

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

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

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

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

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

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

*JS*

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

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

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**Ted Strickland, 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.

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

*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

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

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

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

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

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

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

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

(F) As used in this section:

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

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

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

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

*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 boxed and initialed text was disapproved.**

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

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

**SECTION 751.30. PROMPT PAYMENT POLICY WORKGROUP**

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

(1) One representative of the Office of Budget and Management, appointed by the Director of Budget and Management;

(2) Three representatives of the Department of Insurance, appointed by the Superintendent of Insurance;

(3) Four representatives of the Office of Ohio Health Plans in the Department of Job and Family Services, appointed by the Director of Job and Family Services;

(4) Two representatives of Ohio's Medicaid managed care plans, appointed by the Executive Director of Ohio's Care Coordination Plans;

(5) Two representatives from the community of provider associations, one appointed by the Speaker of the House of Representatives and one appointed by the President of the Senate;

(6) Two members of the Ohio House of Representatives, one appointed by the Speaker of the House of Representatives and one appointed by the Minority Leader;

(7) Two members of the Ohio Senate, one appointed by the President of the Senate and one appointed by the Minority Leader.

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

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

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

(1) Recommend one set of regulations to govern prompt payment policies for Medicaid managed care plans;

(2) Research and analyze prompt payment policies related to aged medical claims within the health insurance industry and the Medicaid program;

(3) Review general payment rules, payment policies related to electronic

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

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

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

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

*JS*

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

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

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

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

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

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

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

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

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

*JS*

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

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Ted Strickland, Governor



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 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,  
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 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,  
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 3316.06, 3316.20, 3317.01, 3317.011, 3317.013, 3317.018, 3317.02,  
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 3317.0216, 3317.031, 3317.04, 3317.061, 3317.063, 3317.081, 3317.082, *JS*  
 3317.12, 3317.16, 3317.18, 3317.20, 3317.201, 3318.011, 3318.051,  
 3319.088, 3319.221, 3319.57, 3319.70, 3319.71, 3323.091, 3323.14,  
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 3333.392, 3333.61, 3333.62, 3333.66, 3345.32, 3349.242, 3353.20, 3365.01,  
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 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,  
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5111.681, 5111.685, 5111.686, 5111.688, 5111.689, 5111.874, 5111.875, *JS*  
 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

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

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

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

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

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

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

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

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
121.04	All amendments except

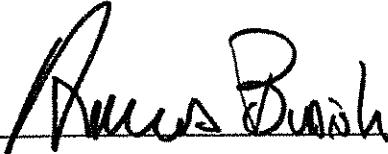
Amendments exempt from referendum

~~The amendment striking~~

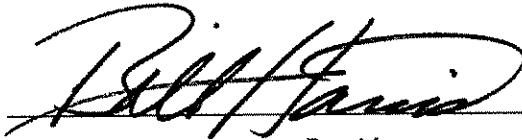
**The above boxed and initialed text was disapproved.**

Date: 7-19-09

Ted Strickland  
Ted Strickland, Governor



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



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

Passed July 13, 2009

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

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

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

*Fed Strickland*  
Governor

July, 17, 2009

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

(C) The committee shall annually select from among its members a chairperson. The committee shall meet at the call of the chairperson, but not less than twice each year. A majority of the members of the committee constitutes a quorum.

*JS*

~~Sec. 3701.242. (A) An HIV test shall may be performed only if, prior to the test, informed consent is obtained either by the person or agency of state or local government ordering the test or by the person or agency performing the test. Consent may be given orally or in writing after the person or agency performing or ordering the test has given the individual to be tested or his guardian the following information:~~

~~(1) An oral or written explanation of the test and testing procedures, including the purposes and limitations of the test and the meaning of its results;~~

~~(2) An oral or written explanation that the test is voluntary, that consent to be tested may be withdrawn, if the test is performed on an outpatient basis, at any time before the individual tested leaves the premises where blood is taken for the test, or, if the test is performed on an inpatient basis, within one hour after the blood is taken for the test, and that the individual or guardian may elect to have an anonymous test;~~

~~(3) An oral or written explanation about behaviors known to pose risks for transmission of HIV infection.~~

~~The public health council shall adopt rules, pursuant to recommendations of the director of health and in accordance with Chapter 119 of the Revised Code, specifying the information required by this section to be given to an individual before he is given an HIV test. The rules shall contain specifications for an informed consent form that includes the required information. The director of health shall prepare and distribute the form. A person or government agency required by division (A) of this section to give information to an individual may satisfy the requirement by obtaining the signature of the individual on the form prepared by the director by or on the order of a health care provider who, in the exercise of the provider's professional judgment, determines the test to be necessary for providing diagnosis and treatment to the individual to be tested, if the individual or the individual's parent or guardian has given consent to the provider for medical or other health care treatment. The health care provider shall inform the individual of the individual's right under division (D) of this section to an anonymous test.~~

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

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mandated. Upon making such a determination, the director of environmental protection may request the director of administrative services to extend the terms of the contract that was entered into under the authority of Section 7 of Am. Sub. H.B. 24 of the 127th general assembly. Upon receiving the request, the director of administrative services shall extend the contract, beginning on July 1, 2009, in accordance with this section. The contract shall be extended for a period of up to six months with the contractor who conducted the motor vehicle inspection and maintenance program under that contract.

(2) Prior to the expiration of the contract extension that is authorized by division (A)(1) of this section, the director of environmental protection may request the director of administrative services to enter into a contract with a vendor to operate a motor vehicle inspection and maintenance program in each county in this state in which such a program is federally mandated through June 30, 2011, with an option for the state to renew the contract through June 30, 2012. The contract shall ensure that the motor vehicle inspection and maintenance program achieves at least the same ozone precursor reductions as achieved by the program operated under the authority of the contract that was extended under division (A)(1) of this section. The director of administrative services shall select a vendor through a competitive selection process in compliance with Chapter 125. of the Revised Code.

(3) Notwithstanding any law to the contrary, the director of administrative services shall ensure that a competitive selection process regarding a contract to operate a motor vehicle inspection and maintenance program in this state incorporates the following elements, which shall be included in the contract:

(a) A requirement that the vendor selected to operate the program provide notification of the program's requirements to each owner of a motor vehicle that is required to be inspected under the program. The contract shall require the notification to be provided not later than sixty days prior to the date by which the owner of the motor vehicle is required to have the motor vehicle inspected. The director of environmental protection and the vendor shall jointly agree on the content of the notice. However, the notice shall include at a minimum the locations of all inspection facilities within a specified distance of the address that is listed on the owner's motor vehicle registration.

(b) A requirement that the vendor selected to operate the program spend not more than five hundred thousand dollars over the term of the contract for public education regarding the locations at which motor vehicle inspections

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will be conducted:

(c) A requirement that the vendor selected to operate the program acquire all facilities that were previously utilized for motor vehicle emissions inspections via arm's-length transactions at the discretion of the interested parties if the vendor chooses to utilize those inspection facilities for purposes of the contract. The competitive selection process shall not include a requirement that a vendor pay book value for such facilities.

JS

(d) A requirement that the motor vehicle inspection and maintenance program utilize established local businesses, such as existing motor vehicle repair facilities, for the purpose of expanding the number of inspection facilities for consumer convenience and increased local business participation.

(4) A motor vehicle inspection and maintenance program operated under this section shall comply with division (B) of this section. The director of environmental protection shall administer the motor vehicle inspection and maintenance program operated under this section.

(B) The motor vehicle inspection and maintenance program authorized by this section, at a minimum, shall do all of the following:

(1) Comply with the federal Clean Air Act;

~~(2) Provide for the extension of a contract for a period of two years, beginning on January 1, 2006, and ending on December 31, 2007, with the contractor who conducted the enhanced motor vehicle inspection and maintenance program in those federally mandated counties pursuant to a contract entered into under former section 3704.14 of the Revised Code as that section existed prior to its repeal and reenactment by Am. Sub. H.B. 66 of the 126th General Assembly;~~

~~(3) Provide for the issuance of inspection certificates;~~

~~(4)(3) Provide for a new car exemption for motor vehicles four years old or newer and provide that a new motor vehicle is exempt for four years regardless of whether legal title to the motor vehicle is transferred during that period.~~

~~(B)(C) The director shall not implement a motor vehicle inspection and maintenance program in any county other than a county in which a motor vehicle inspection and maintenance program is federally mandated. A motor vehicle inspection and maintenance program shall not be implemented in any county in which such a program is not authorized under division (A) of this section without the approval of the general assembly through the enactment of legislation. Further, a motor vehicle inspection and maintenance program shall not be implemented in any county beyond June 30, 2012, without the approval of the general assembly through the~~

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contributions that are made pursuant to the settlement of an administrative action or civil action that is brought at the request of the director of environmental protection pursuant to Chapter 3704., 3714., 3734., 6109., or 6111. of the Revised Code, shall be credited to the clean diesel school bus fund, which is hereby created in the state treasury. The director shall use money credited to the fund to make grants to school districts in the state and to county boards of developmental disabilities for the purpose of adding pollution control equipment to diesel-powered school buses and to pay the environmental protection agency's costs incurred in administering this section. In addition, the director may use money credited to the fund to make grants to school districts and to county boards of developmental disabilities for the purpose of maintaining pollution control equipment that is installed on diesel-powered school buses and to pay the additional cost incurred by a school district or a county board for using ultra-low sulfur diesel fuel instead of diesel fuel for the operation of diesel-powered school buses.

In making grants under this section, the director shall give priority to school districts and to county boards of developmental disabilities that are located in a county that is designated as nonattainment by the United States environmental protection agency for the fine particulate national ambient air quality standard under the federal Clean Air Act. In addition, the director may give a higher priority to a school district or a county board of developmental disabilities that employs additional measures that reduce air pollution from the district's or the county board's school bus fleet.

The director shall adopt rules establishing procedures and requirements that are necessary to implement this section, including procedures and requirements governing applications for grants.

Sec. 3705.03. (A) The director of health shall designate the state registrar, who shall head the office of vital statistics and do all of the following:

- (1) Administer and enforce this chapter, the rules issued under this chapter, and the instructions of the director for the efficient administration of the system of vital statistics;
- (2) Direct and supervise the system of vital statistics and be custodian of the vital records;
- (3) Direct, supervise, and control the activities of all persons engaged in activities governed by this chapter;
- (4) Conduct training programs to promote uniformity of policy and procedures throughout the state in matters pertaining to the system of vital statistics.   *W*

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(5) Comply with the requirements in section 3705.031 of the Revised Code

*JS*

(B) To preserve vital records, the state registrar may prepare a typewritten, photographic, electronic, or other reproduction of certificates or reports in the office of vital statistics. These reproductions, when certified by the director or state registrar, shall be accepted as the original records. The documents from which the reproductions have been made and verified may be disposed of as provided by rules that shall be adopted by the director.

Sec. 3705.031. (A) Once each calendar month, the state registrar shall review all death certificates the state registrar receives, pursuant to section 3705.07 of the Revised Code, from each local registrar of vital statistics in this state, and from a vital statistics official in another state, in the preceding calendar month. The state registrar shall identify those death certificates that pertain to individuals who were at least eighteen years of age at the time of death.  
(B) From each death certificate identified pursuant to division (A) of this section, the registrar shall determine the following information:  
(1) The decedent's name;  
(2) The decedent's date of birth;  
(3) The decedent's date of death;  
(4) The decedent's age on the date of death;  
(5) The address of the decedent's residence on the date of death;  
(6) The county and state in which the decedent's residence on the date of death was located.  
(C) Not later than the end of the calendar month in which a review under division (A) of this section occurs, the state registrar shall file with each county auditor and county board of elections in this state a report that summarizes the information in divisions (B)(1) to (6) of this section for each decedent whose residence was located in that county.

*JS*

Sec. 3705.24. (A)(1) The public health council shall, in accordance with section 111.15 of the Revised Code, adopt rules prescribing fees for the following items or services provided by the state office of vital statistics:  
(a) Except as provided in division (A)(4) of this section:  
(i) A certified copy of a vital record or a certification of birth;  
(ii) A search by the office of vital statistics of its files and records pursuant to a request for information, regardless of whether a copy of a record is provided;  
(iii) A copy of a record provided pursuant to a request;  
(b) Replacement of a birth certificate following an adoption.

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~~(F)~~(G) A form that an individual receiving a drug under the program must sign before receiving the drug to confirm that the individual understands the immunity provisions of the program;

~~(G)~~(H) A formula to determine the amount of a handling fee that pharmacies, hospitals, and nonprofit clinics may charge to drug recipients to cover restocking and dispensing costs;

~~(H)~~(I) In addition, for drugs donated or given to the program by individuals:

(1) A list of drugs, arranged either by category or by individual drug, that the program will accept from individuals. The list shall include orally administered cancer drugs that are described in division (C) of section 3715.87 of the Revised Code.

(2) A list of drugs, arranged either by category or by individual drug, that the program will not accept from individuals. The list shall not include orally administered cancer drugs that are described in division (C) of section 3715.87 of the Revised Code. The list must include a statement as to why the drug is ineligible to be donated or given.

(3) A form each donor must sign stating that the donor is the owner of the drugs and intends to voluntarily donate them to the program.

~~(I)~~(J) In addition, for drugs donated to the program by health care facilities:

(1) A list of drugs, arranged either by category or by individual drug, that the program will accept from health care facilities. The list shall include orally administered cancer drugs that are described in division (C) of section 3715.87 of the Revised Code.

(2) A list of drugs, arranged either by category or by individual drug, that the program will not accept from health care facilities. The list shall not include orally administered cancer drugs that are described in division (C) of section 3715.87 of the Revised Code. The list must include a statement as to why the drug is ineligible to be donated or given.

~~(J)~~(K) Any other standards and procedures the board considers appropriate.

The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 3717.07. (A) For purposes of establishing a licensing fee under sections 3717.25 and 3717.45 of the Revised Code, the director of agriculture and the public health council shall adopt rules establishing a uniform methodologies methodology for use in calculating the costs of licensing retail food establishments in the categories specified by the director and a uniform methodology for use in calculating the costs of

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~~charges-renewal-fees.~~ If an applicant is subject to a penalty, the licensor shall not renew the license until the applicant pays the penalty.

(E)(1) A licensor may issue not more than ten temporary food service operation licenses per licensing period to the same person or government entity to operate at different events within the licensor's jurisdiction. For each particular event, a licensor may issue only one temporary food service operation license to the same person or government entity.

(2) A licensor may issue a temporary food service operation license to operate for more than five consecutive days if both of the following apply:

(a) The operation will be operated at an event organized by a county agricultural society or independent agricultural society organized under Chapter 1711. of the Revised Code;

(b) The person who will receive the license is a resident of the county or one of the counties for which the agricultural society was organized.

(3) A person may be granted only one temporary food service operation license per licensing period pursuant to division (E)(2) of this section.

(F) The licensor may place restrictions or conditions on a food service operation license limiting the types of food that may be prepared or served by the food service operation based on the equipment or facilities of the food service operation. Limitations pertaining to a mobile or catering food service operation shall be posted on the back of the license.

(G) The person or government entity holding a license for a food service operation shall display the license for that food service operation at all times at the licensed location. A person or government entity holding a catering food service operation license shall also maintain a copy of the license at each catered event.

(H) With the assistance of the department of health, the licensor, to the extent practicable, shall computerize the process for licensing food service operations.

Sec. 3717.45. (A) A licensor may charge fees for issuing and renewing food service operation licenses. Any licensing fee charged shall be used solely for the administration and enforcement of the provisions of this chapter and the rules adopted under it applicable to food service operations.

Any licensing fee charged under this section shall be based on the licensor's costs of regulating food service operations, as determined according to the uniform methodologies methodology established under section 3717.07 of the Revised Code. If the licensor is a board of health, a fee may be disapproved by the district advisory council in the case of a general health district or the legislative authority of the city in the case of a city health district. A disapproved fee shall not be charged by the board of

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elements authorized under this section, for the purpose of managing solid wastes that consist of scrap tires and solid waste facilities that are scrap tire collection, storage, monocell, monofill, or recovery facilities.

(H) Neither this section nor the solid waste management plan of a county or joint district applies to the construction, operation, use, repair, or maintenance of any compost facility that exclusively composts raw rendering material.

Sec. 3734.57. (A) The following fees are hereby levied on the transfer or disposal of solid wastes in this state:

(1) One dollar per ton on and after July 1, 2003, through June 30, ~~2010~~ 2012, one-half of the proceeds of which shall be deposited in the state treasury to the credit of the hazardous waste facility management fund created in section 3734.18 of the Revised Code and one-half of the proceeds of which shall be deposited in the state treasury to the credit of the hazardous waste clean-up fund created in section 3734.28 of the Revised Code;

(2) An additional one dollar per ton on and after July 1, 2003, through June 30, ~~2010~~ 2012, the proceeds of which shall be deposited in the state treasury to the credit of the solid waste fund, which is hereby created. The environmental protection agency shall use money in the solid waste fund to pay the costs of administering and enforcing the laws pertaining to solid wastes, infectious wastes, and construction and demolition debris, including, without limitation, ground water evaluations related to solid wastes, infectious wastes, and construction and demolition debris, under this chapter and Chapter 3714. of the Revised Code and any rules adopted under them, providing compliance assistance to small businesses, and paying a share of the administrative costs of the environmental protection agency pursuant to section 3745.014 of the Revised Code.

(3) An additional one dollar and fifty cents per ton on and after July 1, 2005, through June 30, ~~2010~~ 2012, the proceeds of which shall be deposited in the state treasury to the credit of the environmental protection fund created in section 3745.015 of the Revised Code;

(4) An additional one dollar per ton on and after August 1, 2009, through June 30, 2012, the proceeds of which shall be deposited in the state treasury to the credit of the environmental protection fund. The fee established in division (A)(4) of this section does not apply to a solid waste transfer facility or solid waste disposal facility if the facility is located in a county that has a population equal to or greater than four hundred thousand according to the most recent decennial federal census and the property boundary of the facility is located within fifteen miles of the property

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boundary of a solid waste disposal facility in another state. *JS*

(5) An additional twenty-five cents per ton on and after August 1, 2009, through June 30, 2012, the proceeds of which shall be deposited in the state treasury to the credit of the soil and water conservation district assistance fund created in section 1515.14 of the Revised Code. The fee established in

division (A)(5) of this section does not apply to a solid waste transfer facility or solid waste disposal facility if the facility is located in a county that has a population equal to or greater than four hundred thousand according to the most recent decennial federal census and the property boundary of the facility is located within fifteen miles of the property boundary of a solid waste disposal facility in another state. *JS*

In the case of solid wastes that are taken to a solid waste transfer facility located in this state prior to being transported for disposal at a solid waste disposal facility located in this state or outside of this state, the fees levied under this division shall be collected by the owner or operator of the transfer facility as a trustee for the state. The amount of fees required to be collected under this division at such a transfer facility shall equal the total tonnage of solid wastes received at the facility multiplied by the fees levied under this division. In the case of solid wastes that are not taken to a solid waste transfer facility located in this state prior to being transported to a solid waste disposal facility, the fees shall be collected by the owner or operator of the solid waste disposal facility as a trustee for the state. The amount of fees required to be collected under this division at such a disposal facility shall equal the total tonnage of solid wastes received at the facility that was not previously taken to a solid waste transfer facility located in this state multiplied by the fees levied under this division. Fees levied under this division do not apply to materials separated from a mixed waste stream for recycling by a generator or materials removed from the solid waste stream through recycling, as "recycling" is defined in rules adopted under section 3734.02 of the Revised Code.

The owner or operator of a solid waste transfer facility or disposal facility, as applicable, shall prepare and file with the director of environmental protection each month a return indicating the total tonnage of solid wastes received at the facility during that month and the total amount of the fees required to be collected under this division during that month. In addition, the owner or operator of a solid waste disposal facility shall indicate on the return the total tonnage of solid wastes received from transfer facilities located in this state during that month for which the fees were required to be collected by the transfer facilities. The monthly returns shall be filed on a form prescribed by the director. Not later than thirty days

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(2) "Federally eligible individual" means an eligible individual as defined in 45 C.F.R. 148.103.

Sec. 3923.24. ~~Every~~ (A) Notwithstanding section 3901.71 of the Revised Code, every certificate furnished by an insurer in connection with, or pursuant to any provision of, any group sickness and accident insurance policy delivered, issued for delivery, renewed, or used in this state on or after January 1, 1972, and every policy of sickness and accident insurance delivered, issued for delivery, renewed, or used in this state on or after January 1, 1972, and every multiple employer welfare arrangement offering an insurance program, which provides that coverage of an unmarried dependent child of a parent or legal guardian will terminate upon attainment of the limiting age for dependent children specified in the contract shall also provide in substance that both of the following:

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

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

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

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

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

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

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

~~(A)~~(a) Incapable of self-sustaining employment by reason of mental retardation or physical handicap;

~~(B)~~(b) Primarily dependent upon the policyholder or certificate holder for support and maintenance.

(B) Proof of such incapacity and dependence for purposes of division (A)(2) of this section shall be furnished by the policyholder or by the certificate holder to the insurer within thirty-one days of the child's attainment of the limiting age. Upon request, but not more frequently than

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unmarried dependent child will terminate upon attainment of the limiting age for dependent children specified in the plan shall also provide in substance both of the following:

(1) Once an unmarried child has attained the limiting age for dependent children, as provided in the plan, upon the request of the employee, the public employee benefit plan shall offer to cover the unmarried child until the child attains twenty-eight years of age if all of the following are true:

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

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

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

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

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

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

(a) Incapable of self-sustaining employment by reason of mental retardation or physical handicap;

(b) Primarily dependent upon the plan member for support and maintenance.

(B) Proof of incapacity and dependence for purposes of division (A)(2) of this section shall be furnished to the public employee benefit plan within thirty-one days of the child's attainment of the limiting age. Upon request, but not more frequently than annually, the public employee benefit plan may require proof satisfactory to it of the continuance of such incapacity and dependency.

(C) Nothing in this section shall do any of the following:

(1) Require that any public employee benefit plan offer coverage for dependent children or provide coverage for an unmarried dependent child's children as dependents on the public employee benefit plan;

(2) Require an employer to pay for any part of the premium for an unmarried dependent child that has attained the limiting age for dependents, as provided in the plan;

(3) Require an employer to offer health insurance coverage to the

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bargaining agreement on June 1, 2005;

**(18) Members and employees of the capitol square review and advisory board.**

*JK*

(D) "Employee organization" means any labor or bona fide organization in which public employees participate and that exists for the purpose, in whole or in part, of dealing with public employers concerning grievances, labor disputes, wages, hours, terms, and other conditions of employment.

(E) "Exclusive representative" means the employee organization certified or recognized as an exclusive representative under section 4117.05 of the Revised Code.

(F) "Supervisor" means any individual who has authority, in the interest of the public employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other public employees; to responsibly direct them; to adjust their grievances; or to effectively recommend such action, if the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment, provided that:

(1) Employees of school districts who are department chairpersons or consulting teachers shall not be deemed supervisors;

(2) With respect to members of a police or fire department, no person shall be deemed a supervisor except the chief of the department or those individuals who, in the absence of the chief, are authorized to exercise the authority and perform the duties of the chief of the department. Where prior to June 1, 1982, a public employer pursuant to a judicial decision, rendered in litigation to which the public employer was a party, has declined to engage in collective bargaining with members of a police or fire department on the basis that those members are supervisors, those members of a police or fire department do not have the rights specified in this chapter for the purposes of future collective bargaining. The state employment relations board shall decide all disputes concerning the application of division (F)(2) of this section.

(3) With respect to faculty members of a state institution of higher education, heads of departments or divisions are supervisors; however, no other faculty member or group of faculty members is a supervisor solely because the faculty member or group of faculty members participate in decisions with respect to courses, curriculum, personnel, or other matters of academic policy;

(4) No teacher as defined in section 3319.09 of the Revised Code shall be designated as a supervisor or a management level employee unless the teacher is employed under a contract governed by section 3319.01,

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less than four per cent of alcohol by volume and not more than fourteen per cent of alcohol by volume, ninety-eight cents per wine gallon for wine containing more than fourteen per cent but not more than twenty-one per cent of alcohol by volume, one dollar and eight cents per wine gallon for vermouth, and one dollar and forty-eight cents per wine gallon for sparkling and carbonated wine and champagne, the tax to be paid by the holders of A-2 and B-5 permits or by any other person selling or distributing wine upon which no tax has been paid. From the tax paid under this section on wine, vermouth, and sparkling and carbonated wine and champagne, the treasurer of state shall credit to the Ohio grape industries fund created under section 924.54 of the Revised Code a sum equal to one cent per gallon for each gallon upon which the tax is paid.

(C) For the purpose of providing revenues for the support of the state, there is hereby levied a tax on prepared and bottled highballs, cocktails, cordials, and other mixed beverages at the rate of one dollar and twenty cents per wine gallon to be paid by holders of A-4 permits or by any other person selling or distributing those products upon which no tax has been paid. Only one sale of the same article shall be used in computing the amount of tax due. The tax on mixed beverages to be paid by holders of A-4 permits under this section shall not attach until the ownership of the mixed beverage is transferred for valuable consideration to a wholesaler or retailer, and no payment of the tax shall be required prior to that time.

(D) During the period of July 1, ~~2007~~ 2009, through June 30, ~~2009~~ 2011, from the tax paid under this section on wine, vermouth, and sparkling and carbonated wine and champagne, the treasurer of state shall credit to the Ohio grape industries fund created under section 924.54 of the Revised Code a sum equal to two cents per gallon upon which the tax is paid. The amount credited under this division is in addition to the amount credited to the Ohio grape industries fund under division (B) of this section.

(E) For the purpose of providing revenues for the support of the state, there is hereby levied a tax on cider at the rate of twenty-four cents per wine gallon to be paid by the holders of A-2 and B-5 permits or by any other person selling or distributing cider upon which no tax has been paid. Only one sale of the same article shall be used in computing the amount of the tax due.

Sec. 4301.85. (A) The serving or consumption of beer or intoxicating liquor shall not be prohibited in a facility that is owned or leased by the state and that is used by visiting foreign military units for training, provided that such serving or consumption of beer or intoxicating liquor shall be done according to the policies and procedures agreed upon by the commanding

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officers of the foreign military units, the adjutant general, and the United States department of defense liaisons or their designated representatives to the foreign military units.

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(B) As used in this section, "beer" and "intoxicating liquor" have the same meanings as in section 4301.01 of the Revised Code.

Sec. 4303.181. (A) Permit D-5a may be issued either to the owner or operator of a hotel or motel that is required to be licensed under section 3731.03 of the Revised Code, that contains at least fifty rooms for registered transient guests or is owned by a state institution of higher education as defined in section 3345.011 of the Revised Code or a private college or university, and that qualifies under the other requirements of this section, or to the owner or operator of a restaurant specified under this section, to sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold, and to registered guests in their rooms, which may be sold by means of a controlled access alcohol and beverage cabinet in accordance with division (B) of section 4301.21 of the Revised Code; and to sell the same products in the same manner and amounts not for consumption on the premises as may be sold by holders of D-1 and D-2 permits. The premises of the hotel or motel shall include a retail food establishment or a food service operation licensed pursuant to Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that is affiliated with the hotel or motel and within or contiguous to the hotel or motel, and that serves food within the hotel or motel, but the principal business of the owner or operator of the hotel or motel shall be the accommodation of transient guests. In addition to the privileges authorized in this division, the holder of a D-5a permit may exercise the same privileges as the holder of a D-5 permit.

The owner or operator of a hotel, motel, or restaurant who qualified for and held a D-5a permit on August 4, 1976, may, if the owner or operator held another permit before holding a D-5a permit, either retain a D-5a permit or apply for the permit formerly held, and the division of liquor control shall issue the permit for which the owner or operator applies and formerly held, notwithstanding any quota.

A D-5a permit shall not be transferred to another location. No quota restriction shall be placed on the number of D-5a permits that may be issued.

The fee for this permit is two thousand three hundred forty-four dollars.

(B) Permit D-5b may be issued to the owner, operator, tenant, lessee, or occupant of an enclosed shopping center to sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for

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(I)(1) Each county shall establish an indigent drivers interlock and alcohol monitoring fund and a juvenile indigent drivers interlock and alcohol treatment fund, and each municipal corporation in which there is a municipal court shall establish an indigent drivers interlock and alcohol monitoring fund. All revenue that the general assembly appropriates to the indigent drivers interlock and alcohol monitoring fund for transfer to a county indigent drivers interlock and alcohol monitoring fund, a county juvenile indigent drivers interlock and alcohol monitoring fund, or a municipal indigent drivers interlock and alcohol monitoring fund, all portions of license reinstatement fees that are paid under division (F)(2) of this section and that are credited under that division to the indigent drivers interlock and alcohol monitoring fund in the state treasury, and all portions of fines that are paid under division (G) of section 4511.19 of the Revised Code and that are credited by division (G)(5)(e) of that section to the indigent drivers interlock and alcohol monitoring fund in the state treasury shall be deposited in the appropriate fund in accordance with division (I)(2) of this section.

(2) That portion of the license reinstatement fee that is paid under division (F) of this section and that portion of the fine paid under division (G) of section 4511.19 of the Revised Code and that is credited under either division to the indigent drivers interlock and alcohol monitoring fund shall be deposited into a county indigent drivers interlock and alcohol monitoring fund, a county juvenile indigent drivers interlock and alcohol monitoring fund, or a municipal indigent drivers interlock and alcohol monitoring fund as follows:

(a) If the fee or fine is paid by a person who was charged in a county court with the violation that resulted in the suspension or fine, the portion shall be deposited into the county indigent drivers interlock and alcohol monitoring fund under the control of that court.

(b) If the fee or fine is paid by a person who was charged in a juvenile court with the violation that resulted in the suspension or fine, the portion shall be deposited into the county juvenile indigent drivers interlock and alcohol monitoring fund established in the county served by the court.

(c) If the fee or fine is paid by a person who was charged in a municipal court with the violation that resulted in the suspension, the portion shall be deposited into the municipal indigent drivers interlock and alcohol monitoring fund under the control of that court.

Sec. 4511.69. (A) (1) Every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be stopped or parked with the right-hand wheels of the vehicle parallel with and not more than twelve

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inches from the right-hand curb, unless it is impossible to approach so close to the curb; in such case the stop shall be made as close to the curb as possible and only for the time necessary to discharge and receive passengers or to load or unload merchandise. Local authorities by ordinance may permit angle parking on any roadway under their jurisdiction, except that angle parking shall not be permitted on a state route within a municipal corporation unless an unoccupied roadway width of not less than twenty-five feet is available for free-moving traffic, subject to division

(A)(2) of this section.

(2)(a) On and after the effective date of this amendment, no angled parking space that is located on a state route within a municipal corporation is subject to elimination, irrespective of whether there is or is not at least twenty-five feet of unoccupied roadway width available for free-moving traffic at the location of that angled parking space, unless the municipal corporation approves of the elimination of the angled parking space.

JK

(b) Replacement, repainting, or any other repair performed by or on behalf of the municipal corporation of the lines that indicate the angled parking space does not constitute an intent by the municipal corporation to eliminate the angled parking space.

(B) Local authorities by ordinance may permit parking of vehicles with the left-hand wheels adjacent to and within twelve inches of the left-hand curb of a one-way roadway.

(C) No vehicle or trackless trolley shall be stopped or parked on a road or highway with the vehicle or trackless trolley facing in a direction other than the direction of travel on that side of the road or highway.

(D) Notwithstanding any statute or any rule, resolution, or ordinance adopted by any local authority, air compressors, tractors, trucks, and other equipment, while being used in the construction, reconstruction, installation, repair, or removal of facilities near, on, over, or under a street or highway, may stop, stand, or park where necessary in order to perform such work, provided a flagperson is on duty or warning signs or lights are displayed as may be prescribed by the director of transportation.

(E) Special parking locations and privileges for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces, shall be provided and designated by all political subdivisions and by the state and all agencies and instrumentalities thereof at all offices and facilities, where parking is provided, whether owned, rented, or leased, and at all publicly owned parking garages. The locations shall be designated through the posting of an elevated sign, whether permanently affixed or movable, imprinted with the international

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vehicle, or truck registered in this state of heavy duty equipment, including shock absorbers and overload springs;

(2) The operation on a street or highway of a passenger car, multipurpose passenger vehicle, or truck registered in this state with normal wear to the suspension system if the normal wear does not adversely affect the control of the vehicle.

(F) This section and the rules adopted pursuant to it do not apply to any specially designed or modified passenger car, multipurpose passenger vehicle, or truck when operated off a street or highway in races and similar events.

(G) ~~Except as otherwise provided in this division, whoever~~ **Whoever** violates this section is guilty of a minor misdemeanor. ~~If the offender previously has been convicted of a violation of this section, whoever violates this section is guilty of a misdemeanor of the third degree.~~

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Sec. 4513.03. (A) Every vehicle upon a street or highway within this state during the time from sunset to sunrise, and at any other time when there are unfavorable atmospheric conditions or when there is not sufficient natural light to render discernible persons, vehicles, and substantial objects on the highway at a distance of one thousand feet ahead, shall display lighted lights and illuminating devices as required by sections 4513.04 to 4513.37 of the Revised Code, for different classes of vehicles; except that every motorized bicycle shall display at such times lighted lights meeting the rules adopted by the director of public safety under section 4511.521 of the Revised Code. No motor vehicle, during such times, shall be operated upon a street or highway within this state using only parking lights as illumination.

Whenever in such sections a requirement is declared as to the distance from which certain lamps and devices shall render objects visible, or within which such lamps or devices shall be visible, such distance shall be measured upon a straight level unlighted highway under normal atmospheric conditions unless a different condition is expressly stated.

Whenever in such sections a requirement is declared as to the mounted height of lights or devices, it shall mean from the center of such light or device to the level ground upon which the vehicle stands.

(B) ~~Whoever violates this section shall be punished as provided in section 4513.99 of the Revised Code is guilty of a minor misdemeanor.~~

Sec. 4513.04. (A) Every motor vehicle, other than a motorcycle, and every trackless trolley shall be equipped with at least two headlights with at least one near each side of the front of the motor vehicle or trackless trolley.

Every motorcycle shall be equipped with at least one and not more than

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carrier;

(2) Four thousand five hundred dollars for the first cask designated for transport by rail and three thousand dollars for each additional cask designated for transport by rail that is shipped by the same person or entity in the same shipment.

(B)(1) This section does not apply to either of the following:

(a) Any shipment of material that is subject to division (A)(1) of section 4163.07 of the Revised Code by or for the United States government for military or national defense purposes;

(b) Any shipment of material that is subject to division (A)(1) of section 4163.07 of the Revised Code to or from a plant that is owned by the United States department of energy and that is located in this state or to or from entities that operate on land located in this state that is owned or controlled by the United States department of energy or the United States department of defense.

(2) Except as provided in division (B)(1)(a) and (b) of this section, this section applies to all other shipments of any material that is subject to division (A)(1) of section 4163.07 of the Revised Code by or for the United States government to the extent permitted by federal law.

(C) Whoever violates division (A) of this section is liable for a civil penalty in an amount not to exceed ten times the amount of the fee that is due under this section. The attorney general, upon the request of the public utilities commission, shall bring a civil action to collect the penalty. Penalties collected under this section shall be deposited in the state treasury to the credit of the radioactive waste transportation fund created in section 4905.802 of the Revised Code.

(D) If a highway route controlled quantity shipment of a material that is subject to division (A)(1) of section 4163.07 of the Revised Code has been the subject of a United States department of transportation level VI inspection and has passed the inspection, the shipment shall not otherwise be subject to inspection by state or local officials unless such inspection is determined to be necessary by the state highway patrol. The public utilities commission shall establish procedures for the reduction of the fee established in division (A) of this section for such shipments to incorporate police escort services only. The procedures shall require the payment of the fee only after the police escort has been completed.

*JS*  
*JS*

Sec. 4928.01. (A) As used in this chapter:

(1) "Ancillary service" means any function necessary to the provision of electric transmission or distribution service to a retail customer and includes, but is not limited to, scheduling, system control, and dispatch services;

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(1) The medicaid program established by Chapter 5111. of the Revised Code;

(2) The children's health insurance program parts I, II, and III provided for under sections 5101.50, 5101.51, and 5101.52 of the Revised Code;

(3) Publicly funded child care provided under Chapter 5104. of the Revised Code;

(4) The ~~food-stamp~~ supplemental nutrition assistance program administered by the department of job and family services pursuant to section 5101.54 of the Revised Code;

(5) Other programs the director determines are supportive of children, adults, or families;

(6) Other programs regarding which the director determines administrative cost savings and efficiency may be achieved through the department accepting applications, determining eligibility, redetermining eligibility, or performing related administrative activities.

(B) If federal law requires a face-to-face interview to complete an eligibility determination for a program specified in or pursuant to division (A) of this section, the face-to-face interview shall not be conducted by the department of job and family services.

(C) Subject to division (B) of this section, if the director elects to accept applications, determine eligibility, redetermine eligibility, and perform related administrative activities for a program specified in or pursuant to division (A) of this section, both of the following apply:

(1) An individual seeking services under the program may apply for the program to the director or to the entity that state law governing the program authorizes to accept applications for the program.

(2) The director is subject to federal statutes and regulations and state statutes and rules that require, permit, or prohibit an action regarding accepting applications, determining or redetermining eligibility, and performing related administrative activities for the program.

(D) The director may adopt rules as necessary to implement this section. Sec. 5101.50. (A) As used in sections 5101.50 to 5101.529 5101.5210 of the Revised Code:

*JS*

(1) "Children's health insurance program" means the program authorized by Title XXI of the "Social Security Act," 111 Stat. 552 (1997), 42 U.S.C.A. 1397aa.

(2) "Federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code.

(B) The director of job and family services may continue to operate the children's health insurance program initially authorized by an executive

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order issued under section 107.17 of the Revised Code as long as federal financial participation is available for the program. If operated, the program shall provide health assistance to uninsured individuals under nineteen years of age with family incomes not exceeding one hundred fifty per cent of the federal poverty guidelines. In accordance with 42 U.S.C.A. 1397aa, the director may provide for the health assistance to meet the requirements of 42 U.S.C.A. 1397cc, to be provided under the medicaid program established under Chapter 5111. of the Revised Code, or to be a combination of both.

Sec. 5101.504. (A) A school-based health center, as defined in 42 U.S.C. 1397jj(c)(9), may furnish health assistance services that the children's health insurance program part I covers if the center meets the requirements applicable to other providers providing those services.

(B) The director may adopt rules under section 5101.502 of the Revised Code pertaining to the billing, reimbursement, and data collection for school-based health centers.

Sec. 5101.510. (A) A school-based health center, as defined in 42 U.S.C. 1397jj(c)(9), may furnish health assistance services that the children's health insurance program part II covers if the center meets the requirements applicable to other providers providing those services.

(B) The director may adopt rules under section 5101.512 of the Revised Code pertaining to the billing, reimbursement, and data collection for school-based health centers.

Sec. 5101.511. (A) The director of job and family services may submit a waiver request to the United States secretary of health and human services to provide health assistance to any individual who meets all of the following requirements:

(1) Is the parent of a child under nineteen years of age who resides with the parent and is eligible for health assistance under the children's health insurance program part I or II or the medicaid program established under Chapter 5111. of the Revised Code;

(2) Is uninsured;

(3) Has a family income that does not exceed one hundred per cent of the federal poverty guidelines.

(B) A waiver request the director submits under division (A) of this section may seek federal funds allotted to the state under Title XXI of the "Social Security Act," 111 Stat. 558 (1997), 42 U.S.C.A. 1397dd, as amended, that are not otherwise used to fund the children's health insurance program parts I and II.

(C) If a waiver request the director submits under division (A) of this section is granted, the director may adopt rules in accordance with Chapter

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119. of the Revised Code as necessary for the efficient administration of the program authorization by the waiver.

Sec. 5101.5210. (A) A school-based health center, as defined in 42 U.S.C. 1397jj(c)(9), may furnish health assistance services that the children's health insurance program part III covers if the center meets the requirements applicable to other providers providing those services.

(B) The director may adopt rules under section 5101.522 of the Revised Code pertaining to the billing, reimbursement, and data collection for school-based health centers.

Sec. 5101.5212. (A) Under the children's buy-in program and subject to section 5101.5213 of the Revised Code, an individual who does both of the following in accordance with rules adopted under section 5101.5215 of the Revised Code qualifies for medical assistance under the program, unless the director of job and family services has adopted rules under division (B) of section 5101.5215 of the Revised Code to limit the number of individuals who may participate in the program at one time and the program is serving the maximum number of individuals specified in the rules:

- ~~(A)(1) Applies for the children's buy-in program;~~
- ~~(B)(2) Provides satisfactory evidence of all of the following:~~
  - ~~(1)(a) That the individual is under nineteen years of age;~~
  - ~~(2)(b) That the individual's countable family income exceeds ~~two~~ three hundred ~~fifty~~ per cent of the federal poverty guidelines;~~
  - ~~(3) That (c) Except as provided in division (B) of this section, that the individual has not had creditable coverage for at least ~~six~~ three months before enrolling in the children's buy-in program, unless the individual lost the only creditable coverage available to the individual because the individual exhausted a lifetime benefit limitation;~~
  - ~~(4) That one or more of the following apply to the individual:~~
    - ~~(a) The individual is unable to obtain creditable coverage due to a pre-existing condition of the individual;~~
    - ~~(b) The individual lost the only creditable coverage available to the individual because the individual has exhausted a lifetime benefit limitation;~~
    - ~~(c) The premium for the only creditable coverage available to the individual is greater than two hundred per cent of the premium applicable to the individual under the children's buy-in program;~~
    - ~~(d) The individual participates in the program for medically handicapped children.~~
  - ~~(5)(d) That the individual meets the additional eligibility requirements for the children's buy-in program established in rules adopted under section 5101.5215 of the Revised Code.~~

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investigation, report, or testimony, except liability for perjury, unless the person has acted in bad faith or with malicious purpose.

(E) No employer or any other person with the authority to do so shall discharge, demote, transfer, prepare a negative work performance evaluation, or reduce benefits, pay, or work privileges, or take any other action detrimental to an employee or in any way retaliate against an employee as a result of the employee's having filed a report under this section.

(F) Neither the written or oral report provided for in this section nor the investigatory report provided for in section 5101.62 of the Revised Code shall be considered a public record as defined in section 149.43 of the Revised Code. Information contained in the report shall upon request be made available to the adult who is the subject of the report, to agencies authorized by the department to receive information contained in the report, and to legal counsel for the adult.

Sec. 5101.84. An individual otherwise ineligible for aid under Chapter 5107. or 5108. of the Revised Code or ~~food stamps~~ supplemental nutrition assistance program benefits under the "Food Stamp and Nutrition Act of 1977," 78 Stat. 703, 2008 (7 U.S.C. 2011, ~~as amended, et seq.~~) because of paragraph (a) of ~~section 115 of the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," 110 Stat. 2105, 21 U.S.C. 862a;~~ is eligible for the aid or benefits if the individual meets all other eligibility requirements for the aid or benefits.

Sec. 5103.02. As used in sections 5103.03 to 5103.17 of the Revised Code:

- (A) "Association (1) Except as provided in division (A)(2) of this section, "association" or "institution" includes any all of the following;
- (a) Any incorporated or unincorporated organization, society, association, or agency, public or private, that receives or cares for children for two or more consecutive weeks; any
- (b) Any individual, including the operator of a foster home, who, for hire, gain, or reward, receives or cares for children for two or more consecutive weeks, unless the individual is related to them by blood or marriage; and any
- (c) Any individual not in the regular employ of a court, or of an institution or association certified in accordance with section 5103.03 of the Revised Code, who in any manner becomes a party to the placing of children in foster homes, unless the individual is related to such children by blood or marriage; or is the appointed guardian of such children; provided, that any, or is authorized pursuant to Chapter 3107, of the Revised Code.

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(2) The following are exempt from the requirements of sections 5103.03 to 5103.17 of the Revised Code:

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(a) Any organization, society, association, school, agency, child guidance center, detention or rehabilitation facility, or children's clinic licensed, regulated, approved, operated under the direction of, or otherwise certified by the department of education, a local board of education, the department of youth services, the department of mental health, or the department of mental retardation and developmental disabilities, or any

This exemption includes any facility under the control of the department of youth services and any place of detention for children established and maintained pursuant to sections 2152.41 to 2152.44 of the Revised Code.

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(b) Any individual who provides care for only a single-family group, placed there by their parents or other relative having custody, shall not be considered as being within the purview of these sections;

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(c) A child day-care center subject to Chapter 5104. of the Revised Code.

(B) "Family foster home" means a foster home that is not a specialized foster home.

(C) "Foster caregiver" means a person holding a valid foster home certificate issued under section 5103.03 of the Revised Code.

(D) "Foster home" means a private residence in which children are received apart from their parents, guardian, or legal custodian, by an individual reimbursed for providing the children nonsecure care, supervision, or training twenty-four hours a day. "Foster home" does not include care provided for a child in the home of a person other than the child's parent, guardian, or legal custodian while the parent, guardian, or legal custodian is temporarily away. Family foster homes and specialized foster homes are types of foster homes.

(E) "Medically fragile foster home" means a foster home that provides specialized medical services designed to meet the needs of children with intensive health care needs who meet all of the following criteria:

(1) Under rules adopted by the department of job and family services governing payment under Chapter 5111. of the Revised Code for long-term care services, the children require a skilled level of care.

(2) The children require the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of their medical conditions.

(3) The children require the services of a registered nurse on a daily basis.

(4) The children are at risk of institutionalization in a hospital, skilled

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nursing facility, or intermediate care facility for the mentally retarded.

(F) "Recommending agency" means a public children services agency, private child placing agency, or private noncustodial agency that recommends that the department of job and family services take any of the following actions under section 5103.03 of the Revised Code regarding a foster home:

- (1) Issue a certificate;
- (2) Deny a certificate;
- (3) Renew a certificate;
- (4) Deny renewal of a certificate;
- (5) Revoke a certificate.

(G) "Specialized foster home" means a medically fragile foster home or a treatment foster home.

(H) "Treatment foster home" means a foster home that incorporates special rehabilitative services designed to treat the specific needs of the children received in the foster home and that receives and cares for children who are emotionally or behaviorally disturbed, chemically dependent, mentally retarded, developmentally disabled, or who otherwise have exceptional needs.

Sec. 5103.03. (A) The director of job and family services shall adopt rules as necessary for the adequate and competent management of institutions or associations. The director shall ensure that foster care home study rules adopted under this section align any home study content, time period, and process with any home study content, time period, and process required by rules adopted under section 3107.033 of the Revised Code.

~~(B)(1)(a) Except for facilities under the control of the department of youth services, places of detention for children established and maintained pursuant to sections 2152.41 to 2152.44 of the Revised Code, and child day care centers subject to Chapter 5104. of the Revised Code as provided in division (B)(1)(b) of this section, the department of job and family services every ~~two~~ four years shall pass upon the fitness of every institution and association that receives, or desires to receive and care for children, or places children in private homes.~~

~~(b) The department of job and family services every two years shall pass upon the fitness of any individual, including the operator of a foster home, who, for hire, gain, or reward, receives or cares for children for two or more consecutive weeks, unless the individual is related to them by blood or marriage.~~

(2) When the department of job and family services is satisfied as to the care given such children, and that the requirements of the statutes and rules

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covering the management of such institutions and associations are being complied with, it shall issue to the institution or association a certificate to that effect. A certificate issued pursuant to division (B)(1)(a) of this section is valid for four years, unless sooner revoked by the department. A certificate issued pursuant to division (B)(1)(b) of this section is valid for two years, unless sooner revoked by the department. When determining whether an institution or association meets a particular requirement for certification, the department may consider the institution or association to have met the requirement if the institution or association shows to the department's satisfaction that it has met a comparable requirement to be accredited by a nationally recognized accreditation organization.

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(3) The department may issue a temporary certificate valid for less than one year authorizing an institution or association to operate until minimum requirements have been met.

(4) An institution or association that knowingly makes a false statement that is included as a part of certification under this section is guilty of the offense of falsification under section 2921.13 of the Revised Code and the department shall not certify that institution or association.

(5) The department shall not issue a certificate to a prospective foster home or prospective specialized foster home pursuant to this section if the prospective foster home or prospective specialized foster home operates as a type A family day-care home pursuant to Chapter 5104. of the Revised Code. The department shall not issue a certificate to a prospective specialized foster home if the prospective specialized foster home operates a type B family day-care home pursuant to Chapter 5104. of the Revised Code.

(C) The department may revoke a certificate if it finds that the institution or association is in violation of law or rule. No juvenile court shall commit a child to an association or institution that is required to be certified under this section if its certificate has been revoked or, if after revocation, the date of reissue is less than fifteen months prior to the proposed commitment.

(D) Every two years, on On a date specified by the department in accordance with division (D)(1) or (2) of this section, each institution or association desiring certification or recertification shall submit to the department a report showing its condition, management, competency to care adequately for the children who have been or may be committed to it or to whom it provides care or services, the system of visitation it employs for children placed in private homes, and other information the department requires;

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<p>(1) Every four years, for an institution or association that receives a certificate pursuant to division (B)(1)(a) of this section;</p> <p>(2) Every two years, for an individual who receives a certificate pursuant to division (B)(1)(b) of this section.</p>
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(E) The department shall, not less than once each year, send a list of certified institutions and associations to each juvenile court and certified association or institution.

(F) No person shall receive children or receive or solicit money on behalf of such an institution or association not so certified or whose certificate has been revoked.

(G)(1) The director may delegate by rule any duties imposed on it by this section to inspect and approve family foster homes and specialized foster homes to public children services agencies, private child placing agencies, or private noncustodial agencies.

(2) The director shall adopt rules that require a foster caregiver or other individual certified to operate a foster home under this section to notify the recommending agency that the foster caregiver or other individual is certified to operate a type B family day-care home under Chapter 5104. of the Revised Code.

(H) If the director of job and family services determines that an institution or association that cares for children is operating without a certificate, the director may petition the court of common pleas in the county in which the institution or association is located for an order enjoining its operation. The court shall grant injunctive relief upon a showing that the institution or association is operating without a certificate.

(I) If both of the following are the case, the director of job and family services may petition the court of common pleas of any county in which an institution or association that holds a certificate under this section operates for an order, and the court may issue an order, preventing the institution or association from receiving additional children into its care or an order removing children from its care:

(1) The department has evidence that the life, health, or safety of one or more children in the care of the institution or association is at imminent risk.

(2) The department has issued a proposed adjudication order pursuant to Chapter 119. of the Revised Code to deny renewal of or revoke the certificate of the institution or association.

Sec. 5104.04. (A) The department of job and family services shall establish procedures to be followed in investigating, inspecting, and licensing child day-care centers and type A family day-care homes.

(B)(1)(a) The department shall, at least ~~twice~~ once during every

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

(13) The provider agreement is denied, terminated, or not renewed because the provider fails to provide to the department the national provider identifier assigned the provider by the national provider system pursuant to 45 C.F.R. 162. 408.

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

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

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

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

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

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

The membership of the committee shall include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Goals and objectives;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) Other amounts the department determines are applicable.

~~(B) If the department is unable to determine the amount of the overpayments and other debts for any period before the effective date of the entering operator's provider agreement or the effective date of the facility closure, voluntary termination, or voluntary withdrawal of participation, the department shall make a reasonable estimate of the overpayments and other debts for the period. The department shall make the estimate using information available to the department, including prior determinations of overpayments and other debts.~~

(C) The department shall provide the exiting operator written notice of the department's estimate under division (A) of this section not later than thirty days after the department receives the notice under section 5111.66 of the Revised Code of the facility closure, voluntary termination, or voluntary withdrawal of participation or the notice under section 5111.67 of the Revised Code of the change of operator. The department's written notice shall include the basis for the estimate.

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

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

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

~~(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.~~ JS

~~(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:~~ JS

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

~~(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.~~ JS

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

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

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

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

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

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

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

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

The exiting operator and a qualified affiliated operator who executes a successor liability agreement under section 5111.681 of the Revised Code, if any, may request an adjudication regarding any part of the report that are subject to an adjudication as specified in section 5111.30 of the Revised Code are subject to an adjudication conducted initial and revised debt summary reports in accordance with Chapter 119, of the Revised Code. However, an initial debt summary report is not subject to the adjudication if a revised debt summary report is issued following an informal conference settlement conducted regarding it; the revised debt summary report is subject to the adjudication instead. The adjudication shall be consolidated with any other uncompleted adjudication that concerns a matter addressed in the initial or revised debt summary report. If the department has withheld money from payment due the exiting operator under division (A) of section 5111.681 of the Revised Code, the department shall complete the adjudication not later than sixty days after the department receives a request for the adjudication.

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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 sixty~~ days after the date the exiting operator files the properly completed cost report required by section 5111.682 of the Revised Code, ~~sixty-one days after the~~

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date the exiting operator files the properly completed cost report;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. ~~5111.688~~ ~~5111.689~~ The director of job and family services may shall adopt rules under section 5111.02 of the Revised Code to implement sections 5111.65 to ~~5111.688~~ ~~5111.689~~ of the Revised Code, including rules applicable to an exiting operator that provides written notification under

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begin providing home and community-based services.

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

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

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

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

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

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

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

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

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

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

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provider agreement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) As used in this section:

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

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

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

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

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

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

(B)(1) For purposes of applying section 5733.04, 5745.01, or 5747.01 of the Revised Code to a taxpayer's taxable year ending after December ~~31,~~ 30, 2008, and before the effective date, a taxpayer may irrevocably elect to incorporate the provisions of the Internal Revenue Code or other laws of the United States that are in effect for federal income tax purposes for that taxable year if those provisions differ from the provisions that, under division (A) of this section, would otherwise apply. The filing by the taxpayer for that taxable year of a report or return that incorporates the provisions of the Internal Revenue Code or other laws of the United States applicable for federal income tax purposes for that taxable year, and that does not include any adjustments to reverse the effects of any differences between those provisions and the provisions that would otherwise apply, constitutes the making of an irrevocable election under this division for that taxable year.

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

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

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for taxation.

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

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

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

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

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

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

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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's text was disapproved.

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

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

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

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

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

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2017	24.6%	70.0%	5.4%
2018	28.1%	70.0%	1.9%
2019 and thereafter	30%	70%	0%

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) The sum of the machinery and equipment property tax value loss, the inventory property tax value loss, and the furniture and fixtures property tax value loss, and, for 2008 ~~through 2017 and thereafter~~ the telephone property tax value loss of the district or unit multiplied by the sum of the fixed-sum tax rates of qualifying levies. For 2006 through 2010, this computation shall include all qualifying levies remaining in effect for the current tax year and any school district levies imposed under section 5705.194 or 5705.213 of the Revised Code that are qualifying levies not remaining in effect for the current year. For 2011 ~~through 2017 in the case of school district levies imposed under section 5705.194 or 5705.213 of the Revised Code and for all years after 2010 in the case of other fixed-sum levies and thereafter,~~ this computation shall include only qualifying levies remaining in effect for the current year. For purposes of this computation, a qualifying school district levy imposed under section 5705.194 or 5705.213 of the Revised Code remains in effect in a year after 2010 only if, for that year, the board of education levies a school district levy imposed under section 5705.194 ~~or~~ 5705.199, 5705.213, or 5705.219 of the Revised Code for an annual sum at least equal to the annual sum levied by the board in tax year 2004 less the amount of the payment certified under this division for 2006.

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

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

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

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

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

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

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

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

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