notice explaining the department's proposed action to the provider. The notice shall be sent to the provider's address on record with the department. The In the case of a provider described in division (D)(12) of this section, the notice may be sent by regular mail. In the case of a provider described in division (D)(13) of this section, the notice shall be sent by certified mail.

(E) The department may withhold payments for services rendered by a medicaid provider under the ~~medical assistance~~ medicaid program during the pendency of proceedings initiated under division (B)(1) of this section. If the proceedings are initiated under division (B)(2) of this section, the department may withhold payments only to the extent that they equal amounts determined in a final fiscal audit as being due the state. This division does not apply if the department fails to comply with section 119.07 of the Revised Code, requests a continuance of the hearing, or does not issue a decision within thirty days after the hearing is completed. This division does not apply to nursing facilities and intermediate care facilities for the mentally retarded as defined in section 5111.20 of the Revised Code.

Sec. 5111.084. (A) There is hereby established the pharmacy and therapeutics committee of the department of job and family services. The committee shall assist the department with developing and maintaining a preferred drug list.

The committee shall review and recommend to the director of job and family services the drugs that should be included on the preferred drug list. The recommendations shall be made based on the evaluation of competent evidence regarding the relative safety, efficacy, and effectiveness of prescription drugs within a class or classes of prescription drugs.

(B) The committee shall consist of ten members and shall be appointed by the director of job and family services. The director shall seek recommendations for membership from relevant professional organizations. A candidate for membership recommended by a professional organization

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Date: 7-17-09

Ted Strickland  
Ted Strickland, Governor

shall have professional experience working with medicaid recipients. The director shall not appoint a member who is employed by the department. *JS*

The membership of the committee shall include:

~~(A)~~(1) Three pharmacists licensed under Chapter 4729. of the Revised Code;

~~(B)~~(2) Two doctors of medicine and two doctors of osteopathy who hold certificates to practice issued under Chapter 4731. of the Revised Code, one of whom is a family practice physician;

~~(C)~~(3) A registered nurse licensed under Chapter 4723. of the Revised Code;

~~(D)~~(4) A pharmacologist who has a doctoral degree;

~~(E)~~(5) A psychiatrist who holds a certificate to practice issued under Chapter 4731. of the Revised Code and specializes in psychiatry.

(C) The committee shall elect one of from among its members as a chairperson. Five committee members constitute a quorum.

The committee shall establish guidelines necessary for the committee's operation.

The committee may establish one or more subcommittees to investigate and analyze issues consistent with the duties of the committee under this section. The subcommittees may submit proposals regarding the issues to the committee and the committee may adopt, reject, or modify the proposals. *JS*

A vote by a majority of a quorum is necessary to make recommendations to the director. In the case of a tie, the chairperson shall decide the outcome.

(D) The director shall act on the committee's recommendations not later than thirty days after the recommendation is posted on the department's web site under division (F) of this section. If the director does not accept a recommendation of the committee, the director shall present the basis for this determination not later than fourteen days after making the determination or at the next scheduled meeting of the committee, whichever is sooner. *JS*

(E) An interested party may request, and shall be permitted, to make a presentation or submit written materials to the committee during a committee meeting. The presentation or other materials shall be relevant to an issue under consideration by the committee and any written material, including a transcript of testimony to be given on the day of the meeting, may be submitted to the committee in advance of the meeting.

(F) The department shall post the following on the department's web site:

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Date: 7-17-09

Ted Strickland  
Ted Strickland, Governor

(1) Guidelines established by the committee under division (C) of this section;

(2) A detailed committee agenda not later than fourteen days prior to the date of a regularly scheduled meeting and not later than seventy-two hours prior to the date of a special meeting called by the committee;

(3) Committee recommendations not later than seven days after the meeting at which the recommendation was approved;

(4) The director's final determination as to the recommendations made by the committee under this section.

Sec. 5111.092. (A) Not later than January 1, 2010, and each year thereafter, the department of job and family services shall prepare a report on the department's efforts to minimize fraud, waste, and abuse in the medicaid program.

(B) Each report shall include at least both of the following with regard to minimizing fraud, waste, and abuse in the medicaid program:

(1) Goals and objectives;

(2) Performance measures for monitoring all state and local activities.

(C) Each report shall be made available on the department's web site.

The department shall submit a copy of each report to the governor and, in accordance with section 101.68 of the Revised Code, the general assembly. Copies of the report also shall be made available to the public on request.

Sec. 5111.16. (A) As part of the medicaid program, the department of job and family services shall establish a care management system. The department shall submit, if necessary, applications to the United States department of health and human services for waivers of federal medicaid requirements that would otherwise be violated in the implementation of the system.

(B) The department shall implement the care management system in some or all counties and shall designate the medicaid recipients who are required or permitted to participate in the system. In the department's implementation of the system and designation of participants, all of the following apply:

(1) In the case of individuals who receive medicaid on the basis of being included in the category identified by the department as covered families and children, the department shall implement the care management system in all counties. All individuals included in the category shall be designated for participation, except for ~~individuals~~ individuals included in one or more of the medicaid recipient groups specified in 42 C.F.R. 438.50(d). ~~The department shall designate the participants not later than January 1, 2006. Beginning not later than December 31, 2006, the department shall ensure~~

The above boxed and initialed text was disapproved.

Date: 7-17-09

Ted Strickland  
Ted Strickland, Governor

18

section from calculation of a nursing facility's semiannual or annual average case-mix score and the cost per case-mix unit for the facility's peer group.

Sec. 5111.233. The costs of day programming shall be part of the direct care costs of an intermediate care facility for the mentally retarded as off-site day programming if the area in which the day programming is provided is not certified by the director of health as an intermediate care facility for the mentally retarded under Title XIX and regardless of either of the following:

(A) Whether or not the area in which the day programming is provided is less than two hundred feet away from the intermediate care facility for the mentally retarded;

(B) Whether or not the day programming is provided by an individual who, or organization that, is a related party to the provider of the intermediate care facility for the mentally retarded.

Sec. 5111.236. (A) As used in this section, "medically fragile child" means an individual under eighteen years of age who requires both of the following:

(1) The services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of the individual's medical condition;

(2) The services of a registered nurse on a daily basis.

(B) The medicaid program shall cover oxygen services that a medical supplier with a valid medicaid provider agreement provides to a medicaid recipient who is a medically fragile child and resides in an intermediate care facility for the mentally retarded. The medicaid program shall cover such oxygen services regardless of any of the following:

(1) The percentage of the medicaid recipient's arterial oxygen saturation at rest, exercise, or sleep;

(2) The type of system used in delivering the oxygen to the medicaid recipient;

(3) Whether the intermediate care facility for the mentally retarded in which the medicaid recipient resides purchases or rents the equipment used in the delivery of the oxygen to the recipient.

(C) A medical supplier of an oxygen service shall bill the department of job and family services directly for oxygen services the medicaid program covers under this section. The provider of an intermediate care facility for the mentally retarded may not include the cost of an oxygen service covered by the medicaid program under this section in the facility's cost report unless the facility is the medical supplier of the oxygen service.

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Sec. 5111.24. (A) As used in this section, "applicable calendar year" means the following:

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Date: 7-17-09

Ted Strickland  
Ted Strickland, Governor

the group of positions that is listed on the cost report form and that includes the position held by the owner or the owner's relative. In the case of an owner or owner's relative who serves the facility in a capacity such as corporate officer, proprietor, or partner for which no comparable position or group of positions is listed on the cost report form, the compensation cost limit shall be based on civil service equivalents and shall be specified in rules adopted under section 5111.02 of the Revised Code.

Compensation cost limits for administrators shall be based on compensation costs for administrators who are not owners or relatives of owners, as reported on facility cost reports. Compensation cost limits for administrators of four or more intermediate care facilities for the mentally retarded shall be the same as the limits for administrators of intermediate care facilities for the mentally retarded with one hundred fifty or more beds.

Sec. 5111.262. No person, other than the provider of a nursing facility, shall submit a claim for medicaid reimbursement for a service provided to a nursing facility resident if the service is included in a medicaid payment made to the provider of a nursing facility under sections 5111.20 to 5111.33 of the Revised Code or in the reimbursable expenses reported on a provider's cost report for a nursing facility. No provider of a nursing facility shall submit a separate claim for medicaid reimbursement for a service provided to a resident of the nursing facility if the service is included in a medicaid payment made to the provider under sections 5111.20 to 5111.33 of the Revised Code or in the reimbursable expenses on the provider's cost report for the nursing facility.

Sec. 5111.65. As used in sections 5111.65 to 5111.688 5111.689 of the Revised Code: 28

(A) "Change of operator" means an entering operator becoming the operator of a nursing facility or intermediate care facility for the mentally retarded in the place of the exiting operator.

(1) Actions that constitute a change of operator include the following:

(a) A change in an exiting operator's form of legal organization, including the formation of a partnership or corporation from a sole proprietorship;

(b) A transfer of all the exiting operator's ownership interest in the operation of the facility to the entering operator, regardless of whether ownership of any or all of the real property or personal property associated with the facility is also transferred;

(c) A lease of the facility to the entering operator or the exiting operator's termination of the exiting operator's lease;

(d) If the exiting operator is a partnership, dissolution of the partnership;

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Date: 7-17-09

Ted Strickland  
Ted Strickland, Governor

intermediate care facility for the mentally retarded on the effective date of a change of operator;

(2) An operator that will cease to be the operator of a nursing facility or intermediate care facility for the mentally retarded on the effective date of a facility closure;

(3) An operator of an intermediate care facility for the mentally retarded that is undergoing or has undergone a voluntary termination;

(4) An operator of a nursing facility that is undergoing or has undergone a voluntary withdrawal of participation.

(H)(1) "Facility closure" means discontinuance of the use of the building, or part of the building, that houses the facility as a nursing facility or intermediate care facility for the mentally retarded that results in the relocation of all of the facility's residents. A facility closure occurs regardless of any of the following:

(a) The operator completely or partially replacing the facility by constructing a new facility or transferring the facility's license to another facility;

(b) The facility's residents relocating to another of the operator's facilities;

(c) Any action the department of health takes regarding the facility's certification under Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended, that may result in the transfer of part of the facility's survey findings to another of the operator's facilities;

(d) Any action the department of health takes regarding the facility's license under Chapter 3721. of the Revised Code;

(e) Any action the department of mental retardation and developmental disabilities takes regarding the facility's license under section 5123.19 of the Revised Code.

(2) A facility closure does not occur if all of the facility's residents are relocated due to an emergency evacuation and one or more of the residents return to a medicaid-certified bed in the facility not later than thirty days after the evacuation occurs.

(I) "Fiscal year," "franchise permit fee," "intermediate care facility for the mentally retarded," "nursing facility," "operator," "owner," and "provider agreement" have the same meanings as in section 5111.20 of the Revised Code.

(J) "Qualified affiliated operator" means an operator to whom all of the following apply:

(1) The operator is affiliated with either of the following:

(a) The exiting operator for whom the affiliated operator is to assume

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Date: 7-17-09

Ted Strickland  
Ted Strickland, Governor

liability for the entire amount of the exiting operator's debt under the medicaid program or the portion of the debt that represents the franchise permit fee the exiting operator owes:

(b) The entering operator involved in the change of operator with the exiting operator specified in division (J)(1)(a) of this section.

(2) The operator has one or more valid provider agreements.

(3) During the twelve-month period preceding the month in which the department of job and family services receives the notice of the facility closure, voluntary termination, or voluntary withdrawal of participation under section 5111.66 of the Revised Code or the notice of the change of operator under section 5111.67 of the Revised Code, the average monthly medicaid payment made to the operator pursuant to the operator's one or more provider agreements equals at least ninety per cent of the average monthly medicaid payment made to the exiting operator pursuant to the exiting operator's provider agreement.

(K) "Voluntary termination" means an operator's voluntary election to terminate the participation of an intermediate care facility for the mentally retarded in the medicaid program but to continue to provide service of the type provided by a residential facility as defined in section 5123.19 of the Revised Code.

(K)(L) "Voluntary withdrawal of participation" means an operator's voluntary election to terminate the participation of a nursing facility in the medicaid program but to continue to provide service of the type provided by a nursing facility.

Sec. 5111.651. Sections 5111.65 to 5111.688 5111.689 of the Revised Code do not apply to a nursing facility or intermediate care facility for the mentally retarded that undergoes a facility closure, voluntary termination, voluntary withdrawal of participation, or change of operator on or before September 30, 2005, if the exiting operator provided written notice of the facility closure, voluntary termination, voluntary withdrawal of participation, or change of operator to the department of job and family services on or before June 30, 2005.

Sec. 5111.68. (A) On receipt of a written notice under section 5111.66 of the Revised Code of a facility closure, voluntary termination, or voluntary withdrawal of participation or a written notice under section 5111.67 of the Revised Code of a change of operator, the department of job and family services shall determine estimate the amount of any overpayments made under the medicaid program to the exiting operator, including overpayments the exiting operator disputes, and other actual and potential debts the exiting operator owes or may owe to the department and United States centers for

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Date: 7-17-09

Ted Strickland  
 Ted Strickland, Governor

medicare and medicaid services under the medicaid program including a franchise permit fee. In determining

(B) In estimating the exiting operator's other actual and potential debts to the department and the United States centers for medicare and medicaid services under the medicaid program, the department shall include use a debt estimation methodology the director of job and family services shall establish in rules adopted under section 5111.689 of the Revised Code. The methodology shall provide for estimating all of the following that the department determines are applicable:

- (1) Refunds due the department under section 5111.27 of the Revised Code;
- (2) Interest owed to the department and United States centers for medicare and medicaid services;
- (3) Final civil monetary and other penalties for which all right of appeal has been exhausted;
- (4) Money owed the department and United States centers for medicare and medicaid services from any outstanding final fiscal audit, including a final fiscal audit for the last fiscal year or portion thereof in which the exiting operator participated in the medicaid program.

(5) Other amounts the department determines are applicable.  
~~(B) If the department is unable to determine the amount of the overpayments and other debts for any period before the effective date of the entering operator's provider agreement or the effective date of the facility closure, voluntary termination, or voluntary withdrawal of participation, the department shall make a reasonable estimate of the overpayments and other debts for the period. The department shall make the estimate using information available to the department, including prior determinations of overpayments and other debts.~~  
(C) The department shall provide the exiting operator written notice of the department's estimate under division (A) of this section not later than thirty days after the department receives the notice under section 5111.66 of the Revised Code of the facility closure, voluntary termination, or voluntary withdrawal of participation or the notice under section 5111.67 of the Revised Code of the change of operator. The department's written notice shall include the basis for the estimate.

Sec. 5111.681. (A) Except as provided in ~~division~~ divisions (B) and (C) of this section, the department of job and family services shall may withhold the greater of the following from payment due an exiting operator under the medicaid program:

(1) The the total amount of any overpayments made under the medicaid

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Date: 7-17-09

Ted Strickland  
Ted Strickland, Governor

~~program to the exiting operator, including overpayments the exiting operator disputes, and other actual and potential debts, including any unpaid penalties, specified in the notice provided under division (C) of section 5111.68 of the Revised Code that the exiting operator owes or may owe to the department and United States centers for medicare and medicaid services under the medicaid program.~~

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~~(2) An amount equal to the average amount of monthly payments to the exiting operator under the medicaid program for the twelve month period immediately preceding the month that includes the last day the exiting operator's provider agreement is in effect or, in the case of a voluntary withdrawal of participation, the effective date of the voluntary withdrawal of participation.~~

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~~(B) The In the case of a change of operator, the following shall apply regarding a withholding under division (A) of this section if the entering operator or a qualified affiliated operator executes a successor liability agreement in a manner prescribed by the department to assume liability for the entire amount specified in the notice provided under division (C) of section 5111.68 of the Revised Code or the portion of that amount that represents the franchise permit fee the exiting operator owes:~~

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~~(1) If the entering operator or a qualified affiliated operator assumes liability for the entire amount specified in the notice, the department shall not to make the withholding under division (A) of this section if an entering operator does bear of the following:~~

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~~(1) Enters into a nontransferable, unconditional, written agreement with the department to pay the department any debt the exiting operator owes the department under the medicaid program;~~

~~(2) Provides the department a copy of the entering operator's balance sheet that assists the department in determining whether to make the withholding under division (A) of this section.~~

~~(2) If the entering operator or qualified affiliated operator assumes liability for only the portion of the amount specified in the notice that represents the franchise permit fee the exiting operator owes, the department shall exclude from the withholding the amount for which the entering operator or qualified affiliated operator assumes liability.~~

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~~(C) In the case of a voluntary termination, voluntary withdrawal of participation, or facility closure, the following shall apply regarding a withholding under division (A) of this section if the exiting operator or a qualified affiliated operator executes a successor liability agreement in a manner prescribed by the department to assume liability for the entire amount specified in the notice provided under division (C) of section~~

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Date: 7-17-09

  
 Ted Strickland, Governor

5111.68 of the Revised Code or the portion of that amount that represents the franchise permit fee the exiting operator owes:

(1) If the exiting operator or qualified affiliated operator assumes liability for the entire amount specified in the notice, the department shall not make the withholding.

(2) If the exiting operator or qualified affiliated operator assumes liability for only the portion of the amount specified in the notice that represents the franchise permit fee the exiting operator owes, the department shall exclude from the withholding the amount for which the exiting operator or qualified affiliated operator assumes liability.

(D) Execution of a successor liability agreement does not waive an exiting operator's right to contest the amount specified in the notice the department provides the exiting operator under division (C) of section 5111.68 of the Revised Code.

Sec. 5111.685. The department of job and family services shall determine the actual amount of debt an exiting operator owes the department and the United States centers for medicare and medicaid services under the medicaid program by completing all final fiscal audits not already completed and performing all other appropriate actions the department determines to be necessary. The department shall issue a an initial debt summary report on this matter not later than ninety sixty days after the date the exiting operator files the properly completed cost report required by section 5111.682 of the Revised Code with the department or, if the department waives the cost report requirement for the exiting operator, ninety sixty days after the date the department waives the cost report requirement. The report shall include the department's findings and the amount of debt the department determines the exiting operator owes the department and United States centers for medicare and medicaid services under the medicaid program. Only the parts

The exiting operator and a qualified affiliated operator who executes a successor liability agreement under section 5111.681 of the Revised Code, if any, may request an informal settlement conference to contest any of the department's findings included in the initial debt summary report. The request for the conference must be submitted to the department not later than thirty days after the date the department issues the initial debt summary report. If the department has withheld money from payment due the exiting operator under division (A) of section 5111.681 of the Revised Code, the department shall conclude the conference not later than sixty days after the date the department receives the timely request for the conference unless the department and exiting operator or qualified affiliated operator agree to a

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Date: 7-17-09

Ted Strickland  
Ted Strickland, Governor

later conclusion date. The exiting operator or qualified affiliated operator may submit information to the department explaining what the operator contests before and during the conference, including documentation of the amount of any debt the department owes the operator. The department shall issue a revised debt summary report after the conference's conclusion. If the department has withheld money from payment due the exiting operator under division (A) of section 5111.681 of the Revised Code, the department shall issue the revised debt summary report not later than sixty days after the conference's conclusion. The revised debt summary report shall include the department's findings and the amount of debt the department determines the exiting operator owes the department and United States centers for medicare and medicaid services under the medicaid program. The department shall explain its findings and determination in the revised debt summary report.

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The exiting operator and a qualified affiliated operator who executes a successor liability agreement under section 5111.681 of the Revised Code, if any, may request an adjudication regarding any part of the report that are subject to an adjudication as specified in section 5111.90 of the Revised Code are subject to an adjudication conducted initial and revised debt summary reports in accordance with Chapter 119, of the Revised Code.

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However, an initial debt summary report is not subject to the adjudication if a revised debt summary report is issued following an informal conference settlement conducted regarding it; the revised debt summary report is subject to the adjudication instead. The adjudication shall be consolidated with any other uncompleted adjudication that concerns a matter addressed in the initial or revised debt summary report. If the department has withheld money from payment due the exiting operator under division (A) of section 5111.681 of the Revised Code, the department shall complete the adjudication not later than sixty days after the department receives a request for the adjudication.

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Sec. 5111.686. The department of job and family services shall release the actual amount withheld under division (A) of section 5111.681 of the Revised Code, less any amount the exiting operator owes the department and United States centers for medicare and medicaid services under the medicaid program, as follows:

(A) ~~Ninety one days after the date the exiting operator files a properly completed cost report required by section 5111.682 of the Revised Code unless~~ Unless the department issues the initial debt summary report required by section 5111.685 of the Revised Code not later than ~~ninety six~~ sixty days after the date the exiting operator files the properly completed cost report required by section 5111.682 of the Revised Code, sixty-one days after the

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Date: 7-17-09

*Ted Strickland*  
Ted Strickland Governor

date the exiting operator files the properly completed cost report;

(B) Not later than thirty days after the exiting operator agrees to a final fiscal audit resulting from the report required by section 5111.685 of the Revised Code if If the department issues the initial debt summary report required by section 5111.685 of the Revised Code not later than ninety sixty days after the date the exiting operator files a properly completed cost report required by section 5111.682 of the Revised Code not later than the following:

(1) Thirty days after the later of the deadline for requesting an informal settlement conference under section 5111.685 of the Revised Code and the deadline for requesting an adjudication under that section regarding the initial debt summary report if the exiting operator and a qualified affiliated operator who executes a successor liability agreement under section 5111.681 of the Revised Code, if any, fail to request both the conference and the adjudication on or before the deadline;

(2) Thirty days after the deadline for requesting an adjudication under section 5111.685 of the Revised Code regarding a revised debt summary report issued under that section if the exiting operator or a qualified affiliated operator who executes a successor liability agreement under section 5111.681 of the Revised Code, if any, requests an informal settlement conference under that section on or before the deadline for requesting the conference but fails to request an adjudication regarding the revised debt summary report on or before the deadline for requesting the adjudication;

(3) Thirty days after the completion of an adjudication of the initial or revised debt summary report if the exiting operator or a qualified affiliated operator who executes a successor liability agreement under section 5111.681 of the Revised Code, if any, requests the adjudication on or before the deadline for requesting the adjudication.

(C) Ninety one days after the date the department waives the cost report requirement of section 5111.682 of the Revised Code unless Unless the department issues the initial debt summary report required by section 5111.685 of the Revised Code not later than ninety sixty days after the date the department waives the cost report requirement of section 5111.682 of the Revised Code, sixty-one days after the date the department waives the cost report requirement.

(D) Not later than thirty days after the exiting operator agrees to a final fiscal audit resulting from the report required by section 5111.685 of the Revised Code if If the department issues the initial debt summary report required by section 5111.685 of the Revised Code not later than ninety sixty

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Date: 7-17-09

Ted Strickland  
Ted Strickland, Governor

days after the date the department waives the cost report requirement of section 5111.682 of the Revised Code not later than the following:

(1) Thirty days after the later of the deadline for requesting an informal settlement conference under section 5111.685 of the Revised Code and the deadline for requesting an adjudication under that section regarding the initial debt summary report if the exiting operator and a qualified affiliated operator who executes a successor liability agreement under section 5111.681 of the Revised Code, if any, fail to request both the conference and the adjudication on or before the deadline;

(2) Thirty days after the deadline for requesting an adjudication under section 5111.685 of the Revised Code regarding a revised debt summary report issued under that section if the exiting operator or a qualified affiliated operator who executes a successor liability agreement under section 5111.681 of the Revised Code, if any, requests an informal settlement conference under that section on or before the deadline for requesting the conference but fails to request an adjudication regarding the revised debt summary report on or before the deadline for requesting the adjudication;

(3) Thirty days after the completion of an adjudication of the initial or revised debt summary report if the exiting operator or a qualified affiliated operator who executes a successor liability agreement under section 5111.681 of the Revised Code, if any, requests the adjudication on or before the deadline for requesting the adjudication.

Sec. 5111.688. (A) All amounts withheld under section 5111.681 of the Revised Code from payment due an exiting operator under the medicaid program shall be deposited into the medicaid payment withholding fund created by the controlling board pursuant to section 131.35 of the Revised Code. Money in the fund shall be used as follows:

(1) To pay an exiting operator when a withholding is released to the exiting operator under section 5111.686 or 5111.687 of the Revised Code;

(2) To pay the department of job and family services and United States centers for medicare and medicaid services the amount an exiting operator owes the department and United States centers under the medicaid program.

(B) Amounts paid from the medicaid payment withholding fund pursuant to division (A)(2) of this section shall be deposited into the appropriate department fund.

Sec. ~~5111.689~~ 5111.689 The director of job and family services may shall adopt rules under section 5111.02 of the Revised Code to implement sections 5111.65 to ~~5111.689~~ 5111.689 of the Revised Code, including rules applicable to an exiting operator that provides written notification under

The above boxed and initialed text was disapproved.

Date: 7-17-09

Ted Strickland  
Ted Strickland, Governor

begin providing home and community-based services.

(2) The operator complies with the requirements of sections 5111.65 to ~~5111.688~~ 5111.689 of the Revised Code regarding a voluntary termination as defined in section 5111.65 of the Revised Code if those requirements are applicable.

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(3) The operator notifies each of the facility's residents that the facility is to cease providing ICF/MR services and inform each resident that the resident may do either of the following:

(a) Continue to receive ICF/MR services by transferring to another facility that is an intermediate care facility for the mentally retarded willing and able to accept the resident if the resident continues to qualify for ICF/MR services;

(b) Begin to receive home and community-based services instead of ICF/MR services from any provider of home and community-based services that is willing and able to provide the services to the resident if the resident is eligible for the services and a slot for the services is available to the resident.

(4) The operator meets the requirements for providing home and community-based services, including the following:

(a) Such requirements applicable to a residential facility if the operator maintains the facility's license as a residential facility;

(b) Such requirements applicable to a facility that is not licensed as a residential facility if the operator surrenders the facility's residential facility license under section 5123.19 of the Revised Code.

(5) The director of mental retardation and developmental disabilities approves the conversion.

(C) The notice to the director of mental retardation and developmental disabilities under division (B)(1) of this section shall specify whether the operator wishes to surrender the facility's license as a residential facility under section 5123.19 of the Revised Code.

(D) If the director of mental retardation and developmental disabilities approves a conversion under division (B) of this section, the director of health shall terminate the certification of the intermediate care facility for the mentally retarded to be converted. The director of health shall notify the director of job and family services of the termination. On receipt of the director of health's notice, the director of job and family services shall terminate the operator's medicaid provider agreement that authorizes the operator to provide ICF/MR services at the facility. The operator is not entitled to notice or a hearing under Chapter 119. of the Revised Code before the director of job and family services terminates the medicaid

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Date: 7-17-09

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provider agreement.

Sec. 5111.875. (A) For the purpose of increasing the number of slots available for home and community-based services and subject to sections 5111.877 and 5111.878 of the Revised Code, a person who acquires, through a request for proposals issued by the director of mental retardation and developmental disabilities, a residential facility that is an intermediate care facility for the mentally retarded and for which the license as a residential facility was previously surrendered or revoked may convert some or all of the facility's beds from providing ICF/MR services to providing home and community-based services if all of the following requirements are met:

(1) The person provides the directors of health, job and family services, and mental retardation and developmental disabilities at least ninety days' notice of the person's intent to make the conversion.

(2) The person complies with the requirements of sections 5111.65 to ~~5111.688~~ 5111.689 of the Revised Code regarding a voluntary termination as defined in section 5111.65 of the Revised Code if those requirements are applicable. *JS*

(3) If the person intends to convert all of the facility's beds, the person notifies each of the facility's residents that the facility is to cease providing ICF/MR services and informs each resident that the resident may do either of the following:

(a) Continue to receive ICF/MR services by transferring to another facility that is an intermediate care facility for the mentally retarded willing and able to accept the resident if the resident continues to qualify for ICF/MR services;

(b) Begin to receive home and community-based services instead of ICF/MR services from any provider of home and community-based services that is willing and able to provide the services to the resident if the resident is eligible for the services and a slot for the services is available to the resident.

(4) If the person intends to convert some but not all of the facility's beds, the person notifies each of the facility's residents that the facility is to convert some of its beds from providing ICF/MR services to providing home and community-based services and inform each resident that the resident may do either of the following:

(a) Continue to receive ICF/MR services from any provider of ICF/MR services that is willing and able to provide the services to the resident if the resident continues to qualify for ICF/MR services;

(b) Begin to receive home and community-based services instead of

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Date: 7-17-09

*Ted Strickland*  
 Ted Strickland Governor

accordance with Chapters 4919., 4921., and 4923. of the Revised Code regarding commercial motor vehicle transportation safety, economic, and hazardous materials requirements.

(G) Notwithstanding Chapter 4117. of the Revised Code, the department of public safety may establish requirements for its enforcement personnel, including its enforcement agents described in section 5502.14 of the Revised Code, that include standards of conduct, work rules and procedures, and criteria for eligibility as law enforcement personnel.

(H) The department shall administer, maintain, and operate the Ohio criminal justice network. The Ohio criminal justice network shall be a computer network that supports state and local criminal justice activities. The network shall be an electronic repository for various data, which may include arrest warrants, notices of persons wanted by law enforcement agencies, criminal records, prison inmate records, stolen vehicle records, vehicle operator's licenses, and vehicle registrations and titles.

(I) The department shall coordinate all homeland security activities of all state agencies and shall be a liaison between state agencies and local entities for those activities and related purposes.

(J) Beginning July 1, 2004, the department shall administer and enforce the laws relative to private investigators and security service providers specified in Chapter 4749. of the Revised Code.

(K) The department shall administer criminal justice services in accordance with sections 5502.61 to 5502.66 of the Revised Code.

Sec. 5502.12. (A) The accident reports submitted pursuant to section 5502.11 of the Revised Code shall be for the use of the director of public safety for purposes of statistical, safety, and other studies. The law enforcement agency that submitted a report shall furnish a copy of such report and associated documents to any person claiming an interest arising out of a motor vehicle accident, or to the person's attorney, upon the payment of a nonrefundable fee ~~that shall not exceed~~ of four dollars or the amount approved by the board of county commissioners of the county in which the law enforcement agency is located as provided in division (B) of this section. With respect to accidents investigated by the state highway patrol, the director of public safety shall furnish to such person all related reports and statements upon the payment of a nonrefundable fee of four dollars. The cost of photographs or any other electronic format shall be a four-dollar fee in addition to the nonrefundable four-dollar fee for the accident report, whether the report was submitted by the state highway patrol or another law enforcement agency. A law enforcement agency may charge a fee that is in excess of four dollars for photographs and other

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Date: 7-17-09

Ted Strickland  
Ted Strickland, Governor

rates shall be reported on the basis of that method. The Ohio retirement study council shall make recommendations to the general assembly that it finds necessary for the proper financing of the benefits of the state highway patrol retirement system.

Sec. 5525.26. Except as provided in federal law, if a project for the construction, reconstruction, or other improvement to a road or highway is administered by the department of transportation or any local public authority authorized under division (C) of section 5501.03 of the Revised Code, if the project is located in a municipal corporation with a population of at least four hundred thousand that is in a county with a population of at least one million two hundred thousand, and if the project is funded with at least one hundred thousand dollars from a political subdivision, then a contractor for the project shall comply with regulations or ordinances of the political subdivision that are in effect before July 1, 2009, and that specifically relate to the employment of residents and local businesses of the political subdivision in the performance of the work of the project, and such ordinances or regulations shall be included by reference unambiguously in the contract between the department of transportation or public authority and the contractor for the project.

Sec. 5537.051. (A)(1) In any county that as of January 1, 2009, had closed one or more roads as a result of grade separation failure at intersections of a turnpike project with a county or township road, the Ohio turnpike commission is responsible for the major maintenance and repair and replacement of such failed grade separations. The governmental entity with jurisdiction over the county or township road is responsible for routine maintenance of such failed grade separations.

(2) This section does not apply to any grade separation at intersections of a turnpike project with a county or township road except as described in division (A)(1) of this section.

(B) As used in this section:

(1) "Major maintenance and repair and replacement" relates to all elements constructed as part of or required for a grade separation, including box culverts, bridges, pile foundations, substructures, abutments, piers, superstructures, approach slabs, slopes, approaches, embankments, railing, guardrails, drainage facilities including headwalls, and underdrains, inlets, catch basins and grates, fences, and appurtenances. Major maintenance and repair includes the painting and the repair of deteriorated or damaged elements to restore the structural integrity of any grade separation including embankments.

(2) "Routine maintenance" includes, without limitation, clearing debris.

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Date: 7-17-09

Ted Strickland

Ted Strickland, Governor

sweeping, snow and ice removal, wearing surface improvements, marking for traffic control, minor and emergency repairs to railing and appurtenances, and emergency patching. *W*

Sec. 5701.11. The effective date to which this section refers is the effective date of this section as amended by ~~Sub. H.B. 458~~ 1 of the ~~127th~~ 128th general assembly.

(A)(1) Except as provided under division (A)(2) or (B) of this section, any reference in Title LVII of the Revised Code to the Internal Revenue Code, to the Internal Revenue Code "as amended," to other laws of the United States, or to other laws of the United States, "as amended," means the Internal Revenue Code or other laws of the United States as they exist on the effective date.

(2) This section does not apply to any reference in Title LVII of the Revised Code to the Internal Revenue Code as of a date certain specifying the day, month, and year, or to other laws of the United States as of a date certain specifying the day, month, and year.

(B)(1) For purposes of applying section 5733.04, 5745.01, or 5747.01 of the Revised Code to a taxpayer's taxable year ending after December ~~21,~~ ~~2007~~ 30, 2008, and before the effective date, a taxpayer may irrevocably elect to incorporate the provisions of the Internal Revenue Code or other laws of the United States that are in effect for federal income tax purposes for that taxable year if those provisions differ from the provisions that, under division (A) of this section, would otherwise apply. The filing by the taxpayer for that taxable year of a report or return that incorporates the provisions of the Internal Revenue Code or other laws of the United States applicable for federal income tax purposes for that taxable year, and that does not include any adjustments to reverse the effects of any differences between those provisions and the provisions that would otherwise apply, constitutes the making of an irrevocable election under this division for that taxable year.

(2) Elections under prior versions of division (B)(1) of this section remain in effect for the taxable years to which they apply.

Sec. 5703.21. (A) Except as provided in divisions (B) and (C) of this section, no agent of the department of taxation, except in the agent's report to the department or when called on to testify in any court or proceeding, shall divulge any information acquired by the agent as to the transactions, property, or business of any person while acting or claiming to act under orders of the department. Whoever violates this provision shall thereafter be disqualified from acting as an officer or employee or in any other capacity under appointment or employment of the department.

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Date: 7-17-09

Ted Strickland  
Ted Strickland, Governor

for taxation.

Any party to the appeal shall have the right to appeal from the judgment of the court of appeals on questions of law, as in other cases.

Sec. 5721.01. (A) As used in this chapter:

(1) "Delinquent lands" means all lands upon which delinquent taxes, as defined in section 323.01 of the Revised Code, remain unpaid at the time a settlement is made between the county treasurer and auditor pursuant to division (C) of section 321.24 of the Revised Code.

(2) "Delinquent vacant lands" means all lands that have been delinquent lands for at least one year and that are unimproved by any dwelling.

(3) "County land reutilization corporation" means a county land reutilization corporation organized under Chapter 1724. of the Revised Code.

(B) As used in sections 5719.04, 5721.03, and 5721.31 of the Revised Code and in any other sections of the Revised Code to which those sections are applicable, a newspaper or newspaper of general circulation shall be a publication bearing a title or name, regularly issued as frequently as once a week ~~for a definite price or consideration paid for by not less than fifty per cent of those to whom distribution is made, having a second class mailing privilege,~~ being not less than four pages, published continuously during the immediately preceding one-year period, and circulated generally in the political subdivision in which it is published. Such publication shall be of a type to which the general public resorts for passing events of a political, religious, commercial, and social nature, current happenings, announcements, miscellaneous reading matter, advertisements, and other notices ~~that has at least twenty-five per cent editorial, nonadvertising content, exclusive of inserts, measured relative to total publication space, and an audited circulation to at least fifty per cent of the households in the newspaper's retail trade zone as defined by the auditor.~~

28

28

Sec. 5721.32. (A) The sale of tax certificates by public auction may be conducted at any time after completion of the advertising of the sale under section 5721.31 of the Revised Code, on the date and at the time and place designated in the advertisements, and may be continued from time to time as the county treasurer directs. The county treasurer may offer the tax certificates for sale in blocks of tax certificates, consisting of any number of tax certificates as determined by the county treasurer.

(B)(1) The sale of tax certificates under this section shall be conducted at a public auction by the county treasurer or a designee of the county treasurer.

(2) No person shall be permitted to bid without completing a bidder. ~~The above boxed and initialed text was disapproved.~~

Date: 7-17-09

Ted Strickland  
Ted Strickland, Governor

to an assessment rate specified in section 5727.111 of the Revised Code in tax year 2004.

(18) "Telephone property tax value loss" means the amount determined under division (C)(4) of this section.

(19) "Telephone property fixed-rate levy loss" means the amount determined under division (D)(4) of this section.

(B) The commercial activities tax receipts fund is hereby created in the state treasury and shall consist of money arising from the tax imposed under this chapter. ~~All money in that~~ Eighty-five one-hundredths of one per cent of the money credited to that fund shall be credited to the tax reform system implementation fund, which is hereby created in the state treasury, and shall be used to defray the costs incurred by the department of taxation in administering the tax imposed by this chapter and in implementing tax reform measures. The remainder in the commercial activities tax receipts fund shall be credited for each fiscal year in the following percentages to the general revenue fund, to the school district tangible property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section 5751.21 of the Revised Code, and to the local government tangible property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section 5751.22 of the Revised Code, in the following percentages:

Fiscal year	General Revenue Fund	School District Tangible Property Tax Replacement Fund	Local Government Tangible Property Tax Replacement Fund
2006	67.7%	22.6%	9.7%
2007	0%	70.0%	30.0%
2008	0%	70.0%	30.0%
2009	0%	70.0%	30.0%
2010	0%	70.0%	30.0%
2011 and thereafter	0%	70.0%	30.0%
<del>2012</del>	<del>5.3%</del>	<del>70.0%</del>	<del>24.7%</del>
<del>2013</del>	<del>10.6%</del>	<del>70.0%</del>	<del>19.4%</del>
<del>2014</del>	<del>14.1%</del>	<del>70.0%</del>	<del>15.9%</del>
<del>2015</del>	<del>17.6%</del>	<del>70.0%</del>	<del>12.4%</del>
<del>2016</del>	<del>21.1%</del>	<del>70.0%</del>	<del>8.9%</del>

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Date: 7-17-09

*Ed Strickland*

2674

2017	<del>24.6%</del>	<del>70.0%</del>	<del>5.4%</del>
2018	<del>28.1%</del>	<del>70.0%</del>	<del>1.9%</del>
2019 and thereafter	30%	70%	0%

(C) Not later than September 15, 2005, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its machinery and equipment, inventory property, furniture and fixtures property, and telephone property tax value losses, which are the applicable amounts described in divisions (C)(1), (2), (3), and (4) of this section, except as provided in division (C)(5) of this section:

(1) Machinery and equipment property tax value loss is the taxable value of machinery and equipment property as reported by taxpayers for tax year 2004 multiplied by:

- (a) For tax year 2006, thirty-three and eight-tenths per cent;
- (b) For tax year 2007, sixty-one and three-tenths per cent;
- (c) For tax year 2008, eighty-three per cent;
- (d) For tax year 2009 and thereafter, one hundred per cent.

(2) Inventory property tax value loss is the taxable value of inventory property as reported by taxpayers for tax year 2004 multiplied by:

- (a) For tax year 2006, a fraction, the numerator of which is five and three-fourths and the denominator of which is twenty-three;
- (b) For tax year 2007, a fraction, the numerator of which is nine and one-half and the denominator of which is twenty-three;
- (c) For tax year 2008, a fraction, the numerator of which is thirteen and one-fourth and the denominator of which is twenty-three;
- (d) For tax year 2009 and thereafter a fraction, the numerator of which is seventeen and the denominator of which is twenty-three.

(3) Furniture and fixtures property tax value loss is the taxable value of furniture and fixture property as reported by taxpayers for tax year 2004 multiplied by:

- (a) For tax year 2006, twenty-five per cent;
- (b) For tax year 2007, fifty per cent;
- (c) For tax year 2008, seventy-five per cent;
- (d) For tax year 2009 and thereafter, one hundred per cent.

The taxable value of property reported by taxpayers used in divisions (C)(1), (2), and (3) of this section shall be such values as determined to be final by the tax commissioner as of August 31, 2005. Such determinations shall be final except for any correction of a clerical error that was made prior to August 31, 2005, by the tax commissioner.

(4) Telephone property tax value loss is the taxable value of telephone

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Date: 7-17-09

Ted Strickland  
Ted Strickland, Governor

for each tax year from 2006 through 2011 its telephone property fixed-rate levy loss, ~~which, Except as provided in division (F) of this section, such losses~~ are the applicable amounts described in divisions (D)(1), (2), (3), and (4) of this section:

(1) The machinery and equipment fixed-rate levy loss is the machinery and equipment property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(2) The inventory fixed-rate loss is the inventory property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(3) The furniture and fixtures fixed-rate levy loss is the furniture and fixture property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(4) The telephone property fixed-rate levy loss is the telephone property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(E) Not later than September 15, 2005, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its fixed-sum levy loss. The fixed-sum levy loss is the amount obtained by subtracting the amount described in division (E)(2) of this section from the amount described in division (E)(1) of this section:

(1) The sum of the machinery and equipment property tax value loss, the inventory property tax value loss, and the furniture and fixtures property tax value loss, and, for 2008 ~~through 2017 and thereafter~~ the telephone property tax value loss of the district or unit multiplied by the sum of the fixed-sum tax rates of qualifying levies. For 2006 through 2010, this computation shall include all qualifying levies remaining in effect for the current tax year and any school district levies imposed under section 5705.194 or 5705.213 of the Revised Code that are qualifying levies not remaining in effect for the current year. For 2011 ~~through 2017 in the case~~ H

~~of school district levies imposed under section 5705.194 or 5705.213 of the Revised Code and for all years after 2010 in the case of other fixed sum levies and thereafter,~~ H this computation shall include only qualifying levies remaining in effect for the current year. For purposes of this computation, a qualifying school district levy imposed under section 5705.194 or 5705.213 of the Revised Code remains in effect in a year after 2010 only if, for that year, the board of education levies a school district levy imposed under section 5705.194 ~~or, 5705.199, 5705.213, or 5705.219~~ of the Revised Code for an annual sum at least equal to the annual sum levied by the board in tax year 2004 less the amount of the payment certified under this division for 2006.

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Date: 7-17-09

Ted Strickland  
Ted Strickland Governor

under this division and division (D) of this section first apply in the year following the first year the district levies the tax under section 5705.219 of the Revised Code.

(G) Not later than October 1, 2005, the tax commissioner shall certify to the department of education for every school district and joint vocational school district the machinery and equipment, inventory, furniture and fixtures, and telephone property tax value losses determined under division (C) of this section, the machinery and equipment, inventory, furniture and fixtures, and telephone fixed-rate levy losses determined under division (D) of this section, and the fixed-sum levy losses calculated under division (E) of this section. The calculations under divisions (D) and (E) of this section shall separately display the levy loss for each levy eligible for reimbursement.

~~(G)(H)~~ Not later than October 1, 2005, the tax commissioner shall certify the amount of the fixed-sum levy losses to the county auditor of each county in which a school district, joint vocational school district, or local taxing unit with a fixed-sum levy loss reimbursement has territory.

(I) Not later than the twenty-eighth day of February each year beginning in 2011 and ending in 2014, the tax commissioner shall certify to the department of education for each school district first levying a tax under section 5705.219 of the Revised Code in the preceding year the revised fixed-rate levy losses determined under divisions (D) and (F) of this section.

Sec. 5751.21. (A) Not later than the thirtieth day of July of 2007 through 2017 and of each year thereafter, the department of education shall consult with the director of budget and management and determine the following for each school district and each joint vocational school district eligible for payment under division (B) of this section:

(1) The state education aid offset, which is the difference obtained by subtracting the amount described in division (A)(1)(b) of this section from the amount described in division (A)(1)(a) of this section:

(a) The state education aid computed for the school district or joint vocational school district for the current fiscal year as of the thirtieth day of July;

(b) The state education aid that would be computed for the school district or joint vocational school district for the current fiscal year as of the thirtieth day of July if the recognized valuation included the machinery and equipment, inventory, furniture and fixtures, and telephone property tax value losses for the school district or joint vocational school district for the second preceding tax year, and if taxes charged and payable associated with the tax value losses are accounted for in any state education aid computation

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Date: 7-17-09

  
Ted Strickland Governor

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

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

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

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

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

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

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

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

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

The above boxed and initialed text was disapproved.

Date: 7-17-09

Jed Strickland

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

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

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

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

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

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

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

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Date: 7-17-09

*Ted Strickland*

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

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

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

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

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

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

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

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

~~At the end of fiscal years 2012 through 2019, any balance in the school district tangible property tax replacement fund shall remain in the fund to be used in future fiscal years for school purposes.~~

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

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

The above boxed and initialed text was disapproved.

Date: 7-19-09

Jed Strickland

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

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

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

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

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

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

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Date: 7-17-09

Jed Strickland

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

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

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

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

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

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

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Date: 7-17-09

Jed Strickland

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

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

*JH*

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(E) On the fifteenth day of June of each year ~~from 2006 through 2019~~ beginning in 2006, the director of budget and management may transfer any balance in the local government tangible property tax replacement fund to the general revenue fund.

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

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

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

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

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

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Date: 7-17-09

*Jed Strickland*

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

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

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

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

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

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

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

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

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Date: 7-17-09

Ed Strickland  
Ed Strickland, Governor

Code.

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

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

The above boxed and initialed text was disapproved.

Date: 7-17-09

Ted Strickland  
Ted Strickland Governor

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The above boxed and initialed text was disapproved.

Date: 7-17-09

Ted Strickland  
Governor

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The above boxed and initialed text was disapproved.

Date: 7-17-09

Ted Strickland  
Ted Strickland, Governor

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Date: 7-17-09

Ted Strickland  
Ted Strickland, Governor

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

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

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

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

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

Date: 7-17-09

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

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

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

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

The above boxed and initialed text was disapproved.

Date: 7-17-09

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

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

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

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

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

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

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

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

**TRANSFER OF RESIDENTIAL STATE SUPPLEMENT APPROPRIATIONS**

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

<p><b>RESIDENTIAL STATE SUPPLEMENT WORKGROUP</b></p> <p>(A) There is hereby created the Residential State Supplement Workgroup consisting of all of the following:</p> <ul style="list-style-type: none"> <li>(1) The Director of Aging or the Director's designee;</li> <li>(2) The Director of Health or the Director's designee;</li> <li>(3) The Director of Job and Family Services or the Director's designee;</li> <li>(4) The Director of Mental Health or the Director's designee.</li> </ul> <p>(B) The Director of Aging or the Director's designee shall serve as the chairperson of the Workgroup. Members of the Workgroup shall serve without compensation, except to the extent that serving on the Workgroup is</p>
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Date: 7-17-09

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considered part of their regular employment duties.

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

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#### **ALZHEIMER'S RESPITE**

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

#### **EDUCATION AND TRAINING**

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

#### **REGIONAL LONG-TERM CARE OMBUDSMAN PROGRAM**

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

#### **PASSPORT/RESIDENTIAL STATE SUPPLEMENT**

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

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

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

#### **TRANSFER OF RESIDENT PROTECTION FUNDS**

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

The above boxed and initialed text was disapproved.

Date: 7-17-09

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**SECTION 209.40. UNIFIED LONG-TERM CARE BUDGET WORKGROUP**

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

(1) The Director of Aging;

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

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

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

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

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

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

(1) Providing a consumer a choice of services that meet the consumer's health care needs and improve the consumer's quality of life;

(2) Providing a continuum of services that meet the needs of a consumer throughout life and promote a consumer's independence and autonomy;

(3) Consolidating policymaking authority and the associated budgets in a single entity to simplify the consumer's decision making and maximize the state's flexibility in meeting the consumer's needs;

(4) Assuring the state has a system that is cost effective and links disparate services across agencies and jurisdictions.

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

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

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Date: 7-17-09

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

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## SECTION 221.10. ATH ATHLETIC COMMISSION

## General Services Fund Group

4K90 175609	Operating Expenses	\$	247,624	\$	247,624
TOTAL GSF General Services Fund Group		\$	247,624	\$	247,624
TOTAL ALL BUDGET FUND GROUPS		\$	247,624	\$	247,624

## SECTION 223.10. AGO ATTORNEY GENERAL

## General Revenue Fund

GRF 055321	Operating Expenses	\$	45,469,699	\$	45,469,699
GRF 055405	Law-Related Education	\$	100,000	\$	100,000
GRF 055411	County Sheriffs' Pay Supplement	\$	757,921	\$	757,921
GRF 055415	County Prosecutors' Pay Supplement	\$	831,499	\$	831,499
TOTAL GRF General Revenue Fund		\$	47,159,119	\$	47,159,119

## General Services Fund Group

1060 055612	General Reimbursement	\$	38,750,000	\$	38,750,000
1950 055660	Workers' Compensation Section	\$	8,415,504	\$	8,415,504
4180 055615	Charitable Foundations	\$	7,286,000	\$	7,286,000
4200 055603	Attorney General Antitrust	\$	1,750,000	\$	1,750,000
4210 055617	Police Officers' Training Academy Fee	\$	2,000,000	\$	2,000,000
4220 055609	BCI Asset Forfeiture and Cost Reimbursement	\$	1,000,000	\$	1,000,000
5900 055633	Peace Officer Private Security Fund	\$	98,370	\$	98,370
5A90 055618	Telemarketing Fraud Enforcement	\$	7,500	\$	7,500
5L50 055619	Law Enforcement Assistance Program	\$	1,457,852	\$	0
6290 055636	Corrupt Activity Investigation and Prosecution	\$	15,000	\$	15,000
6310 055637	Consumer Protection Enforcement	\$	3,500,000	\$	3,500,000
TOTAL GSF General Services Fund Group		\$	64,280,226	\$	62,822,374
Federal Special Revenue Fund Group					
3060 055620	Medicaid Fraud Control	\$	3,879,672	\$	3,879,672
3810 055611	Civil Rights Legal Service	\$	402,540	\$	402,540
3830 055634	Crime Victims Assistance	\$	16,000,000	\$	16,000,000
3E50 055638	Attorney General Pass-Through Funds	\$	3,030,000	\$	3,030,000

The above boxed and initialed text was disapproved.

Date: 7-17-09

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

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

**SECTION 265.10.50. SCHOOL MANAGEMENT ASSISTANCE**

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

24

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

28

**SECTION 265.10.60. POLICY ANALYSIS**

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

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Date: 7-17-09

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

**SECTION 265.40.30. START-UP FUNDS**

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

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

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

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

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

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

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Date: 7-17-09

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<p>pursuant to this section shall be reimbursed to the General Revenue Fund when the early learning program ceases or if an early learning agency's or early learning provider's participation in the early learning program ceases or is terminated.</p>	<p><i>JS</i></p>
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**SECTION 265.40.40. AUXILIARY SERVICES REIMBURSEMENT**

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

**SECTION 265.40.50. LOTTERY PROFITS EDUCATION FUND**

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

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

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

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

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

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Date: 7-17-09

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

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

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

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

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

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

**SECTION 265.60.90.** All duties, powers, obligations, and functions performed by, all rights exercised by, and the remaining unexpended, unencumbered balance of any money appropriated or reappropriated to the Department of Administrative Services with regard to the School Employees Health Care Board under section 9.901 of the Revised Code, whether obligated or unobligated, are transferred to the Department of Education on July 1, 2009. The Department of Education thereupon succeeds to, and shall assume, all duties, powers, obligations, and functions performed by, all rights exercised by, and the remaining unexpended, unencumbered balance of any money appropriated or reappropriated to the Department of Administrative Services with regard to the School Employees Health Care Board under section 9.901 of the Revised Code.  
Any aspect of the board's operations commenced but not completed by the Department of Administrative Services on July 1, 2009, shall be completed by the Superintendent of Public Instruction or staff of the Department of Education in the same manner, and with the same effect, as if completed by the Department of Administrative Services or the staff of the Department of Administrative Services. Any validation, cure, right, privilege, remedy, obligation, or liability related to the board's operations is

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Date: 7-17-09

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

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

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

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

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

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

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Date: 7-17-09

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

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

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

**SECTION 265.70.20. EARLY CHILDHOOD FINANCING WORKGROUP**

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

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

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

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

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

The above boxed and inscribed text was disapproved.

Date: 7-17-09

Ted Strickland  
Ted Strickland, Governor

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

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

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

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

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

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

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

The above boxed and initialed text was disapproved.

Date: 7-17-09

  
Ted Strickland, Governor

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

**MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS**

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

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

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

**NURSING FACILITY TECHNICAL ASSISTANCE PROGRAM**

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

**TOBACCO USE PREVENTION**

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

**SECTION 289.30. DISEASE AND CANCER COMMISSION**  
(A) There is hereby established in the Department of Health the Disease and Cancer Commission. The Commission shall be composed of individuals selected by the Director of Health who are both of the following:  
(1) Representatives of boards of health of city health districts or general health districts, or the authorities having the duties of a board of health under section 3709.05 of the Revised Code;  
(2) Located in an area in which the Director of Health has determined that the ~~commission~~ ~~is~~ ~~needed~~ ~~and~~ ~~initial~~ ~~text~~ ~~was~~ ~~disapproved.~~

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Date: 7-17-09

Ted Strickland  
Ted Strickland, Governor

is a high prevalence of one of the following:

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

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

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

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

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**SECTION 289.40. FUNDING FOR IMMUNIZATIONS**

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

**SECTION 289.60. FEDERAL ABSTINENCE EDUCATION PROGRAM**

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

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

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

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

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Date: 7-17-09

Ted Strickland  
Ted Strickland, Governor

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

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

#### MARKET CONDUCT EXAMINATION

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

#### EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES

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

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

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

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

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

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

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Date: 7-17-09

Ted Strickland  
Ted Strickland, Governor

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

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

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

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

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

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

*28*

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

**General Revenue Fund**

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

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Date: 7-17-09

*Ted Strickland*  
 Ted Strickland, Governor

Am. Sub. H. B. No. 1

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2871

R013 600644	Forgery Collections	\$	10,000	\$	10,000
TOTAL 090 Holding Account Redistribution		\$	2,210,000	\$	2,210,000
Fund Group					
TOTAL ALL BUDGET FUND GROUPS		\$	19,881,336,782	\$	20,707,186,534

#### SECTION 309.20. SUPPORT SERVICES

##### SECTION 309.20.10. AGENCY FUND GROUP

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

#### SECTION 309.30. MEDICAID

##### SECTION 309.30.10. HEALTH CARE/MEDICAID

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

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

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

##### SECTION 309.30.15. CHILDREN'S HOSPITALS

(A) As used in this section:

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

The above boxed and initialed text was disapproved.

Date: 7-17-09



Ted Strickland, Governor

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

**SECTION 309.30.30. NURSING FACILITY CAPITAL COSTS STUDY**  
 Not later than December 31, 2010, the Department of Job and Family Services shall submit a report to the Governor and, in accordance with section 101.68 of the Revised Code, the General Assembly with recommendations for developing a new system for reimbursing nursing facilities' capital costs under the Medicaid program. The report may include recommendations for changes to other parts of the Medicaid reimbursement system for nursing facilities. The Department shall prepare the report in consultation with the Ohio Academy of Nursing Homes; the Association of Ohio Philanthropic Homes, Housing, and Services for the Aging; and the Ohio Health Care Association. The recommendations regarding the new system for reimbursing nursing facilities for capital costs shall focus on both of the following:

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

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

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

(A) As used in this section:

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

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

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

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

"Medicaid days" means all days during which a resident who is a Medicaid recipient occupies a bed in an ICF/MR that is included in the ICF/MR's Medicaid-certified capacity. Therapeutic or hospital leave days for which payment is made under section 5111.20 of the Revised Code are included.

~~The above text was disapproved.~~

Date: 7-17-09

Ted Strickland  
Ted Strickland, Governor

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

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

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

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

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

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

- (1) The Director of Job and Family Services;
- (2) The Deputy Director of the Office of Ohio Health Plans of the Department of Job and Family Services;
- (3) The Director of Developmental Disabilities;
- (4) One representative of Medicaid recipients residing in intermediate care facilities for the mentally retarded, appointed by the Governor;
- (5) Two representatives of each of the following organizations, appointed by their respective governing bodies:
  - (a) The Ohio Provider Resource Association;
  - (b) The Ohio Health Care Association;
  - (c) The Ohio Association of County Boards of Mental Retardation and Developmental Disabilities.

Initial appointments of members described in divisions (A)(4) and (5) of this section shall be made not later than thirty days after the effective date of this section. Vacancies shall be filled in the same manner as the original appointments. Members described in those divisions shall serve at the pleasure of the official or governing body making the appointment of the member.

The Director of Job and Family Services shall serve as chairperson of the council. Members of the council shall serve without compensation.

The above boxed and initialed text was disapproved.

Date: 7-17-09

  
 Ted Strickland, Governor

except to the extent that serving on the council is part of their regular duties of employment.

(B) The council shall review the system established by sections 5111.20 to 5111.33 of the Revised Code for reimbursing intermediate care facilities for the mentally retarded under the Medicaid program. Not later than July 1, 2010, the council shall issue a report of its activities, findings, and recommendations to the Governor, the Speaker of the House of Representatives, and the President of the Senate.

(C) In its consideration of the system for reimbursing intermediate care facilities for the mentally retarded under division (B) of this section, the council shall use the following principles:

(1) The system should appropriately account for differences in acuity and service needs among individuals in intermediate care facilities for the mentally retarded.

(2) The system should support and encourage quality services, including both of the following elements:

(a) A high level of coverage of direct care costs;

(b) Pay for performance mechanisms.

(3) The system should reflect appropriate recognition that virtually all individuals served in intermediate care facilities for the mentally retarded are Medicaid recipients.

(4) The system should encourage cost-effective service delivery.

(5) The system should encourage innovation in service delivery.

(6) The system should encourage appropriate maintenance, improvement, and replacement of facilities.

(D) The council shall cease to exist on the submission of a report under division (B) of this section.

#### SECTION 309.30.73. INCREASE IN MEDICAID RATES FOR HOSPITAL INPATIENT AND OUTPATIENT SERVICES

The Director of Job and Family Services shall amend rules adopted under section 5111.02 of the Revised Code as necessary to increase, for the period beginning October 1, 2009, and ending June 30, 2011, the Medicaid reimbursement rates for Medicaid-covered hospital inpatient services and hospital outpatient services that are paid under the prospective payment system established in those rules to rates that result in an amount that is five per cent higher than the amount resulting from the rates in effect on September 30, 2009.

The above boxed and initialed text was disapproved.

Date: 7-17-09

Ted Strickland  
Ted Strickland, Governor

Health, in accordance with an interagency agreement that delegates authority from the Department of Job and Family Services to the Department of Mental Health to administer specified Medicaid services. The transfer shall be made using an intrastate transfer voucher.

The Department of Job and Family Services shall transfer \$14,700,000 cash, during the FY 2010-FY 2011 biennium, from the Medicaid Program Support Fund (Fund 5C90), to the Sale of Goods and Services Fund (Fund 1490), used by the Department of Mental Health. The transfer shall be made using an intrastate transfer voucher.

The Director of Budget and Management shall transfer \$4,700,000 cash in fiscal year 2010 and \$3,200,000 cash in fiscal year 2011 from the Medicaid Program Support Fund (Fund 5C90) to the Nursing Facility Stabilization Fund (Fund 5R20).

#### SECTION 309.32.30. PRESCRIPTION DRUG REBATE FUND

The foregoing appropriation item 600692, Health Care Services, shall be used by the Department of Job and Family Services to pay for Medicaid services and contracts.

#### SECTION 309.32.40. FEDERAL MATCH FOR ADAMHS BOARDS' ADMINISTRATIVE COSTS

As used in this section, "community behavioral health boards" means boards of alcohol, drug addiction, and mental health services, community mental health boards, and alcohol and drug addiction services boards.

Not later than October 1, 2009, the Director of Job and Family Services shall seek federal approval to establish a system under which community behavioral health boards obtain federal financial participation for the allowable administrative activities the boards perform in the administration of the Medicaid program. The Director shall implement the system on receipt of federal approval. The Director shall work with the Directors of Alcohol and Drug Addiction Services and Mental Health and representatives of community behavioral health boards when implementing this section.

#### SECTION 309.32.43. FUNDING OF MEDICAID-COVERED COMMUNITY BEHAVIORAL HEALTH SERVICES

(A) As used in this section:

"Community behavioral health boards" means boards of alcohol, drug addiction, and mental health services; community mental health boards; and

The above boxed and initialed text was disapproved.

Date: 7-17-09

Ted Strickland  
Ted Strickland, Governor

alcohol and drug addiction services boards.  
 "Community mental health facility" has the same meaning as in section 5111.023 of the Revised Code.  
 (B) Notwithstanding any conflicting provision of sections 5111.912 and 5111.913 of the Revised Code, both of the following apply to community behavioral health boards with respect to payments made under those sections for the nonfederal share of Medicaid payments to providers for services under a Medicaid component, or aspect of a component, the Department of Mental Health or Department of Alcohol and Drug Addiction Services administers:  
 (1) A community behavioral health board shall use state funds provided to the board for the purpose of funding community mental health services to make the payments.  
 (2) In addition to the funds used under division (B)(1) of this section, a community behavioral health board may use money available to the board that is raised by a county tax levy to make the payments if using the money for that purpose is consistent with the purpose for which the tax was levied.  
 (C) Notwithstanding division (C) of section 5111.023 of the Revised Code, the comprehensive annual plan specified in that division may certify the availability of unencumbered community mental health local funds to match federal Medicaid reimbursement funds earned by community mental health facilities.  
 (D) This section expires on July 1, 2011.

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**SECTION 309.32.45. MEDICAID NONEMERGENCY MEDICAL TRANSPORTATION MANAGEMENT PILOT PROGRAM**

(A) The Department of Job and Family Services shall establish a Medicaid nonemergency medical transportation management pilot program. The pilot program shall be operated for two years.

(B) A county department of job and family services serving a county with a population greater than two hundred thousand persons may participate in the pilot program. A county department participating in the pilot program shall identify which groups of Medicaid recipients residing in the county shall be required to participate in the pilot program. The county department shall also contract with one or more medical transportation management organizations to have the organizations manage nonemergency medical transportation services provided under the Medicaid program to the groups required to participate in the pilot program. To be eligible to contract with a county department, a medical transportation management organization must have experience in coordinating nonemergency medical

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Date: 7-17-09

*Ted Strickland*  
Ted Strickland, Governor

item 600658, Child Support Collections, to support public assistance activities.

**SECTION 309.40.55. KINSHIP PERMANENCY INCENTIVE PROGRAM**

The foregoing appropriation item 600541, Kinship Permanency Incentive Program, shall be used to support the Kinship Permanency Incentive Program created under section 5101.802 of the Revised Code.

**SECTION 309.40.60. EARLY LEARNING INITIATIVE**

(A) As used in this section:

(1) "Title IV-A services" means benefits and services that are allowable under Title IV-A of the "Social Security Act," as specified in 42 U.S.C. 604(a), except that they shall not be benefits and services included in the term "assistance" as defined in 45 C.F.R. 260.31(a) and shall be benefits and services that are excluded from the definition of the term "assistance" under 45 C.F.R. 260.31(b).

(2) "Eligible child" means a child who is at least three years of age but not of compulsory school age or enrolled in kindergarten, is eligible for Title IV-A services, and whose family income at the time of application does not exceed two hundred per cent of the federal poverty guidelines.

(3) "Early learning program" means a program for eligible children that provides Title IV-A services, according to the purposes listed in 45 C.F.R. 260.20(c), that are early learning services, as defined by pursuant to division (D)(1) of this section.

(4) "Early learning provider" means an entity that operates an early learning program.

(5) "Early learning agency" means an early learning provider or an entity that has entered into an agreement with an early learning provider requiring the early learning provider to operate an early learning program on behalf of the entity.

(6) "Federal poverty line" has the same meaning as in section 5104.01 of the Revised Code.

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

(B) The Early Learning Initiative is hereby established. The Department of Education and the Department of Job and Family Services shall administer the Initiative in accordance with sections 5101.80 and 5101.801 of the Revised Code. The Initiative shall p

Date: 7-17-09

Ted Strickland  
Ted Strickland, Governor

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eligible children. Early learning services may be provided on a full-day basis, a part-day basis, or both a full-day and part-day basis.

(C) The Department of Job and Family Services shall do both of the following:

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

(2) In consultation with the Department of Education, adopt rules in accordance with Chapter 119. of the Revised Code to implement the Early Learning Initiative. The rules shall include all of the following:

(a) Provisions regarding the establishment of co-payments for families of eligible children whose family income is more than one hundred per cent of the federal poverty guidelines but equal to or less than the maximum amount of family income authorized for an eligible child as defined in division (A)(2) of this section;

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

(c) A definition of "enrollment" for the purpose of compensating early learning agencies;

(d) Provisions that establish compensation rates for early learning agencies based on the enrollment of eligible children;

(e) Provisions for the completion of criminal record checks for employees of early learning agencies and early learning providers whereby sections 109.572(A)(8), (A)(9), and (B)(2) of the Revised Code are considered applicable to these employees;

(f) Provisions for the timeline of eligibility determination;

(g) A requirement that early learning programs licensed by the Department of Education under sections 3301.52 to 3301.59 of the Revised Code participate in the quality-rating program established under section 5104.30 of the Revised Code.

(D) The Department of Education shall do all of the following:

(1) Define the early learning services that will be provided to eligible children through the Early Learning Initiative;

(2) In consultation with the Department of Job and Family Services, develop an application form and criteria for the selection of early learning agencies. The criteria shall require an early learning agency, or each early learning provider with which the agency has entered into an agreement for the operation of an early learning program on the agency's behalf, to be licensed by the Department of Education under sections 3301.52 to 3301.59

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Date: 7-17-09

Ted Strickland  
Ted Strickland, Governor

of the Revised Code or by the Department of Job and Family Services under Chapter 5104. of the Revised Code;

(3) Establish early learning program guidelines for school readiness to assess the operation of early learning programs.

(E) Any entity that seeks to be an early learning agency shall apply to the Department of Education by a deadline established by the Department. The Department of Education shall select entities that meet the criteria established under division (D)(2) of this section to be early learning agencies. Upon selection of an entity to be an early learning agency, the Department of Education shall designate the number of eligible children the agency may enroll. The Department of Education shall notify the Department of Job and Family Services of the number so designated.

(F) The Department of Education and the Department of Job and Family Services shall enter into a contract with each early learning agency selected under division (E) of this section. The requirements of section 127.16 of the Revised Code do not apply to contracts entered into under this section. The contract shall outline the terms and conditions applicable to the provision of Title IV-A services for eligible children and shall include at least the following:

(1) The respective duties of the early learning agency, the Department of Education, and the Department of Job and Family Services;

(2) Requirements applicable to the allowable use of and accountability for compensation paid under the contract;

(3) Reporting requirements, including a requirement that the early learning provider inform the Department of Education when the provider learns that a kindergarten eligible child will not be enrolled in kindergarten;

(4) The compensation schedule payable under the contract;

(5) Audit requirements;

(6) Provisions for suspending, modifying, or terminating the contract.

(G) If an early learning agency, or an early learning provider operating an early learning program on the agency's behalf, substantially fails to meet the early learning program guidelines for school readiness or exhibits substandard performance, as determined by the Department of Education, the agency shall develop and implement a corrective action plan. The Department of Education shall approve the corrective action plan prior to implementation.

(H) If an early learning agency fails to implement a corrective action plan under division (G) of this section, the Department of Education may direct the Department of Job and Family Services to either withhold funding or request that the Department of Job and Family Services suspend or

The above boxed and initialed text was disapproved.

Date: 7-17-09

Ted Strickland  
Ted Strickland, Governor

terminate the contract with the agency.

(I) Each early learning program shall do all of the following:

(1) Meet teacher qualification requirements prescribed by section 3301.311 of the Revised Code;

(2) Align curriculum to the early learning content standards;

(3) Meet any assessment requirements prescribed by section 3301.0715 of the Revised Code that apply to the program;

(4) Require teachers, except teachers enrolled and working to obtain a degree pursuant to section 3301.311 of the Revised Code, to attend a minimum of twenty hours per biennium of professional development as prescribed by the Department of Education regarding the implementation of early learning program guidelines for school readiness;

(5) Document and report child progress;

(6) Meet and report compliance with the early learning program guidelines for school success;

(7) Participate in early language and literacy classroom observation evaluation studies.

(J) Each county Department of Job and Family Services shall determine eligibility for Title IV-A services for children seeking to enroll in an early learning program within fifteen days after receipt of a completed application in accordance with rules adopted under this section.

(K) The provision of early learning services in an early learning program shall not prohibit or otherwise prevent an individual from obtaining certificates for payment under division (C) of section 5104.32 of the Revised Code.

(L) Notwithstanding section 126.07 of the Revised Code:

(1) Any fiscal year 2010 contract executed prior to July 1, 2009, between the Departments of Job and Family Services and Education and an early learning agency that was not an early learning agency as of June 30, 2009, shall be deemed to be effective as of July 1, 2009, upon issuance of a state purchase order, even if the purchase order is approved at some later date.

(2) Any fiscal year 2010 contract executed between the Departments of Job and Family Services and Education and an early learning agency that had a valid contract for early learning services on June 30, 2009, shall be deemed to be effective as of July 1, 2009, upon the issuance of a state purchase order, even if the purchase order is approved at some later date.

(3) Any fiscal year 2011 contract executed prior to July 1, 2010, between the Departments of Job and Family Services and Education and an early learning agency that was not an early learning agency as of June 30,

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Date: 7-17-09

Ted Strickland

Ted Strickland, Governor

2010, shall be deemed to be effective as of July 1, 2010, upon issuance of a state purchase order, even if the purchase order is approved at some later date.

(4) Any fiscal year 2011 contract executed between the Departments of Job and Family Services and Education and an early learning agency that had a valid contract for early learning services on June 30, 2010, shall be deemed to be effective as of July 1, 2010, upon the issuance of a state purchase order, even if the purchase order is approved at some later date.

(M) The Departments of Job and Family Services and Education shall contract for up to 12,000 enrollment slots for eligible children in each fiscal year through the Early Learning Initiative.

(N) Eligible expenditures for the Early Learning Initiative shall be claimed each fiscal year to help meet the state's TANF maintenance of effort requirement. The Superintendent of Public Instruction and the Director of Job and Family Services shall enter into an interagency agreement to carry out the requirements under this division, which shall include developing reporting guidelines for these expenditures.

**SECTION 309.40.70. COMMITTEE TO STUDY PUBLICLY FUNDED CHILD CARE SERVICES**

(A) A committee is hereby created to study publicly funded child care services, including the Early Learning Initiative enacted pursuant to this act and pursuant to changes in the administrative rules governing reimbursement and eligibility for publicly funded child day-care. The study shall include the following subjects:

(1) The effects of changing the definitions of full-time and part-time care on the following:

(a) Children, families, and providers of care, including the effects on the quality of care;

(b) Number of children served and the availability and accessibility of subsidized care to caregivers with full-time and part-time jobs;

(c) Availability of full-time and part-time care in areas with a high incidence of poverty;

(d) Private pay rates;

(e) Closure of centers and center programs;

(f) Loss of jobs in the child care industry.

(2) The effects of changes to the Early Learning Initiative on families and children including the following:

(a) Distribution and use of program slots across the state;

(b) Effect of mandatory participation in the voluntary child day-care

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Date: 7-17-09

Ted Strickland  
Ted Strickland, Governor

in preparation for the implementation of the pilot program and any post-pilot program evaluation activity. After the eighteen-month period, the ten sites may continue to administer the Alternative Response approach uninterrupted, unless the Department determines otherwise.

The Department shall assure that the Alternative Response pilot program is independently evaluated with respect to outcomes for children and families, costs, worker satisfaction, and any other criteria the Department determines will be useful in the consideration of statewide implementation of an Alternative Response approach to child protection. The measure associated with the eighteen-month pilot program shall, for the purposes of the evaluation, be compared with those same measures in the pilot counties during the eighteen-month period immediately preceding the beginning of the pilot program period. If the independent evaluation of the pilot program recommends statewide implementation of an Alternative Response approach to child protection, the Department may expand the Alternative Response approach statewide through a schedule determined by the Department. Prior to statewide implementation, the Department shall adopt rules in accordance with Chapter 119, of the Revised Code as necessary to carry out the purposes of this section. Until that time, the Department may adopt rules in accordance with section 111.15 of the Revised Code, as if they were internal management rules, as necessary to carry out the purposes of this section.

**SECTION 309.45.15. INDEPENDENT LIVING SERVICES**

Of the foregoing appropriation item 600523, Children and Families Services, up to \$1,500,000 in each fiscal year shall be used to provide independent living services to foster youth and former foster youth between 16 and 21 years of age.

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**SECTION 309.45.21. CHILD, FAMILY, AND ADULT COMMUNITY AND PROTECTIVE SERVICES**

(A) The foregoing appropriation item 600533, Child, Family, and Adult Community & Protective Services, shall be distributed to each county department of job and family services using the formula the Department of Job and Family Services uses when distributing Title XX funds to county departments of job and family services under section 5101.46 of the Revised Code. County departments shall use the funds distributed to them under this section as follows, in accordance with the written plan of cooperation entered into under section 307.983 of the Revised Code:

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Date: 7-17-09

*Ted Strickland*

(1) To assist individuals achieve or maintain self-sufficiency, including by reducing or preventing dependency among individuals with family income not exceeding two hundred per cent of the federal poverty guidelines;

(2) Subject to division (B) of this section, to respond to reports of abuse, neglect, or exploitation of children and adults, including through the alternative approach pilot program developed under Section 309.40.40 of this act;

(3) To provide outreach and referral services regarding home and community-based services to individuals at risk of placement in a group home or institution, regardless of the individuals' family income and without need for a written application;

(4) To provide outreach, referral, application assistance, and other services to assist individuals receive assistance, benefits, or services under Medicaid; Title IV-A programs, as defined in section 5101.80 of the Revised Code; the Supplemental Nutrition Assistance Program; and other public assistance programs.

(B) Protective services may be provided to a child or adult as part of a response, under division (A)(2) of this section, to a report of abuse, neglect, or exploitation without regard to a child or adult's family income and without need for a written application. The protective services may be provided if the case record documents circumstances of actual or potential abuse, neglect, or exploitation.

**SECTION 309.45.25. ADOPTION ASSISTANCE LOAN**

Of the foregoing appropriation item 600634, Adoption Assistance Loan, the Department of Job and Family Services may use up to ten per cent for administration of adoption assistance loans pursuant to section 3107.018 of the Revised Code.

**SECTION 309.45.90. REALLOCATION OF UNUSED COUNTY ALLOCATIONS**

(A) As used in this section:

(1) "Income maintenance funds" means funds the Department of Job and Family Services allocates to a county to meet matching fund requirements or reimburse a county for administrative expenditures incurred in the administration of the Disability Financial Assistance Program, Medicaid Program, or Supplemental Nutrition Assistance Program.

(2) "TANF funds" means funds the Department of Job and Family

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Date: 7-17-09

Ted Strickland  
Ted Strickland, Governor

Services allocates to a county for Title IV-A programs, as defined in section 5101.80 of the Revised Code.

(3) "TANF Title XX transfer funds" means funds the Department of Job and Family Services allocates to a county for purposes of section 5101.461 of the Revised Code.

(4) "Title XX social services funds" means funds the Department of Job and Family Services allocates to a county department of job and family services for purposes of section 5101.46 of the Revised Code.

(B) If a county informs the Department of Job and Family Services that the county will not use the entire amount of the income maintenance funds, TANF funds, TANF Title XX transfer funds, or Title XX social services funds allocated to the county for fiscal year 2010 or fiscal year 2011 or the Department determines through an annual close out or reconciliation of funds that a county did not use the entire amount of any of those funds allocated to the county for fiscal year 2010 or 2011, the Department shall reallocate the portion of the funds the county will or did not use to other counties for the remainder of the fiscal year in which the funds are reallocated or the next fiscal year. In reallocating the funds, the Department shall do both of the following:

(1) For each of the funds separately, rank each county by the percentage reduction in allocations of the funds from the fiscal year preceding the fiscal year in which the reallocation is made to the fiscal year in which the reallocation is made, with the county that has the greatest reduction percentage placed at the top of the ranking;

(2) Reallocate each of the funds separately to counties in the order in which counties are ranked under division (B)(1) of this section in a manner that provides, to the extent funds are available for reallocation, for each county to be, as a result of the reallocation, allocated the same amount of the funds that the county was allocated the previous fiscal year, other than the counties that will or did not use the full amount of their allocation of the funds.

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#### SECTION 309.50. UNEMPLOYMENT COMPENSATION

##### SECTION 309.50.10. EMPLOYER SURCHARGE

The surcharge and the interest on the surcharge amounts due for calendar years 1988, 1989, and 1990 as required by Am. Sub. H.B. 171 of the 117th General Assembly, Am. Sub. H.B. 111 of the 118th General Assembly, and section 4141.251 of the Revised Code as it existed prior to

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Date: 7-17-09

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the Revised Code.

**SECTION 335.40.10. BEHAVIORAL HEALTH SERVICES - CHILDREN**

The foregoing appropriation item 335404, Behavioral Health Services-Children, shall be used to provide behavioral health services for children and their families. At least \$1,000,000 in each fiscal year shall be used to provide behavioral health treatment services for children under the age of seven and their families. Behavioral health services include mental health and alcohol and other drug treatment services and other necessary supports. *JS*

The foregoing appropriation item 335404, Behavioral Health Services-Children, shall be distributed to boards of alcohol, drug addiction, and mental health services, including community mental health boards and alcohol and drug addiction boards, based upon a distribution formula approved by the Director of Mental Health, except that the amount earmarked for children under the age of seven shall be distributed to the local boards based on community-need as determined by the Director of Mental Health. These moneys shall be used in accordance with the board's applicable plan or plans developed under sections 340.03 and 340.033 of the Revised Code and in collaboration with the local family and children first council. Collaboration with the local council shall be conducted through a process defined by a system of care guidance as approved by the Ohio Family and Children First Cabinet Council.

**SECTION 335.40.20. COMMUNITY MEDICATION SUBSIDY**

The foregoing appropriation item 335419, Community Medication Subsidy, shall be used to provide subsidized support for psychotropic medication needs of indigent citizens in the community to reduce unnecessary hospitalization because of lack of medication and to provide subsidized support for methadone costs.

**SECTION 335.40.30. LOCAL MENTAL HEALTH SYSTEMS OF CARE**

The foregoing appropriation item 335505, Local Mental Health Systems of Care, shall be used for mental health services provided by community mental health boards in accordance with a community mental health plan submitted under section 340.03 of the Revised Code and as approved by the

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Date: 7-17-09

Ted Strickland  
Ted Strickland, Governor

5180	725643	Oil and Gas Permit Fees	\$	2,974,378	\$	2,974,378
5180	725677	Oil and Gas Well Plugging	\$	800,000	\$	800,000
5210	725627	Off-Road Vehicle Trails	\$	143,490	\$	143,490
5220	725656	Natural Areas and Preserves	\$	1,400,000	\$	1,400,000
5260	725610	Strip Mining Administration Fee	\$	3,267,587	\$	3,364,361
5270	725637	Surface Mining Administration	\$	1,946,591	\$	1,946,591
5290	725639	Unreclaimed Land Fund	\$	2,021,713	\$	2,023,831
5310	725648	Reclamation Forfeiture	\$	1,500,000	\$	1,500,000
5320	725644	Litter Control and Recycling	\$	6,280,681	\$	6,280,681
5860	725633	Scrap Tire Program	\$	1,000,000	\$	1,000,000
5B30	725674	Mining Regulation		28,850		28,850
5BV0	725658	Heidelberg Water Quality Lab	\$	250,000	\$	250,000
5BV0	725683	Soil and Water Districts	\$	10,875,577	\$	18,104,906
5CU0	725647	Mine Safety	\$	3,053,843	\$	3,199,923
5EJ0	725608	Forestry Law Enforcement	\$	1,000	\$	1,000
5EK0	725611	Natural Areas & Preserves Law Enforcement	\$	1,000	\$	1,000
5EL0	725612	Wildlife Law Enforcement	\$	12,000	\$	12,000
5EM0	725613	Park Law Enforcement	\$	34,000	\$	34,000
5EN0	725614	Watercraft Law Enforcement	\$	2,500	\$	2,500
6150	725661	Dam Safety	\$	807,403	\$	807,403
TOTAL SSR State Special Revenue Fund Group			\$	77,528,497	\$	84,902,003
<b>Clean Ohio Conservation Fund Group</b>						
7061	725405	Clean Ohio Operating	\$	310,000	\$	310,000
TOTAL CLF Clean Ohio Conservation Fund Group			\$	310,000	\$	310,000
<b>Wildlife Fund Group</b>						
5P20	725634	Wildlife Boater Angler Administration	\$	2,000,000	\$	2,000,000
7015	740401	Division of Wildlife Conservation	\$	58,614,436	\$	54,906,000
8150	725636	Cooperative Management Projects	\$	120,449	\$	120,449
8160	725649	Wetlands Habitat	\$	966,885	\$	966,885
8170	725655	Wildlife Conservation Checkoff Fund	\$	2,800,000	\$	2,800,000
8180	725629	Cooperative Fisheries Research	\$	1,500,000	\$	1,500,000
8190	725685	Ohio River Management	\$	128,584	\$	128,584
TOTAL WLF Wildlife Fund Group			\$	66,130,354	\$	62,421,918
<b>Waterways Safety Fund Group</b>						
7086	725414	Waterways Improvement	\$	4,265,575	\$	4,265,575
7086	725418	Buoy Placement	\$	52,182	\$	52,182
7086	725501	Waterway Safety Grants	\$	137,867	\$	137,867
7086	725506	Watercraft Marine Patrol	\$	576,153	\$	576,153
7086	725513	Watercraft Educational Grants	\$	366,643	\$	366,643
7086	739401	Division of Watercraft	\$	19,949,181	\$	19,949,181
TOTAL WSF Waterways Safety Fund						

28

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Date: 7-17-09

Ted Strickland  
 Ted Strickland, Governor

shall be used exclusively for the purposes of plugging wells and to properly restore the land surface of idle and orphan oil and gas wells pursuant to section 1509.071 of the Revised Code. No funds from the appropriation item shall be used for salaries, maintenance, equipment, or other administrative purposes, except for those costs directly attributed to the plugging of an idle or orphan well. This appropriation item shall not be used to transfer cash to any other fund or appropriation item.

#### LITTER CONTROL AND RECYCLING

Of the foregoing appropriation item 725644, Litter Control and Recycling, up to \$1,500,000 may be used in each fiscal year for the administration of the Recycling and Litter Prevention Program.

#### SECTION 343.40.10. CLEAN OHIO OPERATING EXPENSES

The foregoing appropriation item 725405, Clean Ohio Operating, shall be used by the Department of Natural Resources in administering section 1519.05 of the Revised Code.

#### SECTION 343.50. WATERCRAFT MARINE PATROL

Of the foregoing appropriation item 739401, Division of Watercraft, up to \$200,000 in each fiscal year shall be expended for the purchase of equipment for marine patrols qualifying for funding from the Department of Natural Resources pursuant to section 1547.67 of the Revised Code. Proposals for equipment shall accompany the submission of documentation for receipt of a marine patrol subsidy pursuant to section 1547.67 of the Revised Code and shall be loaned to eligible marine patrols pursuant to a cooperative agreement between the Department of Natural Resources and the eligible marine patrol.

#### SCENIC RIVERS PROGRAM

On July 1 of each fiscal year or as soon as possible thereafter, the Director of Budget and Management shall transfer \$500,000 cash from the Waterways Safety Fund (Fund 7086) to the Scenic Rivers Protection Fund (Fund 4U60) for use by the Division of Watercraft in administering the Wild, Scenic, and Recreational Rivers Program pursuant to Chapter 1547. of the Revised Code. The amount transferred is hereby appropriated in appropriation item 725668, Scenic Rivers Protection.

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#### SECTION 343.60. PARKS CAPITAL EXPENSES FUND

The Director of Natural Resources shall submit to the Director of

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Date: 7-17-09

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Ted Strickland, Governor

notwithstanding any other provision of law to the contrary, the Director of Budget and Management, at the request of the Director of Rehabilitation and Correction, shall transfer up to \$14,000,000 in appropriations, in each of fiscal years 2010 and 2011, from appropriation item 501321, Institutional Operations, to any combination of appropriation items 501405, Halfway House; 501407, Community Residential Programs; 501408, Community Misdemeanor Programs; and 501501, Community Residential Programs - CBCF.

**OHIO BUILDING AUTHORITY LEASE PAYMENTS**

The foregoing appropriation item 501406, Lease Rental Payments, shall be used to meet all payments during the period from July 1, 2009, to June 30, 2011, under the primary leases and agreements for those buildings made under Chapter 152. of the Revised Code. These appropriations are the source of funds pledged for bond service charges or obligations issued pursuant to Chapter 152. of the Revised Code.

**PRISONER COMPENSATION**

Money from the foregoing appropriation item 501403, Prisoner Compensation, shall be transferred on a quarterly basis by intrastate transfer voucher to the Services and Agricultural Fund (Fund 1480) for the purposes of paying prisoner compensation.

**OSU MEDICAL CHARGES**

Notwithstanding section 341.192 of the Revised Code, at the request of the Department of Rehabilitation and Correction, The Ohio State University Medical Center, including the James Cancer Hospital and Solove Research Institute and the Richard M. Ross Heart Hospital, shall provide necessary care to persons who are confined in state adult correctional facilities. The provision of necessary care shall be billed to the Department at a rate not to exceed the authorized reimbursement rate for the same service established by the Department of Job and Family Services under the Medical Assistance Program.

**SECTION 375.20. PILOT PROJECT FOR THE CONTRACTUAL PROVISION OF INMATE HEALTHCARE**

The Department of Rehabilitation and Correction may develop, oversee, and evaluate a pilot project for the provision of comprehensive correctional health care services through private correctional health care contractors to complement the current system for the provision of health care services to inmates of state correctional facilities. If the Department develops a pilot project, private correctional health care contractors shall be selected through a request for proposal process. The department shall determine the method

*28*

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Date: 7-17-09

*Ted Strickland*  
Ted Strickland Governor

for requesting proposals, the form of the request-for-proposal, and criteria for the provision of comprehensive correctional health care services under the pilot project. Comprehensive correctional health care services are medical, dental, and mental health care services comparable to those provided by the Department of Rehabilitation and Correction to inmates at and outside of state correctional facilities. The department shall determine the award of contracts based upon written criteria prepared by the department.

A pilot project for the provision of comprehensive correctional health care services must include a minimum of 20 per cent of the current inmate population and be designed to include a representative sample of the inmate population in order to promote a realistic comparison of services and costs. The department shall control inmate participation in the pilot project based on current standard operating procedures and the need to maintain the representative sample of the inmate population. The department shall determine the locations for the pilot project and in making that determination shall give consideration to the geographic proximity of medical facilities to promote economies of scale. The locations shall include a representative sample of current facilities, the facilities' missions, and medical acuity. The mix of facilities shall remain consistent throughout the pilot project in order to promote a realistic comparison of costs and services.

If the Department develops the pilot project, it shall be developed and implemented by January 1, 2010, for a period of two years and shall be conditioned upon a private contractor offering a minimum of 10 per cent savings from the department's projected costs for comprehensive correctional health care services during the period of the project. The cost comparison shall include all on-site and off-site healthcare costs, including all personnel, benefit, administrative, overhead, and transportation costs.

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**SECTION 377.10. RSC REHABILITATION SERVICES COMMISSION**

**General Revenue Fund**

GRF 415402	Independent Living Council	\$	252,000	\$	252,000
GRF 415406	Assistive Technology	\$	26,618	\$	26,618
GRF 415431	Office for People with Brain Injury	\$	126,567	\$	126,567
GRF 415506	Services for People with Disabilities	\$	13,116,630	\$	13,116,630
GRF 415508	Services for the Deaf	\$	28,000	\$	28,000
<b>TOTAL GRF General Revenue Fund</b>		\$	<b>13,549,815</b>	\$	<b>13,549,815</b>

**General Services Fund Group**

4670 415609	Business Enterprise Operating Expenses	\$	1,389,002	\$	1,389,851
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Date: 7-17-09

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(3) A school district's "portion of the basic project cost" means the amount calculated under section 3318.032 of the Revised Code.

(B) Notwithstanding any provision of Chapter 3318. of the Revised Code to the contrary, in the case of a school district that received in fiscal year 2008 elector approval for a bond issue for its portion of the basic project cost of a project under sections 3318.01 to 3318.20 of the Revised Code, based on a preliminary estimated equity list projecting rankings of school districts if amendments to section 3318.011 of the Revised Code enacted by Am. Sub. H.B. 119 of the 127th General Assembly had been effective for projects in that fiscal year, and which district on the alternate equity list for fiscal year 2009 funding required by Section 733.13 of Am. Sub. H.B. 562 of the 127th General Assembly, retroactively applying those amendments, was ranked one percentile higher than on the preliminary estimated equity list, resulting in the district's calculated portion being one per cent higher than the amount projected at the time of the bond issue election, the Ohio School Facilities Commission shall reduce the district's portion to that projected on the preliminary estimated equity list.

**SECTION 385.93.** (A) As used in this section, "equity list" means the school district percentile rankings calculated under section 3318.011 of the Revised Code.

(B) Not later than thirty days after the effective date of this section, the Department of Education shall create an alternate equity list for fiscal year 2009, for use in fiscal year 2010, by recalculating each school district's percentile ranking under section 3318.011 of the Revised Code and shall certify the alternate equity list to the Ohio School Facilities Commission. For this purpose, the Department shall recalculate each school district's percentile ranking using the district's "average taxable value" as that term is defined in the version of section 3318.011 of the Revised Code, as it results from the amendments to that section enacted by this act.

(C) The Commission shall use the alternate equity list certified under division (B) of this section to determine the priority for assistance under sections 3318.01 to 3318.20 of the Revised Code in fiscal year 2010 for each school district that has not previously been offered funding under those sections. However, no district that already has been offered assistance under those sections for fiscal year 2010 prior to the Commission's receipt of the alternate equity list shall be denied the opportunity for assistance under those sections for that fiscal year.

(D) Notwithstanding any provision of Chapter 3318. of the Revised Code to the contrary, for each school district that receives the Commission's

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Date: 7-17-09

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Ted Strickland, Governor

conditional approval of the district's project under sections 3318.01 to 3318.20 of the Revised Code in fiscal year 2010, the district's portion of the basic project cost shall be the lesser of the following:

(1) The amount required under section 3318.032 of the Revised Code calculated using the percentile in which the district ranks on the alternate equity list certified under division (B) of this section;

(2) The amount required under section 3318.032 of the Revised Code calculated using the percentile in which the district ranks on the original equity list for fiscal year 2009.

#### PAYMENT OF DEBT FOR STATEHOUSE RESTORATION

There is hereby appropriated from the Public School Building Fund (Fund 7021) in fiscal year 2010 the amount necessary to pay any outstanding debt obligations issued for the restoration of the Ohio Statehouse that was completed in 1996.

#### SECTION 387.10. SOS SECRETARY OF STATE

##### General Revenue Fund

GRF 050321	Operating Expenses	\$	2,290,508	\$	2,290,508
GRF 050407	Pollworkers Training	\$	250,197	\$	250,197
TOTAL GRF General Revenue Fund		\$	2,540,705	\$	2,540,705

##### General Services Fund Group

4120 050609	Notary Commission	\$	500,000	\$	500,000
4130 050601	Information Systems	\$	75,000	\$	50,000
4140 050602	Citizen Education Fund	\$	55,712	\$	55,712
4S80 050610	Board of Voting Machine Examiners	\$	7,200	\$	7,200

5FG0 050620	BOE Reimbursement and Education	\$	100,000	\$	100,000
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5FH0 050621	Statewide Ballot Advertising	\$	300,000	\$	300,000
5FJ0 050622	County Voting Machine Revolving Lease/Loan Fund	\$	500,000	\$	500,000

TOTAL General Services Fund Group		\$	1,537,912	\$	1,512,912
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##### Federal Special Revenue Fund Group

3AH0 050614	Election Reform/Health and Human Services	\$	800,000	\$	800,000
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3AS0 050616	2005 HAVA Voting Machines	\$	3,000,000	\$	3,000,000
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TOTAL FED Federal Special Revenue Fund Group		\$	3,800,000	\$	3,800,000
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##### State Special Revenue Fund Group

5N90 050603	Business Services Operating Expenses	\$	14,086,100	\$	14,245,400
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5N90 050607	Technology Improvements	\$	180,000	\$	180,000
TOTAL SSR State Special Revenue					

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Date: 7-17-09

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There are hereby appropriated out of any moneys in the state treasury to the credit of the General Revenue Fund, which are not otherwise appropriated, funds sufficient to make any payment required by division (B)(2) of section 5747.03 of the Revised Code.

**SECTION 503.80. EXPENDITURES AND APPROPRIATION INCREASES APPROVED BY THE CONTROLLING BOARD**

Any money that the Controlling Board approves for expenditure or any increase in appropriation that the Controlling Board approves under sections 127.14, 131.35, and 131.39 of the Revised Code or any other provision of law is hereby appropriated for the period ending June 30, 2011.

**SECTION 503.90. FUNDS RECEIVED FOR USE OF GOVERNOR'S RESIDENCE**

If the Governor's Residence Fund (Fund 4H20) receives payment for use of the residence pursuant to section 107.40 of the Revised Code, the amounts so received are hereby appropriated to appropriation item 100604, Governor's Residence Gift.

**SECTION 503.95.** The Director of Transportation shall permit the construction of a curb cut on State Route 91, near Vine Street, in Lake County.

**SECTION 506.10. UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS**

Unless the agency and nuclear electric utility mutually agree to a higher amount by contract, the maximum amounts that may be assessed against nuclear electric utilities under division (B)(2) of section 4937.05 of the Revised Code and deposited into the specified funds are as follows:

<u>Fund</u>	<u>User</u>	<u>FY 2010</u>	<u>FY 2011</u>
Utility Radiological Safety Fund (Fund 4E40)	Department of Agriculture	\$ 134,631	\$ 134,631
Radiation Emergency Response Fund (Fund 6100)	Department of Health	\$ 887,445	\$ 920,372
ER Radiological Safety Fund (Fund 6440)	Environmental Protection Agency	\$ 286,114	\$ 286,114

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Date: 7-17-09

  
 Ted Strickland, Governor

used by the School Facilities Commission, to the General Revenue Fund. Not later than June 30, 2013, \$250,000,000 cash shall be deposited into a fund of the Commission, for the purpose of constructing or renovating school facilities pursuant to Chapter 3318. of the Revised Code.

**SECTION 512.60. CASH TRANSFERS TO THE GENERAL REVENUE FUND FROM NON-GRF FUNDS**

Notwithstanding any provision of law to the contrary, during fiscal years 2010 and 2011, the Director of Budget and Management may transfer cash from non-General Revenue Funds that are not constitutionally restricted to the General Revenue Fund in order to ensure that available General Revenue Fund receipts and balances are sufficient to support General Revenue Fund appropriations in each fiscal year.

Before September 1 of each fiscal year, the Director of Budget and Management shall prepare quarterly estimates identifying funds in the state treasury from which cash transfers are to be made and the anticipated amount of these cash transfers. Beginning with the quarter ending September 30, 2009, and on a quarterly basis thereafter, the Director of Budget and Management shall prepare a summary comparing the estimated and actual amounts of these cash transfers by fund. This quarterly summary shall be included in the report required under section 126.05 of the Revised Code.

**SECTION 512.80. GRF TRANSFER TO THE PUBLIC AUDIT EXPENSE INTRA-STATE FUND**

On July 1, 2009, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$400,900 cash from the General Revenue Fund to the Public Audit Expense Intra-State Fund (Fund 1090). The amounts transferred are hereby appropriated to help pay for expenses incurred in the Auditor of State's role relating to fiscal caution, fiscal watch, and fiscal emergency activities as defined in Chapter 3316. of the Revised Code and for performance audits for school districts in fiscal distress.

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**SECTION 512.85. TRANSFER AND ADJUSTMENT OF ARRA STATE FISCAL STABILIZATION FUND APPROPRIATIONS**

The Director of Budget and Management, with the approval of Controlling Board, may transfer appropriation between GRF appropriation items within the budgets and between the budgets of agencies receiving

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

Date: 7-17-09

*Ted Strickland*  
Ted Strickland, Governor

requirement in division (B) of section 125.081 of the Revised Code, or to comply with the procurement goals specified under division (B)(2) or (14) of section 123.152 of the Revised Code, the state agency shall establish, not later than December 31, 2009, a long-term plan for complying with those provisions.

**SECTION 701.70.** The Department of Administrative Services shall conduct a pilot project involving propane-powered state vehicles. During the period commencing October 1, 2009, and ending September 30, 2010, the Department of Administrative Services shall convert or cause to be converted to a propane fuel system five per cent of the gasoline-powered passenger cars, sport utility vehicles, and light-duty pickup trucks that are owned by the state and are used by the Department of Natural Resources, five per cent of such vehicles that are used by the Department of Public Safety, and five per cent of such vehicles that are used by the Department of Transportation. During the period commencing October 1, 2010, and ending December 31, 2010, the Department shall convert or cause to be converted to a propane fuel system an additional five per cent of the gasoline-powered motor vehicles that are described in this section and are used by the Department of Natural Resources, an additional five per cent of such vehicles that are used by the Department of Public Safety, and an additional five per cent of such vehicles that are used by the Department of Transportation. Only propane fuel systems that have been approved by the United States Environmental Protection Agency shall be installed in state vehicles pursuant to this section.

During the period commencing October 1, 2009, and ending September 30, 2011, the Department shall keep detailed records of the propane-powered vehicles, including fuel mileage and maintenance costs. After September 30, 2011, the Department shall conduct a study of the pilot project to assess all aspects of the use by the state of the propane-powered vehicles during the pilot project. The study shall include all relevant findings and recommendations, if any, regarding future use of propane gas in state vehicles, and shall be compiled into a final report.

Not later than December 31, 2011, the Department shall submit copies of the final report to the Governor, the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives.

The above boxed and initialed text was disapproved.

Date: 7-17-09

Ted Strickland  
Ted Strickland, Governor

**SECTION 701.80.** The Director of Budget and Management shall prepare, beginning on October 1, 2009, and on the first day of each calendar quarter thereafter, a list of all employees paid by warrant of the Director who work primarily for one state agency while being paid from appropriations made to another state agency. The Director shall provide a copy of the list to the President of the Senate, the Speaker of the House of Representatives, and the Minority Leaders of the Senate and House of Representatives.

*JS*

**SECTION 701.90. (A)** To facilitate the implementation of the motion picture production tax credit authorized in section 122.85 of the Revised Code, the Director of Development may develop, publish, accept, and review applications for certification of motion pictures as tax credit-eligible productions and may indicate preliminary certification before the effective date of that section. A motion picture for which the director has issued a preliminary certification becomes a motion picture certified as a tax credit-eligible production on the effective date of section 122.85 of the Revised Code.

**(B)** In adopting the rules required under division (K) of section 122.85 of the Revised Code, as enacted by this act, the Director of Development shall file the notice and text of the proposed rules as required by division (B) of section 119.03 of the Revised Code not later than two hundred five days after the effective date of this section.

**(C)** Not later than eighty days after the effective date of this section, the Director of Development shall adopt initial rules to effect the same purposes of the rules required under division (K) of section 122.85 of the Revised Code, as enacted by this act. The initial rules shall be adopted pursuant to section 111.15 of the Revised Code, but division (D) of that section does not apply to the adoption of the initial rules. The initial rules shall be effective until the final rules adopted pursuant to division (B) of this section and Chapter 119. of the Revised Code take effect.

**SECTION 703.10. (A)** The board of county commissioners of a county with a population of not less than 800,000 and not more than 900,000 as determined by the most recent federal decennial census shall conduct a pilot project authorizing commercial advertising on county web sites in accordance with this section.

*JS*

**(B)** The board of county commissioners, by resolution adopted by a ~~majority~~ **two-thirds** vote, may disapprove the above boxed and initialed text was disapproved.

Date: 7-17-09

*Ted Strickland*  
 Ted Strickland, Governor

majority of the board's members, shall authorize commercial advertising on a county web site under this section. The resolution shall include all of the following:

(1) A statement authorizing county officials to place commercial advertisements on web sites of county offices under those county officials;

(2) Requirements and procedures for making requests for proposals under this section;

(3) Any other requirements or limitations necessary to authorize under this section commercial advertising on county web sites.

(C) The board of county commissioners shall send a copy of the resolution to each county official. After receiving the resolution, the county official shall determine if the official intends to implement the resolution. The county official may make requests for proposals in the manner specified by the resolution for the purpose of identifying advertisers who, and whose advertisements will, meet any criteria specified in the request for proposals and any requirements and limitations specified in the resolution. The county official may enter into a contract with such an advertiser whereby the advertiser places an advertisement on the office's web site and pays a fee in consideration to the county general fund. Any contract entered into under this section shall be concluded not later than December 31, 2011.

(D) A county web site on which commercial advertising is placed under this section shall be used exclusively to provide information from a county office to the public, and shall not be used as a public forum.

(E) The pilot project conducted under this section shall conclude on December 31, 2011. Not later than 30 days after the conclusion of the pilot project, the board of county commissioners shall submit a report to the Governor, the Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate regarding the operation of the pilot project. The report shall include the board's recommendations on whether commercial advertising on county web sites should be continued and expanded to other counties.

(F) As used in this section:

(1) "Advertising" means internet advertising, including banners and icons that may contain links to commercial internet web sites. "Advertising" does not include "spyware," "malware," or any viruses or programs considered to be malicious.

(2) "County official" includes the county auditor, county treasurer, county engineer, county recorder, county prosecuting attorney, county sheriff, county coroner, board of county commissioners, clerk of the probate court, clerk of the juvenile court, clerk of court for all divisions of the court

The above boxed and initialed text was disapproved.

Date: 7-17-09

Ted Strickland  
Ted Strickland, Governor

of common pleas, clerk of a county-operated municipal court, and clerk of a county court.

(3) "County web site" means any web site, internet page, or web page of a county office, with respective internet addresses or subdomains, that are intended to provide to the public information about services offered by the county office, including relevant forms and searchable data.

*JS*

SECTION 709.10. (A) There is hereby created in the Department of Agriculture the Ohio Beekeepers Task Force consisting of the following members:

- (1) Two members of the standing committee of the House of Representatives that is primarily responsible for considering agricultural matters appointed by the Governor, each from a different political party;
- (2) Two members of the standing committee of the Senate that is primarily responsible for considering agricultural matters appointed by the Governor, each from a different political party;
- (3) The Chief of the Division of Plant Industry in the Department of Agriculture or the Chief's designee;
- (4) The Director of Natural Resources or the Director's designee;
- (5) Two representatives of the Ohio State Beekeepers Association appointed by the Association;
- (6) The Director of The Ohio State University Extension or the Director's designee;
- (7) An apiculture specialist of The Ohio State University Extension appointed by the Director of The Ohio State University Extension;
- (8) The Chair of The Ohio State University Department of Entomology or the Chair's designee;
- (9) A representative of the Ohio Produce Growers and Marketing Association appointed by the Association;
- (10) A representative of the Ohio Farm Bureau Federation Bee and Honey Committee appointed by the Federation;
- (11) A representative of the Ohio Farmers Union appointed by the Union;
- (12) A representative of the County Commissioners Association of Ohio appointed by the Association.

(B) The members shall be appointed not later than sixty days after the effective date of this section. The Task Force shall hold its first meeting not later than ninety days after the effective date of this section.

(C) The Governor shall select a chairperson and vice-chairperson from among the members of the Task Force. ~~The above-bored and initialed text was disapproved.~~

Date: 7-17-09

*Ted Strickland*  
Ted Strickland, Governor

unnecessary costs, removing barriers to effective and efficient service coordination, eliminating duplicate services, prioritizing high risk populations, and any other matters the Workgroup considers relevant to service coordination. Not later than July 31, 2009, the Workgroup shall submit a report to the Governor with recommendations for implementing the procedures.

(E) The Workgroup shall cease to exist June 30, 2011.

**SECTION 751.30. PROMPT PAYMENT POLICY WORKGROUP**

(A) There is hereby created the Prompt Payment Policy Workgroup. The Workgroup shall consist of the following members:

- (1) One representative of the Office of Budget and Management, appointed by the Director of Budget and Management;
- (2) Three representatives of the Department of Insurance, appointed by the Superintendent of Insurance;
- (3) Four representatives of the Office of Ohio Health Plans in the Department of Job and Family Services, appointed by the Director of Job and Family Services;
- (4) Two representatives of Ohio's Medicaid managed care plans, appointed by the Executive Director of Ohio's Care Coordination Plans;
- (5) Two representatives from the community of provider associations, one appointed by the Speaker of the House of Representatives and one appointed by the President of the Senate;
- (6) Two members of the Ohio House of Representatives, one appointed by the Speaker of the House of Representatives and one appointed by the Minority Leader;
- (7) Two members of the Ohio Senate, one appointed by the President of the Senate and one appointed by the Minority Leader.

(B) The Director of the Department of Job and Family Services, or the Director's designee, shall serve as chairperson of the Workgroup.

(C) Members of the Workgroup shall serve without compensation, except to the extent that serving on the Workgroup is considered part of the members' regular employment duties.

(D) The Workgroup shall do all of the following:

- (1) Recommend one set of regulations to govern prompt payment policies for Medicaid managed care plans;
- (2) Research and analyze prompt payment policies related to aged medical claims within the health insurance industry and the Medicaid program;
- (3) Review general payment rules, payment policies related to electronic

The above boxed and underlined text was disapproved.

Date: 7-17-09

Ted Strickland  
Ted Strickland, Governor

and paper claims, definitions of clean and unclean claims, late payment penalties, auditing requirements, and any other issues related to Medicaid prompt payment policy identified by the Workgroup;

(4) Review statistical data on the compliance rates of current policies.

(E) Not later than February 1, 2010, the Workgroup shall submit a report to the Governor and the majority and minority leadership in both Houses of the Ohio General Assembly. The report shall contain prompt payment policy recommendations for Ohio's Medicaid program.

(F) The Workgroup shall cease to exist February 28, 2010.

**SECTION 751.40.** The Director of Natural Resources shall enter into a memorandum of understanding with Farmers and Hunters Feeding the Hungry. The memorandum shall prescribe a method by which, during the period from July 1, 2009, through June 30, 2011, Farmers and Hunters Feeding the Hungry may donate venison to Ohio's food banks. The memorandum also shall prescribe methods that encourage private persons to make matching donations in money or food to Ohio's food banks that are equal or greater in value to the venison that is donated by the Farmers and Hunters Feeding the Hungry.

**SECTION 753.10. (A)** The Director of Natural Resources shall enter into a memorandum of understanding with the Southeastern Ohio Port Authority to develop the future use of the property that formerly comprised the Marietta State Nursery. The memorandum shall provide for all of the following:

- (1) Sale of the property for highest and best use;
  - (2) Sale and usage of the property that is compatible with neighboring properties;
  - (3) Maximum financial return for the Department of Natural Resources;
  - (4) Expeditious sale of parcels of the property.
- (B) The memorandum shall require contracted professional engineering services to provide both of the following:
- (1) A phase I environmental site assessment;
  - (2) A master plan for property development, including all of the following:
    - (a) An inventory of site features and assets;
    - (b) Collection of public input through a meeting and comment period;
    - (c) Identification of site usage areas such as commercial, light industrial, residential, recreational use, or green space use;

The above boxed and initialed text was disapproved.

Date: 7-17-09

Ted Strickland, Governor

SECTION 803.10. Section 1751.14 of the Revised Code, as amended by this act, shall apply only to policies, contracts, and agreements that are delivered, issued for delivery, or renewed in this state on or after July 1, 2010; section 3923.24 of the Revised Code, as amended by this act, shall apply only to policies of sickness and accident insurance and plans of health coverage that are established or modified in this state on or after July 1, 2010; and section 3923.241, as enacted by this act, shall apply only to public employee health plans established or modified in this state on or after July 1, 2010.

SECTION 803.20. Sections 718.04 and 5747.01 of the Revised Code, as amended by this act, first apply to taxable years beginning on or after January 1, 2010.

The amendment by this act of sections 5733.47 and 5747.76 of the Revised Code applies to credits claimed with respect to certificates issued in taxable years ending on or after the effective date of this amendment.

SECTION 803.30. In anticipation of the amendments to section 124.134 of the Revised Code taking effect on August 30, 2009, the Director of Administrative Services shall determine an additional, prorated amount of vacation leave for employees who are in their fourth, ninth, fourteenth, nineteenth, or twenty-fourth year of service to receive as a result of the transition occurring on that date. The additional, prorated amount shall be such that the affected employees are not harmed as a result of the transition, and shall be added to the vacation leave balances of the affected employees on August 30, 2009.

SECTION 803.50. The amendment by this act of section 5727.811 of the Revised Code applies to the measurement period that includes the effective date of that section and ensuing measurement periods.

SECTION 803.60. The amendment of section 105.41 of the Revised Code by this act does not abrogate any collective bargaining agreement, for the duration of the agreement, that applies to employees of the Capitol Square Review and Advisory Board and that was entered into under Chapter 4117. *JS*  
of the Revised Code before the effective date of that amendment ~~initiated~~ ~~text~~ was disapproved.

Date: 7-17-09

Ted Strickland  
Ted Strickland, Governor

1523.05, 1523.06, 1523.07, 1523.08, 1523.09, 1523.10, 1523.11, 1523.12,  
 1523.13, 1523.14, 1523.15, 1523.16, 1523.17, 1523.18, 1523.19, 1523.20,  
 1541.03, 1547.01, 1547.02, 1547.51, 1547.52, 1547.531, 1547.54, 1547.542,  
 1547.73, 1547.85, 1547.86, 1547.87, 1547.99, 1548.10, 1707.37, 2101.01,  
 2301.02, 2301.03, 2921.13, 3301.122, 3301.57, 3301.95, 3302.031, 3302.05,  
 3302.07, 3306.01, 3306.012, 3306.02, 3306.03, 3306.04, 3306.05, 3306.051,  
 3306.052, 3306.06, 3306.07, 3306.08, 3306.09, 3306.091, 3306.10, 3306.11,  
 3306.12, 3306.13, 3306.17, 3306.18, 3306.19, 3306.191, 3306.192, 3306.21,  
 3306.22, 3306.25, 3306.29, 3306.291, 3306.292, 3306.30, 3306.31, 3306.33,  
 3306.34, 3306.35, 3306.40, 3306.50, 3306.51, 3306.52, 3306.53, 3306.54,  
 3306.55, 3306.56, 3306.57, 3306.58, 3307.31, 3307.64, 3309.41, 3309.48,  
 3309.51, 3310.08, 3310.09, 3310.41, 3311.059, 3311.0510, 3311.06, *JS*  
 3311.19, 3311.21, 3311.29, 3311.52, 3311.76, 3313.483, 3313.55, 3313.64,  
 3313.642, 3313.843, 3313.98, 3313.981, 3314.028, 3314.08, 3314.085, *JS*  
 3314.087, 3314.088, 3314.091, 3314.10, 3314.13, 3314.35, 3316.041,  
 3316.06, 3316.20, 3317.01, 3317.011, 3317.013, 3317.018, 3317.02,  
 3317.021, 3317.022, 3317.023, 3317.024, 3317.025, 3317.0210, 3317.0211,  
 3317.0216, 3317.031, 3317.04, 3317.061, 3317.063, 3317.081, 3317.082,  
 3317.12, 3317.16, 3317.18, 3317.20, 3317.201, 3318.011, 3318.051, *JS*  
 3319.088, 3319.221, 3319.57, 3319.70, 3319.71, 3323.091, 3323.14,  
 3323.142, 3324.05, 3326.21, 3326.33, 3326.39, 3327.02, 3327.04, 3327.05,  
 3329.16, 3333.04, 3333.122, 3333.27, 3333.28, 3333.38, 3333.391,  
 3333.392, 3333.61, 3333.62, 3333.66, 3345.32, 3349.242, 3353.20, 3365.01,  
 3704.14, 3704.143, 3706.04, 3712.03, 3714.03, 3718.03, 3733.43, 3745.015,  
 3748.01, 3748.04, 3748.07, 3748.12, 3748.13, 3770.03, 3770.21, 3901.3812,  
 3923.90, 3923.91, 4117.02, 4117.12, 4117.24, 4141.01, 4141.31, 4501.06,  
 4501.24, 4501.29, 4503.068, 4503.10, 4503.19, 4503.40, 4503.42, 4505.06,  
 4505.09, 4519.59, 5101.073, 5111.21, 5111.65, 5111.651, 5111.68, *JS*  
5111.681, 5111.685, 5111.686, 5111.688, 5111.689, 5111.874, 5111.875,  
 5112.30, 5112.31, 5112.37, 5112.39, 5112.40, 5112.41, 5112.42, 5112.43,  
 5112.44, 5112.45, 5112.46, 5112.47, 5112.48, 5123.0412, 5123.0417,  
 5123.19, 5123.193, 5123.197, 5126.05, 5126.24, 5153.163, 5502.12,  
 5703.80, 5715.26, 5725.18, 5727.84, 5729.03, 5739.01, 5739.03, 5739.033,  
 5739.051, and 6111.044 of the Revised Code.

The amendment by this act of sections 711.001, 711.05, 711.10, 711.131, 4736.01, 6111.04, and 6111.044 of the Revised Code as amended by Sections 101.01 and 101.02 takes effect immediately when this act becomes law.

The repeal and reenactment of section 5112.371 of the Revised Code.

The amendment by this act to division (A) of section 124.134 of the

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

Date: 7-17-09

Ted Strickland  
 Ted Strickland, Governor

Revised Code takes effect on August 30, 2009, and the remainder of that section takes effect immediately when this act becomes law.

The amendment, enactment, or repeal of sections 122.85, 3721.02, 3721.50, 3721.51, 3721.511, 3721.512, 3721.513, 3721.53, 3721.55, 3721.56, 4301.43, 4503.182, 4507.23, 5111.20, 5111.231, 5111.24, 5111.243, 5111.25, 5111.262, and 5111.263 of the Revised Code takes effect July 1, 2009.

The repeal of sections 5112.40, 5112.41, 5112.42, 5112.43, 5112.44, 5112.45, 5112.46, 5112.47, and 5112.48 of the Revised Code takes effect October 1, 2011.

Sections of this act prefixed with section numbers in the 200's, 300's, 400's, 500's, 700's, and 800's, except for Sections 265.60.60, 265.70.20, 265.80.10, 309.40.20, 309.50.30, 313.20, 371.60.20, 399.20, 523.10, 701.20, 745.60, and 751.10 of this act.

The amendment of Sections 120.01 and 120.02 of Am. Sub. H.B. 119 of the 127th General Assembly takes effect immediately when this act becomes law.

The amendment of Section 153 of Am. Sub. H.B. 117 of the 121st General Assembly.

Sections 309.30.20, 309.30.30, 309.30.40, 309.30.50, 309.30.60, and 309.30.70 of this act take effect July 1, 2009.

SECTION 812.30. The sections that are listed in the left-hand column of the following table combine amendments by this act that are and that are not exempt from the referendum under Ohio Constitution, Article II, Sections 1c and 1d and section 1.471 of the Revised Code.

The middle column identifies the amendments to the listed sections that are subject to the referendum under Ohio Constitution, Article II, Section 1c and therefore take effect on the ninety-first day after this act is filed with the Secretary of State or, if a later effective date is specified, on that date.

The right-hand column identifies the amendments to the listed sections that are exempt from the referendum because they are or relate to an appropriation for current expenses within the meaning of Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, or define a tax levy within the meaning of Ohio Constitution, Article II, Section 1d, and therefore take effect immediately when this act becomes law or, if a later effective date is specified, on that date.

Section of law	Amendments subject to referendum	Amendments exempt from referendum
121.04	All amendments except	

Amendments exempt from referendum

~~The amendment striking the above boxed and initialed text was disapproved.~~

Date: 7-19-09

Ted Strickland  
Ted Strickland, Governor

*Amos Bush*

Speaker \_\_\_\_\_ of the House of Representatives.

*Bill Harris*

President \_\_\_\_\_ of the Senate.

Passed July 13, 2009

Approved \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Governor.

The boxed and initialed text contained  
in Am. Sub. H.B. No. 1 is disapproved,  
All remaining text is approved.

*Ted Strickland*  
Governor

*July 17, 2009*