STATE OF OHIO

Executive Department

OFFICE OF THE GOVERNOR

Columbus

VETO MESSAGE

STATEMENT OF THE REASONS FOR THE VETO OF ITEMS IN AMENDED SUBSTITUTE HOUSE BILL 64

JUNE 30, 2015

Pursuant to Article II, Section 16 of the Ohio Constitution, which states that the Governor may disapprove any items in a bill making an appropriation of money, I hereby disapprove the following items contained in Amended Substitute House Bill 64 and set forth below the reasons for so doing. The text I am disapproving is identified in this message by reference to the corresponding page and boxed text of the bill.

ITEM NUMBER 1

On page 2750, delete the boxed text.

Requirements to Ohio's Task Force on Affordability and Efficiency in Higher Education

Ohio created a new Task Force on Affordability and Efficiency in Higher Education to examine ways that Ohio's public colleges and universities can reduce costs. This provision requires the Ohio General Assembly to approve any recommendation it makes. The boards of trustees at Ohio's public colleges and universities currently have the authority to implement many of the recommendations; therefore, this item is unnecessary. Additionally, this requirement would delay implementation of recommendations and the related cost savings benefits to students and their families. Therefore, this veto is in the public interest.

ITEM NUMBER 2

On page 8, delete the following boxed text "3365.14".
On page 15, delete the following boxed text "3365.14".
On page 1293, delete the boxed text.

Associate Degree Pathway Under College Credit Plus

This item requires public and private colleges to offer associate degree pathways under Ohio's College Credit Plus program and would, therefore, prohibit two public universities and many private colleges from participating in the college credit plus program and limit cost-saving opportunities for students and their families. Therefore, this veto is in the public interest.

ITEM NUMBER 3

On page 1287, delete the boxed text.

Exempting Nonpublic Schools from Providing College Credit Plus

Currently all students can earn college credit while in high school through Ohio's College Credit Plus program, but this provision would deny some students that chance by allowing nonpublic secondary schools to opt out of the program. Since the program gets students started down the pathway to college and careers and provides cost savings to students and their families, it should be available to all Ohio students. Therefore, this veto is in the public interest.

ITEM NUMBER 4

On page 2743, delete the boxed text.
On page 2744, delete the boxed text.

Earmark to Largest Chambers of Commerce

This item earmarks funds to the largest chambers of commerce in each JobsOhio region as part of the creation of the Defense/Aerospace Workforce Development Initiative, which is funded through casino operator license fees. The Administration strongly supports the aviation, aerospace, and defense industries, but believes these funds would be better applied to statewide workforce development strategies. In the last two years, Ohio has developed a unified statewide workforce development plan with input from business, community, and elected leaders; and this item could go against that work by prioritizing certain efforts ahead of others contrary to the statewide plan. Additionally, the definition of the "largest chamber of commerce in each JobsOhio region" is subjective and open to interpretation. Therefore, this veto is in the public interest.

ITEM NUMBER 5

On page 10, delete the boxed text beginning with "Section 13 of Sub. H.B. 477 of the 130th . . .".
On page 2828, delete the boxed text.

Repeal Land Conveyance Authorization of Ohio White Sulfur Springs Property

The State of Ohio has closed on the sale of this property to the City of Columbus as authorized in Section 13 of Sub. H.B. 477 of the 130th General Assembly, which became effective on July 16, 2014. Therefore, this veto is in the public interest.

ITEM NUMBER 6

On page 5, delete the following boxed text "5123.032".
On page 14, delete the following boxed text "5123.032".
On page 1900, delete the boxed text.
On page 1901, delete the boxed text.
On page 1902, delete the boxed text.
On page 1903, delete the boxed text.
On page 1904, delete the boxed text.
On page 2432, delete the boxed text "5123.032".
On page 2869, delete the boxed text beginning with "Section 803.360...".

Developmental Disability Center Closing Process

Under current law, the Ohio Department of Developmental Disabilities is charged with managing the state's 10 developmental centers. The Administration has a deep commitment to making sure individuals with developmental disabilities are in the least restrictive environment possible and has, therefore, continued Ohio's decade-long practice of providing opportunities for individuals with disabilities to, when appropriate, transition from institutional settings to home and community based settings if they choose. Such settings are widely considered by experts in the field to be more advantageous to individuals' well-being. As a result, over the last decade, Ohio has seen a significant decline in the number of residents in state-run developmental centers. This item creates a new 13-member commission to oversee proposed closures and consolidations of developmental centers which would potentially erect barriers to the right-sizing of the system and insert political or other considerations into a process which should be exclusively focused on the needs of Ohioans with developmental disabilities. Therefore, this veto is in the public interest.

ITEM NUMBER 7

On page 8, delete the following boxed text "5166.24".
On page 15, delete the following boxed text "5166.24".
On page 2010, delete the boxed text beginning with "Sec. 5166.24...".
On page 2531, delete the boxed text.

Medicaid Services Provided by Sheltered Workshops

This item would prohibit sheltered workshops from decreasing the number of individuals they serve and would fix the payment rate for adult day services provided by sheltered workshops at not less than what is currently paid. These changes limit the ability of the Department of Developmental Disabilities to manage adult day services in conformity with the requirements of the Medicaid program and undermine the department's ability to increase community employment for individuals with developmental disabilities who are able and want to work in the community. Additionally, these changes may require public and private providers to offer services that do not reflect the choices of those they serve. Therefore, this veto is in the public interest.

ITEM NUMBER 8

On page 2496, delete the boxed text.
On page 2501, delete the boxed text.
On page 2502, delete the boxed text.
On page 2864, delete the boxed text.
On page 2865, delete the boxed text.
On page 2866, delete the boxed text.

Montgomery County Study Committee

This item authorizes $700,000 in expenditures to create a study committee regarding workforce trends in the Montgomery County region. This item duplicates work that is currently underway by the Governor's Office of Workforce Transformation, the local Workforce Investment Boards, and local OhioMeansJobs centers, including: identifying in-demand jobs, establishing workforce sector networks, and developing pathways for educational and experiential purposes. In addition, this language authorizes the committee to hire staff and implement policies that may be out of step with other statewide efforts. The Governor's Office of Workforce Transformation will continue to work with stakeholders in the Montgomery County region to ensure they are included in statewide efforts to create an efficient and effective system for solving workforce challenges. Therefore, this veto is in the public interest.

ITEM NUMBER 9

On page 7, delete the following boxed text "1509.232".
On page 15, delete the following boxed text "1509.232".
On page 620, delete the boxed text.
On page 621, delete the boxed text.

Notification of Oil and Gas Emergencies

This item would potentially limit essential notifications of certain releases of various substances in the event of an emergency incident involving Ohio's oil and gas industry. Furthermore, several provisions in this item are ambiguous and could result in unnecessary disputes regarding

compliance. Given the importance of protecting public health, the Administration will instead seek to address the concern for wider notification of emergencies by pursuing changes regarding the notification of oil and gas emergencies through executive order. Therefore, this veto is in the public interest.

ITEM NUMBER 10

On page 2486, delete the boxed text.
On page 2615, delete the boxed text.
On page 2616, delete the boxed text.

Health Price Transparency

Per the request from the sponsor of these amendments, this veto is in the public interest as this provision relating to health services providers and hospital cost estimates is contained within the separate Bureau of Workers Compensation budget bill, Am. Sub. H. B. No. 52.

ITEM NUMBER 11

On page 8, delete the following boxed text "3701.139".
On page 15, delete the following boxed text "3701.139".
On page 1311, delete the boxed text.
On page 1312, delete the boxed text.
On page 1313, delete the boxed text.
On page 1314, delete the boxed text beginning with "governor and, in accordance…".
On page 2285, delete the boxed text.
On page 2609, delete the boxed text.
On page 2612, delete the boxed text.
On page 2613, delete the boxed text.
On page 2782, delete the boxed text.
On page 2869, delete the boxed text beginning with "Section 803.370…".
On page 2870, delete the boxed text beginning with "section 5747.01…".

Hope for a Smile Earmark and Tax Deduction

This item's goal of expanding access to dental services is laudable, but allowing Ohioans in certain professions to receive a tax exemption for donations of their time creates a preferential and unfair tax benefit that would be unworkable to calculate and manage. The Administration strongly agrees with the goal of expanding access to dental services to underserved areas and populations, but believes the ongoing costs of operating this program without a sustainable funding source will make it difficult to be effective. The Administration believes this goal can be better achieved by working through Ohio's network of Medicaid managed care organizations. Therefore, this veto is in the public interest.

ITEM NUMBER 12

On page 2611, delete the boxed text.

Emergency Preparation and Response –Earmark

This item includes earmarks totaling $500,000 in Fiscal Year 2016 and $500,000 in Fiscal Year 2017 for local public health emergency response and training with funding decisions made through an advisory board. The Administration strongly supports emergency response preparedness and training, but these efforts should be coordinated by the Ohio Department of Health on a regional basis to ensure consistency and flexibility to immediately distribute resources when and where needed most. The best way for the state to respond to an emergency is to surge resources to an impacted area to support local partners' efforts. Further, delegating funding decisions to an advisory board with limited experience and no ongoing involvement with emergency response and preparedness issues is potentially problematic. Therefore, this veto is in the public interest.

ITEM NUMBER 13

On page 2765, delete the boxed text beginning with "Highway Operating Fund…".
On page 2765, delete the boxed text beginning with "Section 399.20…".

Earmark for Noise Wall in Beachwood

Earmarks in highway funding dollars are not appropriate and unduly limit the flexibility of the Ohio Department of Transportation to prioritize key projects on state highways and roads that directly impact the safety and quality of life of Ohioans. Furthermore, the Administration has already committed to completing this project. Therefore, this veto is in the public interest.

ITEM NUMBER 14

On page 2858, delete the boxed text beginning with "Section 757.60…".

Development of Draft Legislation on Aviation Fuel Tax

This item mandates the Ohio Department of Transportation (ODOT) to work with the aviation industry and other interested parties to prepare draft tax legislation that would require all revenue from the sales and use tax on sales of aviation fuel to be used exclusively for capital improvements, maintaining infrastructure and ensuring public safety at airports. ODOT is not an appropriate agency to draft tax law. This responsibility is most appropriately handled by the General Assembly and/or other agencies. Therefore, this veto is in the public interest.

ITEM NUMBER 15

On page 2849, delete the boxed text beginning with "Section 745.20…".

Relocation of Traffic Signal in Clinton County

This provision requires the Ohio Department of Transportation to relocate a traffic light in Clinton County. The department is studying this and will work with the appropriate stakeholders to complete this project. Therefore, this veto is in the public interest.

ITEM NUMBER 16

On page 8, delete the following boxed text "3317.26".
On page 15, delete the following boxed text "3317.26".
On page 1126, delete the boxed text.
On page 1127, delete the boxed text.
On page 2558, delete the boxed text.
On page 2560, delete the boxed text.
On page 2576, delete the following boxed text "(b) The additional funds paid to the school district in fiscal year 2016 under section 3317.26 of the Revised Code; and", and "(b) The additional funds paid to the school district in fiscal year 2017 under section 3317.26 of the Revised Code; and".

Wealthy School District Funding Guarantee

Currently, the state school funding formula delivers funds to districts depending on property value, income and the capacity of the community to meet their needs. Funding guarantees undermine the formula by limiting its ability to direct funds to districts that need them most. By carving out a special payment to some of the richest districts in the state—at a time when other districts are seeing funding withheld due to legally-imposed "caps" on their funding growth—a guaranteed minimum per-pupil payment is not the best use of state resources. Therefore, this veto is in the public interest.

ITEM NUMBER 17

On page 1120, delete the boxed text.

Joint Vocational School District Funding – Career Technical Education

Career technical education is critical to preparing students for college and careers. Ensuring that state funding is focused on delivering resources to the classroom has been a priority for the Administration. The cost of providing career-technical education programs is greater than the cost of instruction of more traditional course work. State law requires funds provided through the foundation formula to be spent on career-technical education and that no more than 25 percent of those funds be spent on administration. Removing this provision only for Joint Vocational

School Districts may impact the quality of education and creates differences between requirements for comprehensive high schools, career-technical compacts, and Joint Vocational School Districts. Therefore, this veto is in the public interest.

ITEM NUMBER 18

On page 2533, delete the boxed text.
On page 2575, delete the boxed text.
On page 2576, delete the boxed text beginning with "(3) Calculate the school district's...".
On page 2577, delete the boxed text beginning with "by the school district...", and the following boxed text "(1)", and the boxed text beginning with "(2) For fiscal year 2017...".

School District TPP Supplement – Only Vetoing Second Year Appropriation

This veto removes the Fiscal Year 2017 payment of a Tangible Personal Property ("TPP") reimbursement supplement payment for certain school districts. Other provisions of this act re-conform the payment of TPP reimbursement payments to the original intent of 1999 and 2005 law, which eliminated the taxation of general business property, modified the taxation of electric utilities, and provided for temporary direct payments which would decline over time to help school districts adjust to the resulting loss of valuation and revenue. This act will continue TPP reimbursement payments for districts to ensure that no district loses replacement payments of more than two percent of their state and local resources in any given year. The TPP supplement addressed by this item is an additional payment, in the form of a guarantee, to ensure that no district receives less in Fiscal Year 2016 and Fiscal Year 2017 than they received the previous year for state foundation aid and TPP replacement combined. The proposed TPP supplement payments, like the TPP reimbursement payments, are predominately paid to districts with higher local capacity to raise revenue to support their schools. Therefore, this guarantee provision diverts resources that could be targeted to lower capacity school districts and circumvents original intent of the law to limit the reimbursement payments so that they were both declining and temporary. To recognize concerns that districts receiving TPP payments need more time to prepare for the decline in these payments, this veto will only apply to Fiscal Year 2017 payments, allowing TPP supplemental payments to be made in Fiscal Year 2016. Therefore, this veto is in the public interest.

ITEM NUMBER 19

On page 2637, delete the boxed text.
On page 2638, delete the boxed text.
On page 2639, delete the boxed text.
On page 2640, delete the boxed text.

Comprehensive Case Management and Employment Program – Partial Veto

This provision would create an advisory board to establish an evaluation system for Ohio's new Comprehensive Case Management and Employment Program. This adds an unnecessary layer to the process of developing an evaluation system that will help ensure the success of the

Comprehensive Case Management and Employment Program across all counties. The Department of Job and Family Services has the necessary expertise and will develop an evaluation system through the public rule-making process and will work with stakeholders to ensure that the evaluation system best meets the needs of the people of the state. Therefore, this veto is in the public interest.

ITEM NUMBER 20

On page 7, delete the following boxed text "2323.44".
On page 15, delete the following boxed text "2323.44".
On page 806, delete the boxed text.
On page 807, delete the boxed text.

Distribution of Recoveries in Tort Actions

This item contains significant changes to long-established procedures for distributing recoveries in tort actions involving subrogation. Subrogation is a complex issue that affects multiple stakeholders in numerous ways. These changes could very well be merited and that can be best determined after a thorough public debate. While respecting the intent of the General Assembly, the impact of this item should be minimized until that public debate can occur. Therefore, this veto is in the public interest.

ITEM NUMBER 21

On page 4, delete the following boxed text "3770.03".
On page 13, delete the following boxed text "3770.03".
On page 1474, delete the boxed text.
On page 1475, delete the boxed text.
On page 1476, delete the boxed text.
On page 1477, delete the boxed text.
On page 2431, delete the following boxed text "3770.03".

Creation of New Lottery Games

This item mandates that the State Lottery Commission offer EZPlay® Keno and EZPlay® Bingo games at self-service terminals in bars and restaurants having certain liquor permits. Adding terminal-generated instant lottery games in the legislative process erodes the executive authority of the State Lottery Commission and unnecessarily restricts its ability to determine the best deployment of resources to maximize net proceeds to the Lottery Profits Education Fund. In addition, given the unplanned costs, uncertain market demand, and short time frame to introduce these new games, it is improbable that sales performance would yield the anticipated revenue projections – putting structural pressure on the state budget. Therefore, this veto is in the public interest.

ITEM NUMBER 22

On page 6, delete the following boxed text "5165.192".
On page 14, delete the following boxed text "5165.192".
On page 2002, delete the boxed text.
On page 2003, delete the boxed text.
On page 2004, delete the boxed text.
On page 2005, delete the boxed text.
On page 2432, delete the following boxed text "5165.192".
On page 2870, delete the following boxed text "5165.192".

Nursing Facilities' Medicaid Payment Rates

This item restricts the Medicaid Director's ability to establish rates that best match the resource needs of individuals receiving Medicaid covered nursing facility services. By requiring a specific reimbursement methodology, it creates an unnecessary barrier to the development of innovative purchasing models that can improve quality and efficiency. Vetoing this item is necessary to maintain the fiscal and programmatic integrity and stability the Administration has established for the Ohio Medicaid program. Therefore, this veto is in the public interest.

ITEM NUMBER 23

On page 2666, delete the boxed text beginning with "Section 327.243…".

Higher Medicaid Rates for a Certain Clinic

This item codifies an enhanced payment rate for one provider in the Ohio Medicaid program. This limits the ability of the Medicaid Director to effectively and efficiently manage the program for the benefit of all Ohioans, including reducing growth in spending and the modernization of the Medicaid program. Therefore, this veto is in the public interest.

ITEM NUMBER 24

On page 1, delete the following boxed text "121.36".
On page 11, delete the following boxed text "121.36".
On page 98, delete the boxed text.
On page 99, delete the boxed text.
On page 2429, delete the following boxed text, "121.36".

Restrictions on Home Care Services Program Integrity

This item exempts providers of home care services who are self-employed from the Department's authority to apply new programmatic integrity requirements. The department is currently developing an electronic visit verification system that will allow for greater accountability and limit the potential for claims abuse across all home health care provider types,

including self-employed home care service providers. Therefore, this veto is in the public interest.

ITEM NUMBER 25

On page 2659, delete the boxed text.
On page 2660, delete the boxed text.

Regional Dental Provider Rate Increase and Pilot Project

The Administration is supportive of increasing dental provider rates for those in underserved areas and populations. However, the Administration believes this concept can be achieved in a more cost-effective manner through Ohio's network of Medicaid managed care organizations, as opposed to carving out a certain region of the state to receive higher reimbursements through fee-for-service payments. Therefore, this veto is in the public interest.

ITEM NUMBER 26

On page 5, delete the following boxed text "5163.03".
On page 8, delete the following boxed text "5163.04".
On page 14, delete the following boxed text "5163.03".
On page 15, delete the following boxed text "5163.04".
On page 1966, delete the boxed text.
On page 1967, delete the boxed text.
On page 2432, delete the following boxed text "5163.03".

Medicaid Coverage of Optional Eligibility Groups

This item prevents the Medicaid program from establishing eligibility criteria to provide health care coverage for new populations of Ohioans, and it further limits the Medicaid Director's ability to effectively and efficiently manage the Medicaid program. Although the Administration is opposed to further Medicaid eligibility expansion, it is important that the Medicaid Director retain the authority and agility to maintain the fiscal and programmatic integrity of the Ohio Medicaid program. In addition, existing legislative oversight of the program, including eligibility changes, already exist in the form of the Joint Medicaid Oversight Committee and the Joint Committee on Agency Rule Review, making this provision not only potentially harmful but also duplicative in part. Therefore, this veto is in the public interest.

ITEM NUMBER 27

On page 8, delete the following boxed text "5166.33".
On page 15, delete the following boxed text "5166.33".
On page 1310, delete the boxed text.
On page 2010, delete the boxed text beginning with "Sec. 5166.33…".
On page 2011, delete the boxed text.

Medicaid Eligibility Expansion for Married Couples

This item requires the development of a waiver program under which Medicaid recipients who are married to each other retain Medicaid eligibility despite employment earnings that exceed current income limits. This proposal challenges the underlying premise of a needs-based Medicaid program. Vetoing this item is necessary to maintain the fiscal and programmatic integrity and stability the Administration has established for the Ohio Medicaid program. Therefore, this veto is in the public interest.

ITEM NUMBER 28

On page 5, delete the following boxed text "5163.21".
On page 14, delete the following boxed text "5163.21".
On page 1968, delete the boxed text beginning with "Sec. 5163.21....".
On page 1969, delete the boxed text.
On page 1970, delete the boxed text.
On page 1971, delete the boxed text.
On page 1972, delete the boxed text.
On page 1973, delete the boxed text.
On page 1974, delete the boxed text.
On page 1975, delete the boxed text.
On page 1976, delete the boxed text.
On page 1977, delete the boxed text.
On page 1978, delete the boxed text.
On page 2432, delete the following boxed text "5163.21".

Medicaid and Revocable Trusts

This item would allow an individual to hold certain resources in a revocable trust, without penalty, that might otherwise be used to pay for his or her long-term care costs before entering the Medicaid program. Additionally, it allows an individual to receive an income stream from the home without making a corresponding contribution toward his or her long-term care costs. This ability to shelter income is currently the subject of litigation pending before the Ohio Supreme Court. Vetoing this item is necessary to maintain the fiscal and programmatic integrity and stability the Administration has established for the Ohio Medicaid program. Therefore, this veto is in the public interest.

ITEM NUMBER 29

On page 8, delete the following boxed text "5164.78" and "5164.912".
On page 15, delete the following boxed text "5164.78" and "5164.912".
On page 1986, delete the boxed text beginning with "Sec. 5164.78....".
On page 2670, delete the boxed text.

Medicaid Rate for Medical Transportation Providers

This item fundamentally affects medical transportation reimbursement policy established by the Department of Medicaid in several ways. It forces the Department to pay a fuel surcharge to providers of transportation services based upon an overly-inflated and capricious measurement of fuel costs. It also establishes an arbitrary ten percent reimbursement rate increase for providers of wheelchair van services in the Medicaid program. Finally, it requires the Department to pay for ambulance services for Medicare enrollees in the MyCare Ohio program when the same service could have been covered by the Medicare program using 100 percent federal funding. This item is not based upon any known cost methodology and has been woefully underfunded by the legislature. Furthermore, it limits the Medicaid program's ability to reduce growth in spending and modernize Medicaid reimbursement rates and schedules. Therefore, this veto is in the public interest.

ITEM NUMBER 30

On page 2661, delete the boxed text.

Earmark on Money Follows the Person Balancing Funds

This item creates a preference for a specific provider performing home modifications and repairs for a specific age group using Money Follows the Person (MFP) balancing funds. Ohio's MFP initiative currently operates a statewide program to support individuals' ability to remain in their homes and communities. This item places unnecessary limitations on Ohio's efforts to use MFP Balancing Funds to best meet the needs of Ohio's citizens. Additionally, the earmark is inappropriate, as any use of MFP Balancing Funds must be approved by the federal Centers for Medicare and Medicaid Services. Therefore, this veto is in the public interest.

ITEM NUMBER 31

On page 8, delete the following boxed text "5167.15".
On page 15, delete the following boxed text "5167.15".
On page 1314, delete the boxed text beginning with"(A)…" and ending with "…appropriate.".
On page 1314, delete the following boxed text "both of the following:".
On page 1314, delete the following boxed text "(1)".
On page 1314, delete the boxed text beginning with "(2)…" and ending with "…Code.".
On page 2020, delete the boxed text.
On page 2021, delete the boxed text.
On page 2666, delete the boxed text beginning with "Section 327.244…" and ending with "…Code.".

Medicaid Managed Care Restrictions

This item requires Medicaid managed care plans to provide for services by using certified community health workers through a qualified community hub. It would create an expensive, overly prescriptive program regarding the use of the hub model, which can be effective when highly targeted but has not been proven to work universally. Additionally, Ohio's Medicaid

managed care plans are already required to implement enhanced maternal health coordinated care, thus this item will require the state to pay Medicaid managed care plans extra taxpayer dollars to duplicate work they should already be doing. Therefore, this veto is in the public interest.

ITEM NUMBER 32

On page 8, delete the following boxed text "4731.74".
On page 15, delete the following boxed text "4731.74".
On page 1695, delete the boxed text.
On page 1696, delete the boxed text.
On page 1697, delete the boxed text.
On page 1698, delete the boxed text.

Prescribing Based on Remote Examination

This item sets practice of telemedicine requirements that may cause confusion about the appropriate standard of care for those who wish to offer telehealth services, particularly in light of the ongoing rulemaking process concerning the standards of telemedicine. The rulemaking process currently underway before the State Medical Board will allow all interested parties to present their views on how proposed standards for telemedicine can best protect the health and safety of the public. This provision may cause confusion about the proper standard of care for telemedicine and is unnecessary in light of the ongoing rulemaking process to set appropriate standards of care for telemedicine services. Therefore, this veto is in the public interest.

ITEM NUMBER 33

On page 2682, delete boxed text.
On page 2683, delete boxed text.

Recovery Housing

This item requires a public hearing and a resolution of support from county commissioners for a recovery housing project in order for it to be eligible for funding from this line item, which is a level of approval that goes above and beyond that required for other housing projects. Recovery housing is for individuals recovering from alcoholism or drug addiction that provides an alcohol and drug-free living environment, peer support, assistance with obtaining alcohol and drug addiction services and supports where the length of stay is not limited to specific duration. Individuals in recovery from substance use disorders are considered to be disabled under the American's with Disabilities Act and thus protected by federal fair housing laws from discrimination in any form, including arbitrary treatment of recovery housing projects. The process set forth in this language could result in illegal discrimination. As a result, this language could result in a violation of the federal Fair Housing Amendments Act. Therefore, this veto is in the public interest.

ITEM NUMBER 34

On page 1, delete the following boxed text "131.35".
On page 11, delete the following boxed text "131.35".
On page 234, delete the boxed text.
On page 235, delete the boxed text.
On page 2429, delete the following boxed text "131.35".

Controlling Board Authority

This provision limits the powers of the Controlling Board regarding both the creation of new funds and the amounts by which appropriations may be adjusted. These limitations could delay the state's ability to respond in a timely fashion to issues of emerging or urgent concern. Therefore, this veto is in the public interest.

ITEM NUMBER 35

On page 2107, delete the boxed text beginning with "(15) "Qualifying school district" means" and ending in "ten per cent or more.".
On page 2108, delete the boxed text.
On page 2109, delete the boxed text.
On page 2117, delete the boxed text.
On page 2118, delete the boxed text.
On page 2576, delete the boxed text comprising only of "If the district is not a qualifying school district as defined in division (A) of section 5709.92 of the Revised Code," where it appears.
On page 2576, delete the following boxed text beginning with "(d) If the district is a qualifying school district" and ending in "levies for joint vocational school district purposes.".
On page 2576, delete the following boxed text beginning with "(d) If the district is a qualifying school district" and ending in "the sum of payments received".
On page 2577, delete the following boxed text beginning with "by the school district" and ending with "levies for joint vocational school district purposes.".

Property Tax Replacement Payments to Local Taxing Units

In 2005, when the tax on tangible personal property was discontinued, the state committed to reimburse local jurisdictions for the revenue loss according to a set schedule. The Administration is committed to completing the phase out of that reimbursement without additional extensions or exceptions like those created by this provision, which creates a special exemption benefitting a select few taxing jurisdictions. Therefore, this veto is in the public interest.

ITEM NUMBER 36

On page 6, delete the following boxed text "5703.057" and "5703.36."
On page 8, delete the following boxed text "5703.361."
On page 14, delete the following boxed text "5703.057" and "5703.36."

On page 15, delete the following boxed text "5703.361."
On page 2050, delete the boxed text.
On page 2051, delete the boxed text.
On page 2054, delete the boxed text.
On page 2432, delete the following boxed text "5703.057" and "5703.36.".
On page 2856, delete the boxed text.
On page 2857, delete the boxed text.
On page 2867, delete the boxed text.

Tax Identity Verification

Identity theft and fraud is a growing national concern and Ohio has been actively working to prevent criminals from stealing taxpayer money by catching fraudulent tax claims. The Ohio Department of Taxation has been deluged with more than 70,000 fraudulent income tax refund requests in the past year and is taking the necessary steps to thwart these efforts to both save taxpayers money and identify potential criminals. In fact, the tax department's efforts have already begun to show positive results, including recent criminal charges for out-of-state individuals stealing Ohio taxpayer money. This provision severely limits the tax commissioner's ability to fight fraud and protect taxpayer money. However, the Administration is committed to continuing to make improvements to the methods used for identity verification. Therefore, this veto is in the public interest.

ITEM NUMBER 37

On page 2148, delete the following boxed text ", water-works,".
On page 2149, delete the following boxed text beginning with "(I) In the case" and ending with "other taxable property."

Water Works

The provision would provide a special tax break to private water corporations by significantly reducing the taxes they pay on new tangible personal property. Taxes on tangible personal property owned by other private utilities, however, would remain unchanged at the original higher levels. The result would not only be a special tax break for a particular class of taxpayer without valid justification, but it would also mean an unmerited reduction in future tax revenue to local entities. The Administration is committed to working on a comprehensive approach to proper pipeline assessment rates. Therefore, this veto is in the public interest.

ITEM NUMBER 38

On page 2858, delete the boxed text beginning with "Section 757.100…".
On page 2859, delete the boxed text beginning with "under division (A)(3)…".

Income Tax Rate Reductions Based on Vetoed Provisions

This item earmarks funds resulting from certain line-item vetoes for income tax cuts. This is an attempted limitation on specific gubernatorial authority provided in Article II, Section 16 of the Ohio Constitution. This is in violation of the separation of powers specifically set out in the Ohio Constitution and approved by the citizens of Ohio, and negates any veto done for the purpose of achieving budget stability. Therefore, this veto is in the public interest.

ITEM NUMBER 39

On page 2763, delete the boxed text.
On page 2735, delete the boxed text beginning with "TAX AMNESTY PROMOTION…".
On page 2787, delete the boxed text.
On page 2788, delete the boxed text.
On page 2859, delete the boxed text beginning with "Section 757.130…".
On page 2860, delete the boxed text.
On page 2861, delete the boxed text.

Tax Amnesty Program

Ohio recently held a general tax amnesty program in 2012. Frequent amnesty programs encourage tax avoidance in anticipation of the next amnesty program. Administering a tax amnesty program is estimated to cost $2.5 million, and revenues are expected to be approximately $10 million. Waiting longer between amnesty programs will encourage greater tax compliance in the interim and generate higher revenues when programs are held. Therefore, this veto is in the public interest.

ITEM NUMBER 40

On page 6, delete the following boxed text "5715.01".
On page 14, delete the following boxed text "5715.01".
On page 2125, delete the boxed text.
On page 2126, delete the boxed text.
On page 2432, delete the following boxed text, "5715.01".

Uniform Rules for Appraisal of Real Estate

County auditors appraise all real estate in their counties every six years at a cost of $35-40 per parcel using "mass appraisal" techniques and standards repeatedly upheld by Ohio's courts. A "private" appraisal of an individual property requires significantly greater detail and cost. This provision would impose private appraisal standards on county auditor appraisals and dramatically increases costs without a corresponding benefit to county taxpayers. Therefore, this veto is in the public interest.

ITEM NUMBER 41

On page 4, delete the following boxed text "4505.06".
On page 6, delete the following boxed text "5739.029", "5739.13" and "5741.12".

On page 13, delete the following boxed text "4505.06".
On page 14, delete the following boxed text "5739.029", "5739.13" and "5741.12".
On page 1586, delete the boxed text.
On page 1587, delete the boxed text.
On page 1588, delete the boxed text.
On page 1589, delete the boxed text.
On page 1590, delete the boxed text.
On page 1591, delete the boxed text.
On page 1592, delete the boxed text.
On page 1593, delete the boxed text.
On page 1594, delete the boxed text.
On page 1595, delete the boxed text.
On page 2237, delete the boxed text.
On page 2238, delete the boxed text.
On page 2239, delete the boxed text.
On page 2260, delete the boxed text.
On page 2261, delete the boxed text.
On page 2262, delete the boxed text.
On page 2263, delete the boxed text.
On page 2272, delete the boxed text.
On page 2273, delete the boxed text.
On page 2431, delete the following boxed text "4505.06".
On page 2432, delete the following boxed text "5739.029", "5739.13" and "5741.12".

Change in Remittance of Sales Tax on Automobiles

When processing titles for cars sold by auto dealers, county Clerks of Court collect the sales tax and then pass it on to the Ohio Department of Taxation. This new provision allows auto dealers the option of sending the sales tax directly to the Department, creating a second, parallel system at the expense of Ohio taxpayers. However, the state general fund will still be required to pay the Clerk of Court for collecting the sales tax, even though the clerk would not have collected it. In addition, the new provisions require complex programming requirements to a titling system – the Automated Titling Processing System (ATPS) – that is nearly obsolete. ODPS is modernizing the ATPS and will introduce the updated version by January 2017. However, implementing the bill's requirements into the current system could lead to system failure, the possible prevention of dealers selling vehicles in Ohio, and delays in the modernization project which would result in increased costs of nearly $2 million in public funds. Therefore, this veto is in the public interest.

ITEM NUMBER 42

On page 2191, delete the boxed text.

Petroleum Activity Tax on Receipts from Sales of Certain Diesel Fuel – Bifurcated Rate

The Petroleum Activity Tax is a new tax on all petroleum products. Creating a second, separate tax rate based on fuel type would unnecessarily complicate the tax. The Administration is working with interested parties to develop a better, fairer tax for those who buy directly from a supplier. Therefore, this veto is in the public interest.

ITEM NUMBER 43

On page 1, delete the following boxed text "321.24".
On page 3, delete the following boxed text "3317.021".
On page 5, delete the following boxed text "4909.161".
On page 6, delete the following boxed text "5727.06", "5727.11" and "5727.15"
On page 8, delete the following boxed text "5709.94" and "5727.09".
On page 11, delete the following boxed text "321.24".
On page 12, delete the following boxed text "3317.021".
On page 13, delete the following boxed text "4909.161".
On page 14, delete the following boxed text "5727.06", "5727.11" and "5727.15".
On page 16, delete the following boxed text "5709.94" and "5727.09".
On page 360, delete the boxed text.
On page 361, delete the boxed text.
On page 362, delete the boxed text.
On page 363, delete the boxed text.
On page 1098, delete the boxed text.
On page 1099, delete the boxed text.
On page 1100, delete the boxed text.
On page 1769, delete the boxed text.
On page 1770, delete the boxed text.
On page 2077, delete the boxed text.
On page 2107, delete the boxed text beginning with "(16) "Production equipment . . .".
On page 2110, delete the boxed text.
On page 2111, delete the boxed text.
On page 2119, delete the boxed text.
On page 2120, delete the boxed text.
On page 2121, delete the boxed text.
On page 2122, delete the boxed text.
On page 2142, delete the boxed text.
On page 2143, delete the boxed text.
On page 2144, delete the boxed text.
On page 2145, delete the boxed text.
On page 2146, delete the boxed text.
On page 2147, delete the boxed text.
On page 2148, delete the boxed text beginning with "transportation company shall be".
On page 2149, delete the boxed text "~~year~~ years".
On page 2149, delete the boxed text "~~and each tax year thereafter~~ through 2015,".
On page 2149, delete the boxed text beginning with "(3) For tax year 2016" and ending in "section 5727.09 of the Revised Code.".
On page 2149, delete the boxed text "(1)".

On page 2149, delete the boxed text "~~year~~ years".
On page 2149, delete the boxed text "~~and each tax year thereafter~~ through 2015,".
On page 2149, delete the boxed text beginning with "; . . . (2) For tax year 2016" and ending in "section 5727.09 of the Revised Code.".
On page 2149, delete the boxed text beginning with "Sec. 5727.15. When all the taxable".
On page 2150, delete the boxed text.
On page 2151, delete the boxed text.
On page 2152, delete the boxed text.
On page 2153, delete the boxed text.
On page 2429, delete the following boxed text "321.24".
On page 2430, delete the following boxed text "3317.021".
On page 2431, delete the following boxed text "4909.161".
On page 2432, delete the following boxed text "5727.06", "5727.11" and "5727.15".
On page 2754, delete the boxed text.
On page 2869, delete the following boxed text with "5727.06".
On page 2869, delete the following boxed text "5727.11, 5727.15, and".
On page 2869, delete the following boxed text "and divisions (B) and (C) of section".
On page 2869, delete the following boxed text "5727.031".
On page 2873, delete the boxed text.

Repeal of Tax on Electric Company Generation Property

This item exempts electrical generation plants from the public utility tangible personal property tax, shifting the tax to the transmission and distribution system with the intent of holding districts harmless while keeping costs the same for ratepayers. Ohio is committed to keeping the state's electric generation competitive with those units located in other states. However, there are unknown consequences of transferring local tax revenues from one taxing district to another. A larger and more thorough discussion of this issue is needed prior to the enactment of such a comprehensive change, and the Administration urges the legislature and stakeholders to work with it to draft a bill to achieve this goal in the fall. Therefore, this veto is in the public interest.

ITEM NUMBER 44

On page 6, delete the following boxed text "5575.01".
On page 14, delete the following boxed text "5575.01".
On page 2049, delete the boxed text.
On page 2050, delete the boxed text beginning with "(D) All…".
On page 2432, delete the following boxed text "5575.01".

Force Account Limits for Townships

This provision would raise the cost threshold for townships to perform road construction and infrastructure maintenance projects with their own employees and equipment. Townships would therefore increase the size of their in-house construction and maintenance crews and obtain additional construction equipment in order to meet this potential increased workload and seek fewer competitive bids from outside contractors for such projects. Competitive bidding has the

beneficial effect for taxpayers of keeping costs for construction and maintenance projects low. Furthermore, Ohio has made great strides in the past four years to empower small, emerging and minority-owned businesses to compete for public contracts, including these types of contracts, and the demand for their work could be eroded by this item. This provision would potentially increase costs for taxpayers and reduce opportunities for emerging small business. Therefore, this veto is in the public interest.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed at Columbus this 30th day of June, Two Thousand Fifteen.

John R. Kasich, Governor

This will acknowledge the receipt of a copy of this veto message of Substitute Amended House Bill 64 that was disapproved in part by Governor John R. Kasich on June 30, 2015.

Name and Title of Officer

June 30, 2015, 8:31 p.m.

Date and Time of Receipt

(131st General Assembly)
(Amended Substitute House Bill Number 64)

AN ACT

To amend sections 1.05, 9.312, 9.333, 9.83, 9.833, 9.90, 9.901, 102.02, 102.022, 103.412, 105.41, 109.57, 109.572, 109.77, 109.79, 113.06, 113.07, 118.023, 118.04, 119.04, 119.12, 121.03, 121.04, 121.22, 121.36, JRK 121.372, 121.40, 122.17, 122.171, 122.174, 122.175, 122.177, 122.64, 122.68, 122.85, 122.87, 122.942, 122.95, 122.951, 123.10, 123.28, 123.281, 124.11, 124.14, 124.15, 124.152, 124.181, 124.34, 124.382, 124.392, 125.02, 125.04, 125.041, 125.05, 125.07, 125.08, 125.081, 125.082, 125.10, 125.11, 125.112, 125.13, 125.27, 125.28, 125.31, 125.36, 125.38, 125.39, 125.42, 125.43, 125.45, 125.49, 125.51, 125.58, 125.601, 125.607, 125.609, 125.76, 125.901, 126.32, 128.021, 128.40, 128.54, 128.55, 128.57, 131.09, 131.15, 131.34, JRK 131.35, 131.43, 131.44, 133.01, 133.04, 133.05, 133.07, 133.34, 135.01, 135.04, 135.14, 135.144, 135.145, 135.18, 135.181, 135.35, 135.353, 135.354, 135.37, 135.74, 140.01, 141.04, 145.114, 145.116, 145.56, 145.571, 149.04, 149.43, 153.08, 153.70, 156.01, 156.02, 156.04, 167.06, 173.47, 173.48, 173.522, 173.523, 173.543, 173.544, 173.545, 174.02, 187.03, 191.04, 191.06, 305.31, 306.35, 319.63, 321.24, 323.13, 325.03, JRK 325.04, 325.06, 325.08, 325.09, 325.10, 325.11, 325.14, 325.15, 339.06, 340.03, 340.034, 340.04, 340.05, 340.07, 340.12, 340.15, 341.34, 343.01, 349.01, 349.03, 349.04, 349.06, 349.07, 349.14, 355.02, 355.03, 355.04, 505.101, 505.24, 505.701, 505.86, 507.09, 507.11, 517.07, 517.15, 717.01, 718.01, 718.04, 718.05, 718.07, 718.37, 731.59.

The above boxed and initialed text was disapproved.

Date: 6-30-15

John R. Kasich, Governor

2951.041, 2953.25, 2967.14, 2967.193, 2969.14, 2981.12, 2981.13, 3105.171, 3109.13, 3109.14, 3109.16, 3109.17, 3119.27, 3121.03, 3301.078, 3301.0711, 3301.0712, 3301.52, 3301.53, 3301.541, 3301.55, 3301.56, 3301.57, 3301.58, 3301.922, 3301.923, 3302.02, 3302.03, 3302.036, 3302.05, 3302.15, 3305.052, 3305.08, 3305.21, 3307.152, 3307.154, 3307.371, 3307.41, 3309.157, 3309.159, 3309.66, 3309.671, 3310.03, 3310.09, 3310.14, 3310.41, 3310.522, 3310.56, 3311.19, 3313.375, 3313.41, 3313.411, 3313.603, 3313.608, 3313.6010, 3313.612, 3313.614, 3313.615, 3313.617, 3313.674, 3313.68, 3313.72, 3313.902, 3313.975, 3313.976, 3313.981, 3314.02, 3314.03, 3314.05, 3314.06, 3314.08, 3314.091, 3314.38, 3315.08, 3317.01, 3317.013, 3317.014, 3317.016, 3317.017, 3317.02, 3317.021, 3317.022, JRK 3317.0212, 3317.0213, 3317.0217, 3317.051, 3317.06, 3317.16, 3317.161, 3317.23, 3317.231, 3317.24, 3318.02, 3318.024, 3318.054, 3318.30, 3318.40, 3319.114, 3319.22, 3319.223, 3319.303, 3319.51, 3319.61, 3323.13, 3326.10, 3326.11, 3326.32, 3326.33, 3326.50, 3327.01, 3327.02, 3328.24, 3332.10, 3333.01, 3333.011, 3333.021, 3333.03, 3333.031, 3333.032, 3333.04, 3333.041, 3333.042, 3333.043, 3333.044, 3333.045, 3333.047, 3333.048, 3333.049, 3333.0410, 3333.0411, 3333.0412, 3333.0413, 3333.05, 3333.06, 3333.07, 3333.071, 3333.08, 3333.09, 3333.10, 3333.11, 3333.12, 3333.121, 3333.122, 3333.123, 3333.124, 3333.13, 3333.14, 3333.15, 3333.16, 3333.161, 3333.162, 3333.163, 3333.164, 3333.17, 3333.171, 3333.18, 3333.19, 3333.20, 3333.21, 3333.22, 3333.23, 3333.25, 3333.26, 3333.28, 3333.29, 3333.30, 3333.31, 3333.33, 3333.34, 3333.342, 3333.35, 3333.36, 3333.37, 3333.372, 3333.373,

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Date: 6-30-15

John R. Kasich, Governor

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Date: 6-30-15

John R. Kasich, Governor

4729.80, 4729.82, 4729.84, 4729.86, 4730.14, 4730.25, 4731.07, 4731.141, 4731.15, 4731.22, 4731.222, 4731.225, 4731.24, 4731.26, 4731.281, 4731.282, 4731.293, 4731.295, 4731.296, 4731.297, 4731.299, 4731.41, 4732.10, 4735.06, 4735.13, 4735.141, 4736.12, 4741.03, 4741.11, 4741.12, 4741.17, 4741.19, 4741.22, 4741.31, 4760.02, 4760.03, 4760.031, 4760.032, 4760.04, 4760.05, 4760.06, 4760.13, 4760.131, 4760.132, 4760.15, 4760.16, 4760.18, 4762.06, 4762.13, 4763.01, 4763.07, 4774.06, 4774.13, 4778.06, 4778.14, 4905.71, 4905.81, JRK 4909.161, 4923.04, 4927.01, 4927.02, 4927.07, 4927.11, 4927.15, 4928.54, 4928.55, 4929.164, 5101.073, 5101.54, 5101.60, 5101.61, 5101.611, 5101.62, 5101.69, 5101.71, 5101.72, 5101.91, 5101.92, 5101.98, 5101.99, 5103.02, 5104.01, 5104.013, 5104.015, 5104.016, 5104.017, 5104.018, 5104.03, 5104.036, 5104.04, 5104.09, 5104.30, 5104.31, 5104.34, 5104.37, 5104.38, 5104.99, 5107.05, 5107.64, 5115.04, 5119.01, 5119.10, 5119.11, 5119.161, 5119.18, 5119.186, 5119.21, 5119.23, 5119.25, 5119.28, 5119.31, 5119.33, 5119.34, 5119.341, 5119.36, 5119.361, 5119.365, 5119.41, 5119.44, 5119.61, 5119.94, 5119.99, 5120.112, 5120.135, 5120.28, 5120.38, 5120.381, 5120.382, 5122.31, 5122.36, 5123.032, 5123.033, JRK 5123.08, 5123.16, 5123.161, 5123.162, 5123.163, 5123.164, 5123.166, 5123.167, 5123.169, 5123.19, 5123.196, 5123.198, 5123.86, 5124.101, 5124.15, 5124.33, 5124.60, 5124.61, 5124.67, 5126.042, 5126.0510, 5126.15, 5126.201, 5139.02, 5139.03, 5139.50, 5147.07, 5160.37, 5162.01, 5162.11, 5162.12, 5162.13, 5162.36, 5162.361, 5162.363, 5163.03, 5163.06, JRK JRK 5163.21, 5163.30, 5163.33, 5164.01, 5164.38, 5164.57, 5165.15, 5165.151, 5165.152, 5165.157, 5165.16,

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Date: 6-30-15

John R. Kasich, Governor

5165.17, 5165.19, 5165.192, 5165.23, 5166.01, 5166.16, 5167.03, 5168.01, 5168.06, 5168.07, 5168.10, 5168.11, 5168.23, 5168.26, 5168.40, 5168.44, 5168.45, 5168.47, 5168.48, 5168.49, 5168.53, 5168.60, 5168.63, 5168.64, 5168.67, 5301.68, 5301.69, 5501.73, 5505.068, 5505.0610, 5505.22, 5505.261, 5513.01, 5537.05, 5575.01, 5703.057, 5703.21, 5703.36, 5705.19, 5705.194, 5705.21, 5705.212, 5705.214, 5705.34, 5709.17, 5709.62, 5709.63, 5709.632, 5709.67, 5709.73, 5713.30, 5715.01, 5715.39, 5725.22, 5725.33, 5725.98, 5726.01, 5726.50, 5726.54, 5727.031, 5727.06, 5727.11, 5727.111, 5727.15, 5727.75, 5727.80, 5727.81, 5727.811, 5727.84, 5727.85, 5727.86, 5729.16, 5729.98, 5733.0610, 5733.58, 5736.01, 5736.02, 5736.50, 5739.01, 5739.02, 5739.026, 5739.029, 5739.09, 5739.101, 5739.102, 5739.103, 5739.13, 5741.01, 5741.03, 5741.12, 5741.17, 5743.02, 5743.05, 5743.32, 5747.01, 5747.02, 5747.05, 5747.055, 5747.058, 5747.08, 5747.113, 5747.21, 5747.37, 5747.50, 5747.51, 5747.53, 5747.71, 5747.98, 5751.01, 5751.02, 5751.20, 5751.21, 5751.22, 5751.50, 5902.02, 5903.12, 5904.01, 5910.08, 5919.341, 6101.16, 6109.21, 6109.30, 6111.01, 6111.02, 6111.027, 6111.03, 6111.04, 6111.044, 6111.12, 6111.30, 6111.44, 6111.99, and 6131.23; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 1511.02 (939.02), 1511.021 (939.03), 1511.022 (939.04), 1511.03 (939.06), 1511.05 (939.05), 1511.071 (939.10), 1511.10 (939.08), 1511.11 (939.09), 1515.01 (940.01), 1515.02 (940.02), 1515.03 (940.03), 1515.05 (940.04), 1515.07 (940.05), 1515.08 (940.06), 1515.081 (940.07), 1515.09 (940.08), 1515.091 (940.09), 1515.092 (940.10), 1515.093 (940.11), 1515.10 (940.12), 1515.11 (940.13), 1515.13 (940.14), 1515.14

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Date: 6-30-15

John R. Kasich, Governor

(940.15), 1515.15 (940.16), 1515.16 (940.17), 1515.17 (940.18), 1515.18 (940.19), 1515.181 (940.20), 1515.182 (940.21), 1515.183 (940.22), 1515.184 (940.23), 1515.185 (940.24), 1515.19 (940.25), 1515.191 (940.26), 1515.192 (940.27), 1515.193 (940.28), 1515.21 (940.29), 1515.211 (940.30), 1515.22 (940.31), 1515.23 (940.32), 1515.24 (940.33), 1515.28 (940.34), 1515.29 (940.35), 3333.031 (3333.012), 5123.1610 (5123.1611), and 5101.98 (5902.05); to enact new sections 124.183, 2323.44, 3109.171, 3109.172, 5123.1610, and 5165.25 and sections 5.2298, 9.318, 9.483, 101.60, 103.42, 103.44, 103.45, 103.46, 103.47, 103.48, 103.49, 103.50, 109.747, 111.31, 117.54, 118.041, 122.641, 124.29, 125.035, 125.061, 131.025, 133.083, 135.182, 135.731, 153.83, 167.041, 169.051, 173.548, 174.09, 307.679, 339.061, 340.035, 503.55, 503.56, 503.57, 505.1010, 517.073, 715.014, 743.50, 939.01, 939.07, 1503.50, 1503.51, 1503.52, 1503.53, 1503.54, 1503.55, 1509.231, JRK 1509.232, 1521.20, 1739.141, 3109.173, 3109.174, 3109.175, 3109.176, 3109.177, 3109.178, 3109.179, 3115.101, 3115.102, 3115.103, 3115.104, 3115.105, 3115.201, 3115.202, 3115.203, 3115.204, 3115.205, 3115.206, 3115.207, 3115.208, 3115.209, 3115.210, 3115.211, 3115.301, 3115.302, 3115.303, 3115.304, 3115.305, 3115.306, 3115.307, 3115.308, 3115.309, 3115.310, 3115.311, 3115.312, 3115.313, 3115.314, 3115.315, 3115.316, 3115.317, 3115.318, 3115.319, 3115.401, 3115.402, 3115.501, 3115.502, 3115.503, 3115.504, 3115.505, 3115.506, 3115.507, 3115.601, 3115.602, 3115.603, 3115.604, 3115.605, 3115.606, 3115.607, 3115.608, 3115.609, 3115.610, 3115.611, 3115.612, 3115.613, 3115.614, 3115.615, 3115.616,

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John R. Kasich, Governor

3115.701, 3115.702, 3115.703, 3115.704, 3115.705, 3115.706, 3115.707, 3115.708, 3115.709, 3115.710, 3115.711, 3115.712, 3115.713, 3115.801, 3115.802, 3115.901, 3115.902, 3115.903, 3304.171, 3305.062, 3311.191, 3311.221, 3313.413, 3313.619, 3313.6110, 3313.721, 3314.085, 3317.018, 3317.019, 3317.0215, 3317.0216, 3317.0218, 3317.26, 3318.71, 3319.113, 3319.271, 3319.323, 3319.67, 3326.101, 3326.41, 3333.165, 3333.70, 3333.92, 3335.361, 3345.311, 3345.35, 3345.38, 3345.39, 3345.46, 3345.47, 3365.034, 3365.14, 3701.139, 3701.142, 3701.602, 3701.70, 3701.701, 3701.702, 3701.703, 3701.834, 3701.95, 3702.309, 3702.3010, 3705.231, 3707.57, 3734.061, 3734.49, 3781.106, 3901.052, 3901.241, 3959.111, 4113.81, 4141.432, 4301.243, 4301.83, 4503.581, 4503.771, 4503.86, 4511.0915, 4582.56, 4730.252, 4731.071, 4731.62, 4731.74, 4760.133, 4762.133, 4765.161, 4765.361, 4774.133, 4778.141, 4923.041, 4927.10, 4927.101, 4928.541, 4928.542, 4928.543, 4928.544, 4928.581, 4928.582, 4928.583, 5101.072, 5101.612, 5101.621, 5101.622, 5101.691, 5101.692, 5103.50, 5103.51, 5103.52, 5103.53, 5103.54, 5103.55, 5104.042, 5104.29, 5120.035, 5120.037, 5123.376, 5123.621, 5124.155, 5124.68, 5124.69, 5124.70, 5160.401, 5162.365, 5163.04, 5164.78, 5164.912, 5166.161, 5166.24, 5166.32, 5166.33, 5166.40, 5166.401, 5166.402, 5166.403, 5166.404, 5166.405, 5166.406, 5166.407, 5166.408, 5166.409, 5167.04, 5167.15, 5167.16, 5167.17, 5167.32, 5167.33, 5502.132, 5703.361, 5703.85, 5705.2112, 5709.92, 5709.93, 5709.94, 5727.09, 5739.213, 5747.502, 5913.12, 5913.13, 5913.14, 6111.051, 6117.021, 6301.16, and 6301.17; to repeal

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John R. Kasich, Governor

497 of the 130th General Assembly, as subsequently amended, to amend Section 2 of Am. Sub. S.B. 1 of the 130th General Assembly, to amend Section 9 of Am. Sub. H.B. 386 of the 129th General Assembly, as subsequently amended, to amend Section 7 of Sub. H.B. 532 of the 129th General Assembly, to amend Section 5 of Am. Sub. S.B. 314 of the 129th General Assembly, to amend Section 4 of Sub. S.B. 171 of the 128th General Assembly, as subsequently amended, and to amend Section 20.15 of H.B. 215 of the 122nd General Assembly; to repeal Sections 701.10 and 701.61 of Am. Sub. H.B. 59 of the 130th General Assembly, Section 13 of Sub. H.B. 477 of the 130th General Assembly, Sections 551.10 and 733.20 of Am. Sub. H.B. 483 of the 130th General Assembly, Section 5 of Am. Sub. H.B. 486 of the 130th General Assembly, and Section 13 of Am. Sub. H.B. 487 of the 130th General Assembly; to amend section 118.023 of the Revised Code as amended by this act to terminate certain of its amendments by this act two years after their effective date; to amend the versions of sections 340.01, 340.03, 340.15, and 5119.21 of the Revised Code that are scheduled to take effect September 15, 2016, to continue the provisions of this act on and after the effective date, to amend the version of section 4501.01 of the Revised Code that is scheduled to take effect January 1, 2017, to continue the provisions of this act on and after the effective date, to make operating appropriations for the biennium beginning July 1, 2015, and ending June 30, 2017, to provide authorization and conditions for the operation of state programs, to amend section 102.01 and to repeal sections 103.61, 103.62, 103.63, 103.64, 103.65, 103.66, and 103.67 of the

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John R. Kasich, Governor

Revised Code on January 1, 2018, to terminate those laws on that date, and to provide that the amendments by this act to section 5124.67 of the Revised Code terminate on July 1, 2018, when section 5124.67 of the Revised Code is repealed on that date.

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

SECTION 101.01. That sections 1.05, 9.312, 9.333, 9.83, 9.833, 9.90, 9.901, 102.02, 102.022, 103.412, 105.41, 109.57, 109.572, 109.77, 109.79, 113.06, 113.07, 118.023, 118.04, 119.04, 119.12, 121.03, 121.04, 121.22, 121.36, 121.372, 121.40, 122.17, 122.171, 122.174, 122.175, 122.177, 122.64, 122.68, 122.85, 122.87, 122.942, 122.95, 122.951, 123.10, 123.28, 123.281, 124.11, 124.14, 124.15, 124.152, 124.181, 124.34, 124.382, 124.392, 125.02, 125.04, 125.041, 125.05, 125.07, 125.08, 125.081, 125.082, 125.10, 125.11, 125.112, 125.13, 125.27, 125.28, 125.31, 125.36, 125.38, 125.39, 125.42, 125.43, 125.45, 125.49, 125.51, 125.58, 125.601, 125.607, 125.609, 125.76, 125.901, 126.32, 128.021, 128.40, 128.54, 128.55, 128.57, 131.09, 131.15, 131.34, 131.35, 131.43, 131.44, 133.01, 133.04, 133.05, 133.07, 133.34, 135.01, 135.04, 135.14, 135.144, 135.145, 135.18, 135.181, 135.35, 135.353, 135.354, 135.37, 135.74, 140.01, 141.04, 145.114, 145.116, 145.56, 145.571, 149.04, 149.43, 153.08, 153.70, 156.01, 156.02, 156.04, 167.06, 173.47, 173.48, 173.522, 173.523, 173.543, 173.544, 173.545, 174.02, 187.03, 191.04, 191.06, 305.31, 306.35, 319.63, 321.24, 323.13, 325.03, 325.04, 325.06, 325.08, 325.09, 325.10, 325.11, 325.14, 325.15, 339.06, 340.03, 340.034, 340.04, 340.05, 340.07, 340.12, 340.15, 341.34, 343.01, 349.01, 349.03, 349.04, 349.06, 349.07, 349.14, 355.02, 355.03, 355.04, 505.101, 505.24, 505.701, 505.86, 507.09, 507.11, 517.07, 517.15, 717.01, 718.01, 718.04, 718.05, 718.07, 718.37, 731.59, 737.41, 742.114, 742.116, 742.462, 742.47, 759.36, 901.08, 901.21, 901.22, 902.01, 903.01, 903.03, 903.07, 903.082, 903.09, 903.10, 903.11, 903.12, 903.13, 903.16, 903.17, 903.25, 905.31, 905.323, 918.41, 931.01, 931.02, 941.14, 953.22, 955.12, 955.121, 955.14, 955.15, 955.20, 955.27, 991.03, 1306.20, 1309.528, 1332.25, 1347.08, 1349.04, 1501.01, 1501.011, 1501.022, 1501.04, 1503.99, 1505.10, 1506.01, 1509.01, 1509.06, 1509.11, 1509.23, 1509.27, 1509.28, 1509.33, 1511.02, 1511.021, 1511.022, 1511.03, 1511.05, 1511.071, 1511.10, 1511.11, 1513.07, 1513.16, 1514.06, 1514.08, 1514.13, 1514.40, 1514.42, 1514.47, 1515.01, 1515.02, 1515.05, 1515.07,

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John R. Kasich, Governor

1515.08, 1515.081, 1515.09, 1515.091, 1515.092, 1515.093, 1515.10, 1515.11, 1515.13, 1515.14, 1515.16, 1515.17, 1515.18, 1515.183, 1515.19, 1515.191, 1515.21, 1515.211, 1515.22, 1515.23, 1515.24, 1515.28, 1515.29, 1521.03, 1521.031, 1521.04, 1521.05, 1521.06, 1521.061, 1521.062, 1521.063, 1521.064, 1521.07, 1521.10, 1521.11, 1521.12, 1521.13, 1521.14, 1521.15, 1521.16, 1521.18, 1521.19, 1522.03, 1522.05, 1522.11, 1522.12, 1522.13, 1522.131, 1522.15, 1522.16, 1522.17, 1522.18, 1522.20, 1522.21, 1523.01, 1523.02, 1523.03, 1523.04, 1523.05, 1523.06, 1523.07, 1523.08, 1523.09, 1523.10, 1523.11, 1523.12, 1523.13, 1523.14, 1523.15, 1523.16, 1523.17, 1523.18, 1523.19, 1523.20, 1531.35, 1548.11, 1561.04, 1707.01, 1707.14, 1711.15, 1711.16, 1713.02, 1713.03, 1713.031, 1713.04, 1713.05, 1713.06, 1713.09, 1713.25, 1724.04, 1739.02, 1739.03, 1739.05, 1739.07, 1739.12, 1739.13, 1739.20, 1739.21, 1751.18, 1751.65, 1776.82, 2106.19, 2109.301, 2113.35, 2151.011, 2151.3514, 2151.421, 2301.03, 2305.231, 2919.21, 2923.129, 2925.03, 2929.13, 2929.18, 2929.20, 2935.33, 2951.041, 2953.25, 2967.14, 2967.193, 2969.14, 2981.12, 2981.13, 3105.171, 3109.13, 3109.14, 3109.16, 3109.17, 3119.27, 3121.03, 3301.078, 3301.0711, 3301.0712, 3301.52, 3301.53, 3301.541, 3301.55, 3301.56, 3301.57, 3301.58, 3301.922, 3301.923, 3302.02, 3302.03, 3302.036, 3302.05, 3302.15, 3305.052, 3305.08, 3305.21, 3307.152, 3307.154, 3307.371, 3307.41, 3309.157, 3309.159, 3309.66, 3309.671, 3310.03, 3310.09, 3310.14, 3310.41, 3310.522, 3310.56, 3311.19, 3313.375, 3313.41, 3313.411, 3313.603, 3313.608, 3313.6010, 3313.612, 3313.614, 3313.615, 3313.617, 3313.674, 3313.68, 3313.72, 3313.902, 3313.975, 3313.976, 3313.981, 3314.02, 3314.03, 3314.05, 3314.06, 3314.08, 3314.091, 3314.38, 3315.08, 3317.01, 3317.013, 3317.014, 3317.016, 3317.017, 3317.02, JRK 3317.021, 3317.022, 3317.0212, 3317.0213, 3317.0217, 3317.051, 3317.06, 3317.16, 3317.161, 3317.23, 3317.231, 3317.24, 3318.02, 3318.024, 3318.054, 3318.30, 3318.40, 3319.114, 3319.22, 3319.223, 3319.303, 3319.51, 3319.61, 3323.13, 3326.10, 3326.11, 3326.32, 3326.33, 3326.50, 3327.01, 3327.02, 3328.24, 3332.10, 3333.01, 3333.011, 3333.021, 3333.03, 3333.031, 3333.032, 3333.04, 3333.041, 3333.042, 3333.043, 3333.044, 3333.045, 3333.047, 3333.048, 3333.049, 3333.0410, 3333.0411, 3333.0412, 3333.0413, 3333.05, 3333.06, 3333.07, 3333.071, 3333.08, 3333.09, 3333.10, 3333.11, 3333.12, 3333.121, 3333.122, 3333.123, 3333.124, 3333.13, 3333.14, 3333.15, 3333.16, 3333.161, 3333.162, 3333.163, 3333.164, 3333.17, 3333.171, 3333.18, 3333.19, 3333.20, 3333.21, 3333.22, 3333.23, 3333.25, 3333.26, 3333.28, 3333.29, 3333.30, 3333.31, 3333.33, 3333.34, 3333.342, 3333.35, 3333.36, 3333.37, 3333.372,

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John R. Kasich, Governor

3333.373, 3333.374, 3333.375, 3333.39, 3333.391, 3333.392, 3333.43, 3333.44, 3333.50, 3333.55, 3333.58, 3333.59, 3333.61, 3333.611, 3333.612, 3333.613, 3333.62, 3333.63, 3333.64, 3333.65, 3333.66, 3333.67, 3333.68, 3333.69, 3333.71, 3333.72, 3333.73, 3333.731, 3333.74, 3333.75, 3333.76, 3333.77, 3333.78, 3333.79, 3333.82, 3333.83, 3333.84, 3333.86, 3333.87, 3333.90, 3333.91, 3334.08, 3335.02, 3335.09, 3337.10, 3345.022, 3345.05, 3345.06, 3345.061, 3345.32, 3345.421, 3345.45, 3345.48, 3345.50, 3345.51, 3345.54, 3345.692, 3345.70, 3345.72, 3345.73, 3345.74, 3345.75, 3345.76, 3345.81, 3345.86, 3354.01, 3365.02, 3365.07, 3365.15, 3501.01, 3501.12, 3501.17, 3599.03, 3701.023, 3701.045, 3701.344, 3701.501, 3701.60, 3701.65, 3702.304, 3702.74, 3702.91, 3704.05, 3704.14, 3705.08, 3709.03, 3709.05, 3709.07, 3709.41, 3714.051, 3714.07, 3714.073, 3714.08, 3714.09, 3718.03, 3734.01, 3734.02, 3734.021, 3734.029, 3734.07, 3734.50, 3734.551, 3734.57, 3734.822, 3734.901, 3736.03, 3736.05, 3736.06, 3737.17, 3737.84, 3743.07, 3743.20, 3743.44, 3743.45, 3743.63, 3743.65, 3743.75, 3745.015, 3745.11, 3745.70, 3750.081, 3750.13, 3769.03, 3769.08, 3769.083, 3769.087, 3769.089, 3769.101, 3770.01, 3770.03, 3770.05, JRK 3770.07, 3772.02, 3772.03, 3772.99, 3773.33, 3773.41, 3773.42, 3781.10, 3794.07, 3901.491, 3903.81, 3905.33, 3905.481, 3929.86, 3959.01, 3959.12, 4115.03, 4117.01, 4117.10, 4121.03, 4121.121, 4123.322, 4301.12, 4301.43, 4301.61, 4301.639, 4303.181, 4303.182, 4303.184, 4501.21, 4503.181, 4503.535, 4503.77, 4503.78, 4505.06, 4507.21, 4511.191, 4513.611, JRK 4513.67, 4519.10, 4707.02, 4715.18, 4723.06, 4723.08, 4723.482, 4723.50, 4723.88, 4725.40, 4725.411, 4725.51, 4729.51, 4729.53, 4729.541, 4729.56, 4729.80, 4729.82, 4729.84, 4729.86, 4730.14, 4730.25, 4731.07, 4731.141, 4731.15, 4731.22, 4731.222, 4731.225, 4731.24, 4731.26, 4731.281, 4731.282, 4731.293, 4731.295, 4731.296, 4731.297, 4731.299, 4731.41, 4732.10, 4735.06, 4735.13, 4735.141, 4736.12, 4741.03, 4741.11, 4741.12, 4741.17, 4741.19, 4741.22, 4741.31, 4760.02, 4760.03, 4760.031, 4760.032, 4760.04, 4760.05, 4760.06, 4760.13, 4760.131, 4760.132, 4760.15, 4760.16, 4760.18, 4762.06, 4762.13, 4763.01, 4763.07, 4774.06, 4774.13, 4778.06, 4778.14, 4905.71, 4905.81, 4909.161, 4923.04, 4927.01, 4927.02, 4927.07, JRK 4927.11, 4927.15, 4928.54, 4928.55, 4929.164, 5101.073, 5101.54, 5101.60, 5101.61, 5101.611, 5101.62, 5101.69, 5101.71, 5101.72, 5101.91, 5101.92, 5101.98, 5101.99, 5103.02, 5104.01, 5104.013, 5104.015, 5104.016, 5104.017, 5104.018, 5104.03, 5104.036, 5104.04, 5104.09, 5104.30, 5104.31, 5104.34, 5104.37, 5104.38, 5104.99, 5107.05, 5107.64, 5115.04, 5119.01, 5119.10, 5119.11, 5119.161, 5119.18, 5119.186, 5119.21, 5119.23, 5119.25, 5119.28, 5119.31, 5119.33, 5119.34, 5119.341, 5119.36, 5119.361,

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John R. Kasich, Governor

5119.365, 5119.41, 5119.44, 5119.61, 5119.94, 5119.99, 5120.112, 5120.135, 5120.28, 5120.38, 5120.381, 5120.382, 5122.31, 5122.36, 5123.032, 5123.033, 5123.08, 5123.16, 5123.161, 5123.162, 5123.163, 5123.164, 5123.166, 5123.167, 5123.169, 5123.19, 5123.196, 5123.198, 5123.86, 5124.101, 5124.15, 5124.33, 5124.60, 5124.61, 5124.67, 5126.042, 5126.0510, 5126.15, 5126.201, 5139.02, 5139.03, 5139.50, 5147.07, 5160.37, 5162.01, 5162.11, 5162.12, 5162.13, 5162.36, 5162.361, 5162.363, 5163.03, 5163.06, 5163.21, 5163.30, 5163.33, 5164.01, 5164.38, 5164.57, 5165.15, 5165.151, 5165.152, 5165.157, 5165.16, 5165.17, 5165.19, 5165.192, 5165.23, 5166.01, 5166.16, 5167.03, 5168.01, 5168.06, 5168.07, 5168.10, 5168.11, 5168.23, 5168.26, 5168.40, 5168.44, 5168.45, 5168.47, 5168.48, 5168.49, 5168.53, 5168.60, 5168.63, 5168.64, 5168.67, 5301.68, 5301.69, 5501.73, 5505.068, 5505.0610, 5505.22, 5505.261, 5513.01, 5537.05, 5575.01, 5703.057, 5703.21, 5703.36, 5705.19, 5705.194, 5705.21, 5705.212, 5705.214, 5705.34, 5709.17, 5709.62, 5709.63, 5709.632, 5709.67, 5709.73, 5713.30, 5715.01, 5715.39, 5725.22, 5725.33, 5725.98, 5726.01, 5726.50, 5126.54, 5727.031, 5727.06, 5727.11, 5727.111, 5727.15, 5727.75, 5727.80, 5727.81, 5727.811, 5727.84, 5727.85, 5727.86, 5729.16, 5729.98, 5733.0610, 5733.58, 5736.01, 5736.02, 5736.50, 5739.01, 5739.02, 5739.026, 5739.029, 5739.09, 5739.101, 5739.102, 5739.103, 5739.13, 5741.01, 5741.03, 5741.12, 5741.17, 5743.02, 5743.05, 5743.32, 5747.01, 5747.02, 5747.05, 5747.055, 5747.058, 5747.08, 5747.113, 5747.21, 5747.37, 5747.50, 5747.51, 5747.53, 5747.71, 5747.98, 5751.01, 5751.02, 5751.20, 5751.21, 5751.22, 5751.50, 5902.02, 5903.12, 5904.01, 5910.08, 5919.341, 6101.16, 6109.21, 6109.30, 6111.01, 6111.02, 6111.027, 6111.03, 6111.04, 6111.044, 6111.12, 6111.30, 6111.44, 6111.99, and 6131.23 be amended; sections 1511.02 (939.02), 1511.021 (939.03), 1511.022 (939.04), 1511.03 (939.06), 1511.05 (939.05), 1511.071 (939.10), 1511.10 (939.08), 1511.11 (939.09), 1515.01 (940.01), 1515.02 (940.02), 1515.03 (940.03), 1515.05 (940.04), 1515.07 (940.05), 1515.08 (940.06), 1515.081 (940.07), 1515.09 (940.08), 1515.091 (940.09), 1515.092 (940.10), 1515.093 (940.11), 1515.10 (940.12), 1515.11 (940.13), 1515.13 (940.14), 1515.14 (940.15), 1515.15 (940.16), 1515.16 (940.17), 1515.17 (940.18), 1515.18 (940.19), 1515.181 (940.20), 1515.182 (940.21), 1515.183 (940.22), 1515.184 (940.23), 1515.185 (940.24), 1515.19 (940.25), 1515.191 (940.26), 1515.192 (940.27), 1515.193 (940.28), 1515.21 (940.29), 1515.211 (940.30), 1515.22 (940.31), 1515.23 (940.32), 1515.24 (940.33), 1515.28 (940.34), 1515.29 (940.35), 3333.031 (3333.012), 5123.1610 (5123.1611), and 5101.98 (5902.05) be amended for the purpose of adopting

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John R. Kasich, Governor

new section numbers as indicated in parentheses; new sections 124.183, 2323.44, 3109.171, 3109.172, 5123.1610, and 5165.25 and sections 5.2298, 9.318, 9.483, 101.60, 103.42, 103.44, 103.45, 103.46, 103.47, 103.48, 103.49, 103.50, 109.747, 111.31, 117.54, 118.041, 122.641, 124.29, 125.035, 125.061, 131.025, 133.083, 135.182, 135.731, 153.83, 167.041, 169.051, 173.548, 174.09, 307.679, 339.061, 340.035, 503.55, 503.56, 503.57, 505.1010, 517.073, 715.014, 743.50, 939.01, 939.07, 1503.50, 1503.51, 1503.52, 1503.53, 1503.54, 1503.55, 1509.231, 1509.232, 1521.20, JRK 1739.141, 3109.173, 3109.174, 3109.175, 3109.176, 3109.177, 3109.178, 3109.179, 3115.101, 3115.102, 3115.103, 3115.104, 3115.105, 3115.201, 3115.202, 3115.203, 3115.204, 3115.205, 3115.206, 3115.207, 3115.208, 3115.209, 3115.210, 3115.211, 3115.301, 3115.302, 3115.303, 3115.304, 3115.305, 3115.306, 3115.307, 3115.308, 3115.309, 3115.310, 3115.311, 3115.312, 3115.313, 3115.314, 3115.315, 3115.316, 3115.317, 3115.318, 3115.319, 3115.401, 3115.402, 3115.501, 3115.502, 3115.503, 3115.504, 3115.505, 3115.506, 3115.507, 3115.601, 3115.602, 3115.603, 3115.604, 3115.605, 3115.606, 3115.607, 3115.608, 3115.609, 3115.610, 3115.611, 3115.612, 3115.613, 3115.614, 3115.615, 3115.616, 3115.701, 3115.702, 3115.703, 3115.704, 3115.705, 3115.706, 3115.707, 3115.708, 3115.709, 3115.710, 3115.711, 3115.712, 3115.713, 3115.801, 3115.802, 3115.901, 3115.902, 3115.903, 3304.171, 3305.062, 3311.191, 3311.221, 3313.413, 3313.619, 3313.6110, 3313.721, 3314.085, 3317.018, 3317.019, 3317.0215, 3317.0216, 3317.0218, 3317.26, 3318.71, 3319.113, 3319.271, 3319.323, JRK 3319.67, 3326.101, 3326.41, 3333.165, 3333.70, 3333.92, 3335.361, 3345.311, 3345.35, 3345.38, 3345.39, 3345.46, 3345.47, 3365.034, 3365.14, JRK 3701.139, JRK 3701.142, 3701.602, 3701.70, 3701.701, 3701.702, 3701.703, 3701.834, 3701.95, 3702.309, 3702.3010, 3705.231, 3707.57, 3734.061, 3734.49, 3781.106, 3901.052, 3901.241, 3959.111, 4113.81, 4141.432, 4301.243, 4301.83, 4503.581, 4503.771, 4503.86, 4511.0915, 4582.56, 4730.252, 4731.071, 4731.62, 4731.74, JRK 4760.133, 4762.133, 4765.161, 4765.361, 4774.133, 4778.141, 4923.041, 4927.10, 4927.101, 4928.541, 4928.542, 4928.543, 4928.544, 4928.581, 4928.582, 4928.583, 5101.072, 5101.612, 5101.621, 5101.622, 5101.691, 5101.692, 5103.50, 5103.51, 5103.52, 5103.53, 5103.54, 5103.55, 5104.042, 5104.29, 5120.035, 5120.037, 5123.376, 5123.621, 5124.155, 5124.68, 5124.69, 5124.70, 5160.401, 5162.365, 5163.04, 5164.78, 5164.912, 5166.161, 5166.24, JRK 5166.32, 5166.33, JRK 5166.40, 5166.401, 5166.402, 5166.403, 5166.404, 5166.405, 5166.406, 5166.407, 5166.408, 5166.409, 5167.04, 5167.15, JRK 5167.16, 5167.17, 5167.32, 5167.33, 5502.132, 5703.361, 5703.85, JRK

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5705.2112, 5709.92, 5709.93, 5709.94, 5727.09, 5739.213, 5747.502, 5913.12, 5913.13, 5913.14, 6111.051, 6117.021, 6301.16, and 6301.17 of the Revised Code be enacted to read as follows: JKK

Sec. 1.05. (A) As used in the Revised Code, unless the context otherwise requires, "imprisoned" or "imprisonment" means being imprisoned under a sentence imposed for an offense or serving a term of imprisonment, prison term, jail term, term of local incarceration, or other term under a sentence imposed for an offense in an institution under the control of the department of rehabilitation and correction, a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, a minimum security jail, a community-based correctional facility, ~~a halfway house, an alternative residential facility,~~ or another facility described or referred to in section 2929.34 of the Revised Code for the type of criminal offense and under the circumstances specified or referred to in that section.

(B) As used in division (A) of this section, "community-based correctional facility~~,~~" ~~"halfway house," and "alternative residential facility" have~~ has the same ~~meanings~~ meaning as in section 2929.01 of the Revised Code.

Sec. 5.2298. The month of April is designated as "Eastern European Month." The people of Ohio are called upon to observe this month with appropriate educational opportunities, ceremonies, and activities.

Sec. 9.312. (A) If a state agency or political subdivision is required by law or by an ordinance or resolution adopted under division (C) of this section to award a contract to the lowest responsive and responsible bidder, a bidder on the contract shall be considered responsive if the bidder's proposal responds to bid specifications in all material respects and contains no irregularities or deviations from the specifications which would affect the amount of the bid or otherwise give the bidder a competitive advantage. The factors that the state agency or political subdivision shall consider in determining whether a bidder on the contract is responsible include the experience of the bidder, the bidder's financial condition, conduct and performance on previous contracts, facilities, management skills, and ability to execute the contract properly.

For purposes of this division, the provision of a bid guaranty in accordance with divisions (A)(1) and (B) of section 153.54 of the Revised Code issued by a surety licensed to do business in this state is evidence of financial responsibility, but a state agency or political subdivision may request additional financial information for review from an apparent low

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a meeting that the commission conducts as an executive session that pertains to the applicant's, recipient's, or former recipient's application for financial assistance.

(3) A veterans service commission shall votc on the grant or denial of financial assistance under sections 5901.01 to 5901.15 of the Revised Code only in an open meeting of the commission. The minutes of the meeting shall indicate the name, address, and occupation of the applicant, whether the assistance was granted or denied, the amount of the assistance if assistance is granted, and the votes for and against the granting of assistance.

Sec. 121.36. (A) As used in this section, "home care dependent adult" means an individual who resides in a private home or other noninstitutional and unlicensed living arrangement, without the presence of a parent or guardian, but has health and safety needs that require the provision of regularly scheduled home care services to remain in the home or other living arrangement because one of the following is the case:

(1) The individual is at least twenty-onc years of age but less than sixty years of age and has a physical disability or mental impairment.

(2) The individual is sixty years of age or older, regardless of whether the individual has a physical disability or mental impairment.

(B) Except as provided in division (D) of this section, the departments of developmental disabilities, aging, job and family services, medicaid, and health shall each implement this section with respect to all contracts entered into by the department for the provision of home care services to home care dependent adults that are paid for in whole or in part with federal, state, or local funds. Except as provided in division (D) of this section, each department shall also require all public and private entities that receive money from or through the department to comply with this section when entering into contracts for the provision of home care services to home care dependent adults that are paid for in whole or in part with federal, state, or local funds. Such entities may include county boards of developmental disabilities, area agencies on aging, county departments of job and family services, and boards of health of city and general health districts.

(C) ~~Beginning one year after September 26, 2003, each~~ Each contract subject to this section shall include terms requiring that the provider of home care services to home care dependent adults have a system in place that effectively monitors the delivery of the services by its employees. To be considered an effective monitoring system for purposes of the contract, the system established by a provider must include at least the following components:

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(1) When providing home care services to home care dependent adults who have a mental impairment or life-threatening health condition, a mechanism to verify whether the provider's employees are present at the location where the services are to be provided and at the time the services are to be provided;

(2) When providing home care services to all other home care dependent adults, a system to verify at the end of each working day whether the provider's employees have provided the services at the proper location and time;

(3) A protocol to be followed in scheduling a substitute employee when the monitoring system identifies that an employee has failed to provide home care services at the proper location and time, including standards for determining the length of time that may elapse without jeopardizing the health and safety of the home care dependent adult;

(4) Procedures for maintaining records of the information obtained through the monitoring system;

(5) Procedures for compiling annual reports of the information obtained through the monitoring system, including statistics on the rate at which home care services were provided at the proper location and time;

(6) Procedures for conducting random checks of the accuracy of the monitoring system. For purposes of conducting these checks, a random check is considered to be a check of not more than five per cent of the home care visits the provider's employees make to different home care dependent adults within a particular work shift.

(D) In implementing this section, the departments shall exempt providers of home care services who are self-employed providers with no other employees or are otherwise considered by the departments not to be agency providers. ~~The~~ At times selected by the departments, the departments shall conduct a study on how the exempted providers may be made subject to the requirement of effectively monitoring whether home care services are being provided and have been provided at the proper location and time. ~~Not later than two years after September 26, 2003, the~~ The departments shall prepare a report of their findings and recommendations. The report shall be submitted to the president of the senate and the speaker of the house of representatives.

(E) The departments of developmental disabilities, aging, job and family services, medicaid, and health shall each adopt rules as necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

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Sec. 121.372. (A) As used in this section, "substitute care provider"

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ongoing service provided to a state agency by another state agency for which an estimated payment is made in advance and final payment due is determined based on actual use.

Sec. 131.35. (A) With respect to the federal funds received into any fund of the state from which transfers may be made under division (D) of section 127.14 of the Revised Code:

(1) No state agency may make expenditures of any federal funds, whether such funds are advanced prior to expenditure or as reimbursement, unless such expenditures are made pursuant to specific appropriations of the general assembly, are authorized by the controlling board pursuant to division (A)(5) of this section, or are authorized by an executive order issued in accordance with section 107.17 of the Revised Code, and until an allotment has been approved by the director of budget and management. All federal funds received by a state agency shall be reported to the director within fifteen days of the receipt of such funds or the notification of award, whichever occurs first. The director shall prescribe the forms and procedures to be used when reporting the receipt of federal funds.

(2) If the federal funds received are greater than the amount of such funds appropriated by the general assembly for a specific purpose, the total appropriation of federal and state funds for such purpose shall remain at the amount designated by the general assembly, except that the expenditure of federal funds received in excess of such specific appropriation may be authorized by the controlling board, subject to division (D) of this section.

(3) To the extent that the expenditure of excess federal funds is authorized, the controlling board may transfer a like amount of general revenue fund appropriation authority from the affected agency to the emergency purposes appropriation of the controlling board, if such action is permitted under federal regulations.

JRK

(4) Additional funds may be created by the controlling board to receive revenues not anticipated in an appropriations act for the biennium in which such new revenues are received. ~~Expenditures~~ Subject to division (D) of this section, expenditures from such additional funds may be authorized by the controlling board, but such authorization shall not extend beyond the end of the biennium in which such funds are created.

(5) Controlling board authorization for a state agency to make an expenditure of federal funds constitutes authority for the agency to participate in the federal program providing the funds, and the agency is not required to obtain an executive order under section 107.17 of the Revised Code to participate in the federal program.

(B) With respect to nonfederal funds received into the waterways safety

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fund, the wildlife fund, and any fund of the state from which transfers may be made under division (D) of section 127.14 of the Revised Code:

(1) No state agency may make expenditures of any such funds unless the expenditures are made pursuant to specific appropriations of the general assembly.

(2) If the receipts received into any fund are greater than the amount appropriated, the appropriation for that fund shall remain at the amount designated by the general assembly or, subject to division (D) of this section, as increased and approved by the controlling board.

(3) Additional funds may be created by the controlling board to receive revenues not anticipated in an appropriations act for the biennium in which such new revenues are received. ~~Expenditures~~ Subject to division (D) of this section, expenditures from such additional funds may be authorized by the controlling board, but such authorization shall not extend beyond the end of the biennium in which such funds are created.

(C) The controlling board shall not authorize more than ten per cent of additional spending from the occupational licensing and regulatory fund, created in section 4743.05 of the Revised Code, in excess of any appropriation made by the general assembly to a licensing agency except an appropriation for costs related to the examination or reexamination of applicants for a license. As used in this division, "licensing agency" and "license" have the same meanings as in section 4745.01 of the Revised Code.

(D)(1) The amount of any expenditure authorized under division (A)(2) or (4) or (B)(2) or (3) of this section for a specific or related purpose or item in any fiscal year shall not exceed ten per cent of the amount appropriated by the general assembly for that specific or related purpose or item for that fiscal year, or ten million dollars, whichever amount is less.

(2) The controlling board may not create any additional funds under division (A)(4) or (B)(3) of this section if the revenue received that was not anticipated in an appropriation act exceeds ten million dollars.

JRK

Sec. 131.43. There is hereby created in the state treasury the budget stabilization fund. It is the intent of the general assembly to maintain an amount of money in the budget stabilization fund that amounts to approximately ~~five~~ eight and one-half per cent of the general revenue fund revenues for the preceding fiscal year. The governor shall include in the state budget ~~he~~ the governor submits to the general assembly under section 107.03 of the Revised Code proposals for transfers between the general revenue fund and the budget stabilization fund for the ensuing fiscal biennium. The balance in the fund may be combined with the balance in the

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received each year in excess of fifty million dollars into the state general revenue fund.

(C) The county auditor shall deposit the administrative fee that the auditor is permitted to retain pursuant to division (A) of this section into the county general fund for the county recorder to use in administering the trust fund fee.

Sec. 321.24. (A) On or before the fifteenth day of February, in each year, the county treasurer shall settle with the county auditor for all taxes and assessments that the treasurer has collected on the general duplicate of real and public utility property at the time of making the settlement. If the county treasurer has made or will make advance payments to the several taxing districts of current year unpaid taxes under section 321.341 of the Revised Code before collecting them, the county treasurer shall take the advance payments into account for purposes of the settlement with the county auditor under this division.

(B) On or before the thirtieth day of June, in each year, the treasurer shall settle with the auditor for all advance payments of general personal and classified property taxes that the treasurer has received at the time of making the settlement.

(C) On or before the tenth day of August, in each year, the treasurer shall settle with the auditor for all taxes and assessments that the treasurer has collected on the general duplicates of real and public utility property at the time of making such settlement, not included in the preceding February settlement. If the county treasurer has made or will make advance payments to the several taxing districts of the current year delinquent taxes under section 321.341 of the Revised Code before collecting them, the county treasurer shall take the advance payments into account for purposes of the settlement with the county auditor under this division.

JRK

(D) On or before the thirty-first day of October, in each year, the treasurer shall settle with the auditor for all taxes that the treasurer has collected on the general personal and classified property duplicates, and for all advance payments of general personal and classified property taxes, not included in the preceding June settlement, that the treasurer has received at the time of making such settlement.

(E) In the event the time for the payment of taxes is extended, pursuant to section 323.17 of the Revised Code, the date on or before which settlement for the taxes so extended must be made, as herein prescribed, shall be deemed to be extended for a like period of time. At each such settlement, the auditor shall allow to the treasurer, on the moneys received or collected and accounted for by the treasurer, the treasurer's fees, at the

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rate or percentage allowed by law, at a full settlement of the treasurer.

(F) Within thirty days after the day of each settlement of taxes required under divisions (A) and (C) of this section, the treasurer shall certify to the tax commissioner any adjustments that have been made to the amount certified previously pursuant to section 319.302 of the Revised Code and that the settlement has been completed. Upon receipt of such certification, the commissioner shall provide for payment to the county treasurer from the general revenue fund of an amount equal to one-half of the amount certified by the treasurer in the preceding tax year under section 319.302 of the Revised Code, less one-half of the amount computed for all taxing districts in that county for the current fiscal year under section 5703.80 of the Revised Code for crediting to the property tax administration fund. Such payment shall be credited upon receipt to the county's undivided income tax fund, and the county auditor shall transfer to the county general fund from the amount thereof the total amount of all fees and charges which the auditor and treasurer would have been authorized to receive had such section not been in effect and that amount had been levied and collected as taxes. The county auditor shall distribute the amount remaining among the various taxing districts in the county as if it had been levied, collected, and settled as real property taxes. The amount distributed to each taxing district shall be reduced by the total of the amounts computed for the district under section 5703.80 of the Revised Code, but the reduction shall not exceed the amount that otherwise would be distributed to the taxing district under this division. The tax commissioner shall make available to taxing districts such information as is sufficient for a taxing district to be able to determine the amount of the reduction in its distribution under this section.

JRK

(G)(1) Within thirty days after the day of the settlement required in division (D) of this section, the county treasurer shall notify the tax commissioner that the settlement has been completed. Upon receipt of that notification, the commissioner shall provide for payment to the county treasurer from the general revenue fund of an amount equal to the amount certified under former section 319.311 of the Revised Code and paid in the state's fiscal year 2003 multiplied by the percentage specified in division (G)(2) of this section. The payment shall be credited upon receipt to the county's undivided income tax fund, and the county auditor shall distribute the amount thereof among the various taxing districts of the county as if it had been levied, collected, and settled as personal property taxes. The amount received by a taxing district under this division shall be apportioned among its funds in the same proportion as the current year's personal property taxes are apportioned.

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(2) Payments required under division (G)(1) of this section shall be made at the following percentages of the amount certified under former section 319.311 of the Revised Code and paid under division (G)(1) of this section in the state's fiscal year 2003:

(a) In fiscal year 2004, ninety per cent;

(b) In fiscal year 2005, eighty per cent;

(c) In fiscal year 2006, sixty-four per cent;

(d) In fiscal year 2007, forty per cent;

(e) In fiscal year 2008, thirty-two per cent;

(f) In fiscal year 2009, sixteen per cent.

After fiscal year 2009, no payments shall be made under division (G)(1) of this section.

(H)(1) On or before the fifteenth day of April each year, the county treasurer shall settle with the county auditor for all manufactured home taxes that the county treasurer has collected on the manufactured home tax duplicate at the time of making the settlement.

(2) On or before the fifteenth day of September each year, the county treasurer shall settle with the county auditor for all remaining manufactured home taxes that the county treasurer has collected on the manufactured home tax duplicate at the time of making the settlement.

(3) If the time for payment of such taxes is extended under section 4503.06 of the Revised Code, the time for making the settlement as prescribed by divisions (H)(1) and (2) of this section is extended for a like period of time.

(I) On or before the second Monday in September of each year, the county treasurer shall certify to the tax commissioner the total amount by which the manufactured home taxes levied in that year were reduced pursuant to section 319.302 of the Revised Code. Within ninety days after the receipt of such certification, the commissioner shall provide for payment to the county treasurer from the general revenue fund of an amount equal to the amount certified by the treasurer. Such payment shall be credited upon receipt to the county's undivided income tax fund, and the county auditor shall transfer to the county general fund from the amount thereof the total amount of all fees and charges that the auditor and treasurer would have been authorized to receive had such section not been in effect and that amount had been levied and collected as manufactured home taxes. The county auditor shall distribute the amount remaining among the various taxing districts in the county as if it had been levied, collected, and settled as manufactured home taxes.

(J) On the same date as each settlement of taxes under divisions (A) and

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(C) of this section, and notwithstanding any other provision of this section, the county treasurer shall provide for payment to the treasurer of state, from the county undivided general tax fund, of an amount equal to the amount of the taxes the treasurer has collected with respect to the tangible personal property of electric companies and energy companies, as those terms are defined in section 5727.01 of the Revised Code, multiplied by a fraction, the numerator of which is the difference between the percentage determined for that tax year under division (B)(3) of section 5727.09 of the Revised Code and eighty-five per cent, and the denominator of which is the percentage determined for that tax year under that division. The treasurer of state shall place all money transferred pursuant to this division to the credit of the production equipment property tax replacement fund, which is hereby created in the state treasury.

JRK

Sec. 323.13. Except as provided in section 323.134 of the Revised Code, immediately upon receipt of any tax duplicate from the county auditor, but not less than twenty days prior to the last date on which the first one-half taxes may be paid without penalty as prescribed in section 323.12 or 323.17 of the Revised Code, the county treasurer shall cause to be prepared and mailed or delivered to each person charged on such duplicate with taxes or to an agent designated by such person, the tax bill prescribed by the commissioner of tax equalization under section 323.131 of the Revised Code. When taxes are paid by installments, the county treasurer shall mail or deliver to each person charged on such duplicate or the agent designated by such person, a second tax bill showing the amount due at the time of the second tax collection. The second-half tax bill shall be mailed or delivered at least twenty days prior to the close of the second-half tax collection period. The treasurer shall maintain a record of the person or agent to whom each bill is mailed or delivered.

After delivery of the delinquent land duplicate as prescribed in section 5721.011 of the Revised Code, the county treasurer may prepare and mail to each person in whose name property therein is listed an additional tax bill showing the total amount of delinquent taxes appearing on such duplicate against such property. The tax bill shall include a notice that the interest charge prescribed by division (B) of section 323.121 of the Revised Code has begun to accrue.

A change in the mailing address of any tax bill shall be made in writing to the county treasurer.

Upon certification by the county auditor of the apportionment of taxes following the transfer of a part of a tract or lot of real estate, and upon request by the owner of any transferred or remaining part of such tract or

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(3) Ensure that the information submitted for the database includes the information required to be reported under section 3750.08 of the Revised Code and rules adopted under section 3750.02 of the Revised Code.

(C) As used in this section, "emergency planning district," "facility," and "fire department" have the same meanings as in section 3750.01 of the Revised Code.

Sec. 1509.232. (A) An owner, a person to whom an order is issued under this chapter or rules adopted under it, a person to whom a registration certificate is issued under section 1509.222 of the Revised Code, or a person engaged in an activity pursuant to section 1509.226 of the Revised Code shall notify the division of oil and gas resources management by means of a toll free telephone number designated by the chief of the division of oil and gas resources management or by electronic means designated by the chief within thirty minutes after becoming aware of the occurrence of any of the following unless notification within that time is impracticable under the circumstances:

(1) An uncontrolled or unplanned release of gas associated with a production operation or other activity regulated under this chapter or rules adopted under it in an amount determined, in good faith, to equal or exceed one hundred MCF as defined in section 5727.80 of the Revised Code;

JRK

(2) A release of oil outside a containment area associated with a production operation or other activity regulated under this chapter or rules adopted under it if the release is in an amount determined, in good faith, to exceed two hundred ten United States gallons or as specified by rule adopted by the chief in accordance with Chapter 119. of the Revised Code;

(3) A release of brine, drill cuttings, or other drilling wastes regulated under this chapter or rules adopted under it outside the boundary of a site or facility regulated under this chapter or rules adopted under it;

(4) A release of hydrogen sulfide associated with a production operation or other activity regulated under this chapter or rules adopted under it in an amount determined, in good faith, to exceed twenty parts per million;

(5) A discharge or spill of a liquid, solid, or semisolid substance or material associated with a production operation or other activity regulated under this chapter or rules adopted under it in an amount determined, in good faith, to exceed a reportable quantity as defined in rules adopted under section 3750.02 of the Revised Code, excluding a discharge or spill consisting solely of fresh water or storm water;

(6) A fire or explosion associated with a production operation or other activity regulated under this chapter or rules adopted under it, excluding flaring or controlled burns authorized under this chapter or rules adopted

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under it or by the terms and conditions of a permit issued under this chapter;

(7) The response by a fire department as defined in section 742.01 of the Revised Code or a person providing emergency medical services as defined in section 4765.01 of the Revised Code to the location of, and for the purpose of responding to, an occurrence specified in division (A)(1), (2), (3), (4), (5), or (6) of this section.

(B) If a contractor performs services on behalf of a person specified in division (A) of this section, the contractor shall notify that person within thirty minutes after the contractor becomes aware of any occurrence specified in that division unless notification within that time is impracticable under the circumstances.

(C) The chief may adopt rules in accordance with Chapter 119. of the Revised Code that are necessary for the administration of this section.

(D) No person shall fail to comply with this section.

(E)(1) Section 1509.33 of the Revised Code applies to this section.

(2) Section 1509.99 of the Revised Code does not apply to this section.

JKL

Sec. 1509.27. If a tract ~~of land is~~ or tracts are of insufficient size or shape to meet the requirements for drilling a proposed well thereon as provided in section 1509.24 or 1509.25 of the Revised Code, whichever is applicable, and the owner ~~of the tract who also is the owner of the mineral interest~~ has been unable to form a drilling unit under agreement as provided in section 1509.26 of the Revised Code, on a just and equitable basis, ~~such an~~ the owner may make application to the division of oil and gas resources management for a mandatory pooling order.

The application shall include information as shall be reasonably required by the chief of the division of oil and gas resources management and shall be accompanied by an application for a permit as required by section 1509.05 of the Revised Code. The chief shall notify all mineral rights owners of ~~land~~ tracts within the area proposed to be pooled by an order and included within the drilling unit of the filing of the application and of their right to a hearing. After the hearing or after the expiration of thirty days from the date notice of application was mailed to such owners, the chief, if satisfied that the application is proper in form and that mandatory pooling is necessary to protect correlative rights and to provide effective development, use, and conservation of oil and gas, shall issue a drilling permit and a mandatory pooling order complying with the requirements for drilling a well as provided in section 1509.24 or 1509.25 of the Revised Code, whichever is applicable. The mandatory pooling order shall:

(A) Designate the boundaries of the drilling unit within which the well shall be drilled;

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Sec. 2323.44. (A) As used in this section:

(1) "Health care provider-sponsored organization" means an entity that is sponsored by hospitals, physician groups, other licensed health care providers, or any combination of hospitals, physician groups, or other licensed health care providers that are affiliated through common ownership or control and share financial risk for the purpose of delivering health care services.

(2) "Injured party" means any person who claims any injury, death, or loss to person in a tort action or an estate that makes a survivorship claim due to injury, death, or loss to person, but not including a derivative claim, a claim made by a beneficiary in a wrongful death action pursuant to section 2125.02 of the Revised Code, or a claim for punitive damages arising from a person's claim of injury, death, or loss to person.

(3) "Injured party's interest" means the injured party's past and future income loss, past and future medical expense, past and future life care expense, and past and future noneconomic damages. JRK

(4) "Recovery" means the amount obtained from a third party in a tort action or the amount obtained for a claim in connection with uninsured or underinsured motorist coverage.

(5) "Third party" means any individual, automobile insurance company, or public or private entity against which a person or estate has a tort action.

(6) "Subrogee" means any of the following:

(a) An insurance company doing business in this state;

(b) A self-funded plan providing health, sickness, or disability benefits;

(c) A health care provider-sponsored organization;

(d) Any person or entity that claims a right of subrogation by contract or common law.

(7) "Subrogee's interest" means medical expenses paid by a subrogee on behalf of an injured party that are directly and proximately related to the injury, death, or loss to person that is the basis of the tort action. JRK

(8) "Tort action" means a civil action for injury, death, or loss to person. "Tort action" includes any claim for damages for injury, death, or loss to person, whether or not a lawsuit is pending, or a claim in connection with uninsured or underinsured motorist coverage, but does not include a civil action for breach of contract or another agreement between persons.

(B) Notwithstanding any contract or statutory provision to the contrary, the rights of a subrogee or any other person or entity that asserts a contractual, statutory, or common law subrogation claim against a third party or an injured party in a tort action shall be subject to all of the following:

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(1) If less than the full value of the tort action is recovered for any reason, including, but not limited to, comparative negligence, diminishment due to a party's liability under sections 2307.22 to 2307.28 of the Revised Code, or by reason of the collectability of the full value of the claim for injury, death, or loss to person resulting from limited liability insurance or any other cause, the subrogee's or other person's or entity's claim shall be diminished in the same proportion as the injured party's interest is diminished.

(2) Regardless of the recovery in the tort action, any reasonable attorney's fees contracted by the injured party and the expenses of procuring a recovery in the tort action, including, but not limited to, deposition costs, court costs, expert and other witness fees, and costs for trial preparation and presentation, shall be shared by the injured party and the subrogee or other person or entity on a pro rata basis.

(3) A tort action and any settlement of a tort action shall be controlled solely by the injured party. If a dispute regarding the distribution of the recovery in the tort action arises, either party may file an action under Chapter 2721. of the Revised Code to resolve the issue of the distribution of the recovery.

Sec. 2919.21. (A) No person shall abandon, or fail to provide adequate support to:

(1) The person's spouse, as required by law;

(2) The person's child who is under age eighteen, or mentally or physically handicapped child who is under age twenty-one;

(3) The person's aged or infirm parent or adoptive parent, who from lack of ability and means is unable to provide adequately for the parent's own support.

(B) No person shall abandon, or fail to provide support as established by a court order to, another person whom, by court order or decree, the person is legally obligated to support.

(C) No person shall aid, abet, induce, cause, encourage, or contribute to a child or a ward of the juvenile court becoming a dependent child, as defined in section 2151.04 of the Revised Code, or a neglected child, as defined in section 2151.03 of the Revised Code.

(D) It is an affirmative defense to a charge of failure to provide adequate support under division (A) of this section or a charge of failure to provide support established by a court order under division (B) of this section that the accused was unable to provide adequate support or the established support but did provide the support that was within the accused's ability and means.

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2012, 2013, and 2014;

(b) For fiscal year 2017, the average of total taxable value for tax years 2013, 2014, and 2015.

(T) "Total ADM" means, for a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section.

~~(T)~~(U) "Total special education ADM" means the sum of categories one through six special education ADM.

~~(U)~~(V) "Total taxable value" means the sum of the amounts certified for a city, local, exempted village, or joint vocational school district under divisions (A)(1) and (2) of section 3317.021 of the Revised Code, adjusted as follows:

(1) Subtract the amount certified under division (A)(6) of that section;

(2) Add the amount certified under division (A)(7) of that section.

Sec. 3317.021. (A) On or before the first day of June of each year, the tax commissioner shall certify to the department of education and the office of budget and management the information described in divisions (A)(1) to (5) of this section for each city, exempted village, and local school district, and the information required by divisions (A)(1) and (2) of this section for each joint vocational school district, and it shall be used, along with the information certified under division (B) of this section, in making the computations for the district under this chapter.

(1) The taxable value of real and public utility real property in the school district subject to taxation in the preceding tax year, by class and by county of location.

(2) The taxable value of tangible personal property, including public utility personal property, subject to taxation by the district for the preceding tax year.

(3)(a) The total property tax rate and total taxes charged and payable for the current expenses for the preceding tax year and the total property tax rate and the total taxes charged and payable to a joint vocational district for the preceding tax year that are limited to or to the extent apportioned to current expenses.

(b) The portion of the amount of taxes charged and payable reported for each city, local, and exempted village school district under division (A)(3)(a) of this section attributable to a joint vocational school district.

(4) The value of all real and public utility real property in the school district exempted from taxation minus both of the following:

(a) The value of real and public utility real property in the district owned

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by the United States government and used exclusively for a public purpose;

(b) The value of real and public utility real property in the district exempted from taxation under Chapter 725. or 1728. or section 3735.67, 5709.40, 5709.41, 5709.62, 5709.63, 5709.632, 5709.73, or 5709.78 of the Revised Code.

(5) The total federal adjusted gross income of the residents of the school district, based on tax returns filed by the residents of the district, for the most recent year for which this information is available, and the median Ohio adjusted gross income of the residents of the school district determined on the basis of tax returns filed for the second preceding tax year by the residents of the district.

(6) The value of tangible personal property of an electric company or energy company described in division (B)(3) of section 5727.09 of the Revised Code and apportioned to the school district multiplied by a percentage equal to the difference between the percentage determined under that division for the preceding tax year and eighty-five per cent.

(7) The value of qualified generation equipment as defined by section 5727.09 of the Revised Code for the preceding tax year multiplied by twenty-four per cent.

(B) On or before the first day of May each year, the tax commissioner shall certify to the department of education and the office of budget and management the total taxable real property value of railroads and, separately, the total taxable tangible personal property value of all public utilities for the preceding tax year, by school district and by county of location.

(C) If a public utility has properly and timely filed a petition for reassessment under section 5727.47 of the Revised Code with respect to an assessment issued under section 5727.23 of the Revised Code affecting taxable property apportioned by the tax commissioner to a school district, the taxable value of public utility tangible personal property included in the certification under divisions (A)(2) and (B) of this section for the school district shall include only the amount of taxable value on the basis of which the public utility paid tax for the preceding year as provided in division (B)(1) or (2) of section 5727.47 of the Revised Code.

(D) If on the basis of the information certified under division (A) of this section, the department determines that any district fails in any year to meet the qualification requirement specified in division (A) of section 3317.01 of the Revised Code, the department shall immediately request the tax commissioner to determine the extent to which any school district income tax levied by the district under Chapter 5748. of the Revised Code shall be

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included in meeting that requirement. Within five days of receiving such a request from the department, the tax commissioner shall make the determination required by this division and report the quotient obtained under division (D)(3) of this section to the department and the office of budget and management. This quotient represents the number of mills that the department shall include in determining whether the district meets the qualification requirement of division (A) of section 3317.01 of the Revised Code.

The tax commissioner shall make the determination required by this division as follows:

(1) Multiply one mill times the total taxable value of the district as determined in divisions (A)(1) and (2) of this section;

(2) Estimate the total amount of tax liability for the current tax year under taxes levied by Chapter 5748. of the Revised Code that are apportioned to current operating expenses of the district, excluding any income tax receipts allocated for the project cost, debt service, or maintenance set-aside associated with a state-assisted classroom facilities project as authorized by section 3318.052 of the Revised Code;

(3) Divide the amount estimated under division (D)(2) of this section by the product obtained under division (D)(1) of this section.

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Sec. 3317.022. (A) The department of education shall compute and distribute state core foundation funding to each eligible school district for the fiscal year, using the information obtained under section 3317.021 of the Revised Code in the calendar year in which the fiscal year begins, as prescribed in the following divisions:

(1) An opportunity grant calculated according to the following formula:

The formula amount X (formula ADM + preschool scholarship ADM) X the district's state share index

(2) Targeted assistance funds calculated under divisions (A) and (B) of section 3317.0217 of the Revised Code;

(3) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code calculated as the sum of the following:

(a) The district's category one special education ADM X the amount specified in division (A) of section 3317.013 of the Revised Code X the district's state share index;

(b) The district's category two special education ADM X the amount specified in division (B) of section 3317.013 of the Revised Code X the district's state share index;

(c) The district's category three special education ADM X the amount

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~~(c) Any funds paid under section 3317.0214 for the student~~ using a formula approved by the department.

(2) The board of education of the joint vocational school district may report the excess costs calculated under division (C)(1) of this section to the department of education.

(3) If the board of education of the joint vocational school district reports excess costs under division (C)(2) of this section, the department shall pay the amount of excess cost calculated under division (C)(2) of this section to the joint vocational school district and shall deduct that amount as provided in division (C)(3)(a) or (b) of this section, as applicable:

(a) If the student is not enrolled in a community school, the department shall deduct the amount from the account of the student's resident district pursuant to division (J) of section 3317.023 of the Revised Code.

(b) If the student is enrolled in a community school, the department shall deduct the amount from the account of the community school pursuant to section 3314.083 of the Revised Code.

JRK (D)~~(1)~~ In any fiscal year, a school district receiving funds under division (A)(5) of this section shall spend those funds only for the purposes that the department designates as approved for career-technical education expenses. Career-technical ~~educational~~ education expenses approved by the department shall include only expenses connected to the delivery of career-technical programming to career-technical students. The department shall require the school district to report data annually so that the department may monitor the district's compliance with the requirements regarding the manner in which funding received under division (A)(5) of this section may be spent.

~~(2) All funds received under division (A)(5) of this section shall be spent in the following manner:~~

~~(a) At least seventy-five per cent of the funds shall be spent on curriculum development, purchase, and implementation; instructional resources and supplies; industry-based program certification; student assessment, credentialing, and placement; curriculum specific equipment purchases and leases; career-technical student organization fees and expenses; home and agency linkages; work-based learning experiences; professional development; and other costs directly associated with career-technical education programs including development of new programs.~~

~~(b) Not more than twenty-five per cent of the funds shall be used for personnel expenditures.~~

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(E) In any fiscal year, a school district receiving funds under division

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3317.036 of the Revised Code.

(2) For each individual enrolled in a joint vocational school district under division (B) of this section, the department annually shall pay ~~to~~ the district ~~an amount equal to the following:~~

~~$5,000 X the individual's enrollment on a full-time equivalency basis as certified under division (C)(1) of this section X the portion of the school year in which the individual is enrolled in the district expressed as a percentage~~ up to $5,000, as determined by the department based on the extent of the individual's successful completion of the graduation requirements prescribed under sections 3313.603, 3313.61, 3313.611, and 3313.614 of the Revised Code.

(D) If an individual enrolled in a joint vocational school district under division (B) of this section completes the requirements to earn a high school diploma, the joint vocational school district shall certify the completion of those requirements to the city, local, or exempted village school district in which the individual resides. Upon receiving certification under this division, the city, local, or exempted village school district in which the individual resides shall issue a high school diploma to the individual within sixty days of receiving the certification.

(E) A joint vocational school district that enrolls individuals under division (B) of this section shall be subject to the program administration standards adopted by the ~~state board~~ department under section 3317.231 of the Revised Code, as applicable.

Sec. 3317.26. (A) The department of education shall pay a city, local, or exempted village school district additional funds computed as follows:

[(0.20 X the formula amount) – (the sum of the district's payments under sections 3317.022 and 3317.0212 of the Revised Code and Section 263.230 of H.B. 64 of the 131st general assembly / its formula ADM)] X the district's formula ADM

If the result is a negative number, no payment shall be made under this section.

(B) The department shall pay a joint vocational school district additional funds computed as follows:

[(0.20 X the formula amount) – (the sum of the district's payments under section 3317.16 of the Revised Code and Section 263.240 of H.B. 64 of the 131st general assembly / its formula ADM)] X the district's formula ADM

If the result is a negative number, no payment shall be made under this section.

(C)(1) For fiscal year 2016, the department shall pay a city, local, or exempted village school district fifteen per cent of the amount calculated

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under division (A) of this section and shall pay a joint vocational school district fifteen per cent of the amount calculated under division (B) of this section.

(2) For fiscal year 2017, the department shall pay a city, local, or exempted village school district twenty-five per cent of the amount calculated under division (A) of this section and shall pay a joint vocational school district twenty-five per cent of the amount calculated under division (B) of this section. JRK

Sec. 3318.02. (A) For purposes of sections 3318.01 to ~~3318.33~~ 3318.32 of the Revised Code, the Ohio school facilities commission shall periodically perform an assessment of the classroom facility needs in the state to identify school districts in need of additional classroom facilities, or replacement or reconstruction of existent classroom facilities, and the cost to each such district of constructing or acquiring such additional facilities or making such renovations.

(B) Based upon the most recent assessment conducted pursuant to division (A) of this section, the commission shall conduct on-site visits to school districts identified as having classroom facility needs to confirm the findings of the periodic assessment and further evaluate the classroom facility needs of the district. The evaluation shall assess the district's need to construct or acquire new classroom facilities and may include an assessment of the district's need for building additions or for the reconstruction of existent buildings in lieu of constructing or acquiring replacement buildings.

(C)(1) Except as provided in division (C)(2) of this section, on-site visits performed on or after May 20, 1997, shall be performed in the order specified in this division. The first round of on-site visits first succeeding the effective date of this amendment, May 20, 1997, shall be limited to the school districts in the first through fifth percentiles, excluding districts that are ineligible for funding under this chapter pursuant to section 3318.04 of the Revised Code. The second round of on-site visits shall be limited to the school districts in the first through tenth percentiles, excluding districts that are ineligible for funding under this chapter pursuant to section 3318.04 of the Revised Code. Each succeeding round of on-site visits shall be limited to the percentiles included in the immediately preceding round of on-site visits plus the next five percentiles. Except for the first round of on-site visits, no round of on-site visits shall commence unless eighty per cent of the districts for which on-site visits were performed during the immediately preceding round, have had projects approved under section 3318.04 of the Revised Code.

(2) Notwithstanding division (C)(1) of this section, the commission may

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following are not governed by the college credit plus program:

(1) An agreement governing an early college high school program that meets any of the exemption criteria under division (E) of section 3313.6013 of the Revised Code;

(2) An advanced placement course or international baccalaureate diploma course, as described in divisions (A)(2) and (3) of section 3313.6013 of the Revised Code;

(3) ~~Until July 1, 2016, a~~ A career-technical education program that is approved by the department of education under section 3317.161 of the Revised Code and grants articulated credit to students participating in that program. However, any portion of an approved program that results in the conferral of transcripted credit upon the completion of the course shall be governed by the college credit plus program.

(B) Any student enrolled in a public or nonpublic secondary school in the student's ninth, tenth, eleventh, or twelfth grade; any student enrolled in a nonchartered nonpublic secondary school in the student's ninth, tenth, eleventh, or twelfth grade; and any student who has been excused from the compulsory attendance law for the purpose of home instruction under section 3321.04 of the Revised Code and is the equivalent of a ninth, tenth, eleventh, or twelfth grade student, may participate in the program, if the student meets the applicable eligibility criteria in section 3365.03 of the Revised Code. If a nonchartered nonpublic secondary school student chooses to participate in the program, that student shall be subject to the same requirements as a home-instructed student who chooses to participate in the program under this chapter.

(C) All public secondary schools and all public colleges shall participate in the program and are subject to the requirements of this chapter. Any nonpublic secondary school or private college that chooses to participate in the program shall also be subject to the requirements of this chapter.

If a nonpublic secondary school chooses not to participate in the program, the school shall not be subject to the requirements of this chapter. Additionally, the school shall not be subject to any rule adopted by the chancellor of higher education or the state board of education for purposes of the college credit plus program.

(D) The chancellor ~~of the Ohio board of regents~~, in accordance with Chapter 119. of the Revised Code and in consultation with the superintendent of public instruction, shall adopt rules governing the program.

Sec. 3365.034. (A) Notwithstanding anything to the contrary in the Revised Code, a student who is eligible to participate in the college credit

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Sec. 3365.14. (A) Notwithstanding anything to the contrary in the Revised Code, all public and participating private colleges, and eligible out-of-state colleges participating in the program, shall offer an associate degree pathway that enables participants to earn an associate degree upon completion of the pathway. In order to complete the pathway and earn an associate degree, participants shall be required to earn at least sixty, but not more than seventy-two, credit hours, or the equivalent number of hours for colleges operating on a quarter schedule.

(B) Participants enrolled in the associate degree pathway under this section may enroll in more than sixty credit hours, or the equivalent number of quarter hours, over a period of two school years. However, no participant shall enroll in more than seventy-two credit hours, or the equivalent number of quarter hours, over that same period.

(C) If a participant enrolls in the pathway under this section and elects to have the college reimbursed under section 3365.07 of the Revised Code for courses taken under the program, the department shall reimburse the college in the same manner as for other participants in accordance with that section. However, the chancellor of higher education, in accordance with Chapter 119. of the Revised Code and in consultation with the superintendent of public instruction, shall adopt rules prescribing a method to calculate payments made for participants under this section that reflects the increased number of credit hours required under the pathway.

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Sec. 3365.15. The chancellor of ~~the Ohio board of regents~~ higher education and the superintendent of public instruction jointly shall do all of the following:

(A) Adopt data reporting guidelines specifying the types of data that public and participating nonpublic secondary schools and public and participating private colleges, including eligible out-of-state colleges participating in the program, must annually collect, report, and track under division (G) of section 3365.04 and division (H) of section 3365.05 of the Revised Code. The types of data shall include all of the following:

(1) For each secondary school and college:

(a) The number of participants disaggregated by grade level, socioeconomic status, race, gender, and disability;

(b) The number of completed courses and credit hours, disaggregated by the college in which participants were enrolled;

(c) The number of courses in which participants enrolled, disaggregated by subject area and level of difficulty.

(2) For each secondary school, the number of students who were denied participation in the program under division (A)(1)(a) or (C) of section

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3701.021 of the Revised Code, without charge, and without restriction as to economic status.

(J)(1) The department of health may establish a manufacturer discount program under which a manufacturer of a drug or nutritional formula is permitted to enter into an agreement with the department to provide a discount on the price of the drug or nutritional formula distributed to medically handicapped children participating in the program for medically handicapped children. The program shall be administered in accordance with rules adopted under section 3701.021 of the Revised Code.

(2) If a manufacturer enters into an agreement with the department as described in division (J)(1) of this section, the manufacturer and the department may negotiate the amount and terms of the discount.

(3) In lieu of establishing a discount program as described in division (J)(1) of this section, the department and a manufacturer of a drug or nutritional formula may discuss a donation of drugs, nutritional formulas, or money by the manufacturer to the department.

(K) As used in this division "209(b) option" has the same meaning as in section 5166.01 of the Revised Code.

The program for medically handicapped children and the program the department of health administers pursuant to division (G) of this section shall continue to assist individuals who have cystic fibrosis and are enrolled in those programs in qualifying for medicaid under the spenddown process in the same manner it assists such individuals on the effective date of this amendment, regardless of whether the department of medicaid continues to implement the 209(b) option or, after terminating the 209(b) option, establishes the medicaid waiver component described in section 5166.33 of the Revised Code.

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

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

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

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

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

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

(B) On or before the thirtieth day of September of each year, the department of health and the children's trust fund board jointly shall prepare and publish a report organizing and setting forth the data from the department of health child death review database or the national child death review database, data in all the reports provided by county or regional child fatality review boards in their annual reports for the previous calendar year, and recommendations for any changes to law and policy that might prevent future deaths. The department and the children's trust fund board jointly shall provide a copy of the report to the governor, the speaker of the house of representatives, the president of the senate, the minority leaders of the house of representatives and the senate, each county or regional child fatality review board, and each county or regional family and children first council.

Sec. 3701.139. (A) The hope for a smile program is hereby established. The primary objective of the program is to improve the oral health of school-age children, which the general assembly declares to be one of the most unmet health care needs of this state. Services provided under the program shall be targeted at school-age children who are indigent and uninsured, although other children may be served. The hope for a smile advisory council established under division (H) of this section may recommend additional populations to be targeted.

(B) The program shall be operated as a collaboration between the department of health and the following:

(1) The Ohio dental association;

(2) The Ohio dental hygienists' association;

(3) The Ohio state university college of dentistry and the dental hygiene

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program at that college;

(4) Case western reserve university school of dental medicine;

(5) Shawnee state university;

(6) James A. Rhodes state college;

(7) Columbus state community college;

(8) Cuyahoga community college, metropolitan campus;

(9) Youngstown state university;

(10) Lorain county community college;

(11) Lakeland community college;

(12) University of Cincinnati;

(13) Sinclair community college;

(14) Owens community college;

(15) Stark state college.

(C) With assistance from the director of administrative services and using the state's purchasing power, the director of health shall use money from one or more of the following sources to purchase or secure the use of, maintain, and operate one bus equipped as a mobile dental unit:

(1) The economic development programs fund created under section 3772.17 of the Revised Code;

(2) The hope for a smile program fund created under division (G) of this section;

(3) Any other source of public funds that the director of administrative services or director of health determines is available and may be used for the program.

(D) Dentists, dental hygienists, and the faculty and staff of the dentistry and dental hygiene educational programs of this state shall staff the bus. The faculty and staff of the educational programs may permit students enrolled in the programs to participate in staffing the bus.

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The individuals staffing the bus shall travel to schools in Ohio. In scheduling visits to those schools, priority shall be given to schools that are attended by high numbers of children who are in the program's targeted population. During each visit, the individuals who provide services to the children shall provide the services in accordance with their authority to practice under Chapter 4715. of the Revised Code.

(E) Dentists and dental hygienists who provide services free of charge under the program may deduct the fair market value of those services in computing Ohio adjusted gross income under section 5747.01 of the Revised Code.

Participation in the program by students of dentistry and dental hygiene educational programs in this state shall be recognized by the governor and

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the general assembly as a workforce and economic development initiative.

(F) The director of health shall apply on the program's behalf to the department of medicaid for a medicaid provider agreement. The director shall make arrangements with private entities that provide health care insurance or other forms of health care coverage in this state as the director considers necessary for the program to be reimbursed for services provided to children who have health care insurance or coverage through those entities.

(G) The program may accept grants, donations, and awards. The program may seek payments from the medicaid program for services provided to children who are medicaid recipients. The program may seek reimbursement from private entities that provide health care insurance or other forms of health care coverage for services provided to children who have insurance or coverage through those. The program may apply for money allocated by the United States department of labor or other entities for workforce or economic development initiatives.

Any amounts received from a source described in this division shall be deposited into the state treasury to the credit of the hope for a smile program fund, which is hereby created. Any interest earned on money in the fund shall be credited to the fund. The amounts credited to the fund shall be used solely to pay the costs of the program.

(H) The director of health shall establish an advisory council, to be known as the hope for a smile advisory council, to advise the director on matters regarding the implementation and administration of the program. The director shall appoint the council's members, which shall include representatives of the Ohio dental association, the Ohio dental hygienists' association, the Ohio state university college of dentistry and the dental hygiene program at that college, the case western reserve university school of dental medicine, the Ohio council of dental hygiene directors, and other entities considered appropriate by the director.

(I) In consultation with the hope for a smile advisory council, the director of health shall adopt rules as the director considers necessary to implement and administer this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

(J) Not later than the first day of July each year, the director of health, with input from the hope for a smile advisory council, shall prepare a report on progress the program has made in achieving the objective expressed in division (A) of this section, saving money for the medicaid program and other safety net programs, and promoting workforce and economic development in this state. The director shall submit each report to the

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governor and, in accordance with section 101.68 of the Revised Code, to the general assembly.

Sec. 3701.142. (A) As used in this section:

(1) "Certified community health worker" has the same meaning as in section 4723.01 of the Revised Code.

(2) "Community health worker services" means the services described in section 4723.81 of the Revised Code.

(B) The director of health shall adopt rules specifying healthy behaviors to be promoted and facilitated by certified community health workers who provide community health worker services and other services covered by medicaid managed care organizations under section 5167.15 of the Revised Code. Before adopting the rules, the director shall consult with members of the Ohio perinatal quality collaborative or a successor organization. The director may consult with other health care organizations as the director determines to be appropriate.

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(C) The director of health, in consultation with the medicaid director, shall adopt rules specifying both of the following:

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(1) The urban and rural communities, identified by zip code or portions of zip codes that are contiguous, that have the highest infant mortality rates in this state;

(2) The licensed health professionals, in addition to physicians, who may recommend that a medicaid recipient receive the services covered by medicaid managed care organizations under section 5167.15 of the Revised Code.

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(D) The rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 3701.344. (A) As used in this section and sections 3701.345, 3701.346, and 3701.347 of the Revised Code, "private water system" means any water system for the provision of water for human consumption, if the system has fewer than fifteen service connections and does not regularly serve an average of at least twenty-five individuals daily at least sixty days out of the year. "Private water system" includes any well, spring, cistern, pond, hauled water, or recycled water and any equipment for the collection, transportation, filtration, disinfection, treatment, or storage of such water extending from and including the source of the water to the point of discharge from any pressure tank or other storage vessel; to the point of discharge from the water pump where no pressure tank or other storage vessel is present; or, in the case of multiple service connections serving more than one dwelling, to the point of discharge from each service connection. "Private water system" does not include the water service line

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state, in the sum of ten thousand dollars with sufficient sureties to be approved by the treasurer of state, which bond shall be filed with the secretary of state.

(F) The governor may remove any member of the commission for malfeasance, misfeasance, or nonfeasance in office, giving the member a copy of the charges against the member and affording the member an opportunity to be publicly heard in person or by counsel in the member's own defense upon not less than ten days' notice. If the member is removed, the governor shall file in the office of the secretary of state a complete statement of all charges made against the member and the governor's finding on the charges, together with a complete report of the proceedings, and the governor's decision on the charges is final.

(G) The commission shall maintain offices at locations in the state as it may consider necessary for the efficient performance of its functions. The director shall maintain an office in Columbus to coordinate the activities of the state lottery commission with other state departments.

Sec. 3770.03. (A) The state lottery commission shall promulgate rules under which a statewide lottery may be conducted, which includes, and since the original enactment of this section has included, the authority for the commission to operate video lottery terminal games. Any reference in this chapter to tickets shall not be construed to in any way limit the authority of the commission to operate video lottery terminal games. Nothing in this chapter shall restrict the authority of the commission to promulgate rules related to the operation of games utilizing video lottery terminals as described in section 3770.21 of the Revised Code. The rules shall be promulgated pursuant to Chapter 119. of the Revised Code, except that instant game rules shall be promulgated pursuant to section 111.15 of the Revised Code but are not subject to division (D) of that section. Subjects covered in these rules shall include, but need not be limited to, the following:

(1) The type of lottery to be conducted;

(2) The prices of tickets in the lottery;

(3) The number, nature, and value of prize awards, the manner and frequency of prize drawings, and the manner in which prizes shall be awarded to holders of winning tickets.

(B) The commission shall promulgate rules, in addition to those described in division (A) of this section, pursuant to Chapter 119. of the Revised Code under which a statewide lottery and statewide joint lottery games may be conducted. Subjects covered in these rules shall include, but not be limited to, the following:

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(1) The locations at which lottery tickets may be sold and the manner in which they are to be sold. These rules may authorize the sale of lottery tickets by commission personnel or other licensed individuals from traveling show wagons at the state fair, and at any other expositions the director of the commission considers acceptable. These rules shall prohibit commission personnel or other licensed individuals from soliciting from an exposition the right to sell lottery tickets at that exposition, but shall allow commission personnel or other licensed individuals to sell lottery tickets at an exposition if the exposition requests commission personnel or licensed individuals to do so. These rules may also address the accessibility of sales agent locations to commission products in accordance with the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101 et seq.

(2) The manner in which lottery sales revenues are to be collected, including authorization for the director to impose penalties for failure by lottery sales agents to transfer revenues to the commission in a timely manner;

(3) The amount of compensation to be paid licensed lottery sales agents;

(4) The substantive criteria for the licensing of lottery sales agents consistent with section 3770.05 of the Revised Code, and procedures for revoking or suspending their licenses consistent with Chapter 119. of the Revised Code. If circumstances, such as the nonpayment of funds owed by a lottery sales agent, or other circumstances related to the public safety, convenience, or trust, require immediate action, the director may suspend a license without affording an opportunity for a prior hearing under section 119.07 of the Revised Code.

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(5) Special game rules to implement any agreements signed by the governor that the director enters into with other lottery jurisdictions under division (J) of section 3770.02 of the Revised Code to conduct statewide joint lottery games. The rules shall require that the entire net proceeds of those games that remain, after associated operating expenses, prize disbursements, lottery sales agent bonuses, commissions, and reimbursements, and any other expenses necessary to comply with the agreements or the rules are deducted from the gross proceeds of those games, be transferred to the lottery profits education fund under division (B) of section 3770.06 of the Revised Code.

(6) Making EZPlay keno and EZPlay lucky numbers bingo self-service terminal-generated instant-win style lottery games available to licensed lottery sales agents, with at least the following criteria:

(a) EZPlay keno shall consist of and contain the ability to be played at multiple ticket prices as established by the commission, and shall be

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available as an instant play style lottery game on the interactive format self-service terminal and other lottery terminals and devices.

(b) EZPlay lucky numbers bingo shall consist of and contain the ability to be played at multiple ticket prices as established by the commission, and shall be available as both instant play and draw style lottery games on the interactive format self-service terminal and other lottery terminals and devices.

(c) The games shall be made available using either a clerk-facing lottery terminal or a self-service lottery terminal, which shall not be a video lottery terminal, as available from the commission's gaming systems vendor.

(d) The games shall be available for play in graphical, paperless, and interactive formats. "Interactive format" means the ability of a player to initiate, play, and view the game, including the reveal of a result, on the self-service terminal from which the game is purchased.

(e) The player shall have the option to receive a paper pay voucher to be redeemed by a licensed lottery sales agent or credited through a self-service lottery terminal.

(f) These interactive format self-service terminals shall only be made available to a licensed lottery sales agent that is also a holder of a D-1, D-2, D-2x, D-3, D-3x, D-3a, or D-5 liquor permit issued under Chapter 4303. of the Revised Code.

(g) The commission shall acquire and make available at least three thousand interactive format self-service terminals before March 1, 2016, one thousand five hundred of which shall be acquired, deployed, and in operation before January 1, 2016.

Any other subjects the commission determines are necessary for the operation of video lottery terminal games, including the establishment of any fees, fines, or payment schedules.

(C) Chapter 2915. of the Revised Code does not apply to, affect, or prohibit lotteries eonducted pursuant to this chapter.

(D) The commission may promulgate rules, in addition to those described in divisions (A) and (B) of this section, that establish standards governing the display of advertising and celebrity images on lottery tickets and on other items that are used in the conduct of, or to promote, the statewide lottery and statewide joint lottery games. Any revenue derived from the sale of advertising displayed on lottery tickets and on those other items shall be considered, for purposes of section 3770.06 of the Revised Code, to be related proceeds in connection with the statewide lottery or gross proceeds from statewide joint lottery games, as applicable.

(E)(1) The commission shall meet with the director at least once each

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month and shall convene other meetings at the request of the chairperson or any five of the members. No action taken by the commission shall be binding unless at least five of the members present vote in favor of the action. A written record shall be made of the proceedings of each meeting and shall be transmitted forthwith to the governor, the president of the senate, the senate minority leader, the speaker of the house of representatives, and the house minority leader.

(2) The director shall present to the commission a report each month, showing the total revenues, prize disbursements, and operating expenses of the state lottery for the preceding month. As soon as practicable after the end of each fiseal year, the commission shall prepare and transmit to the governor and the general assembly a report of lottery revenues, prize disbursements, and operating expenses for the preceding fiscal year and any recommendations for legislation considered necessary by the commission.

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Sec. 3770.05. (A) As used in this section, "person" means any ~~person~~ individual, association, corporation, limited liability company, partnership, club, trust, estate, society, receiver, trustee, person acting in a fiduciary or representative capacity, instrumentality of the state or any of its political subdivisions, or any other business entity or combination of individuals meeting the requirements set forth in this section or established by rule or order of the state lottery commission.

(B) The director of the state lottery commission may license any person as a lottery sales agent. ~~No license shall be issued to any person or group of persons to engage in the sale of lottery tickets as the person's or group's sole occupation or business.~~

Before issuing any license to a lottery sales agent, the director shall consider all of the following:

(1) The financial responsibility and security of the applicant and the applicant's business or activity;

(2) The accessibility of the applicant's place of business or activity to the public;

(3) The sufficiency of existing licensed agents to serve the public interest;

(4) The volume of expected sales by the applicant;

(5) Any other factors pertaining to the public interest, convenience, or trust.

(C) Except as otherwise provided in division (F) of this section, the director of the state lottery commission ~~shall~~ may refuse to grant, or ~~shall~~ may suspend or revoke, a license if the applicant or licensee:

(1) Has been convicted of a felony or has been convicted of a crime

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created in section 4501.21 of the Revised Code.

(2) The registrar shall deposit the bureau administrative fee of ten dollars, the purpose of which is to compensate the bureau for additional services required in the issuing of "Lincoln highway" license plates, into the state treasury to the credit of the state bureau of motor vehicles fund created in section 4501.25 of the Revised Code.

Sec. 4505.06. (A)(1) Application for a certificate of title shall be made in a form prescribed by the registrar of motor vehicles and shall be sworn to before a notary public or other officer empowered to administer oaths. The application shall be filed with the clerk of any court of common pleas. An application for a certificate of title may be filed electronically by any electronic means approved by the registrar in any county with the clerk of the court of common pleas of that county. Any payments required by this chapter shall be considered as accompanying any electronically transmitted application when payment actually is received by the clerk. Payment of any fee or taxes may be made by electronic transfer of funds.

(2) The application for a certificate of title shall be accompanied by the fee prescribed in section 4505.09 of the Revised Code. The fee shall be retained by the clerk who issues the certificate of title and shall be distributed in accordance with that section. If a clerk of a court of common pleas, other than the clerk of the court of common pleas of an applicant's county of residence, issues a certificate of title to the applicant, the clerk shall transmit data related to the transaction to the automated title processing system.

(3) If a certificate of title previously has been issued for a motor vehicle in this state, the application for a certificate of title also shall be accompanied by that certificate of title duly assigned, unless otherwise provided in this chapter. If a certificate of title previously has not been issued for the motor vehicle in this state, the application, unless otherwise provided in this chapter, shall be accompanied by a manufacturer's or importer's certificate or by a certificate of title of another state from which the motor vehicle was brought into this state. If the application refers to a motor vehicle last previously registered in another state, the application also shall be accompanied by the physical inspection certificate required by section 4505.061 of the Revised Code. If the application is made by two persons regarding a motor vehicle in which they wish to establish joint ownership with right of survivorship, they may do so as provided in section 2131.12 of the Revised Code. If the applicant requests a designation of the motor vehicle in beneficiary form so that upon the death of the owner of the motor vehicle, ownership of the motor vehicle will pass to a designated

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transfer-on-death beneficiary or beneficiaries, the applicant may do so as provided in section 2131.13 of the Revised Code. A person who establishes ownership of a motor vehicle that is transferable on death in accordance with section 2131.13 of the Revised Code may terminate that type of ownership or change the designation of the transfer-on-death beneficiary or beneficiaries by applying for a certificate of title pursuant to this section. The clerk shall retain the evidence of title presented by the applicant and on which the certificate of title is issued, except that, if an application for a certificate of title is filed electronically by an electronic motor vehicle dealer on behalf of the purchaser of a motor vehicle, the clerk shall retain the completed electronic record to which the dealer converted the certificate of title application and other required documents. The registrar, after consultation with the attorney general, shall adopt rules that govern the location at which, and the manner in which, are stored the actual application and all other documents relating to the sale of a motor vehicle when an electronic motor vehicle dealer files the application for a certificate of title electronically on behalf of the purchaser. Not later than December 31, 2011, the registrar shall enable all electronic motor vehicle dealers to file applications for certificates of title on behalf of purchasers of motor vehicles electronically directly with the registrar and not through a third party.

The clerk shall use reasonable diligence in ascertaining whether or not the facts in the application for a certificate of title are true by checking the application and documents accompanying it or the electronic record to which a dealer converted the application and accompanying documents with the records of motor vehicles in the clerk's office. If the clerk is satisfied that the applicant is the owner of the motor vehicle and that the application is in the proper form, the clerk, within five business days after the application is filed and except as provided in section 4505.021 of the Revised Code, shall issue a physical certificate of title over the clerk's signature and sealed with the clerk's seal, unless the applicant specifically requests the clerk not to issue a physical certificate of title and instead to issue an electronic certificate of title. For purposes of the transfer of a certificate of title, if the clerk is satisfied that the secured party has duly discharged a lien notation but has not canceled the lien notation with a clerk, the clerk may cancel the lien notation on the automated title processing system and notify the clerk of the county of origin.

(4) In the case of the sale of a motor vehicle to a general buyer or user by a dealer, by a motor vehicle leasing dealer selling the motor vehicle to the lessee or, in a case in which the leasing dealer subleased the motor vehicle, the sublessee, at the end of the lease agreement or sublease

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agreement, or by a manufactured housing broker, the certificate of title shall be obtained in the name of the buyer by the dealer, leasing dealer, or manufactured housing broker, as the case may be, upon application signed by the buyer. The certificate of title shall be issued, or the process of entering the certificate of title application information into the automated title processing system if a physical certificate of title is not to be issued shall be completed, within five business days after the application for title is filed with the clerk. If the buyer of the motor vehicle previously leased the motor vehicle and is buying the motor vehicle at the end of the lease pursuant to that lease, the certificate of title shall be obtained in the name of the buyer by the motor vehicle leasing dealer who previously leased the motor vehicle to the buyer or by the motor vehicle leasing dealer who subleased the motor vehicle to the buyer under a sublease agreement.

In all other cases, except as provided in section 4505.032 and division (D)(2) of section 4505.11 of the Revised Code, such certificates shall be obtained by the buyer.

(5)(a)(i) If the certificate of title is being obtained in the name of the buyer by a motor vehicle dealer or motor vehicle leasing dealer and there is a security interest to be noted on the certificate of title, the dealer or leasing dealer shall submit the application for the certificate of title and, if required by division (B)(5) of this section, payment of the applicable tax, to a clerk within seven business days after the later of the delivery of the motor vehicle to the buyer or the date the dealer or leasing dealer obtains the manufacturer's or importer's certificate, or certificate of title issued in the name of the dealer or leasing dealer, for the motor vehicle. Submission of the application for the certificate of title and payment, if required, of the applicable tax within the required seven business days may be indicated by postmark or receipt by a clerk within that period.

(ii) Upon receipt of the certificate of title with the security interest noted on its face, the dealer or leasing dealer shall forward the certificate of title to the secured party at the location noted in the financing documents or otherwise specified by the secured party.

(iii) A motor vehicle dealer or motor vehicle leasing dealer is liable to a secured party for a late fee of ten dollars per day for each certificate of title application and, if required by division (B)(5) of this section, payment of the applicable tax ~~that is,~~ submitted to a clerk more than seven business days but less than twenty-one days after the later of the delivery of the motor vehicle to the buyer or the date the dealer or leasing dealer obtains the manufacturer's or importer's certificate, or certificate of title issued in the name of the dealer or leasing dealer, for the motor vehicle and, from then

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on, twenty-five dollars per day until the application and any applicable tax are submitted to a clerk.

(b) In all cases of transfer of a motor vehicle except the transfer of a manufactured home or mobile home, the application for certificate of title shall be filed within thirty days after the assignment or delivery of the motor vehicle.

(c) An application for a certificate of title for a new manufactured home shall be filed within thirty days after the delivery of the new manufactured home to the purchaser. The date of the delivery shall be the date on which an occupancy permit for the manufactured home is delivered to the purchaser of the home by the appropriate legal authority.

(d) An application for a certificate of title for a used manufactured home or a used mobile home shall be filed as follows:

(i) If a certificate of title for the used manufactured home or used mobile home was issued to the motor vehicle dealer prior to the sale of the manufactured or mobile home to the purchaser, the application for certificate of title shall be filed within thirty days after the date on which an occupancy permit for the manufactured or mobile home is delivered to the purchaser by the appropriate legal authority.

(ii) If the motor vehicle dealer has been designated by a secured party to display the manufactured or mobile home for sale, or to sell the manufactured or mobile home under section 4505.20 of the Revised Code, but the certificate of title has not been transferred by the secured party to the motor vehicle dealer, and the dealer has complied with the requirements of division (A) of section 4505.181 of the Revised Code, the application for certificate of title shall be filed within thirty days after the date on which the motor vehicle dealer obtains the certificate of title for the home from the secured party or the date on which an occupancy permit for the manufactured or mobile home is delivered to the purchaser by the appropriate legal authority, whichever occurs later.

(6) If an application for a certificate of title is not filed within the period specified in division (A)(5)(b), (c), or (d) of this section, the clerk shall collect a fee of five dollars for the issuance of the certificate, except that no such fee shall be required from a motor vehicle salvage dealer, as defined in division (A) of section 4738.01 of the Revised Code, who immediately surrenders the certificate of title for cancellation. The fee shall be in addition to all other fees established by this chapter, and shall be retained by the clerk. The registrar shall provide, on the certificate of title form prescribed by section 4505.07 of the Revised Code, language necessary to give evidence of the date on which the assignment or delivery of the motor

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vehicle was made.

(7) As used in division (A) of this section, "lease agreement," "lessee," and "sublease agreement" have the same meanings as in section 4505.04 of the Revised Code and "new manufactured home," "used manufactured home," and "used mobile home" have the same meanings as in section 5739.0210 of the Revised Code.

(B)(1) The clerk, except as otherwise provided in this section, shall refuse to accept for filing any application for a certificate of title and shall refuse to issue a certificate of title unless the dealer or the applicant, in cases in which the certificate shall be obtained by the buyer, submits with the application payment of the tax levied by or pursuant to Chapters 5739. and 5741. of the Revised Code based on the purchaser's county of residence. Upon payment of the tax in accordance with division (E) of this section, the clerk shall issue a receipt prescribed by the registrar and agreed upon by the tax commissioner showing payment of the tax or a receipt issued by the commissioner showing the payment of the tax. When submitting payment of the tax to the clerk, a dealer shall retain any discount to which the dealer is entitled under section 5739.12 of the Revised Code.

(2) For receiving and disbursing such taxes paid to the clerk by a resident of the clerk's county, the clerk may retain a poundage fee of one and one one-hundredth per cent, and the clerk shall pay the poundage fee into the certificate of title administration fund created by section 325.33 of the Revised Code. The clerk shall not retain a poundage fee from payments of taxes by persons who do not reside in the clerk's county.

A clerk, however, may retain from the taxes paid to the clerk an amount equal to the poundage fees associated with certificates of title issued by other clerks of courts of common pleas to applicants who reside in the first clerk's county. The registrar, in consultation with the tax commissioner and the clerks of the courts of common pleas, shall develop a report from the automated title processing system that informs each clerk of the amount of the poundage fees that the clerk is permitted to retain from those taxes because of certificates of title issued by the clerks of other counties to applicants who reside in the first clerk's county.

(3) In the case of casual sales of motor vehicles, as defined in section 4517.01 of the Revised Code, the price for the purpose of determining the tax shall be the purchase price on the assigned certificate of title executed by the seller and filed with the clerk by the buyer on a form to be prescribed by the registrar, which shall be prima-facie evidence of the amount for the determination of the tax.

(4) Each county clerk shall forward to the treasurer of state all sales and

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use tax collections resulting from sales of motor vehicles, off-highway motorcycles, and all-purpose vehicles during a calendar week on or before the Friday following the close of that week. If, on any Friday, the offices of the clerk of courts or the state are not open for business, the tax shall be forwarded to the treasurer of state on or before the next day on which the offices are open. Every remittance of tax under division (B)(4) of this section shall be accompanied by a remittance report in such form as the tax commissioner prescribes. Upon receipt of a tax remittance and remittance report, the treasurer of state shall date stamp the report and forward it to the tax commissioner. If the tax due for any week is not remitted by a clerk of courts as required under division (B)(4) of this section, the commissioner may require the clerk to forfeit the poundage fees for the sales made during that week. The treasurer of state may require the clerks of courts to transmit tax collections and remittance reports electronically.

(5) A new or used motor vehicle dealer licensed in this state, in lieu of remitting the tax levied by or pursuant to Chapters 5739. and 5741. of the Revised Code to the clerk under this section, may elect to submit to the clerk a certificate acknowledging the sale or lease of the motor vehicle, stating the purchaser's county of residence, and pledging that the dealer will report and remit the tax due as required by section 5739.12 or 5741.12 of the Revised Code, whichever is applicable. For each dealer that makes an election under this section, the tax commissioner shall deposit into the certificate of title administration fund created under section 325.33 of the Revised Code an amount equal to the poundage fees that the clerk would be entitled to retain if the dealer had remitted the tax due to the clerk under division (A)(5)(a) of this section. The registrar, in consultation with the commissioner and the clerks of courts of common pleas, shall develop a report from the automated title processing system that informs each clerk and the commissioner of the amount of the poundage fees that each clerk is permitted to receive from taxes collected by the commissioner because of the certificates of title issued by the clerks. A motor vehicle dealer that does not report and remit the tax due pursuant to an election under division (B)(5) of this section shall pay the tax to the clerk of courts as provided in division (A)(5)(a) of this section.

(C)(1) If the transferor indicates on the certificate of title that the odometer reflects mileage in excess of the designed mechanical limit of the odometer, the clerk shall enter the phrase "exceeds mechanical limits" following the mileage designation. If the transferor indicates on the certificate of title that the odometer reading is not the actual mileage, the clerk shall enter the phrase "nonactual: warning - odometer discrepancy" following the mileage designation. The clerk shall use reasonable care in

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transferring the information supplied by the transferor, but is not liable for any errors or omissions of the clerk or those of the clerk's deputies in the performance of the clerk's duties created by this chapter.

The registrar shall prescribe an affidavit in which the transferor shall swear to the true selling price and, except as provided in this division, the true odometer reading of the motor vehicle. The registrar may prescribe an affidavit in which the seller and buyer provide information pertaining to the odometer reading of the motor vehicle in addition to that required by this section, as such information may be required by the United States secretary of transportation by rule prescribed under authority of subchapter IV of the "Motor Vehicle Information and Cost Savings Act," 86 Stat. 961 (1972), 15 U.S.C. 1981.

(2) Division (C)(1) of this section does not require the giving of information concerning the odometer and odometer reading of a motor vehicle when ownership of a motor vehicle is being transferred as a result of a bequest, under the laws of intestate succession, to a survivor pursuant to section 2106.18, 2131.12, or 4505.10 of the Revised Code, to a transfer-on-death beneficiary or beneficiaries pursuant to section 2131.13 of the Revised Code, in connection with the creation of a security interest or for a vehicle with a gross vehicle weight rating of more than sixteen thousand pounds.

(D) When the transfer to the applicant was made in some other state or in interstate commerce, the clerk, except as provided in this section, shall refuse to issue any certificate of title unless the tax imposed by or pursuant to Chapter 5741. of the Revised Code based on the purchaser's county of residence has been paid as evidenced by a receipt issued by the tax commissioner, or unless the applicant submits with the application payment of the tax. Upon payment of the tax in accordance with division (E) of this section, the clerk shall issue a receipt prescribed by the registrar and agreed upon by the tax commissioner, showing payment of the tax.

For receiving and disbursing such taxes paid to the clerk by a resident of the clerk's county, the clerk may retain a poundage fee of one and one one-hundredth per cent. The clerk shall not retain a poundage fee from payments of taxes by persons who do not reside in the clerk's county.

A clerk, however, may retain from the taxes paid to the clerk an amount equal to the poundage fees associated with certificates of title issued by other clerks of courts of common pleas to applicants who reside in the first clerk's county. The registrar, in consultation with the tax commissioner and the clerks of the courts of common pleas, shall develop a report from the automated title processing system that informs each clerk of the amount of

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the poundage fees that the clerk is permitted to retain from those taxes because of certificates of title issued by the clerks of other counties to applicants who reside in the first clerk's county.

When the vendor is not regularly engaged in the business of selling motor vehicles, the vendor shall not be required to purchase a vendor's license or make reports concerning those sales.

(E) The clerk shall accept any payment of a tax in cash, or by cashier's check, certified check, draft, money order, or teller check issued by any insured financial institution payable to the clerk and submitted with an application for a certificate of title under division (B) or (D) of this section. The clerk also may accept payment of the tax by corporate, business, or personal check, credit card, electronic transfer or wire transfer, debit card, or any other accepted form of payment made payable to the clerk. The clerk may require bonds, guarantees, or letters of credit to ensure the collection of corporate, business, or personal checks. Any service fee charged by a third party to a clerk for the use of any form of payment may be paid by the clerk from the certificate of title administration fund created in section 325.33 of the Revised Code, or may be assessed by the clerk upon the applicant as an additional fee. Upon collection, the additional fees shall be paid by the clerk into that certificate of title administration fund.

The clerk shall make a good faith effort to collect any payment of taxes due but not made because the payment was returned or dishonored, but the clerk is not personally liable for the payment of uncollected taxes or uncollected fees. The clerk shall notify the tax commissioner of any such payment of taxes that is due but not made and shall furnish the information to the commissioner that the commissioner requires. The clerk shall deduct the amount of taxes due but not paid from the clerk's periodic remittance of tax payments, in accordance with procedures agreed upon by the tax commissioner. The commissioner may collect taxes due by assessment in the manner provided in section 5739.13 of the Revised Code.

Any person who presents payment that is returned or dishonored for any reason is liable to the clerk for payment of a penalty over and above the amount of the taxes due. The clerk shall determine the amount of the penalty, and the penalty shall be no greater than that amount necessary to compensate the clerk for banking charges, legal fees, or other expenses incurred by the clerk in collecting the returned or dishonored payment. The remedies and procedures provided in this section are in addition to any other available civil or criminal remedies. Subsequently collected penalties, poundage fees, and title fees, less any title fee due the state, from returned or dishonored payments collected by the clerk shall be paid into the certificate

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of title administration fund. Subsequently collected taxes, less poundage fees, shall be sent by the clerk to the treasurer of state at the next scheduled periodic remittance of tax payments, with information as the commissioner may require. The clerk may abate all or any part of any penalty assessed under this division.

(F) In the following cases, the clerk shall accept for filing an application and shall issue a certificate of title without requiring payment or evidence of payment of the tax:

(1) When the purchaser is this state or any of its political subdivisions, a church, or an organization whose purchases are exempted by section 5739.02 of the Revised Code;

(2) When the transaction in this state is not a retail sale as defined by section 5739.01 of the Revised Code;

(3) When the purchase is outside this state or in interstate commerce and the purpose of the purchaser is not to use, store, or consume within the meaning of section 5741.01 of the Revised Code;

(4) When the purchaser is the federal government;

(5) When the motor vehicle was purchased outside this state for use outside this state;

(6) When the motor vehicle is purchased by a nonresident under the circumstances described in division (B)(1) of section 5739.029 of the Revised Code, and upon presentation of a copy of the affidavit provided by that section, and a copy of the exemption certificate provided by section 5739.03 of the Revised Code;

(7) When the applicant is a new or used motor vehicle dealer that makes an election and submits a certificate under division (B)(5) of this section.

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(G) An application, as prescribed by the registrar and agreed to by the tax commissioner, shall be filled out and sworn to by the buyer of a motor vehicle in a casual sale. The application shall contain the following notice in bold lettering: "WARNING TO TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by law to state the true selling price. A false statement is in violation of section 2921.13 of the Revised Code and is punishable by six months' imprisonment or a fine of up to one thousand dollars, or both. All transfers are audited by the department of taxation. The seller and buyer must provide any information requested by the department of taxation. The buyer may be assessed any additional tax found to be due."

(H) For sales of manufactured homes or mobile homes occurring on or after January 1, 2000, the clerk shall accept for filing, pursuant to Chapter 5739. of the Revised Code, an application for a certificate of title for a

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manufactured home or mobile home without requiring payment of any tax pursuant to section 5739.02, 5741.021, 5741.022, or 5741.023 of the Revised Code, or a receipt issued by the tax commissioner showing payment of the tax. For sales of manufactured homes or mobile homes occurring on or after January 1, 2000, the applicant shall pay to the clerk an additional fee of five dollars for each certificate of title issued by the clerk for a manufactured or mobile home pursuant to division (H) of section 4505.11 of the Revised Code and for each certificate of title issued upon transfer of ownership of the home. The clerk shall credit the fee to the county certificate of title administration fund, and the fee shall be used to pay the expenses of archiving those certificates pursuant to division (A) of section 4505.08 and division (H)(3) of section 4505.11 of the Revised Code. The tax commissioner shall administer any tax on a manufactured or mobile home pursuant to Chapters 5739. and 5741. of the Revised Code.

(I) Every clerk shall have the capability to transact by electronic means all procedures and transactions relating to the issuance of motor vehicle certificates of title that are described in the Revised Code as being accomplished by electronic means.

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Sec. 4507.21. (A) Each applicant for a driver's license shall file an application in the office of the registrar of motor vehicles or of a deputy registrar.

(B)(1) Each person under eighteen years of age applying for a driver's license issued in this state shall present satisfactory evidence of having successfully completed any one of the following:

(a) A driver education course approved by the state department of education prior to December 31, 2003.

(b) A driver training course approved by the director of public safety.

(c) A driver training course comparable to a driver education or driver training course described in division (B)(1)(a) or (b) of this section and administered by a branch of the armed forces of the United States and completed by the applicant while residing outside this state for the purpose of being with or near any person serving in the armed forces of the United States.

(2) Each person under eighteen years of age applying for a driver's license also shall present, on a form prescribed by the registrar, an affidavit signed by an eligible adult attesting that the person has acquired at least fifty hours of actual driving experience, with at least ten of those hours being at night.

(C) ~~Each~~ Commencing one year after the effective date of the rules adopted pursuant to division (F) of section 4508.02 of the Revised Code that

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medicine in another state;

(2) The physician provides services only at the camp or in connection with camp events or camp activities that occur off the grounds of the camp;

(3) The physician receives no compensation for the services;

(4) The physician provides those services within this state for not more than thirty days per calendar year;

(5) The camp has a medical director who holds an unrestricted license to practice medicine issued in accordance with division (A) of this section.

Sec. 4731.62. (A) As used in this section:

(1) "Controlled substance" and "controlled substance analog" have the same meanings as in section 3719.01 of the Revised Code.

(2) "Dangerous drug" has the same meaning as in section 4729.01 of the Revised Code.

(3) "Mental health professional" has the same meaning as in section 340.032 of the Revised Code.

(B) A physician who is acting in a professional capacity and who knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in a similar position to suspect, that a patient is experiencing an overdose of a dangerous drug, controlled substance, controlled substance analog, or metabolite of a controlled substance may refer the patient to a mental health professional. If the physician refers the patient to a mental health professional, the physician shall promptly notify the mental health professional in writing of the referral. Within thirty days after receiving the written notification, the mental health professional shall inform the physician in writing of the status of treatment of the patient provided by the mental health professional.

(C) A communication between a physician and a mental health professional made under this section shall not be considered a breach of confidentiality between a physician or psychologist or other mental health professional and a patient or a waiver of a testimonial privilege by the patient.

(D) A physician or mental health professional is not liable in damages in a civil action for harm allegedly incurred as a result of a communication made under this section.

Sec. 4731.74. (A) As used in this section:

(1) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.

(2) "Drug" and "prescription" have the same meanings as in section 4729.01 of the Revised Code.

(3) "Institutional facility" means a hospital as defined in section 3727.01

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of the Revised Code or a facility licensed by the state board of pharmacy and the department of health, the department of rehabilitation and correction, or the department of developmental disabilities, at which medical care is provided on site and a medical record documenting episodes of care, including drugs ordered and administered, is maintained.

(4) "Telehealth service" has the same meaning as in section 5164.95 of the Revised Code.

(B) Except as provided in divisions (C) and (D) of this section, a physician shall not prescribe, dispense, otherwise provide, or cause to be provided a prescription drug to a person on whom the physician has never conducted a medical evaluation.

(C) A physician may prescribe, dispense, otherwise provide, or cause to be provided a prescription drug that is not a controlled substance to a person on whom the physician has never conducted a medical evaluation, and who is at a location remote from the physician, if the physician meets all of the following requirements:

(1) In a manner that is consistent with the standard for in-person care by a physician, the remote physician shall complete and document a medical evaluation of the patient and collect clinical data as needed to establish a diagnosis, identify any underlying conditions, and identify any contraindications to the treatment that is recommended or provided.

(2)(a) Except as provided in division (C)(2)(b) of this section, the remote physician shall complete an examination of the patient using appropriate technology that is capable of all of the following:

(i) Transmitting images of the patient's condition in real-time;

(ii) Transmitting information regarding the patient's physical condition and other relevant clinical data needed for compliance with division (C)(1) of this section;

(iii) Being adjusted for better image quality and definition.

(b) If the patient has a designated primary care physician or designates a primary care physician with assistance from the remote physician, the remote physician may examine the patient over the telephone without the use of the technology required by division (C)(2)(a) of this section, if the remote physician meets all of the following requirements:

(i) The remote physician is physically located in this state.

(ii) The remote physician has received credentials to provide telehealth services pursuant to a process certified by the national committee for quality assurance.

(iii) The remote physician forwards the patient's electronic health record to the patient's designated primary care physician after the consultation.

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(iv) The remote physician is available to follow up with the patient after the consult as necessary.

(3) The remote physician shall document having had dialogue with the patient regarding treatment options and the risks and benefits of treatment sufficient to permit the patient to provide informed consent to treatment.

(4) The remote physician shall maintain a contemporaneous medical record that is readily available to the patient and to the patient's other health care providers.

(5) The remote physician shall include the electronic prescription information as part of the patient's medical record.

(6) As necessary, the remote physician shall follow-up with the patient to assess the therapeutic outcome.

(D) In addition to the circumstances described in division (C) of this section, a physician may prescribe, dispense, otherwise provide, or cause to be provided a prescription drug, including a controlled substance, to a person on whom the physician has never conducted a medical evaluation in the following situations:

(1) The person is a patient of a colleague of the physician and the drugs are provided pursuant to an on call or cross coverage arrangement between the physicians.

(2) The physician is consulting with another physician or health care provider who is authorized to practice in this state and is acting within the scope of that physician or provider's professional license, including having prescriptive authority if all of the following requirements are met:

(a) The physician shall establish that the other physician or health care provider has an ongoing professional relationship with the patient and has agreed to supervise the patient's use of the drug or drugs to be provided.

(b) If the health care provider is a physician assistant, the physician has a supervision agreement with the physician assistant.

(c) If the health care provider is an advanced practice registered nurse, the physician has a standard care arrangement with the advanced practice registered nurse.

(3) The physician is the medical director of a hospice care program licensed pursuant to Chapter 3712. of the Revised Code or is the attending physician of a hospice patient, enrolled in such a hospice care program, and the drugs are prescribed, dispensed, or otherwise provided to a hospice patient.

(4) The person has been admitted as an inpatient to or is a resident of an institutional facility.

(E) This section does not imply that a single in-person medical

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evaluation demonstrates that a prescription has been issued for a legitimate medical purpose within the course of professional practice. JRK

Sec. 4732.10. (A) The state board of psychology shall appoint an entrance examiner who shall determine the sufficiency of an applicant's qualifications for admission to the appropriate examination. A member of the board or the executive director may be appointed as the entrance examiner.

(B) Requirements for admission to examination for a psychologist license shall be that the applicant:

(1) Is at least twenty-one years of age;

(2) Is of good moral character;

(3) Meets one of the following requirements:

(a) Received an earned doctoral degree from an institution accredited or recognized by a national or regional accrediting agency and a program accredited by any of the following:

(i) The American psychological association, office of program consultation and accreditation;

(ii) The accreditation office of the Canadian psychological association;

(iii) A program listed by the association of state and provincial psychology boards/national register designation committee;

(iv) The national association of school psychologists.

(b) Received an earned doctoral degree in psychology or school psychology from an institution accredited or recognized by a national or regional accrediting agency but the program does not meet the program accreditation requirements of division (B)(3)(a) of this section;

(c) Received from an academic institution outside of the United States or Canada a degree determined, under rules adopted by the board under division (E) of this section, to be equivalent to a doctoral degree in psychology from a program described in division (B)(3)(a) of this section;

~~(c)~~(d) Held a psychologist license, certificate, or registration required for practice in another United States or Canadian jurisdiction for a minimum of ten years and meets educational, experience, and professional requirements established under rules adopted by the board.

~~(d) Enrolled, not later than sixty days after April 7, 2009, in an educational institution accredited or recognized by national or regional accrediting agencies as maintaining satisfactory standards and not later than eight years after April 7, 2009, received an earned doctoral degree in psychology or school psychology.~~

(4) Has had at least two years of supervised professional experience in psychological work of a type satisfactory to the board, at least one year of

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(C) Adopt reasonable safety rules applicable to the highway transportation of persons or property in interstate and intrastate commerce by motor carriers;

(D) Adopt safety rules applicable to the transportation and offering for transportation of hazardous materials in interstate and intrastate commerce by motor carriers. The rules shall not be incompatible with the requirements of the United States department of transportation.

(E) Require the filing of reports and other data by motor carriers;

(F) Adopt reasonable rules for the administration and enforcement of this chapter and Chapters 4901., 4903., 4907., 4909., 4921., and 4923. of the Revised Code applying to each motor carrier in this state;

(G) Supervise and regulate motor carriers in all other matters affecting the relationship between those carriers and the public to the exclusion of all local authorities, except as provided in this section. The commission, in the exercise of the jurisdiction conferred upon it by this chapter and Chapters 4901., 4903., 4907., 4909., 4921., and 4923. of the Revised Code, may adopt rules affecting motor carriers, notwithstanding the provisions of any ordinance, resolution, license, or permit enacted, adopted, or granted by any township, municipal corporation, municipal corporation and county, or county. In case of conflict between any such ordinance, resolution, license, or permit, the order or rule of the commission shall prevail. Local subdivisions may adopt reasonable local police rules within their respective boundaries not inconsistent with those chapters and rules adopted under them.

The commission has jurisdiction to receive, hear, and determine as a question of fact, upon complaint of any party or upon its own motion, and upon not less than fifteen days' notice of the time and place of the hearing and the matter to be heard, whether any corporation, company, association, joint-stock association, person, firm, or copartnership, or their lessees, legal or personal representatives, trustees, or receivers or trustees appointed by any court, is engaged as a motor carrier. The finding of the commission on such a question is a final order that may be reviewed as provided in section 4923.15 of the Revised Code.

Sec. 4909.161. (A) Notwithstanding the provisions of Chapters 4905. and 4909. of the Revised Code, the payment of any type of increased excise tax levy shall be considered to be a normal expense incurred by a public utility in the course of rendering service to the public, and may be recovered as such in accordance with an order of the public utilities commission. Any public utility required to pay any such increased excise tax levy may file with the public utilities commission revised rate schedules that will permit

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full recovery on an interim or permanent basis in its rates, of the amount of any resultant increased tax payments and the commission shall promptly act to approve such schedules.

(B) Notwithstanding Chapters 4905. and 4909. of the Revised Code, the payment of the kilowatt-hour tax imposed by section 5727.81 of the Revised Code shall be considered a normal expense incurred by an electric distribution utility, as defined in section 4928.01 of the Revised Code, in the course of rendering service to the public, and may be recovered as such in accordance with an order of the commission. An electric distribution utility required to pay the kilowatt-hour tax may file with the commission revised rate schedules, consistent with Chapters 4905. and 4909. and division (A)(6) of section 4928.34 of the Revised Code, that will permit full recovery on a permanent basis in its rates, of the amount of any resultant tax payments, after taking into account any reductions of taxes in its rates resulting from Sub. S.B. No. 3 of the 123rd general assembly, and the commission shall act promptly to approve those schedules.

(C) Notwithstanding the provisions of Chapters 4905. and 4909. of the Revised Code, the payment of any increased tax on transmission and distribution property and energy conversion equipment that results from the amendment of divisions (E) and (H) of section 5727.111 of the Revised Code by H.B. 64 of the 131st general assembly shall be considered to be a normal expense incurred by an electric company in the course of rendering service to the public, and may be recovered as such in accordance with an order of the commission. Any electric company required to pay any such increased tax may file with the commission a request for a reconcilable rider that will permit full recovery of the amount of any resultant increased tax payments, and the commission shall promptly approve the rider.

Sec. 4923.04. (A)~~(1)~~ The public utilities commission shall adopt rules applicable to ~~the~~ all of the following:

(1) The transportation of persons or property by motor carriers operating in interstate and intrastate commerce~~.~~;

(2) The ~~commission shall adopt rules applicable to the~~ highway transportation and offering for transportation of hazardous materials by motor carriers, and persons engaging in the highway transportation and offering for transportation of hazardous materials, operating in interstate or intrastate commerce;

(3) The use and interchange of intermodal equipment, as those terms are defined in section 4923.041 of the Revised Code.

(B) The rules adopted under division (A) of this section shall not be incompatible with the requirements of the United States department of

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deceased for fifty years or more are no longer considered confidential.

(B) Before records are disclosed pursuant to divisions (A)(3), (6), and (9) of this section, the custodian of the records shall attempt to obtain the patient's consent for the disclosure. No person shall reveal the contents of a medical record of a patient except as authorized by law.

(C) The managing officer of a hospital who releases necessary medical information under division (A)(3) of this section to allow an insurance carrier or other third party payor to comply with section 5121.43 of the Revised Code shall neither be subject to criminal nor civil liability.

Sec. 5122.36. If the legal residence of a person suffering from mental illness is in another county of the state, the necessary expense of the person's return is a proper charge against the county of legal residence. If an adjudication and order of hospitalization by the probate court of the county of temporary residence are required, the regular probate court fees and expenses incident to the order of hospitalization under this chapter and any other expense incurred on the person's behalf shall be charged to and paid by the county of the person's legal residence upon the approval and certification of the probate judge of ~~that~~ the county of the person's legal residence. The ordering court shall send to the probate court of the person's county of legal residence a certified ~~transcript of all proceedings had in~~ copy of the commitment order from the ordering court. The receiving court shall enter and record the ~~transcript~~ commitment order. The certified ~~transcript~~ commitment order is prima facie evidence of the residence of the person. When the residence of the person cannot be established as represented by the ordering court, the matter of residence shall be referred to the department of mental health and addiction services for investigation and determination.

Sec. 5123.032. (A) As used in this section~~, "developmental~~:

(1) "Closed" or "closure" means a situation in which either of the following occurs:

(a) A developmental center ceases operations;

(b) Control of a developmental center is transferred from the department of developmental disabilities to another entity that is not a government entity.

(2) "Developmental center" means any institution or facility of the department of developmental disabilities that, on or after January 30, 2004, is named, designated, or referred to as a developmental center.

(B) Notwithstanding any other provision of law, any closure of a developmental center shall be subject to, and in accordance with, this section.

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(C) ~~Notwithstanding any other provision of law, at least ten days prior to making any official, public announcement that the governor intends to close one or more developmental centers, the governor shall notify the general assembly in writing that the governor intends to close one or more developmental centers. The governor shall notify the general assembly in writing of the prior announcement and that the governor intends to close the center identified in the prior announcement, and the notification to the general assembly shall constitute, for purposes of this section, the governor's official, public announcement that the governor intends to close that center.~~

~~The notice required by this division shall identify by name each developmental center that the governor intends to close or, if the governor has not determined any specific developmental center to close, shall state the governor's general intent to close one or more developmental centers. When the governor notifies the general assembly as required by this division, the legislative service commission promptly shall conduct an independent study of the developmental centers of the department of developmental disabilities and of the department's operation of the centers, and the study shall address relevant criteria and factors, including, but not limited to, all of the following~~ If the governor determines that one or more developmental centers should be closed, all of the following apply:

(1) For each developmental center, the governor shall notify the general assembly and the department of developmental disabilities of that determination and the rationale for it. If the rationale is expenditure reductions or budget cuts, the notice shall specify the anticipated savings to be obtained through the closure.

(2) Not later than seven days after the governor provides notice under this section, the officials who are to appoint members of the commission under division (D) of this section, shall appoint the members. As soon as possible after the appointments, the commission shall meet and commence deliberations. Not later than ninety days after the governor provides the notice, the commission shall provide to the general assembly, the governor, and the department a report of its recommendation concerning the developmental center. The commission may recommend closure for expenditure reductions or budget cuts only if the anticipated savings to be obtained by the closure are approximately the same as the anticipated savings specified in the governor's notice. If the governor gave notice of the proposed closure of more than one developmental center, the report shall list them in order of the commission's preference for closure.

(3) On receipt of a report that recommends closure of a developmental center, the governor may close the developmental center. Except as

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otherwise provided in this division, the governor shall not close a developmental center that is not listed in the commission's recommendation, and shall not close multiple developmental centers in any order other than the order of the commission's preference as specified in the recommendation. If the governor determines that it is not feasible to implement the recommendation because there has been a significant change in circumstances, the governor may call for a new commission regarding the developmental center. The new commission shall be created and function in accordance with this section.

(D) Each developmental center closure commission shall consist of thirteen members. Three members shall be members of the house of representatives, two of whom are members of the majority political party in the house of representatives appointed by the speaker of the house of representatives and one of whom is a member of the minority political party in the house of representatives appointed by the minority leader of the house of representatives. Three members shall be members of the senate, two of whom are members of the majority political party in the senate appointed by the president of the senate and one of whom is a member of the minority political party in the senate appointed by the minority leader of the senate. One member shall be the director of budget and management. One member shall be the director of developmental disabilities. Four members shall be persons with experience in the work of the department of developmental disabilities. One of these members must be a family member of a person living in the developmental center, and because of that familial connection, shall be deemed to have met the experience requirement. Of these four members one shall be appointed by the speaker of the house of representatives, one by the minority leader of the house of representatives, one by the president of the senate, and one by the minority leader of the senate. One member shall be a representative of the employees' association representing the largest number of employees of the department, as certified by the director of developmental disabilities, with that member being appointed by the president of the association. At the commission's first meeting, the members shall organize and appoint a chairperson and vice-chairperson. The members shall serve without compensation.

(E) In making its determination of whether a developmental center should close, the commission shall consider the following factors and any other factors it considers appropriate:

(1) ~~The manner in which the closure of developmental centers in general would affect the safety, health, well-being, and lifestyle of the centers' residents and their family members and would affect public safety and, if the~~

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~~governor's notice identifies by name one or more developmental centers that the governor intends to close, the manner in which the closure of each center so identified would affect the safety, health, well-being, and lifestyle of the center's residents and their family members and would affect public safety~~ Whether there is a need to reduce the number of developmental centers;

(2) The availability of alternate facilities;

(3) The cost effectiveness of the ~~facilities identified for closure~~ developmental center;

(4) ~~A comparison of the cost of residing at a facility identified for closure and the cost of new living arrangements~~ The opportunities for, and barriers to, transitioning staff of the center to other appropriate employment;

(5) The geographic factors associated with ~~each facility~~ the center and its proximity to other similar facilities;

(6) ~~The impact of collective bargaining on facility operations;~~

~~(7)~~ The utilization and maximization of resources;

~~(8)~~(7) Continuity of the staff and ability to serve the ~~facility~~ center's population;

~~(9)~~(8) Continuing costs following closure of ~~a facility~~ the center;

~~(10)~~(9) The impact of the closure on the local economy;

~~(11)~~(10) Alternatives and opportunities for consolidation with other centers or facilities~~;~~

~~(12) How the closing of a facility identified for closure relates to the department's plans for the future of developmental centers in this state;~~

~~(13) The effect of the closure of developmental centers in general upon the state's fiscal resources and fiscal status and, if the governor's notice identifies by name one or more developmental centers that the governor intends to close, the effect of the closure of each center so identified upon the state's fiscal resources and fiscal status.~~

~~(D) The legislative service commission shall complete the study required by division (C) of this section, and prepare a report that contains its findings, not later than sixty days after the governor makes the official, public announcement that the governor intends to close one or more developmental centers as described in division (C) of this section. The commission shall provide a copy of the report to each member of the general assembly who requests a copy of the report~~ and for collaboration with other state agencies and political subdivisions.

(F) The commission shall meet as often as necessary to make its determination and may take testimony and consider all relevant information.

On providing its report, the commission shall cease to exist, provided that another commission shall be created if the governor calls for a new

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commission pursuant to division (D) of this section or the governor provides another notice of closure under division (C)(1) of this section.

Sec. 5123.033. The program fee fund is hereby created in the state treasury. All fees collected pursuant to sections 5123.161, 5123.164, and 5123.19 of the Revised Code shall be credited to the fund. Money credited to the fund shall be used solely for the department of developmental disabilities' duties under sections 5123.16 to ~~5123.1610,~~ 5123.1611 and 5123.19 of the Revised Code and to provide continuing education and professional training to providers of services to individuals with mental retardation or a developmental disability. If the money credited to the fund is inadequate to pay all of the department's costs in performing those duties and providing the continuing education and professional training, the department may use other available funds appropriated to the department to pay the remaining costs of performing those duties and providing the continuing education and professional training.

Sec. 5123.08. An appointing officer may appoint a person who holds a certified position in the classified service within the department of developmental disabilities to a position in the unclassified service within the department. A person appointed pursuant to this section to a position in the unclassified service shall retain the right to resume the position and status held by the person in the classified service immediately prior to the person's appointment to the position in the unclassified service, regardless of the number of positions the person held in the unclassified service. An employee's right to resume a position in the classified service may only be exercised when an appointing authority demotes the employee to a pay range lower than the employee's current pay range or revokes the employee's appointment to the unclassified service. An employee who holds a position in the classified service and who is appointed to a position in the unclassified service on or after January 1, 2016, shall have the right to resume a position in the classified service under this section only within five years after the effective date of the employee's appointment in the unclassified service. An employee forfeits the right to resume a position in the classified service when the employee is removed from the position in the unclassified service due to incompetence, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of this chapter or Chapter 124. of the Revised Code, the rules of the director of developmental disabilities or the director of administrative services, any other failure of good behavior, any other acts of misfeasance, malfeasance, or nonfeasance in office, or conviction of a felony. An employee also forfeits the right to resume a

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to administer the medicaid school component of the medicaid program other than the aspects of the component that sections 5162.36 to ~~5162.364~~ 5162.365 of the Revised Code require the department of medicaid to administer. The interagency agreement may include a provision that provides for the department of education to pay to the department of medicaid the nonfederal share of a portion of the administrative expenses the department of medicaid incurs in administering the aspects of the component that the department of medicaid administers.

To the extent authorized by rules authorized by section 5162.021 of the Revised Code, the department of education shall ~~establish, in~~ adopt rules ~~adopted under section 5162.02 of the Revised Code,~~ establishing a process by which qualified medicaid school providers participating in the medicaid school component pay to the department of education the nonfederal share of the department's expenses incurred in administering the component. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 5162.365. (A) A qualified medicaid school provider is solely responsible for timely repaying any overpayment that the provider receives under the medicaid school component of the medicaid program and that is discovered by a federal or state audit. This is the case regardless of whether the audit's finding identifies the provider, department of medicaid, or department of education as being responsible for the overpayment.

(B) The department of medicaid shall not do any of the following regarding an overpayment for which a qualified medicaid school provider is responsible for repaying:

(1) Make a payment to the federal government to meet or delay the provider's repayment obligation;

(2) Assume the provider's repayment obligation;

(3) Forgive the provider's repayment obligation.

(C) Each qualified medicaid school provider shall indemnify and hold harmless the department of medicaid for any cost or penalty resulting from a federal or state audit finding that a claim submitted by the provider under section 5162.361 of the Revised Code did not comply with a federal or state requirement applicable to the claim, including a requirement of a medicaid waiver component.

Sec. 5163.03. (A) Subject to section 5163.05 of the Revised Code, the medicaid program shall cover all mandatory eligibility groups.

(B) The medicaid program shall cover all of the optional eligibility groups that state statutes require the medicaid program to cover.

(C) The medicaid program may cover any of the optional eligibility groups to which either of the following applies:

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(1) State statutes expressly permit the medicaid program to cover the optional eligibility group.

(2) ~~State statutes do not address whether~~ Except as provided in division (D)(1) of this section, the medicaid program ~~may cover~~ covers the optional eligibility group on the effective date of this amendment.

(D) The medicaid program shall not cover any optional eligibility group ~~that state~~ to which either of the following applies:

(1) State statutes expressly prohibit the medicaid program from covering the optional eligibility group.

(2) State statutes do not address whether the medicaid program may cover the optional eligibility group.

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Sec. 5163.04. The income eligibility threshold for an optional eligibility group shall be the following:

(A) The percentage of the federal poverty line specified in state statute for the group;

(B) If the income eligibility threshold for the group is not specified in state statute, a percentage of the federal poverty line not exceeding the percentage of the federal poverty line that, on the effective date of this section, is the group's income eligibility threshold.

Sec. 5163.06. The medicaid program shall cover all of the following optional eligibility groups:

(A) The group consisting of children placed with adoptive parents who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(VIII), 42 U.S.C. 1396a(a)(10)(A)(ii)(VIII);

(B) Subject to section 5163.061 of the Revised Code, the group consisting of women during pregnancy and the sixty-day period beginning on the last day of the pregnancy, infants, and children who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(IX), 42 U.S.C. 1396a(a)(10)(A)(ii)(IX);

(C) Subject to sections 5163.09 to 5163.098 of the Revised Code, the group consisting of employed individuals with disabilities who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(XV), 42 U.S.C. 1396a(a)(10)(A)(ii)(XV);

(D) Subject to sections 5163.09 to 5163.098 of the Revised Code, the group consisting of employed individuals with medically improved disabilities who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(XVI), 42 U.S.C. 1396a(a)(10)(A)(ii)(XVI);

(E) The group consisting of independent foster care adolescents who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(XVII), 42 U.S.C. 1396a(a)(10)(A)(ii)(XVII);

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(F) The group consisting of women in need of treatment for breast or cervical cancer who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(XVIII), 42 U.S.C. 1396a(a)(10)(A)(ii)(XVIII);

~~(G) The group consisting of nonpregnant individuals who may receive family planning services and supplies and are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(XXI), 42 U.S.C. 1396a(a)(10)(A)(ii)(XXI).~~

Sec. 5163.21. (A)(1) This section applies only to either of the following:

(a) Initial eligibility determinations for the medicaid program;

(b) An appeal from an initial eligibility determination pursuant to section 5160.31 of the Revised Code.

(2)(a) Except as provided in division (A)(2)(b) of this section, this section shall not be used by a court to determine the effect of a trust on an individual's initial eligibility for the medicaid program.

(b) The prohibition in division (A)(2)(a) of this section does not apply to an appeal described in division (A)(1)(b) of this section.

(B) As used in this section:

(1) "Trust" means any arrangement in which a grantor transfers real or personal property to a trust with the intention that it be held, managed, or administered by at least one trustee for the benefit of the grantor or beneficiaries. "Trust" includes any legal instrument or device similar to a trust.

(2) "Legal instrument or device similar to a trust" includes, but is not limited to, escrow accounts, investment accounts, partnerships, contracts, and other similar arrangements that are not called trusts under state law but are similar to a trust and to which all of the following apply:

(a) The property in the trust is held, managed, retained, or administered by a trustee.

(b) The trustee has an equitable, legal, or fiduciary duty to hold, manage, retain, or administer the property for the benefit of the beneficiary.

(c) The trustee holds identifiable property for the beneficiary.

(3) "Grantor" is a person who creates a trust, including all of the following:

(a) An individual;

(b) An individual's spouse;

(c) A person, including a court or administrative body, with legal authority to act in place of or on behalf of an individual or an individual's spouse;

(d) A person, including a court or administrative body, that acts at the direction or on request of an individual or the individual's spouse.

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(4) "Beneficiary" is a person or persons, including a grantor, who benefits in some way from a trust.

(5) "Trustee" is a person who manages a trust's principal and income for the benefit of the beneficiaries.

(6) "Person" has the same meaning as in section 1.59 of the Revised Code and includes an individual, corporation, business trust, estate, trust, partnership, and association.

(7) "Applicant" is an individual who applies for medicaid or the individual's spouse.

(8) "Recipient" is an individual who receives medicaid or the individual's spouse.

(9) "Revocable trust" is a trust that can be revoked by the grantor or the beneficiary, including all of the following, even if the terms of the trust state that it is irrevocable:

(a) A trust that provides that the trust can be terminated only by a court;

(b) A trust that terminates on the happening of an event, but only if the event occurs at the direction or control of the grantor, beneficiary, or trustee.

(10) "Irrevocable trust" is a trust that cannot be revoked by the grantor or terminated by a court and that terminates only on the occurrence of an event outside of the control or direction of the beneficiary or grantor.

(11) "Payment" is any disbursal from the principal or income of the trust, including actual cash, noncash or property disbursements, or the right to use and occupy real property.

(12) "Payments to or for the benefit of the applicant or recipient" is a payment to any person resulting in a direct or indirect benefit to the applicant or recipient.

(13) "Testamentary trust" is a trust that is established by a will and does not take effect until after the death of the person who created the trust.

(14) "Home" means a home described in section 1613(a)(1) of the "Social Security Act," 42 U.S.C. 1382b(a)(1).

(C)(1) If an applicant or recipient is a beneficiary of a trust, the applicant or recipient shall submit a complete copy of the trust instrument to the county department of job and family services and the department of medicaid. A copy shall be considered complete if it contains all pages of the trust instrument and all schedules, attachments, and accounting statements referenced in or associated with the trust. The copy is confidential and is not subject to disclosure under section 149.43 of the Revised Code.

(2) On receipt of a copy of a trust instrument or otherwise determining that an applicant or recipient is a beneficiary of a trust, the county department of job and family services shall determine what type of trust it is

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and shall treat the trust in accordance with the appropriate provisions of this section and rules adopted under section 5163.02 of the Revised Code governing trusts. The county department of job and family services may determine that any of the following is the case regarding the trust or portion of the trust:

(a) It is a resource available to the applicant or recipient;

(b) It contains income available to the applicant or recipient;

(c) Divisions (C)(2)(a) and (b) of this section are both applicable;

(d) Neither division (C)(2)(a) nor (b) of this section is applicable.

(3) Except as provided in division (F) of this section, a trust or portion of a trust that is a resource available to the applicant or recipient or contains income available to the applicant or recipient shall be counted for purposes of determining medicaid eligibility.

(D)(1) A trust or legal instrument or device similar to a trust shall be considered a medicaid qualifying trust if all of the following apply:

(a) The trust was established on or prior to August 10, 1993.

(b) The trust was not established by a will.

(c) The trust was established by an applicant or recipient.

(d) The applicant or recipient is or may become the beneficiary of all or part of the trust.

(e) Payment from the trust is determined by one or more trustees who are permitted to exercise any discretion with respect to the distribution to the applicant or recipient.

(2) If a trust meets the requirement of division (D)(1) of this section, the amount of the trust that is considered by the county department of job and family services to be a resource available to the applicant or recipient shall be the maximum amount of payments permitted under the terms of the trust to be distributed to the applicant or recipient, assuming the full exercise of discretion by the trustee or trustees. The maximum amount shall include only amounts that are permitted to be distributed but are not distributed from either the income or principal of the trust.

(3) Amounts that are actually distributed from a medicaid qualifying trust to a beneficiary for any purpose shall be treated in accordance with rules adopted under section 5163.02 of the Revised Code governing income.

(4) Availability of a medicaid qualifying trust shall be considered without regard to any of the following:

(a) Whether or not the trust is irrevocable or was established for purposes other than to enable a grantor to qualify for medicaid;

(b) Whether or not the trustee actually exercises discretion.

(5) If any real or personal property is transferred to a medicaid

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qualifying trust that is not distributable to the applicant or recipient, the transfer shall be considered an improper disposition of assets and shall be subject to section 5163.30 of the Revised Code and rules to implement that section adopted under section 5163.02 of the Revised Code.

(6) The baseline date for the look-back period for disposition of assets involving a medicaid qualifying trust shall be the date on which the applicant or recipient is both institutionalized and first applies for medicaid.

(E)(1) A trust or legal instrument or device similar to a trust shall be considered a self-settled trust if all of the following apply:

(a) The trust was established on or after August 11, 1993.

(b) The trust was not established by a will.

(c) The trust was established by an applicant or recipient, spouse of an applicant or recipient, or a person, including a court or administrative body, with legal authority to act in place of or on behalf of an applicant, recipient, or spouse, or acting at the direction or on request of an applicant, recipient, or spouse.

(2) ~~A trust that meets the requirements of division (E)(1) of this section and is~~ (a) Except as provided in division (E)(2)(b) of this section, a revocable self-settled trust shall be treated by the county department of job and family services as follows:

~~(a)~~(i) The corpus of the trust shall be considered a resource available to the applicant or recipient.

~~(b)~~(ii) Payments from the trust to or for the benefit of the applicant or recipient shall be considered unearned income of the applicant or recipient.

~~(c)~~(iii) Any other payments from the trust shall be considered an improper disposition of assets and shall be subject to section 5163.30 of the Revised Code and rules to implement that section adopted under section 5163.02 of the Revised Code.

(b) The home of an applicant or recipient held in a revocable self-settled trust is not subject to division (E)(2)(a) of this section, is not a resource available to the applicant or recipient as described in division (C)(2)(a) of this section, and shall be excluded from the computation of spousal share determined pursuant to section 1924(c) of the "Social Security Act," 42 U.S.C. 1396r-5(c).

(c) A transfer of an applicant's or recipient's home from a revocable self-settled trust to the applicant or recipient or that individual's spouse shall not be considered an improper disposition of assets or a disposal of assets for less than fair market value for which a period of medicaid ineligibility may be imposed under section 5163.30 of the Revised Code.

(3) ~~A trust that meets the requirements of division (E)(1) of this section~~

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~~and is an~~ An irrevocable self-settled trust shall be treated by the county department of job and family services as follows:

(a) If there are any circumstances under which payment from the trust could be made to or for the benefit of the applicant or recipient, including a payment that can be made only in the future, the portion from which payments could be made shall be considered a resource available to the applicant or recipient. The county department of job and family services shall not take into account when payments can be made.

(b) Any payment that is actually made to or for the benefit of the applicant or recipient from either the corpus or income shall be considered unearned income.

(c) If a payment is made to someone other than to the applicant or recipient and the payment is not for the benefit of the applicant or recipient, the payment shall be considered an improper disposition of assets and shall be subject to section 5163.30 of the Revised Code and rules to implement that section adopted under section 5163.02 of the Revised Code.

(d) The date of the disposition shall be the later of the date of establishment of the trust or the date of the occurrence of the event.

(e) When determining the value of the disposed asset under this provision, the value of the trust shall be its value on the date payment to the applicant or recipient was foreclosed.

(f) Any income earned or other resources added subsequent to the foreclosure date shall be added to the total value of the trust.

(g) Any payments to or for the benefit of the applicant or recipient after the foreclosure date but prior to the application date shall be subtracted from the total value. Any other payments shall not be subtracted from the value.

(h) Any addition of assets after the foreclosure date shall be considered a separate disposition.

(4) If a trust is funded with assets of another person or persons in addition to assets of the applicant or recipient, the applicable provisions of this section and rules adopted under section 5163.02 of the Revised Code governing trusts shall apply only to the portion of the trust attributable to the applicant or recipient.

(5) The availability of a self-settled trust shall be considered without regard to any of the following:

(a) The purpose for which the trust is established;

(b) Whether the trustees have exercised or may exercise discretion under the trust;

(c) Any restrictions on when or whether distributions may be made from the trust;

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(d) Any restrictions on the use of distributions from the trust.

(6) The baseline date for the look-back period for dispositions of assets involving a self-settled trust shall be the date on which the applicant or recipient is both institutionalized and first applies for medicaid.

(F) The principal or income from any of the following shall not be a resource available to the applicant or recipient:

(1)(a) A special needs trust that meets all of the following requirements:

(i) The trust contains assets of an applicant or recipient under sixty-five years of age and may contain the assets of other individuals.

(ii) The applicant or recipient is disabled as defined in rules adopted under section 5163.02 of the Revised Code.

(iii) The trust is established for the benefit of the applicant or recipient by a parent, grandparent, legal guardian, or a court.

(iv) The trust requires that on the death of the applicant or recipient the state will receive all amounts remaining in the trust up to an amount equal to the total amount of medicaid payments made on behalf of the applicant or recipient.

(b) If a special needs trust meets the requirements of division (F)(1)(a) of this section and has been established for a disabled applicant or recipient under sixty-five years of age, the exemption for the trust granted pursuant to division (F) of this section shall continue after the disabled applicant or recipient becomes sixty-five years of age if the applicant or recipient continues to be disabled as defined in rules adopted under section 5163.02 of the Revised Code. Except for income earned by the trust, the grantor shall not add to or otherwise augment the trust after the applicant or recipient attains sixty-five years of age. An addition or augmentation of the trust by the applicant or recipient with the applicant's own assets after the applicant or recipient attains sixty-five years of age shall be treated as an improper disposition of assets.

(c) Cash distributions to the applicant or recipient shall be counted as unearned income. All other distributions from the trust shall be treated as provided in rules adopted under section 5163.02 of the Revised Code governing in-kind income.

(d) Transfers of assets to a special needs trust shall not be treated as an improper transfer of resources. An asset held prior to the transfer to the trust shall be considered as a resource available to the applicant or recipient, income available to the applicant or recipient, or both a resource and income available to the individual.

(2)(a) A qualifying income trust that meets all of the following requirements:

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(i) The trust is composed only of pension, social security, and other income to the applicant or recipient, including accumulated interest in the trust.

(ii) The income is received by the individual and the right to receive the income is not assigned or transferred to the trust.

(iii) The trust requires that on the death of the applicant or recipient the state will receive all amounts remaining in the trust up to an amount equal to the total amount of medicaid payments made on behalf of the applicant or recipient.

(b) No resources shall be used to establish or augment the trust.

(c) If an applicant or recipient has irrevocably transferred or assigned the applicant's or recipient's right to receive income to the trust, the trust shall not be considered a qualifying income trust by the county department of job and family services.

(d) Income placed in a qualifying income trust shall not be counted in determining an applicant's or recipient's eligibility for medicaid. The recipient of the funds may place any income directly into a qualifying income trust without those funds adversely affecting the applicant's or recipient's eligibility for medicaid. Income generated by the trust that remains in the trust shall not be considered as income to the applicant or recipient.

(e) All income placed in a qualifying income trust shall be combined with any income available to the individual that is not placed in the trust to arrive at a base income figure to be used for spend down calculations.

(f) The base income figure shall be used for post-eligibility deductions, including personal needs allowance, monthly income allowance, family allowance, and medical expenses not subject to third party payment. Any income remaining shall be used toward payment of patient liability. Payments made from a qualifying income trust shall not be combined with the base income figure for post-eligibility calculations.

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(g) The base income figure shall be used when determining the spend down budget for the applicant or recipient. Any income remaining after allowable deductions are permitted as provided under rules adopted under section 5163.02 of the Revised Code shall be considered the applicant's or recipient's spend down liability.

(3)(a) A pooled trust that meets all of the following requirements:

(i) The trust contains the assets of the applicant or recipient of any age who is disabled as defined in rules adopted under section 5163.02 of the Revised Code.

(ii) The trust is established and managed by a nonprofit organization.

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(iii) A separate account is maintained for each beneficiary of the trust but, for purposes of investment and management of funds, the trust pools the funds in these accounts.

(iv) Accounts in the trust are established by the applicant or recipient, the applicant's or recipient's parent, grandparent, or legal guardian, or a court solely for the benefit of individuals who are disabled.

(v) The trust requires that, to the extent that any amounts remaining in the beneficiary's account on the death of the beneficiary are not retained by the trust, the trust pay to the state the amounts remaining in the trust up to an amount equal to the total amount of medicaid payments made on behalf of the beneficiary.

(b) Cash distributions to the applicant or recipient shall be counted as unearned income. All other distributions from the trust shall be treated as provided in rules adopted under section 5163.02 of the Revised Code governing in-kind income.

(c) Transfers of assets to a pooled trust shall not be treated as an improper disposition of assets. An asset held prior to the transfer to the trust shall be considered as a resource available to the applicant or recipient, income available to the applicant or recipient, or both a resource and income available to the applicant or recipient.

(4) A supplemental services trust that meets the requirements of section 5815.28 of the Revised Code and to which all of the following apply:

(a) A person may establish a supplemental services trust pursuant to section 5815.28 of the Revised Code only for another person who is eligible to receive services through one of the following agencies:

(i) The department of developmental disabilities;

(ii) A county board of developmental disabilities;

(iii) The department of mental health and addiction services;

(iv) A board of alcohol, drug addiction, and mental health services.

(b) A county department of job and family services shall not determine eligibility for another agency's program. An applicant or recipient shall do one of the following:

(i) Provide documentation from one of the agencies listed in division (F)(4)(a) of this section that establishes that the applicant or recipient was determined to be eligible for services from the agency at the time of the creation of the trust;

(ii) Provide an order from a court of competent jurisdiction that states that the applicant or recipient was eligible for services from one of the agencies listed in division (F)(4)(a) of this section at the time of the creation of the trust.

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(c) At the time the trust is created, the trust principal does not exceed the maximum amount permitted. The maximum amount permitted in calendar year 2006 is two hundred twenty-two thousand dollars. Each year thereafter, the maximum amount permitted is the prior year's amount plus two thousand dollars.

(d) A county department of job and family services shall review the trust to determine whether it complies with the provisions of section 5815.28 of the Revised Code.

(e) Payments from supplemental services trusts shall be exempt as long as the payments are for supplemental services as defined in rules adopted under section 5163.02 of the Revised Code. All supplemental services shall be purchased by the trustee and shall not be purchased through direct cash payments to the beneficiary.

(f) If a trust is represented as a supplemental services trust and a county department of job and family services determines that the trust does not meet the requirements provided in division (F)(4) of this section and section 5815.28 of the Revised Code, the county department of job and family services shall not consider it an exempt trust.

(G)(1) A trust or legal instrument or device similar to a trust shall be considered a trust established by an individual for the benefit of the applicant or recipient if all of the following apply:

(a) The trust is created by a person other than the applicant or recipient.

(b) The trust names the applicant or recipient as a beneficiary.

(c) The trust is funded with assets or property in which the applicant or recipient has never held an ownership interest prior to the establishment of the trust.

(2) Any portion of a trust that meets the requirements of division (G)(1) of this section shall be a resource available to the applicant or recipient only if the trust permits the trustee to expend principal, corpus, or assets of the trust for the applicant's or recipient's medical care, care, comfort, maintenance, health, welfare, general well being, or any combination of these purposes.

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(3) A trust that meets the requirements of division (G)(1) of this section shall be considered a resource available to the applicant or recipient even if the trust contains any of the following types of provisions:

(a) A provision that prohibits the trustee from making payments that would supplant or replace medicaid or other public assistance;

(b) A provision that prohibits the trustee from making payments that would impact or have an effect on the applicant's or recipient's right, ability, or opportunity to receive medicaid or other public assistance;

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(c) A provision that attempts to prevent the trust or its corpus or principal from being a resource available to the applicant or recipient.

(4) A trust that meets the requirements of division (G)(1) of this section shall not be counted as a resource available to the applicant or recipient if at least one of the following circumstances applies:

(a) If a trust contains a clear statement requiring the trustee to preserve a portion of the trust for another beneficiary or remainderman, that portion of the trust shall not be counted as a resource available to the applicant or recipient. Terms of a trust that grant discretion to preserve a portion of the trust shall not qualify as a clear statement requiring the trustee to preserve a portion of the trust.

(b) If a trust contains a clear statement requiring the trustee to use a portion of the trust for a purpose other than medical care, care, comfort, maintenance, welfare, or general well being of the applicant or recipient, that portion of the trust shall not be counted as a resource available to the applicant or recipient. Terms of a trust that grant discretion to limit the use of a portion of the trust shall not qualify as a clear statement requiring the trustee to use a portion of the trust for a particular purpose.

(c) If a trust contains a clear statement limiting the trustee to making fixed periodic payments, the trust shall not be counted as a resource available to the applicant or recipient and payments shall be treated in accordance with rules adopted under section 5163.02 of the Revised Code governing income. Terms of a trust that grant discretion to limit payments shall not qualify as a clear statement requiring the trustee to make fixed periodic payments.

(d) If a trust contains a clear statement that requires the trustee to terminate the trust if it is counted as a resource available to the applicant or recipient, the trust shall not be counted as such. Terms of a trust that grant discretion to terminate the trust do not qualify as a clear statement requiring the trustee to terminate the trust.

(e) If a person obtains a judgment from a court of competent jurisdiction that expressly prevents the trustee from using part or all of the trust for the medical care, care, comfort, maintenance, welfare, or general well being of the applicant or recipient, the trust or that portion of the trust subject to the court order shall not be counted as a resource available to the applicant or recipient.

(f) If a trust is specifically exempt from being counted as a resource available to the applicant or recipient by a provision of the Revised Code, rules, or federal law, the trust shall not be counted as such.

(g) If an applicant or recipient presents a final judgment from a court

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demonstrating that the applicant or recipient was unsuccessful in a civil action against the trustee to compel payments from the trust, the trust shall not be counted as a resource available to the applicant or recipient.

(h) If an applicant or recipient presents a final judgment from a court demonstrating that in a civil action against the trustee the applicant or recipient was only able to compel limited or periodic payments, the trust shall not be counted as a resource available to the applicant or recipient and payments shall be treated in accordance with rules adopted under section 5163.02 of the Revised Code governing income.

(i) If an applicant or recipient provides written documentation showing that the cost of a civil action brought to compel payments from the trust would be cost prohibitive, the trust shall not be counted as a resource available to the applicant or recipient.

(5) Any actual payments to the applicant or recipient from a trust that meet the requirements of division (G)(1) of this section, including trusts that are not counted as a resource available to the applicant or recipient, shall be treated as provided in rules adopted under section 5163.02 of the Revised Code governing income. Payments to any person other than the applicant or recipient shall not be considered income to the applicant or recipient. Payments from the trust to a person other than the applicant or recipient shall not be considered an improper disposition of assets.

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Sec. 5163.30. (A) As used in this section:

(1) "Assets" include all of an individual's income and resources and those of the individual's spouse, including any income or resources the individual or spouse is entitled to but does not receive because of action by any of the following:

(a) The individual or spouse;

(b) A person or government entity, including a court or administrative agency, with legal authority to act in place of or on behalf of the individual or spouse;

(c) A person or government entity, including a court or administrative agency, acting at the direction or on the request of the individual or spouse.

(2) "Home and community-based services" means home and community-based services furnished under a medicaid waiver granted by the United States secretary of health and human services under the "Social Security Act," section 1915(c) or (d), 42 U.S.C. 1396n(c) or (d).

(3) "Institutionalized individual" means a resident of a nursing facility, an inpatient in a medical institution for whom a payment is made based on a level of care provided in a nursing facility, or an individual described in the "Social Security Act," section 1902(a)(10)(A)(ii)(VI), 42 U.S.C.

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(3) Expiration of the time to issue a final fiscal audit that section 5164.38 of the Revised Code requires to be conducted in accordance with Chapter 119. of the Revised Code;

(4) Expiration of the time to issue a finding under any other provision of state statutes governing the medicaid program or the rules adopted under those statutes.

~~(E)~~(D)(1) Subject to division ~~(E)~~(D)(2) of this section, the recovery of an overpayment under this section does not preclude the department from subsequently doing the following:

(a) Issuing a final fiscal audit in accordance with Chapter 119. of the Revised Code, as required under section 5164.38 of the Revised Code;

(b) Issuing a finding under any other provision of state statutes governing the medicaid program or the rules adopted under those statutes.

(2) A final fiscal audit or finding issued subsequent to the recovery of an overpayment under this section shall be reduced by the amount of the prior recovery, as appropriate.

~~(F)~~(E) Nothing in this section limits the department's authority to recover overpayments pursuant to any other provision of the Revised Code.

Sec. 5164.78. The medicaid payment rate for medical transportation services shall include a component that pays for providers' fuel costs. The department of medicaid shall revise the rate for the fuel component each month. The rate for the fuel component for a month shall be at least five per cent higher than the national average for fuel prices for the immediately preceding month as reported by the United States energy information administration.

Sec. 5164.912. A medical transportation provider may submit a claim to the medicaid program for a medical transportation service provided to an ICDS participant without the medicare program first denying the claim if the medicaid program is responsible for paying the claim instead of the medicare program.

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Sec. 5165.15. ~~(A)~~ Except as otherwise provided by sections 5165.151 to 5165.157 and 5165.34 of the Revised Code, the total per medicaid day payment rate that the department of medicaid shall pay a nursing facility provider for nursing facility services the provider's nursing facility provides during a fiscal year shall ~~equal~~ be determined as follows:

(A) Determine the sum of all of the following:

(1) The per medicaid day payment rate for ancillary and support costs determined for the nursing facility under section 5165.16 of the Revised Code;

(2) The per medicaid day payment rate for capital costs determined for

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one dollar and eighty-eight cents;

(ii) Unless the first rebasing occurs before January 1, 2014, beginning January 1, 2014, and until the first rebasing occurs, eighty-six cents.

(f) Until the first rebasing occurs, increase the amount calculated under division (D)(1)(e) of this section by five and eight hundredths per cent.

(2) In making the identification under division (D)(1)(b) of this section, the department shall exclude both of the following:

(a) Nursing facilities that participated in the medicaid program under the same provider for less than twelve months in the applicable calendar year;

(b) Nursing facilities whose cost per case-mix unit is more than one standard deviation from the mean cost per case-mix unit for all nursing facilities in the nursing facility's peer group for the applicable calendar year.

(3) The following index shall be used for the purpose of the calculation made under division (D)(1)(d) of this section:

(a) Until the first rebasing occurs, the employment cost index for total compensation, health services component, published by the United States bureau of labor statistics, as the index existed on July 1, 2005;

(b) Effective with the first rebasing and except as provided in division (D)(3)(c) of this section, the employment cost index for total compensation, nursing and residential care facilities occupational group, published by the United States bureau of labor statistics;

(c) If the United States bureau of labor statistics ceases to publish the index specified in division (D)(3)(b) of this section, the index the bureau subsequently publishes that covers nursing facilities' staff costs.

(4) The department shall not redetermine a peer group's cost per case-mix unit under this division based on additional information that it receives after the peer group's per case-mix unit is determined. The department shall redetermine a peer group's cost per case-mix unit only if it made an error in determining the peer group's cost per case-mix unit based on information available to the department at the time of the original determination.

Sec. 5165.192. (A)(1) Except as provided in division (B) of this section and in accordance with the process specified in rules authorized by this section, the department of medicaid shall do all of the following:

(a) Every quarter, determine the following two case-mix scores for each nursing facility:

(i) A quarterly case-mix score that includes each resident who is a medicaid recipient and is not a low resource utilization resident;

(ii) A quarterly case-mix score that includes each resident regardless of payment source.

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(b) Every six months, determine a semiannual average case-mix score for each nursing facility by using the quarterly case-mix scores determined for the nursing facility pursuant to division (A)(1)(a)(i) of this section;

(c) After the end of each calendar year, determine an annual average case-mix score for each nursing facility by using the quarterly case-mix scores determined for the nursing facility pursuant to division (A)(1)(a)(ii) of this section.

(2) When determining case-mix scores under division (A)(1) of this section, the department shall use all of the following:

(a) Data from a resident assessment instrument specified in rules authorized by section 5165.191 of the Revised Code;

(b) Except as provided in rules authorized by this section, the case-mix values established by the United States department of health and human services;

(c) Except as modified in rules authorized by this section, the grouper methodology ~~used on June 30, 1999,~~ designated by the United States department of health and human services ~~for prospective payment of skilled nursing facilities under the medicare program~~ as the resource utilization group (RUG)-IV, 48 group model.

(B)(1) Subject to division (B)(2) of this section, the department, for one or more months of a calendar quarter, may assign to a nursing facility a case-mix score that is five per cent less than the nursing facility's case-mix score for the immediately preceding calendar quarter if any of the following apply:

(a) The provider does not timely submit complete and accurate resident assessment data necessary to determine the nursing facility's case-mix score for the calendar quarter;

(b) The nursing facility was subject to an exception review under section 5165.193 of the Revised Code for the immediately preceding calendar quarter;

(c) The nursing facility was assigned a case-mix score for the immediately preceding calendar quarter.

(2) Before assigning a case-mix score to a nursing facility due to the submission of incorrect resident assessment data, the department shall permit the provider to correct the data. The department may assign the case-mix score if the provider fails to submit the corrected resident assessment data not later than the earlier of the forty-fifth day after the end of the calendar quarter to which the data pertains or the deadline for submission of such corrections established by regulations adopted by the United States department of health and human services under Title XVIII

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and Title XIX.

(3) If, for more than six months in a calendar year, a provider is paid a rate determined for a nursing facility using a case-mix score assigned to the nursing facility under division (B)(1) of this section, the department may assign the nursing facility a cost per case-mix unit that is five per cent less than the nursing facility's actual or assigned cost per case-mix unit for the immediately preceding calendar year. The department may use the assigned cost per case-mix unit, instead of determining the nursing facility's actual cost per case-mix unit in accordance with section 5165.19 of the Revised Code, to establish the nursing facility's rate for direct care costs for the fiscal year immediately following the calendar year for which the cost per case-mix unit is assigned.

(4) The department shall take action under division (B)(1), (2), or (3) of this section only in accordance with rules authorized by this section. The department shall not take an action that affects rates for prior payment periods except in accordance with sections 5165.41 and 5165.42 of the Revised Code.

(C) The medicaid director shall adopt rules under section 5165.02 of the Revised Code as necessary to implement this section.

(1) The rules shall do all of the following:

(a) Specify the process for determining the semiannual and annual average case-mix scores for nursing facilities;

(b) Adjust the case-mix values specified in division (A)(2)(b) of this section to reflect changes in relative wage differentials that are specific to this state;

(c) Express all of those case-mix values in numeric terms that are different from the terms specified by the United States department of health and human services but that do not alter the relationship of the case-mix values to one another;

(d) Modify the grouper methodology specified in division (A)(2)(c) of this section as follows:

(i) Establish a different hierarchy for assigning residents to case-mix categories under the methodology;

(ii) Prohibit the use of the index maximizer element of the methodology;

(iii) Incorporate changes to the methodology the United States department of health and human services makes after June 30, 1999;

(iv) Make other changes the department determines are necessary.

(e) Establish procedures under which resident assessment data shall be reviewed for accuracy and providers shall be notified of any data that requires correction;

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(f) Establish procedures for providers to correct resident assessment data and specify a reasonable period of time by which providers shall submit the corrections. The procedures may limit the content of corrections in the manner required by regulations adopted by the United States department of health and human services under Title XVIII and Title XIX.

(g) Specify when and how the department will assign case-mix scores or costs per case-mix unit to a nursing facility under division (B) of this section if information necessary to calculate the nursing facility's case-mix score is not provided or corrected in accordance with the procedures established by the rules.

(2) Notwithstanding any other provision of this chapter, the rules may provide for the exclusion of case-mix scores assigned to a nursing facility under division (B) of this section from the determination of the nursing facility's semiannual or annual average case-mix score and the cost per case-mix unit for the nursing facility's peer group.

Sec. 5165.23. (A) Each fiscal year, the department of medicaid shall determine the critical access incentive payment for each nursing facility that qualifies as a critical access nursing facility. To qualify as a critical access nursing facility for a fiscal year, a nursing facility must meet all of the following requirements:

(1) The nursing facility must be located in an area that, on December 31, 2011, was designated an empowerment zone under the "Internal Revenue Code of 1986," section 1391, 26 U.S.C. 1391.

(2) The nursing facility must have an occupancy rate of at least eighty-five per cent as of the last day of the calendar year immediately preceding the fiscal year.

(3) The nursing facility must have a medicaid utilization rate of at least sixty-five per cent as of the last day of the calendar year immediately preceding the fiscal year.

~~(4) The nursing facility must have been awarded at least five points for meeting accountability measures under section 5165.25 of the Revised Code for the fiscal year and at least one of the five points must have been awarded for meeting the accountability measures identified in divisions (C)(9), (10), (11), (12), and (14) of section 5165.25 of the Revised Code.~~

(B) A critical access nursing facility's critical access incentive payment for a fiscal year shall equal five per cent of the portion of the nursing facility's total per medicaid day payment rate for the fiscal year that is the sum of the rates ~~and payment~~ identified in divisions (A)(1) to (4) ~~and (6)~~ of section 5165.15 of the Revised Code.

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Sec. 5165.25. (A) As used in this section:

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the ICDS medicaid waiver component once the individual becomes an ICDS participant and it is possible to enroll the individual in the ICDS medicaid waiver component. The disenrollment from the ODA or MCD medicaid waiver component and enrollment into the ICDS medicaid waiver component shall occur regardless of whether the individual prefers to remain enrolled in the ODA or MCD medicaid waiver component.

(D) An ICDS participant's disenrollment from an ODA or MCD medicaid waiver component and enrollment in the ICDS medicaid waiver component resulting from division (B)(2) or (C) of this section shall be accomplished without a disruption in the participant's services under the components.

Sec. 5166.161. The department of medicaid shall ensure that each ICDS participant who is a survivor of the Holocaust that occurred in Europe during World War II receives, while enrolled in the ICDS medicaid waiver component, home and community-based services of the type and in at least the amount, duration, and scope that the participant is assessed to need and would have received if the participant were enrolled in an ODA or MCD medicaid waiver component.

Sec. 5166.24. A medicaid waiver component that the department of developmental disabilities administers under section 5166.21 of the Revised Code shall continue to cover adult day services provided by sheltered workshops if the component covers those services on the effective date of this section.

A sheltered workshop with a provider agreement to provide adult day services available under a medicaid waiver component administered by the department of developmental disabilities shall not decrease the number of medicaid recipients it is willing and able to serve.

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Sec. 5166.32. If the department of medicaid terminates the 209(b) option, the department shall establish a medicaid waiver component under which an individual who has cystic fibrosis and is enrolled in the program for medically handicapped children administered by the department of health under section 3701.023 of the Revised Code or the program the department of health administers pursuant to division (G) of that section may qualify for medicaid under the same type of spenddown process that is part of the 209(b) option.

Sec. 5166.33. The department of medicaid shall establish a medicaid waiver component under which medicaid recipients who are married to each other retain eligibility for medicaid despite one of the recipients having earnings from employment that causes the recipients to have countable family income exceeding the income eligibility threshold for the eligibility

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group, or groups, under which the recipients qualify for medicaid if both of the following apply:

(A) One of the recipients would qualify to participate in the medicaid buy-in for workers with disabilities program if not for a disability that, according to a physician's written evaluation, is too severe for the recipient to have earnings from employment or be an employed individual with a medically improved disability;

(B) The other recipient's earnings from employment do not cause the recipients to have countable family income, determined in the same manner as income is determined for the medicaid buy-in for workers with disabilities program under section 5163.093 of the Revised Code, exceeding two hundred fifty per cent of the federal poverty line.

Sec. 5166.40. (A) As used in sections 5166.40 to 5166.409 of the Revised Code:

(1) "Adult" means an individual who is at least eighteen years of age.

(2) "Buckeye account" means a modified health savings account established under section 5166.402 of the Revised Code.

(3) "Contribution" means the amounts that an individual contributes to the individual's buckeye account and are contributed to the account on the individual's behalf under divisions (C) and (D) of section 5166.402 of the Revised Code. "Contribution" does not mean the portion of an individual's buckeye account that consists of medicaid funds deposited under division (B) of section 5166.402 of the Revised Code or section 5166.404 of the Revised Code.

(4) "Core portion" means the portion of a healthy Ohio program participant's buckeye account that consists of the following:

(a) The amount of contributions to the account;

(b) The amounts awarded to the account under divisions (C) and (D) of section 5166.404 of the Revised Code.

(5) "Eligible employer-sponsored health plan" has the same meaning as in section 5000A(f)(2) of the "Internal Revenue Code of 1986," 26 U.S.C. 5000A(f)(2).

(6) "Healthy Ohio program" means the medicaid waiver component established under sections 5166.40 to 5166.409 of the Revised Code under which medicaid recipients specified in division (B) of this section enroll in comprehensive health plans and contribute to buckeye accounts.

(7) "Healthy Ohio program debit swipe card" means a debit swipe card issued by a managed care organization to a healthy Ohio program participant under section 5166.403 of the Revised Code.

(8) "Not-for-profit organization" means an organization that is exempt

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~~(c) Individuals who, as an alternative to receiving nursing facility services, are participating in a home and community-based services medicaid waiver component;~~

~~(d) Dual eligible individuals.~~

~~(D) Subject to division (B) of this section, the~~ The department may ~~do both of the following under the care management system:~~

~~(1) Require~~ require or permit participants ~~in the system~~ to obtain health care services from providers designated by the department~~;~~

~~(2) Require~~. The department may require or permit participants ~~in the system~~ to obtain health care services through medicaid managed care organizations.

Sec. 5167.04. (A) Subject to division (B) of this section, the department of medicaid shall include alcohol, drug addiction, and mental health services covered by medicaid in the care management system established under section 5167.03 of the Revised Code.

(B) All of the following apply to the manner in which division (A) of this section is implemented:

(1) The department shall begin to include the services in the system not later than January 1, 2018.

(2) Before January 1, 2018, any proposal by the department to include all or part of the services in all or part of the system is subject to review by the joint medicaid oversight committee under division (B) of section 103.42 of the Revised Code. The department may implement the proposal only if the committee approves the proposal.

(3) On and after January 1, 2018, any proposal by the department to include all or part of the services in all or part of the system is subject to monitoring by the committee under division (A) or (C) of section 103.42 of the Revised Code, but approval by the committee is no longer required before the proposal may be implemented.

Sec. 5167.15. (A) As used in this section:

(1) "Certified community health worker" has the same meaning as in section 4723.01 of the Revised Code.

(2) "Community health worker services" means the services described in section 4723.81 of the Revised Code.

(3) "Qualified community hub" means a community-based agency that meets both of the following criteria:

(a) Uses the pathways community HUB model developed by the community health access project in this state for the purposes of coordinating two or more care coordination agencies and ensuring that the

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agencies use pathways to connect at-risk individuals to physical health, behavioral health, social, and employment services;

(b) Demonstrates to the medicaid director that it fully or substantially complies with the pathways community HUB certification standards developed by the rockville institute by submitting to the director a copy of a document from that institute stating that the community hub satisfies the standards or has shown substantial progress toward satisfying the standards.

(B)(1) Subject to divisions (B)(3) and (C) of this section, a medicaid managed care organization shall provide to a medicaid recipient who meets the criteria in division (B)(2) of this section, or arrange for such recipient to receive, both of the following types of services provided by a certified community health worker:

(a) Community health worker services;

(b) Other services that are not community health worker services but are performed for the purpose of ensuring that the medicaid recipient is linked to employment services, housing, educational services, social services, or medically necessary physical and behavioral health services.

(2) A medicaid recipient qualifies to receive the services specified in division (B)(1) of this section if the medicaid recipient is pregnant or capable of becoming pregnant, resides in a community specified in rules adopted under section 3701.142 of the Revised Code, has been recommended to receive the services by a physician or another licensed health professional specified in rules adopted under that section, and is enrolled in the medicaid managed care organization providing or arranging for the services.

(3) The services described in division (B)(1) of this section must promote and facilitate healthy behaviors specified in rules adopted under section 3701.142 of the Revised Code across the following life course stages: preconception, prenatal, postpartum, and interconception.

(C) A medicaid recipient who is to receive the services described in division (B)(1) of this section and who resides in a region served by a qualified community hub shall receive the services only from that community hub.

Sec. 5167.16. (A) As used in this section:

(1) "Help me grow program" means the program established by the department of health pursuant to section 3701.61 of the Revised Code.

(2) "Targeted case management" has the same meaning as in 42 C.F.R. 440.169(b).

(B) A medicaid managed care organization shall provide to a medicaid recipient who meets the criteria in division (C) of this section, or arrange for

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(D) The commission is subject to Chapters ~~1515.~~ 940., 6131., 6133., 6135., and 6137. of the Revised Code and shall pay any assessments levied under those chapters for an improvement or maintenance of an improvement on land under the control or ownership of the commission.

Sec. 5575.01. (A) In the maintenance and repair of roads, the board of township trustees may proceed either by contract or force account, but, unless the exemption specified in division (C) of this section applies, if the board wishes to proceed by force account, it first shall cause the county engineer to complete the force account assessment form developed by the auditor of state under section 117.16 of the Revised Code. Except as otherwise provided in sections 505.08 and 505.101 of the Revised Code, when the board proceeds by contract, the contract shall, if the amount involved exceeds ~~forty-five~~ ninety thousand dollars, be let by the board to the lowest responsible bidder after advertisement for bids once, not later than two weeks, prior to the date fixed for the letting of the contract, in a newspaper of general circulation within the township. If the amount involved is ~~forty-five~~ ninety thousand dollars or less, a contract may be let without competitive bidding, or the work may be done by force account. Such a contract shall be performed under the supervision of a member of the board or the township road superintendent.

(B) Before undertaking the construction or reconstruction of a township road, the board shall cause to be made by the county engineer an estimate of the cost of the work, which estimate shall include labor, material, freight, fuel, hauling, use of machinery and equipment, and all other items of cost. If the board finds it in the best interest of the public, it may, in lieu of constructing the road by contract, proceed to construct the road by force account. Except as otherwise provided under sections 505.08 and 505.101 of the Revised Code, where the total estimated cost of the work exceeds ~~fifteen~~ thirty thousand dollars per mile, the board shall invite and receive competitive bids for furnishing all the labor, materials, and equipment and doing the work, as provided in section 5575.02 of the Revised Code, and shall consider and reject them before ordering the work done by force account. When such bids are received, considered, and rejected, and the work is done by force account, the work shall be performed in compliance with the plans and specifications upon which the bids were based.

(C) Force account assessment forms are not required under division (A) of this section for road maintenance or repair projects of less than ~~fifteen~~ forty-five thousand dollars, or under division (B) of this section for road construction or reconstruction projects of less than ~~five~~ fifteen thousand dollars per mile.

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(D) All force account work under this section shall be done under the direction of a member of the board or the township road superintendent.

Sec. 5703.057. (A) For the efficient administration of the taxes and fees administered by the tax commissioner, the commissioner may require that any person filing a tax document with the department of taxation provide identifying information, which may include the person's social security number, federal employer identification number, or other identification number requested by the commissioner, subject to section 5703.361 of the Revised Code. A person required by the commissioner to provide identifying information who has experienced any change with respect to that information shall notify the commissioner of the change prior to, or upon, filing the next tax document requiring such identifying information.

(B) When transmitting or otherwise making use of a tax document that contains a person's social security number, the commissioner shall take all reasonable measures necessary to ensure that the number is not capable of being viewed by the general public, including, when necessary, masking the number so that it is not readily discernible by the general public.

(C)(1) If the commissioner makes a request for identifying information and the commissioner does not receive valid identifying information within thirty days of making the request, the commissioner may impose a penalty upon the person to whom the request was directed of up to one hundred dollars. If, after the expiration of this thirty day period, the commissioner makes one or more subsequent requests for identifying information and the person to whom the subsequent request is directed fails to provide valid identifying information within thirty days of the commissioner's subsequent request, the commissioner may impose an additional penalty of up to two hundred dollars for each subsequent request not complied with in a timely fashion.

(2) If a person required by the commissioner to provide identifying information does not notify the commissioner of a change with respect to that information as required under division (A) of this section within thirty days after filing the next tax document requiring such identifying information, the commissioner may impose a penalty of up to fifty dollars.

(3) The penalties provided for under divisions (C)(1) and (2) of this section may be billed and assessed in the same manner as the tax or fee with respect to which the identifying information is sought and are in addition to any applicable criminal penalties described in division (D) of this section and any other penalties that may be imposed by the commissioner by law.

(D) Section 5703.26 of the Revised Code applies with respect to false or fraudulent identifying information provided by a person to the commissioner

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under this section. JRK

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.

(B)(1) For purposes of an audit pursuant to section 117.15 of the Revised Code, or an audit of the department pursuant to Chapter 117. of the Revised Code, or an audit, pursuant to that chapter, the objective of which is to express an opinion on a financial report or statement prepared or issued pursuant to division (A)(7) or (9) of section 126.21 of the Revised Code, the officers and employees of the auditor of state charged with conducting the audit shall have access to and the right to examine any state tax returns and state tax return information in the possession of the department to the extent that the access and examination are necessary for purposes of the audit. Any information acquired as the result of that access and examination shall not be divulged for any purpose other than as required for the audit or unless the officers and employees are required to testify in a court or proceeding under compulsion of legal process. 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 auditor of state.

(2) For purposes of an internal audit pursuant to section 126.45 of the Revised Code, the officers and employees of the office of internal audit in the office of budget and management charged with directing the internal audit shall have access to and the right to examine any state tax returns and state tax return information in the possession of the department to the extent that the access and examination are neccssary for purposes of the internal audit. Any information acquired as the result of that access and examination shall not be divulged for any purpose other than as required for the internal audit or unless the officers and employees are required to testify in a court or proceeding under compulsion of legal process. 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 office of internal audit.

(3) As provided by section 6103(d)(2) of the Internal Revenue Code, any federal tax returns or federal tax information that the department has acquired from the internal revenue service, through federal and state

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taxpayer against any tax administered by the superintendent of insurance. No officer, employee, or agent of the department of insurance shall disclose any information provided to the department of insurance by the department of taxation under division (C)(17) of this section.

Sec. 5703.36. If any company, firm, corporation, person, association, partnership, or public utility fails to make out and deliver to the tax commissioner any statement required by law, or to furnish the commissioner with any information requested, the commissioner shall ~~inform himself~~ become informed as best ~~he~~ the commissioner can on the matters necessary to be known in order to discharge ~~his~~ the commissioner's duties, subject to section 5703.361 of the Revised Code.

Sec. 5703.361. If the tax commissioner uses measures to reduce fraud by requiring a person to verify information about the person for the purpose of verifying the person's identity, the tax commissioner may not require a person to verify any information created or compiled more than five years preceding the current calendar year.

Sec. 5703.85. On or before September 1, 2015, and on or before the first day of every third month thereafter, the tax commissioner shall prepare a report that includes all of the following information:

(A) The number of inspections and investigations conducted during the preceding four months in relation to the enforcement of sections 1333.11 to 1333.21 and Chapter 5743. of the Revised Code;

(B) The number of violations of sections 1333.11 to 1333.21 and Chapter 5743. of the Revised Code found during the preceding four months, organized by the type of violation;

(C) The number of prosecutions brought during the preceding four months in relation to violations of sections 1333.11 to 1333.21 and Chapter 5743. of the Revised Code;

(D) The number of agents designated for enforcement of sections 1333.11 to 1333.21 and Chapter 5743. of the Revised Code during the preceding four months.

The commissioner shall submit the report to the chairperson of the standing committee of each house of the general assembly which normally considers tax legislation.

Sec. 5705.19. This section does not apply to school districts, county school financing districts, or lake facilities authorities.

The taxing authority of any subdivision at any time and in any year, by vote of two-thirds of all the members of the taxing authority, may declare by resolution and certify the resolution to the board of elections not less than ninety days before the election upon which it will be voted that the amount

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district serving as the fiscal board is the fiscal officer for the purposes of that chapter.

Sec. 5705.34. When the budget commission has completed its work with respect to a tax budget or other information required to be provided under section 5705.281 of the Revised Code, it shall certify its action to the taxing authority, together with an estimate by the county auditor of the rate of each tax necessary to be levied by the taxing authority within its subdivision, taxing unit, or, in the case of a qualifying library levy, within the library district or association library district, and what part thereof is in excess of, and what part within, the ten-mill tax limitation. The certification shall also indicate the date on which each tax levied by the taxing authority will expire.

If a taxing authority levies a tax for a fixed sum of money or to pay debt charges for the tax year for which the tax budget is prepared, and a payment on account of that tax is payable to the taxing authority for the tax year under section ~~5727.85, 5727.86, 5751.21, or 5751.22~~ 5709.92 or 5709.93, or for the preceding tax year under section 5709.94 of the Revised Code, the county auditor, when estimating the rate at which the tax shall be levied in the current year, shall estimate the rate necessary to raise the required sum less the estimated amount of any such payments made ~~for the tax year~~ to a taxing unit for fixed-sum levies under those sections. If the tax commissioner certified a net fixed-sum levy gain under division (G) of section 5709.94 of the Revised Code for any taxing unit in the county, the county auditor, when estimating the rates at which the taxing unit's fixed-sum levies shall be levied in the current tax year, shall estimate the rates necessary to raise the required sums plus the amount of the net fixed-sum levy gain certified by the commissioner, and shall apportion that additional sum among all the fixed-sum levies in proportion to the sums to be raised by each levy. The estimated rate shall be the rate of the levy that the budget commission certifies with its action under this section.

Each taxing authority, by ordinance or resolution, shall authorize the necessary tax levies and certify them to the county auditor before the first day of October in each year, or at such later date as is approved by the tax commissioner, except that the certification by the legislative authority of the city of Cincinnati or by a board of education shall be made by the first day of April or at such later date as is approved by the commissioner, and except that a township board of park commissioners that is appointed by the board of township trustees and oversees a township park district that contains only unincorporated territory shall authorize only those taxes approved by, and only at the rate approved by, the board of township trustees as required by

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threshold per cent plus two percentage points.

(8) "Current expense allocation" means the sum of the payments received by a school district or joint vocational school district in fiscal year 2015 for current expense levy losses under division (C)(3) of section 5727.85 and division (C)(12) of section 5751.21 of the Revised Code as they existed at that time, less any reduction required under division (C)(2)(b) of this section.

(9) "Non-current expense allocation" means the sum of the payments received by a school district or joint vocational school district in fiscal year 2015 for levy losses under division (C)(3)(c) of section 5727.85 and division (C)(12)(c) of section 5751.21 of the Revised Code, as they existed at that time, and levy losses in fiscal year 2015 under division (H) of section 5727.84 of the Revised Code as that section existed at that time attributable to levies for and payments received for losses on levies intended to generate money for maintenance of classroom facilities.

(10) "Operating TPP fixed-sum levy losses" means the sum of payments received by a school district in fiscal year 2015 for levy losses under division (E) of section 5751.21 of the Revised Code, excluding levy losses for debt purposes.

(11) "Operating S.B. 3 fixed-sum levy losses" means the sum of payments received by the school district in fiscal year 2015 for levy losses under division (H) of section 5727.84 of the Revised Code, excluding levy losses for debt purposes.

(12) "TPP fixed-sum debt levy losses" means the sum of payments received by a school district in fiscal year 2015 for levy losses under division (E) of section 5751.21 of the Revised Code for debt purposes.

(13) "S.B. 3 fixed-sum debt levy losses" means the sum of payments received by the school district in fiscal year 2015 for levy losses under division (H) of section 5727.84 of the Revised Code for debt purposes.

(14) "Qualifying levies" means qualifying levies described in section 5751.20 of the Revised Code as that section was in effect before July 1, 2015.

(15) "Qualifying school district" means a school district within whose territory a nuclear power plant is located and for which the ratio of current expense allocation to total resources is ten per cent or more. JRK

(16) "Production equipment tax loss" means the amount computed for a school district or joint vocational school district under division (B)(1) of section 5727.09 of the Revised Code. JRK

(B) The department of education shall rank all school districts in the order of districts' capacity measures determined under section 3317.018 of

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the Revised Code from lowest to highest, and divide such ranking into quintiles, with the first quintile containing the twenty per cent of school districts having the lowest capacity measure and the fifth quintile containing the twenty per cent of school districts having the highest capacity measure. This calculation and ranking shall be performed once, in fiscal year 2016, and used for subsequent years for the purpose of division (A)(7) of this section.

(C)(1) In fiscal year 2016, payments shall be made to school districts and joint vocational school districts other than qualifying school districts equal to the sum of the amounts described in divisions (C)(I)(a) or (b) and (C)(I)(c) of this section. In fiscal year 2017 and subsequent fiscal years, payments shall be made to school districts and joint vocational school districts other than qualifying school districts equal to the amount described in division (C)(1)(a) or (b) of this section. In fiscal year 2016 and subsequent fiscal years, payments shall be made to qualifying school districts equal to the sum of the amounts described in divisions (A)(3)(b) and (c) of this section. JRK JRK JRK

(a) If the ratio of the current expense allocation to total resources is equal to or less than the district's threshold per cent, zero;

(b) If the ratio of the current expense allocation to total resources is greater than the district's threshold per cent, the difference between the current expense allocation and the product of the threshold percentage and total resources;

(c) For fiscal year 2016, the product of the non-current expense allocation multiplied by fifty per cent.

(2)(a) "Total resources" used to compute payments under division (C)(1) of this section shall be reduced to the extent that payments distributed in fiscal year 2015 were attributable to levies no longer charged and payable for tax year 2014.

(b) "Current expense allocation" used to compute payments under division (C)(1) of this section shall be reduced to the extent that the payments distributed in fiscal year 2015 were attributable to levies no longer charged and payable for tax year 2014.

(3) The department of education shall report to each school district and joint vocational school district the apportionment of the payments under division (C)(1) of this section among the district's funds based on qualifying levies.

(D)(1) Except as provided in division (D)(2) of this section, payments in the following amounts shall be made to school districts and joint vocational school districts in tax years 2016 through 2021: JRK

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(a) In tax year 2016, the sum of the district's operating TPP fixed-sum levy losses and operating S.B. 3 fixed-sum levy losses.

(b) In tax year 2017, the sum of the district's operating TPP fixed-sum levy losses and eighty per cent of operating S.B. 3 fixed-sum levy losses.

(c) In tax year 2018, the sum of eighty per cent of the district's operating TPP fixed-sum levy losses and sixty per cent of its operating S.B. 3 fixed-sum levy losses.

(d) In tax year 2019, the sum of sixty per cent of the district's operating TPP fixed-sum levy losses and forty per cent of its operating S.B. 3 fixed-sum levy losses.

(e) In tax year 2020, the sum of forty per cent of the district's operating TPP fixed-sum levy losses and twenty per cent of its operating S.B. 3 fixed-sum levy losses.

(f) In tax year 2021, twenty per cent of the district's operating TPP fixed-sum levy losses.

No payment shall be made under division (D)(1) of this section after tax year 2021.

(2) In the case of a qualifying school district, payments shall be made in tax year 2016 and subsequent tax years equal to one hundred per cent of the sum of the district's operating TPP fixed-sum levy losses and operating S.B. 3 fixed-sum levy losses. JRK

(3) Amounts are payable under division (D) of this section for fixed-sum levy losses only to the extent of such losses for qualifying levies that remain in effect for the current tax year. For this purpose, a qualifying levy levied under section 5705.194 or 5705.213 of the Revised Code remains in effect for the current tax year only if a tax levied under either of those sections is charged and payable for the current tax year for an annual sum at least equal to the annual sum levied by the board of education for tax year 2004 under those sections less the amount of the payment under this division.

(E)(1) For fixed-sum levies for debt purposes, payments shall be made to school districts and joint vocational school districts equal to one hundred per cent of the district's fixed-sum levy loss determined under division (E) of section 5751.20 and division (H) of section 5727.84 of the Revised Code as in effect before July 1, 2015, and paid in tax year 2014. No payment shall be made for qualifying levies that are no longer charged and payable.

(2) Beginning in 2016, by the thirty-first day of January of each year, the tax commissioner shall review the calculation of fixed-sum levy loss for debt purposes determined under division (E) of section 5751.20 and division (H) of section 5727.84 of the Revised Code as in effect before July 1, 2015.

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If the commissioner determines that a fixed-sum levy that had been scheduled to be reimbursed in the current year is no longer charged and payable, a revised calculation for that year and all subsequent years shall be made.

(F)(1) For taxes levied within the ten-mill limitation for debt purposes in tax year 1998 in the case of electric company tax value losses, and in tax year 1999 in the case of natural gas company tax value losses, payments shall be made to school districts and joint vocational school districts equal to one hundred per cent of the loss computed under division (D) of section 5727.85 of the Revised Code as in effect before July 1, 2015, as if the tax were a fixed-rate levy, but those payments shall extend through fiscal year 2016.

(2) For taxes levied within the ten-mill limitation for debt purposes in tax year 2005, payments shall be made to school districts and joint vocational school districts equal to one hundred per cent of the loss computed under division (D) of section 5751.21 as in effect before July 1, 2015, as if the tax were a fixed-rate levy, but those payments shall extend through fiscal year 2018.

(G) If all the territory of a school district or joint vocational school district is merged with another district, or if a part of the territory of a school district or joint vocational school district is transferred to an existing or newly created district, the department of education, in consultation with the tax commissioner, shall adjust the payments made under this section and division (D) of section 5709.94 of the Revised Code as follows: JRK JRC

(1) For a merger of two or more districts, the production equipment tax loss, fixed-sum levy losses, total resources, current expense allocation, and non-current expense allocation of the successor district shall be the sum of such items for each of the districts involved in the merger.

(2) If property is transferred from one district to a previously existing district, the amount of the production equipment tax loss, total resources, current expense allocation, and non-current expense allocation that shall be transferred to the recipient district shall be an amount equal to the production equipment tax loss for the preceding tax year and the total resources, current expense allocation, and non-current expense allocation of the transferor district times a fraction, the numerator of which is the number of pupils being transferred to the recipient district, measured, in the case of a school district, by formula ADM as defined in section 3317.02 of the Revised Code or, in the case of a joint vocational school district, by formula ADM as defined for a joint vocational school district in that section, and the denominator of which is the formula ADM of the transferor district. JRK JRK JRK

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(3) After December 31, 2010, if property is transferred from one or more districts to a district that is newly created out of the transferred property, the newly created district shall be deemed not to have any production equipment tax loss, total resources, current expense allocation, total allocation, or non-current expense allocation. JRK

(4) If the recipient district under division (G)(2) of this section or the newly created district under division (G)(3) of this section is assuming debt from one or more of the districts from which the property was transferred and any of the districts losing the property had fixed-sum levy losses or production equipment tax losses, the department of education, in consultation with the tax commissioner, shall make an equitable division of the reimbursements for those losses. JRK JRK

(H) The payments required by divisions (C), (D), (E), and (F) of this section shall be distributed periodically to each school and joint vocational school district by the department of education unless otherwise provided for. Except as provided in division (D) of this section, if a levy that is a qualifying levy is not charged and payable in any year after 2014, payments to the school district or joint vocational school district shall be reduced to the extent that the payments distributed in fiscal year 2015 were attributable to the levy loss of that levy.

Sec. 5709.93. (A) As used in this section:

(1) "Taxes charged and payable" means taxes charged and payable after the reduction required by section 319.301 of the Revised Code but before the reductions required by sections 319.302 and 323.152 of the Revised Code.

(2) "Threshold per cent" means two per cent for fiscal year 2016; and, for fiscal year 2017 and thereafter, the sum of the prior year's threshold per cent plus two percentage points.

(3) "Public library" means a county, municipal, school district, or township public library that receives the proceeds of a tax levied under section 5705.23 of the Revised Code.

(4) "Local taxing unit" means a subdivision or taxing unit, as defined in section 5705.01 of the Revised Code, a park district created under Chapter 1545. of the Revised Code, or a township park district established under section 511.23 of the Revised Code, but excludes school districts and joint vocational school districts.

(5) "Municipal current expense allocation" means the sum of the payments received by a municipal corporation in calendar year 2014 for current expense levy losses under division (A)(1)(e)(ii) of section 5727.86 and division (A)(1)(c)(ii) of section 5751.22 of the Revised Code as they

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(20) "Operating fixed-rate levy loss" means, in the case of local taxing units other than municipal corporations, fixed-rate levy losses of levies imposed for purposes other than paying debt charges or, in the case of municipal corporations, fixed-rate levy losses of municipal current expense property tax levies.

(21) "Qualifying local taxing unit" means a local taxing unit, other than a county or municipal corporation, within whose territory a nuclear power plant is located, including a public library on behalf of which a tax is levied under section 5705.23 of the Revised Code on a tax list that includes the property of a nuclear power plant.

(22)(a) "Qualifying municipal corporation" means a municipal corporation in the territory of which a qualifying end user is located.

(b) "Qualifying end user" means an end user of at least seven million qualifying kilowatt hours of electricity annually.

(c) "Qualifying kilowatt hours" means kilowatt hours of electricity generated by a renewable energy resource, as defined in section 5727.01 of the Revised Code, using wind energy and the distribution of which is subject to the tax levied under section 5727.81 of the Revised Code for any measurement period beginning after June 30, 2015.

(23) Any term used in this section has the same meaning as in section 5727.84 or 5751.20 of the Revised Code unless otherwise defined by this section.

(B)(1) "Total resources" used to compute payments to be made under division (C) of this section shall be reduced to the extent that payments distributed in calendar year 2014 were attributable to levies no longer charged and payable.

(2) "Current expense allocation" used to compute payments to be made under division (C) of this section shall be reduced to the extent that payments distributed in calendar year 2014 were attributable to levies no longer charged and payable.

(C)(1) Except as provided in divisions (C)(2) and (D) of this section, the tax commissioner shall compute payments for operating fixed-rate levy losses of local taxing units and public libraries for fiscal year 2016 and each year thereafter as prescribed in divisions (C)(1)(a) and (b) and (2) of this section:

(a) For public libraries and local taxing units other than municipal corporations:

(i) If the ratio of current expense allocation to total resources is equal to or less than the threshold per cent, zero;

(ii) If the ratio of current expense allocation to total resources is greater

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than the threshold per cent, the current expense allocation minus the product of total resources multiplied by the threshold per cent.

(b) For municipal corporations:

(i) If the ratio of the municipal current expense allocation to total resources is equal to or less than the threshold per cent, zero;

(ii) If the ratio of the municipal current expense allocation to total resources is greater than the threshold per cent, the municipal current expense allocation minus the product of total resources multiplied by the threshold per cent.

(2) In the case of a qualifying local taxing unit for which the ratio of current expense allocation to total resources is ten per cent or more, the payment to be made under division (C) of this section for fiscal year 2016 and each year thereafter, in lieu of the payment computed under division (C)(1)(a) of this section, shall equal the amount described in division (A)(16)(a) of this section if the qualifying local taxing unit is a township, division (A)(18)(a) if the qualifying local taxing unit is a public library, and division (A)(17)(a) if the qualifying local taxing unit is not a township or public library.

(3) For any local taxing unit or public library with operating fixed-rate levy losses greater than zero, the operating fixed-rate levy loss shall be allocated among all qualifying operating fixed-rate levies in proportion to each such levy's share of the payments received in tax year 2014. In fiscal year 2016 and thereafter, if a levy to which operating fixed-rate levy loss is allocated is no longer charged and payable, the payment to the local taxing unit or public library shall be reduced by the amount allocated to the levy that is no longer charged and payable.

(D)(1) Except as provided in division (D)(2) of this section, the tax commissioner shall make payments to local taxing units equal to the sum of TPP inside millage debt levy loss and S.B. 3 inside millage debt levy loss. No payment shall be made if the levy for which the levy loss is computed is not charged and payable for debt purposes in fiscal year 2016 or any year thereafter.

(2) No payment shall be made for TPP inside millage debt levy loss in calendar year 2018 or thereafter. No payment shall be made for S.B.3 inside millage debt levy loss in calendar year 2017 or thereafter.

(E) For a qualifying municipal corporation, the tax commissioner shall compute payments for fiscal year 2016 and each ensuing fiscal year in an amount equal to the amount of tax imposed under section 5727.81 of the Revised Code and paid on the basis of qualifying kilowatt hours of electricity distributed through the meter of a qualifying end user located in

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the municipal corporation for measurement periods ending in the preceding calendar year. The payment shall be computed regardless of whether the qualifying municipal corporation qualifies for a payment under any other division of this section for the fiscal year in whieh the payment is computed under this division. For the purposes of this division, the commissioner may require an electric distribution company distributing qualifying kilowatt hours or, if the end user is a self-assessing purchaser, the end user, to report to the commissioner the number of qualifying kilowatt hours distributed through the meter of the qualifying end user.

(F)(1) The payments required to be made under divisions (C) and (D) of this section shall be paid from local government tangible property tax replacement fund to the county undivided income tax fund in the proper county treasury. Beginning in August 2015, one-half of the amount determined under each of those divisions shall be paid on or before the last day of August each year, and one-half shall be paid on or before the last day of February each year. Within thirty days after receipt of such payments, the county treasurer shall distribute amounts determined under this section to the proper local taxing unit or public library as if they had been levied and collected as taxes, and the local taxing unit or public library shall allocate the amounts so received among its funds in the same proportions as if those amounts had been levied and collected as taxes.

(2) On or before the last day of August and of February of each fiscal year that follows a calendar year in which taxes are paid on the basis of qualifying kilowatt hours of electricity distributed through the meter of a qualifying end user located in a qualifying municipal corporation, one-half of the payment computed under division (E) of this section shall be paid from the local government tangible personal property tax replacement fund directly to the qualifying municipal corporation. The municipal corporation shall eredit the payments to a special fund created for the purpose of providing grants or other financial assistance to the qualifying end user or to compensate the municipal corporation for municipal income tax or other tax credits or reductions as the legislative authority may grant to the qualifying end user. Such grants or other financial assistance may be provided for by ordinance or resolution of the legislative authority of the qualifying municipal corporation and may continue for as long as is provided by the ordinance or resolution.

(G) If all or a part of the territories of two or more local taxing units are merged, or unincorporated territory of a township is annexed by a municipal corporation, the tax commissioner shall adjust the payments made under this section and division (E) of section 5709.94 of the Revised Code to each of JRK

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the local taxing units in proportion to the square mileage of the merged or annexed territory as a percentage of the total square mileage of the jurisdiction from which the territory originated, or as otherwise provided by a written agreement between the legislative authorities of the local taxing units certified to the commissioner not later than the first day of June of the calendar year in which the payment is to be made.

Sec. 5709.94. (A) As used in this section:

(1) "School district," "joint vocational school district," "local taxing unit," "fixed-rate levy," and "fixed-sum levy" have the same meanings as in section 5727.84 of the Revised Code.

(2) "Electric company," "energy company," and "energy conversion equipment" have the same meanings as in section 5727.01 of the Revised Code.

(3) "Taxing unit" includes school districts, joint vocational school districts, and local taxing units.

(B) On or before the last day of December of each year, the tax commissioner shall determine both of the following for each taxing unit:

(1) The taxing unit's production equipment tax value loss, which shall equal the value of all tangible personal property of an electric company or energy company that is not transmission or distribution property or energy conversion equipment, as it would have been assessed by the tax commissioner and apportioned to the taxing unit for that tax year if the property were taxable property and the assessment rate applicable to such property were twenty-four per cent.

(2) The taxing unit's nonproduction equipment tax value gain, which shall equal the value of all transmission and distribution property and energy conversion equipment of an electric company or energy company apportioned to the taxing unit for the tax year multiplied by a percentage equal to the difference between eighty-five per cent and the percentage determined under division (B)(3) of section 5727.09 of the Revised Code.

(C) On or after the first day of January each year beginning in 2017, the tax commissioner shall determine the sum of the following:

(1) The fixed-rate levy loss for each taxing unit, which equals the total of the rates of fixed-rate levies imposed by the taxing unit for the preceding tax year multiplied by the production equipment tax value loss determined under division (B) of this section.

(2) The fixed-sum levy loss for each taxing unit, which equals the total of the rates of fixed-sum levies imposed by the taxing unit for the preceding tax year multiplied by the production equipment tax value loss determined under division (B) of this section.

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(D) On or after the first day of January each year beginning in 2017, the tax commissioner shall determine the sum of the following:

(1) The fixed-rate levy gain for each taxing unit, which equals the total of the rates of fixed-rate levies imposed by the taxing unit for the preceding tax year multiplied by the nonproduction equipment tax value gain determined under division (B)(2) of this section;

(2) The fixed-sum levy gain for each taxing unit, which equals the total of the rates of fixed-sum levies imposed by the taxing unit for the preceding tax year multiplied by the nonproduction equipment tax value gain determined under division (B)(2) of this section.

(E) On or before the twenty-eighth day of February and the thirty-first day of August of each year, beginning in 2017, the tax commissioner shall determine, for each taxing unit, whether the amount determined under division (C) exceeds the amount determined under division (D) of this section. If the amount determined under division (C) exceeds the amount determined under division (D) of this section for a taxing unit, the commissioner shall make payments to the taxing unit from the production equipment property tax replacement fund. The amount of each payment shall equal one-half of the amount by which the amount determined under division (C) exceeds the amount determined under division (D) of this section.

(F) The payments required to be made under divisions (D) and (E) of this section shall be paid from the production equipment property tax replacement fund to the county undivided income tax fund in the proper county treasury. Within thirty days after receipt of such payments, the county treasurer shall distribute amounts determined under this section to the proper taxing unit as if they had been levied and collected as taxes, and the taxing unit shall allocate the amounts so received among its funds in the same proportions as if those amounts had been levied and collected as taxes.

(G) For each taxing unit for which the fixed-sum levy gain as determined under division (D)(2) exceeds its fixed-sum levy loss as determined under division (C)(2) of this section, the commissioner shall certify to the county auditor of the proper county the net fixed-sum levy gain, which equals the amount by which the fixed-sum levy gain exceeds the fixed-sum levy loss for the purposes of section 5705.34 of the Revised Code.

(H)(1) On the first day of June of each year, beginning in 2018, the director of budget and management shall transfer any balance remaining in the production equipment property tax replacement fund after the payments have been made under this section to the general revenue fund.

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(2) If the total amount in the production equipment property tax replacement fund is insufficient to make all payments under this section at the time the payments are to be made, the director of budget and management shall transfer from the general revenue fund to the production equipment property tax replacement fund the difference between the total amount to be paid and the total amount in the production equipment property tax replacement fund.

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Sec. 5713.30. As used in sections 5713.31 to 5713.37 and 5715.01 of the Revised Code:

(A) "Land devoted exclusively to agricultural use" means:

(1) Tracts, lots, or parcels of land totaling not less than ten acres to which, during the three calendar years prior to the year in which application is filed under section 5713.31 of the Revised Code, and through the last day of May of such year, one or more of the following apply:

(a) The tracts, lots, or parcels of land were devoted exclusively to commercial animal or poultry husbandry, aquaculture, algaculture meaning the farming of algae, apiculture, the production for a commercial purpose of timber, field crops, tobacco, fruits, vegetables, nursery stock, ornamental trees, sod, or flowers, or the growth of timber for a noncommercial purpose, if the land on which the timber is grown is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use.

(b) The tracts, lots, or parcels of land were devoted exclusively to biodiesel production, biomass energy production, electric or heat energy production, or biologically derived methane gas production if the land on which the production facility is located is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use, provided that at least fifty per cent of the feedstock used in the production was derived from parcels of land under common ownership or leasehold.

(c) The tracts, lots, or parcels of land were devoted to and qualified for payments or other compensation under a land retirement or conservation program under an agreement with an agency of the federal government.

(2) Tracts, lots, or parcels of land totaling less than ten acres that, during the three calendar years prior to the year in which application is filed under section 5713.31 of the Revised Code and through the last day of May of such year, were devoted exclusively to commercial animal or poultry husbandry, aquaculture, algaculture meaning the farming of algae, apiculture, the production for a commercial purpose of field crops, tobacco, fruits, vegetables, timber, nursery stock, ornamental trees, sod, or flowers

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digestion of organic materials, including animal waste and agricultural crops and residues.

(I) "Biomass energy" means energy that is produced from organic material derived from plants or animals and available on a renewable basis, including, but not limited to, agricultural crops, tree crops, crop by-products, and residues.

(J) "Electric or heat energy" means electric or heat energy generated from manure, cornstalks, soybean waste, or other agricultural feedstocks.

(K) "Dredged material" means material that is excavated or dredged from waters of this state. "Dredged material" does not include material resulting from normal farming, silviculture, and ranching activities, such as plowing, cultivating, seeding, and harvesting, for production of food, fiber, and forest products.

Sec. 5715.01. (A) The tax commissioner shall direct and supervise the assessment for taxation of all real property. The commissioner shall adopt, prescribe, and promulgate rules for the determination of true value and taxable value of real property by uniform rule for such values and for the determination of the current agricultural use value of land devoted exclusively to agricultural use. The uniform rules shall prescribe methods of determining the true value and taxable value of real property and shall also prescribe the method for determining the current agricultural use value of land devoted exclusively to agricultural use, which method shall reflect standard and modern appraisal techniques that take into consideration: the productivity of the soil under normal management practices; the average price patterns of the crops and products produced to determine the income potential to be capitalized; the market value of the land for agricultural use; and other pertinent factors. The rules shall provide that in determining the true value of lands or improvements thereon for tax purposes, all facts and circumstances relating to the value of the property, its availability for the purposes for which it is constructed or being used, its obsolete character, if any, the income capacity of the property, if any, and any other factor that tends to prove its true value shall be used. In determining the true value of minerals or rights to minerals for the purpose of real property taxation, the tax commissioner shall not include in the value of the minerals or rights to minerals the value of any tangible personal property used in the recovery of those minerals.

(B) The taxable value shall be that per cent of true value in money, or current agricultural use value in the case of land valued in accordance with section 5713.31 of the Revised Code, the commissioner by rule establishes, but it shall not exceed thirty-five per cent. The uniform rules shall also

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prescribe methods of making the appraisals set forth in section 5713.03 of the Revised Code and definitions as needed to clarify such methods. If methods and definitions are not explicitly set forth by rule, appraisals of real estate shall be made in accordance with the methods and definitions prescribed by the fourteenth edition of the appraisal of real estate and the fifth edition of the dictionary of real estate appraisal published by the appraisal institute. The rules established by the commissioner under this section shall be applied uniformly to all parcels. The taxable value of each tract, lot, or parcel of real property and improvements thereon, determined in accordance with the uniform rules and methods prescribed thereby, shall be the taxable value of the tract, lot, or parcel for all purposes of sections 5713.01 to 5713.26, 5715.01 to 5715.51, and 5717.01 to 5717.06 of the Revised Code. County auditors shall, under the direction and supervision of the commissioner, be the chief assessing officers of their respective counties, and shall list and value the real property within their respective counties for taxation in accordance with this section and sections 5713.03 and 5713.31 of the Revised Code and with such rules of the commissioner. There shall also be a board in each county, known as the county board of revision, which shall hear complaints and revise assessments of real property for taxation.

(C) The commissioner shall neither adopt nor enforce any rule that requires true value for any tax year to be any value other than the true value in money on the tax lien date of such tax year or that requires taxable value to be obtained in any way other than by reducing the true value, or in the case of land valued in accordance with section 5713.31 of the Revised Code, its current agricultural use value, by a specified, uniform percentage.

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Sec. 5715.39. (A) The tax commissioner may remit real property taxes, manufactured home taxes, penalties, and interest found by the commissioner to have been illegally assessed. The commissioner also may remit any penalty charged against any real property or manufactured or mobile home that was the subject of an application for exemption from taxation under section 5715.27 of the Revised Code if the commissioner determines that the applicant requested such exemption in good faith. The commissioner shall include notice of the remission in the commissioner's certification to the county auditor required under that section.

(B) The county auditor, upon consultation with the county treasurer, shall remit a penalty for late payment of any real property taxes or manufactured home taxes when:

(1) The taxpayer could not make timely payment of the tax because of the negligence or error of the county auditor or county treasurer in the

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under section 45D of the Internal Revenue Code, or if the director of development services determines that an investment for which a tax credit is claimed under this section is not a qualified equity investment or that the proceeds of an investment for which a tax credit is claimed under this section are used to make qualified low-income community investments other than in a qualified active low-income community business in this state, all or a portion of the credit received on account of that investment shall be paid by the taxpayer that received the credit to the tax commissioner. The amount to be recovered shall be determined by the director pursuant to rules adopted under section 5725.33 of the Revised Code. The director shall certify any amount due under this division to the tax commissioner, and the commissioner shall notify the taxpayer of the amount due. The amount due is payable not later than thirty days after the day the commissioner issues the notice. The amount due shall be considered to be tax due under section 5726.02 of the Revised Code, and may be collected by assessment without regard to the limitations imposed under section 5726.20 of the Revised Code for the assessment of taxes by the commissioner. All amounts collected under this division shall be credited as revenue from the tax levied under section 5726.02 of the Revised Code.

Sec. 5727.031. (A) ~~For tax year 2009 and each tax year thereafter, a~~ A person that is engaged in some other primary business to which the supplying of electricity to others is incidental shall file a report under section 5727.08 of the Revised Code as an electric company but shall only report therein as taxable property the amounts required in divisions (B) and (C) of this section. All time limits and other procedural requirements of this chapter for the reporting and assessment of property of electric companies apply to persons required to file a report under this section. For the purposes of this section, "the supplying of electricity to others" shall not include donating all of the electricity a person generates to a political subdivision of the state.

(B) A person subject to this section shall report the true value of the ~~boilers, machinery, equipment, and any personal~~ transmission and distribution property and energy conversion equipment used to supply electricity to others ~~which shall be the sum of the following:~~

~~(1) The true value of the property that is production equipment as it would be determined for an electric company under section 5727.11 of the Revised Code multiplied by the per cent of the electricity generated in the preceding calendar year that was not used by the person who generated it; plus~~

~~(2) The true value of the property that is not production equipment~~ as it

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would be determined for an electric company under section 5727.11 of the Revised Code multiplied by the per cent of the electricity generated in the preceding calendar year that was not used by the person who generated it.

(C) The property reported under division (B) of this section shall be listed and assessed at an amount equal to ~~the sum of the products determined under divisions (C)(1) and (2) of this section.~~

~~(1) Multiply the portion of the true value determined under division (B)(1) of this section by the assessment rate in section 5727.111 of the Revised Code that is applicable to the production equipment of an electric company;~~

~~(2) Multiply~~ the portion of the true value determined under division (B)~~(2)~~ of this section multiplied by the assessment rate in section 5727.111 of the Revised Code that is applicable to the property of an electric company ~~that is not production equipment.~~

Sec. 5727.06. (A) Except as otherwise provided by law, the following constitutes the taxable property of a public utility, interexchange telecommunications company, or public utility property lessor that shall be assessed by the tax commissioner:

(1) For tax years before tax year 2006:

(a) In the case of a railroad company, all real property and tangible personal property owned or operated by the railroad company in this state on the thirty-first day of December of the preceding year;

(b) In the case of a water transportation company, all tangible personal property, except watercraft, owned or operated by the water transportation company in this state on the thirty-first day of December of the preceding year and all watercraft owned or operated by the water transportation company in this state during the preceding calendar year;

(c) In the case of all other public utilities and interexchange telecommunications companies, all tangible personal property that on the thirty-first day of December of the preceding year was both located in this state and:

(i) Owned by the public utility or interexchange telecommunications company; or

(ii) Leased by the public utility or interexchange telecommunications company under a sale and leaseback transaction.

(2) For tax years 2006, 2007, and 2008:

(a) In the case of a railroad company, all real property used in railroad operations and tangible personal property owned or operated by the railroad company in this state on the thirty-first day of December of the preceding year;

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(b) In the case of a water transportation company, all tangible personal property, except watercraft, owned or operated by the water transportation company in this state on the thirty-first day of December of the preceding year and all watercraft owned or operated by the water transportation company in this state during the preceding calendar year;

(c) In the case of all other public utilities except telephone and telegraph companies, all tangible personal property that on the thirty-first day of December of the preceding year was both located in this state and either owned by the public utility or leased by the public utility under a sale and leaseback transaction.

(3) For tax year 2009 and each tax year thereafter:

(a) In the case of a railroad company, all real property used in railroad operations and tangible personal property owned or operated by the railroad company in this state on the thirty-first day of December of the preceding year;

(b) In the case of a water transportation company, all tangible personal property, except watercraft, owned or operated by the water transportation company in this state on the thirty-first day of December of the preceding year and all watercraft owned or operated by the water transportation company in this state during the preceding calendar year;

(c) In the case of all other public utilities except telephone ~~and~~, telegraph, electric, and energy companies, all tangible personal property that on the thirty-first day of December of the preceding year was both located in this state and either owned by the public utility or leased by the public utility under a sale and leaseback transaction~~, and that is not exempted from taxation under section 5727.75 of the Revised Code~~;

(d) In the case of a public utility property lessor, all personal property that on the thirty-first day of December of the preceding year was both located in this state and leased, in other than a sale and leaseback transaction, to a public utility other than a railroad, telephone, telegraph, or water transportation company, and that is not exempted from taxation under section 5727.75 of the Revised Code. The assessment rate used under section 5727.111 of the Revised Code shall be based on the assessment rate that would apply if the public utility owned the property~~, and that is not exempted from taxation under section 5727.75 of the Revised Code~~.

(4) For tax years 2005 and 2006, in the case of telephone, telegraph, or interexchange telecommunications companies, all tangible personal property that on the thirty-first day of December of the preceding year was both located in this state and either owned by the telephone, telegraph, or interexchange telecommunications company or leased by the telephone,

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telegraph, or interexchange telecommunications company under a sale and leaseback transaction.

(5)(a) For tax year 2007 and thereafter, in the case of telephone, telegraph, or interexchange telecommunications companies, all tangible personal property shall be listed and assessed for taxation under Chapter 5711. of the Revised Code, but the tangible personal property shall be valued in accordance with this chapter using the composite annual allowances and other valuation procedures prescribed under section 5727.11 of the Revised Code by the tax commissioner for such property for tax year 2006, notwithstanding any section of Chapter 5711. of the Revised Code to the contrary.

(b) A telephone, telegraph, or interexchange telecommunications company subject to division (A)(5)(a) of this section shall file a combined return with the tax commissioner in accordance with section 5711.13 of the Revised Code even if the company has tangible personal property in only one county. Such a company also is subject to the issuance of a preliminary assessment certificate by the tax commissioner under section 5711.25 of the Revised Code. Such a company is not required to file a county supplemental return under section 5711.131 of the Revised Code.

(6) In the case of an electric company or energy company, ~~for tax year 2011 and each tax year thereafter,~~ all transmission and distribution tangible personal property and energy conversion equipment that on the thirty-first day of December of the preceding year was both located in this state and either owned by the company or leased by the company under a sale and leaseback transaction, and that is not exempted from taxation under section 5727.75 of the Revised Code.

(B) This division applies to tax years before tax year 2007.

In the case of an interexchange telecommunications company, all taxable property shall be subject to the provisions of this chapter and shall be valued by the commissioner in accordance with division (A) of section 5727.11 of the Revised Code. A person described by this division shall file the report required by section 5727.08 of the Revised Code. Persons described in this division shall not be considered taxpayers, as defined in division (B) of section 5711.01 of the Revised Code, and shall not be required to file a return and list their taxable property under any provision of Chapter 5711. of the Revised Code.

(C) The lien of the state for taxes levied each year on the real and personal property of public utilities and interexchange telecommunications companies and on the personal property of public utility property lessors shall attach thereto on the thirty-first day of December of the preceding year.

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(D) Property that is required by division (A)(3)(b) of this section to be assessed by the tax commissioner under this chapter shall not be listed by the owner of the property under Chapter 5711. of the Revised Code.

(E) The ten-thousand-dollar exemption provided for in division (C)(3) of section 5709.01 of the Revised Code does not apply to any personal property that is valued under this chapter.

(F) The tax commissioner may adopt rules governing the listing of the taxable property of public utilities and interexchange telecommunications companies and the determination of true value.

Sec. 5727.09. (A) As used in this section, "qualified generation equipment" means the tangible personal property of an electric company or energy company that would be taxable property under section 5727.06 of the Revised Code as that section existed before the enactment of this section and that is not transmission and distribution property or energy conversion property. For the purpose of making the calculations required by this division, the value of qualified generation equipment shall be determined in accordance with section 5727.11 of the Revised Code as that section existed before the enactment of this section.

(B) On or before October 1, 2016, and the first day of October of each year thereafter, the tax commissioner shall determine all of the following amounts:

(1) For each taxing unit, the amount of taxes that would be charged and payable for the tax year on qualified generation equipment apportioned to the taxing unit under section 5727.15 of the Revised Code if such equipment were taxable property and the assessment rate applicable to such property were twenty-four per cent;

(2) The sum of the amounts determined under division (B)(1) of this section for all taxing units;

(3) The percentage that, if multiplied by the true value of all taxable property of every electric company and energy company for the tax year, would produce the amount determined under division (B)(2) of this section.

Sec. 5727.11. (A) Except as otherwise provided in this section, the true value of all taxable property, except property of a railroad company, required by section 5727.06 of the Revised Code to be assessed by the tax commissioner shall be determined by a method of valuation using cost as capitalized on the public utility's books and records less composite annual allowances as prescribed by the commissioner. If the commissioner finds that application of this method will not result in the determination of true value of the public utility's taxable property, the commissioner may use another method of valuation.

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(B)(1) Except as provided in division (B)(2) of this section, the true value of current gas stored underground is the cost of that gas shown on the books and records of the public utility on the thirty-first day of December of the preceding year.

(2) For tax year 2001 and thereafter, the true value of current gas stored underground is the quotient obtained by dividing (a) the average value of the current gas stored underground, which shall be determined by adding the value of the gas on hand at the end of each calendar month in the calendar year preceding the tax year, or, if applicable, the last day of business of each month for a partial month, divided by (b) the total number of months the natural gas company was in business during the calendar year prior to the beginning of the tax year. ~~with~~ With the approval of the tax commissioner, a natural gas company may use a date other than the end of a calendar month to value its current gas stored underground.

(C) The true value of noncurrent gas stored underground is thirty-five per cent of the cost of that gas shown on the books and records of the public utility on the thirty-first day of December of the preceding year.

(D)(1) Except as provided in division (D)(2) of this section, the true value of ~~the production equipment of an electric company and the true value of~~ all taxable property of a rural electric company is the equipment's or property's cost as capitalized on the company's books and records less fifty per cent of that cost as an allowance for depreciation and obsolescence.

(2) The true value of the ~~production equipment or~~ energy conversion equipment of an electric company, rural electric company, or energy company, and the true value of the production equipment of a rural electric company, purchased, transferred, or placed into service after October 5, 1999, is the purchase price of the equipment as capitalized on the company's books and records less composite annual allowances as prescribed by the tax commissioner.

(E) The true value of taxable property, except property of a railroad company, required by section 5727.06 of the Revised Code to be assessed by the tax commissioner shall not include the allowance for funds used during construction or interest during construction that has been capitalized on the public utility's books and records as part of the total cost of the taxable property. This division shall not apply to the taxable property of an electric company or a rural electric company, excluding transmission and distribution property, first placed into service after December 31, 2000, or to the taxable property a person purchases, which includes transfers, if that property was used in business by the seller prior to the purchase.

(F) The true value of watercraft owned or operated by a water

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transportation company shall be determined by multiplying the true value of the watercraft as determined under division (A) of this section by a fraction, the numerator of which is the number of revenue-earning miles traveled by the watercraft in the waters of this state and the denominator of which is the number of revenue-earning miles traveled by the watercraft in all waters.

(G) The cost of property subject to a sale and leaseback transaction is the cost of the property as capitalized on the books and records of the public utility owning the property immediately prior to the sale and leaseback transaction.

(H) The cost as capitalized on the books and records of a public utility includes amounts capitalized that represent regulatory assets, if such amounts previously were included on the company's books and records as capitalized costs of taxable personal property.

(I) Any change in the composite annual allowances as prescribed by the commissioner on a prospective basis shall not be admissible in any judicial or administrative action or proceeding as evidence of value with regard to prior years' taxes. Information about the business, property, or transactions of any taxpayer obtained by the commissioner for the purpose of adopting or modifying the composite annual allowances shall not be subject to discovery or disclosure.

Sec. 5727.111. The taxable property of each public utility, except a railroad company, and of each interexchange telecommunications company shall be assessed at the following percentages of true value:

(A) In the case of a rural electric company, fifty per cent in the case of its taxable transmission and distribution property and its energy conversion equipment, and twenty-five per cent for all its other taxable property;

(B) In the case of a telephone or telegraph company, twenty-five per cent for taxable property first subject to taxation in this state for tax year 1995 or thereafter for tax years before tax year 2007, and pursuant to division (H) of section 5711.22 of the Revised Code for tax year 2007 and thereafter, and the following for all other taxable property:

(1) For tax years prior to 2005, eighty-eight per cent;

(2) For tax year 2005, sixty-seven per cent;

(3) For tax year 2006, forty-six per cent;

(4) For tax year 2007 and thereafter, pursuant to division (H) of section 5711.22 of the Revised Code.

(C) Twenty-five per cent in the case of a natural gas company.

(D) Eighty-eight per cent in the case of a pipe-line~~, water-works,~~ or heating company;

(E)(1) For tax year 2005, eighty-eight per cent in the case of the taxable

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transmission and distribution property of an eleetric company, and twenty-five per cent for all its other taxable property;

(2) For tax ~~year~~ years 2006 ~~and each tax year thereafter~~ through 2015, in the ease of an eleetric company, eighty-five per cent in the ease of its taxable transmission and distribution property and its energy eonversion equipment, and twenty-four per cent for all its other taxable property;

(3) For tax year 2016 and eaeh tax year thereafter, in the case of an eleetrie company, eighty-five per eent plus the percentage determined for the tax year under division (B)(3) of section 5727.09 of the Revised Code.

(F)(1) Twenty-five per eent in the ease of an interexchange teleeommunications eompany for tax years before tax year 2007;

(2) Pursuant to division (H) of section 5711.22 of the Revised Code for tax year 2007 and thereafter.

(G) Twenty-five per eent in the ease of a water transportation eompany;

(H)(1) For tax ~~year~~ years 2011 ~~and each tax year thereafter~~ through 2015, in the ease of an energy eompany, twenty-four per eent in the ease of its taxable produetion equipment, and eighty-five per cent for all its other taxable property;

(2) For tax year 2016 and each tax year thereafter, in the ease of an energy eompany, eighty-five per cent plus the percentage determined for the tax year under division (B)(3) of section 5727.09 of the Revised Code.

(I) In the ease of a water-works eompany, twenty-five per eent for taxable property first subject to taxation in this state for tax year 2015 or thereafter, and eighty-eight per cent for all its other taxable property.

Sec. 5727.15. When all the taxable property of a publie utility is loeated in one taxing distriet, the tax commissioner shall apportion the total taxable value thereof to that taxing district.

When taxable property of a public utility is loeated in more than one taxing distriet, the commissioner shall apportion the total taxable value thereof among the taxing districts as follows:

(A)(1) In the case of a telegraph, interexchange telecommunications, or telephone eompany that owns miles of wire in this state, the value apportioned to each taxing district shall be the same percentage of the total value apportioned to all taxing districts as the miles of wire owned by the eompany within the taxing district are to the total miles of wire owned by the eompany within this state;

(2) In the ease of a telegraph, interexchange teleeommunieations, or telephone company that does not own miles of wire in this state, the value apportioned to each taxing district shall be the same percentage of the total value apportioned to all taxing districts as the cost of the taxable property

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physically located in the taxing district is of the total cost of all taxable property physically located in this state.

(B) In the case of a railroad company:

(1) The taxable value of real and personal property not used in railroad operations shall be apportioned according to its situs;

(2) The taxable value of personal property used in railroad operations shall be apportioned to each taxing district in proportion to the miles of track and trackage rights, weighted to reflect the relative use of such personal property in each taxing district;

(3) The taxable value of real property used in railroad operations shall be apportioned to each taxing district in proportion to its relative value in each taxing district.

(C)~~(1) Prior to tax year 2001, in the case of an electric company:~~

~~(a) Seventy per cent of the taxable value of all production equipment and of all station equipment that is not production equipment shall be apportioned to the taxing district in which such property is physically located; and~~

~~(b) The remaining value of such property, together with the value of all other taxable personal property, shall be apportioned to each taxing district in the per cent that the cost of all transmission and distribution property physically located in the taxing district is of the total cost of all transmission and distribution property physically located in this state.~~

~~(c) If an electric company's taxable value for the current year includes the value of any production equipment at a plant at which the initial cost of the plant's production equipment exceeded one billion dollars, then prior to making the apportionments required for that company by division (C)(1)(a) and (b) of this section, the tax commissioner shall do the following:~~

~~(i) Subtract four hundred twenty million dollars from the total taxable value of the production equipment at that plant for the current tax year.~~

~~(ii) Multiply the difference thus obtained by a fraction, the numerator of which is the portion of the taxable value of that plant's production equipment included in the company's total value for the current tax year, and the denominator of which is the total taxable value of such equipment included in the total taxable value of all electric companies for such year;~~

~~(iii) Apportion the product thus obtained to taxing districts in the manner prescribed in division (C)(1)(b) of this section.~~

~~(iv) Deduct the amounts so apportioned from the taxable value of the company's production equipment at the plant, prior to making the apportionments required by divisions (C)(1)(a) and (b) of this section.~~

~~For purposes of division (C)(1)(c) of this section, "initial cost" applies~~

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~~only to production equipment of plants placed in commercial operation on or after January 1, 1987, and means the cost of all production equipment at a plant for the first year the plant's equipment was subject to taxation.~~

~~(2) For tax year 2001 and thereafter, in~~ In the case of an electric company:

~~(a) The taxable value of all production equipment shall be apportioned to the taxing district in which such property is physically located; and~~

~~(b) The~~ or an energy company, the value of taxable ~~personal~~ property, including energy conversion equipment ~~but excluding production equipment~~, shall be apportioned to each taxing district in the proportion that the cost of such ~~other~~ taxable ~~personal~~ property physically located in each taxing district is of the total cost of such ~~other~~ taxable ~~personal~~ property physically located in this state.

(D) ~~For tax year 2011 and thereafter, in the case of the taxable property of an energy company:~~

~~(1) The taxable value of all production equipment shall be apportioned to the taxing district in which such property is physically located.~~

~~(2) The taxable value of all other taxable property, including energy conversion equipment, shall be apportioned to each taxing district in the proportion that the cost of such other taxable property physically located in each taxing district is of the total cost of such other taxable property physically located in this state.~~

~~(E)~~ In the case of all other public utilities, the taxable value of the property to be apportioned shall be apportioned to each taxing district in proportion to the entire cost of such property within this state.

Sec. 5727.75. (A) For purposes of this section:

(1) "Qualified energy project" means an energy project certified by the director of development services pursuant to this section.

(2) "Energy project" means a project to provide electric power through the construction, installation, and use of an energy facility.

(3) "Alternative energy zone" means a county declared as such by the board of county commissioners under division (E)(1)(b) or (c) of this section.

(4) "Full-time equivalent employee" means the total number of employee-hours for which compensation was paid to individuals employed at a qualified energy project for services performed at the project during the calendar year divided by two thousand eighty hours.

(5) "Solar energy project" means an energy project composed of an energy facility using solar panels to generate electricity.

(B)(1) Tangible personal property of a qualified energy project using

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renewable energy resources is exempt from taxation for tax years 2011 through ~~2016~~ 2021 if all of the following conditions are satisfied:

(a) On or before December 31, ~~2015~~ 2020, the owner or a lessee pursuant to a sale and leaseback transaction of the project submits an application to the power siting board for a certificate under section 4906.20 of the Revised Code, or if that section does not apply, submits an application for any approval, consent, permit, or certificate or satisfies any condition required by a public agency or political subdivision of this state for the construction or initial operation of an energy project.

(b) Construction or installation of the energy facility begins on or after January 1, 2009, and before January 1, ~~2016~~ 2021. For the purposes of this division, construction begins on the earlier of the date of application for a certificate or other approval or permit described in division (B)(1)(a) of this section, or the date the contract for the construction or installation of the energy facility is entered into.

(c) For a qualified energy project with a nameplate capacity of five megawatts or greater, a board of county commissioners of a county in which property of the project is located has adopted a resolution under division (E)(1)(b) or (c) of this section to approve the application submitted under division (E) of this section to exempt the property located in that county from taxation. A board's adoption of a resolution rejecting an application or its failure to adopt a resolution approving the application does not affect the tax-exempt status of the qualified energy project's property that is located in another county.

(2) If tangible personal property of a qualified energy project using renewable energy resources was exempt from taxation under this section beginning in any of tax years 2011~~, 2012, 2013, 2014, 2015, or 2016~~ through 2021, and the certification under division (E)(2) of this section has not been revoked, the tangible personal property of the qualified energy project is exempt from taxation for tax year ~~2017~~ 2022 and all ensuing tax years if the property was placed into service before January 1, ~~2017~~ 2022, as certified in the construction progress report required under division (F)(2) of this section. Tangible personal property that has not been placed into service before that date is taxable property subject to taxation to the extent provided by section 5727.06 of the Revised Code. An energy project for which certification has been revoked is ineligible for further exemption under this section. Revocation does not affect the tax-exempt status of the project's tangible personal property for the tax year in which revocation occurs or any prior tax year.

(C) Tangible personal property of a qualified energy project using clean

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coal technology, advanced nuclear technology, or cogeneration technology is exempt from taxation for the first tax year that the property would be listed for taxation and all subsequent years if all of the following circumstances are met:

(1) The property was placed into service before January 1, 2021. Tangible personal property that has not been placed into service before that date is taxable property subject to taxation to the extent provided by section 5727.06 of the Revised Code. JRK

(2) For such a qualified energy project with a nameplate capacity of five megawatts or greater, a board of county commissioners of a county in which property of the qualified energy project is located has adopted a resolution under division (E)(1)(b) or (c) of this section to approve the application submitted under division (E) of this section to exempt the property located in that county from taxation. A board's adoption of a resolution rejecting the application or its failure to adopt a resolution approving the application does not affect the tax-exempt status of the qualified energy project's property that is located in another county.

(3) The certification for the qualified energy project issued under division (E)(2) of this section has not been revoked. An energy project for which certification has been revoked is ineligible for exemption under this section. Revocation does not affect the tax-exempt status of the project's tangible personal property for the tax year in which revocation occurs or any prior tax year.

(D) Except as otherwise provided in this section, real property of a qualified energy project is exempt from taxation for any tax year for which the tangible personal property of the qualified energy project is exempted under this section.

(E)(1)(a) A person may apply to the director of development services for certification of an energy project as a qualified energy project on or before the following dates:

(i) December 31, ~~2015~~ 2020, for an energy project using renewable energy resources;

(ii) December 31, 2017, for an energy project using clean coal technology, advanced nuclear technology, or cogeneration technology.

(b) The director shall forward a copy of each application for certification of an energy project with a nameplate capacity of five megawatts or greater to the board of county commissioners of each county in which the project is located and to each taxing unit with territory located in each of the affected counties. Any board that receives from the director a copy of an application submitted under this division shall adopt a resolution

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taxpayer is required to pay the tax imposed under this chapter.

(K) "Taxpayer" means a person subject to the tax imposed by this chapter.

(L) "Waterways" means all streams, lakes, ponds, marshes, water courses, and all other bodies of surface water, natural or artificial, which are situated wholly or partially within this state or within its jurisdiction, except private impounded bodies of water.

(M) "Motor fuel exchange" means an exchange of motor fuel between two or more suppliers, licensed motor fuel dealers, or licensed permissive motor fuel dealers if delivery occurs at a refinery, terminal, pipeline, or marine vessel and if the parties agree that neither party requires monetary compensation from the other party for the exchanged fuel other than compensation for differences in product location, grade, or handling.

Sec. 5736.02. (A)(1) Beginning with the tax period that commences July 1, 2014, and continuing for every tax period thereafter, there is hereby levied an excise tax on each supplier measured by the supplier's calculated gross receipts derived from the first sale of motor fuel within this state. The tax due shall be computed by multiplying ~~sixty-five one-hundredths of one per cent by~~ the supplier's calculated gross receipts by one of the following tax rates:

(a) If the calculated gross receipts are received from the sale of dyed diesel fuel and the end consumer of the dyed diesel fuel is a railroad company as described in division (D)(9) of section 5727.01 of the Revised Code, the rate established in division (A) of section 5751.03 of the Revised Code;

(b) For all other calculated gross receipts, six and five-tenths mills.

(2) All revenue from the tax shall be distributed as follows:

~~(1)~~(a) All revenue from the tax as measured by calculated gross receipts derived from the sale of motor fuel used for propelling vehicles on public highways and waterways shall be used for the purposes of maintaining the state highway system, funding the enforcement of traffic laws, and covering the costs of hospitalization of indigent persons injured in motor vehicle accidents on the public highways.

~~(2)~~(b) All revenue not distributed as required by division (A)~~(1)~~(2)(a) of this section shall be used for the purpose of funding the needs of this state and its local governments.

(B) The tax imposed by this section is in addition to any other taxes or fees imposed under the Revised Code.

(C) The tax commissioner shall determine and publish, on the web site of the department of taxation, the statewide average wholesale prices of a

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Any tax levied pursuant to this section is subject to the exemptions provided in section 5739.02 of the Revised Code and in addition shall not be applicable to sales not within the taxing power of a county under the Constitution of the United States or the Ohio Constitution.

(G) Upon receipt from a board of county commissioners of a certified copy of a resolution required by division (A) of this section, or from the board of elections a notice of the results of an election required by division (D)(1), (2)(a), (b), or (c) of this section, the tax commissioner shall provide notice of a tax rate change in a manner that is reasonably accessible to all affected vendors. The commissioner shall provide this notice at least sixty days prior to the effective date of the rate change. The commissioner, by rule, may establish the method by which notice will be provided.

Sec. 5739.029. (A) Notwithstanding sections 5739.02, 5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code, and except as otherwise provided in division (B) of this section, the tax due under this chapter on the sale of a motor vehicle required to be titled under Chapter 4505. of the Revised Code by a motor vehicle dealer to a consumer that is a nonresident of this state shall be the lesser of the amount of tax that would be due under this chapter and Chapter 5741. of the Revised Code if the total combined rate were six per cent, or the amount of tax that would be due to the state in which the consumer titles or registers the motor vehicle or to which the consumer removes the vehicle for use.

(B) No tax is due under this section, any other section of this chapter, or Chapter 5741. of the Revised Code under any of the following circumstances:

(1)(a) The consumer intends to immediately remove the motor vehicle from this state for use outside this state;

(b) Upon removal of the motor vehicle from this state, the consumer intends to title or register the vehicle in another state if such titling or registration is required;

(c) The consumer executes an affidavit as required under division (C) of this section affirming the consumer's intentions under divisions (B)(1)(a) and (b) of this section; and

(d) The state in which the consumer titles or registers the motor vehicle or to which the consumer removes the vehicle for use provides an exemption under circumstances substantially similar to those described in division (B)(1) of this section.

(2) The state in which the consumer titles or registers the motor vehicle or to which the consumer removes the vehicle for use does not provide a

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credit against its sales or use tax or similar excise tax for sales or use tax paid to this state.

(3) The state in which the consumer titles or registers the motor vehicle or to which the consumer removes the vehicle for use does not impose a sales or use tax or similar excise tax on the ownership or use of motor vehicles.

(C) Any nonresident consumer that purchases a motor vehicle from a motor vehicle dealer in this state under the circumstances described in divisions (B)(1)(a) and (b) of this section shall execute an affidavit affirming the intentions described in those divisions. The affidavit shall be executed in triplicate and in the form specified by the tax commissioner. The affidavit shall be given to the motor vehicle dealer.

A motor vehicle dealer that accepts in good faith an affidavit presented under this division by a nonresident consumer may rely upon the representations made in the affidavit.

(D) A motor vehicle dealer making a sale subject to the tax under division (A) of this section shall collect the tax due unless the sale is subject to the exception under division (B) of this section or unless the sale is not otherwise subject to taxes levied under sections 5739.02, 5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code. In the case of a sale under the circumstances described in division (B)(1) of this section, the dealer shall retain one copy of the affidavit and file the original and the other copy with the clerk of the court of common pleas. If tax is due under division (A) of this section, the dealer shall remit the tax collected ~~to the clerk at the time the dealer obtains the Ohio certificate of title in the name of the consumer~~ as required under section 4505.06 of the Revised Code. The clerk shall forward the original affidavit to the tax commissioner in the manner prescribed by the commissioner.

Unless a sale is excepted from taxation under division (B) of this section or the dealer makes an election under division (B)(5) of section 4505.06 of the Revised Code, upon receipt of an application for certificate of title a clerk of the court of common pleas shall collect the sales tax due under division (A) of this section. ~~The clerk shall~~ and remit the tax collected to the tax commissioner in the manner prescribed by the commissioner.

(E) If a motor vehicle is purchased by a corporation described in division (B)(6) of section 5739.01 of the Revised Code, the state of residence of the consumer for the purposes of this section is the state of residence of the corporation's principal shareholder.

(F) Any provision of this chapter or of Chapter 5741. of the Revised

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Code that is not inconsistent with this section applies to sales described in division (A) of this section.

(G) As used in this section:

(1) For the purposes of this section only, the sale or purchase of a motor vehicle does not include a lease or rental of a motor vehicle subject to division (A)(2) or (3) of section 5739.02 or division (A)(2) or (3) of section 5741.02 of the Revised Code;

(2) "State," except in reference to "this state," means any state, district, commonwealth, or territory of the United States and any province of Canada.

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Sec. 5739.09. (A)(1) A board of county commissioners may, by resolution adopted by a majority of the members of the board, levy an excise tax not to exceed three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The board shall establish all regulations necessary to provide for the administration and allocation of the tax. The regulations may prescribe the time for payment of the tax, and may provide for the imposition of a penalty or interest, or both, for late payments, provided that the penalty does not exceed ten per cent of the amount of tax due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code. Except as provided in divisions (A)(2), (3), (4), (5), (6), ~~and~~ (7), (8), (9), and (10) of this section, the regulations shall provide, after deducting the real and actual costs of administering the tax, for the return to each municipal corporation or township that does not levy an excise tax on the transactions, a uniform percentage of the tax collected in the municipal corporation or in the unincorporated portion of the township from each transaction, not to exceed thirty-three and one-third per cent. The remainder of the revenue arising from the tax shall be deposited in a separate fund and shall be spent solely to make contributions to the convention and visitors' bureau operating within the county, including a pledge and contribution of any portion of the remainder pursuant to an agreement authorized by section 307.678 or 307.695 of the Revised Code, provided that if the board of county commissioners of an eligible county as defined in section 307.678 or 307.695 of the Revised Code adopts a resolution amending a resolution levying a tax under this division to provide that revenue from the tax shall be used by the board as described in either division (D) of section 307.678 or division (H) of section 307.695 of the Revised Code, the remainder of the revenue shall be used as described in the resolution making that amendment. Except as provided in division (A)(2), (3), (4), (5), (6), ~~or~~ (7), (8), (9), or (10) or (H) of this section, on and after May 10, 1994, a board of county

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the legislative authority shall cause to be published in a newspaper of general circulation in the municipal corporation or township, or as provided in section 7.16 of the Revised Code, notice of the repeal or change.

(F) A person may separately or proportionately bill or invoice a tax levied pursuant to division (B) or (C) of this section to another person.

Sec. 5739.102. A person who is liable for a tax levied under section 5739.101 of the Revised Code shall file a return with the tax commissioner showing the person's taxable gross receipts from sales described under division (B)(1) or (2) or (C) of that section. The tax commissioner shall prescribe the form of the return, and the six- or twelve-month reporting period. The person shall file the return on or before the last day of the month following the end of the reporting period prescribed by the commissioner, and shall include with the return payment of the tax for the period. The remittance shall be made payable to the treasurer of state.

Upon receipt of a return, the tax commissioner shall credit any money included with it to the resort area excise tax fund, which is hereby created. Within forty-five days after the end of each month, the commissioner shall provide for the distribution of all money paid during that month into the resort area excise tax fund to the appropriate municipal corporations and townships, after first subtracting and crediting to the general revenue fund one per cent to cover the costs of administering the excise tax.

If a person liable for the tax fails to file a return or pay the tax as required under this section and the rules of the tax commissioner, the person shall pay an additional charge of the greater of fifty dollars or ten per cent of the tax due for the return period. The additional charge shall be considered revenue arising from the tax levied under section 5739.101 of the Revised Code, and may be collected by assessment in the manner provided in section 5739.13 of the Revised Code. The tax commissioner may remit all or a portion of the charge.

Sec. 5739.103. No person shall exercise the privilege of engaging in a business described under division (B)(1) or (2) or (C) of section 5739.101 of the Revised Code in a municipal corporation or township that has imposed a tax under division (B) or (C) of that section without first registering with the tax commissioner. The tax commissioner shall prescribe the form of the registration.

Sec. 5739.13. (A) If any vendor collects the tax imposed by or pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code, and fails to remit the tax to the state as prescribed, or on the sale of a motor vehicle, watercraft, or outboard motor required to be titled, fails to remit payment ~~to a clerk of a court of common pleas~~ as provided in section

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1548.06 or 4505.06 of the Revised Code, the vendor shall be personally liable for any tax collected and not remitted. The tax commissioner may make an assessment against such vendor based upon any information in the commissioner's possession.

If any vendor fails to collect the tax or any consumer fails to pay the tax imposed by or pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code, on any transaction subject to the tax, the vendor or consumer shall be personally liable for the amount of the tax applicable to the transaction. The commissioner may make an assessment against either the vendor or consumer, as the facts may require, based upon any information in the commissioner's possession.

An assessment against a vendor when the tax imposed by or pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code has not been collected or paid, shall not discharge the purchaser's or consumer's liability to reimburse the vendor for the tax applicable to such transaction.

An assessment issued against either, pursuant to this section, shall not be considered an election of remedies, nor a bar to an assessment against the other for the tax applicable to the same transaction, provided that no assessment shall be issued against any person for the tax due on a particular transaction if the tax on that transaction actually has been paid by another.

The commissioner may make an assessment against any vendor who fails to file a return or remit the proper amount of tax required by this chapter, or against any consumer who fails to pay the proper amount of tax required by this chapter. When information in the possession of the commissioner indicates that the amount required to be collected or paid under this chapter is greater than the amount remitted by the vendor or paid by the consumer, the commissioner may audit a sample of the vendor's sales or the consumer's purchases for a representative period, to ascertain the per cent of exempt or taxable transactions or the effective tax rate and may issue an assessment based on the audit. The commissioner shall make a good faith effort to reach agreement with the vendor or consumer in selecting a representative sample.

The commissioner may make an assessment, based on any information in the commissioner's possession, against any person who fails to file a return or remit the proper amount of tax required by section 5739.102 of the Revised Code.

The commissioner may issue an assessment on any transaction for which any tax imposed under this chapter or Chapter 5741. of the Revised Code was due and unpaid on the date the vendor or consumer was informed by an agent of the tax commissioner of an investigation or audit. If the

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vendor or consumer remits any payment of the tax for the period covered by the assessment after the vendor or consumer was informed of the investigation or audit, the payment shall be credited against the amount of the assessment.

The commissioner shall give the party assessed written notice of the assessment in the manner provided in section 5703.37 of the Revised Code. With the notice, the commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition.

(B) Unless the party assessed files with the commissioner within sixty days after service of the notice of assessment, either personally or by certified mail, a written petition for reassessment, signed by the party assessed or that party's authorized agent having knowledge of the facts, the assessment becomes final and the amount of the assessment is due from the party assessed and payable to the treasurer of state and remitted to the tax commissioner. The petition shall indicate the objections of the party assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code.

(C) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the place of business of the party assessed is located or the county in which the party assessed resides. If the party assessed maintains no place of business in this state and is not a resident of this state, the certified copy of the entry may be filed in the office of the clerk of the court of common pleas of Franklin county.

Immediately upon the filing of the entry, the clerk shall enter a judgment for the state against the party assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for state, county, and transit authority retail sales tax" or, if appropriate, "special judgments for resort area excise tax," and shall have the same effect as other judgments. Execution shall issue upon the judgment upon the request of the tax commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment except as otherwise provided in this chapter.

If the assessment is not paid in its entirety within sixty days after the date the assessment was issued, the portion of the assessment consisting of tax due shall bear interest at the rate per annum prescribed by section

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5703.47 of the Revised Code from the day the tax commissioner issues the assessment until the assessment is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax and may be collected by issuing an assessment under this section.

(D) All money collected by the tax commissioner under this section shall be paid to the treasurer of state, and when paid shall be considered as revenue arising from the taxes imposed by or pursuant to sections 5739.01 to 5739.31 of the Revised Code.

Sec. 5739.213. (A) As used in this section:

(1) "Tourism development district" means a tourism development district designated by a township or municipal corporation under section 503.56 or 715.014 of the Revised Code, respectively.

(2) "Incremental sales tax growth" means one of the following:

(a) For a county, the amount of revenue from a tax levied under section 5739.021 or 5739.026 of the Revised Code and received by the county under division (B) of section 5739.21 of the Revised Code from vendors located within a tourism development district during the preceding calendar year minus the amount of such revenue so received by the county during the calendar year ending immediately before the date the district is designated;

(b) For a transit authority, the amount of revenue from a tax levied under section 5739.023 of the Revised Code received by the transit authority under division (B) of section 5739.21 of the Revised Code from vendors located within a tourism development district during the preceding calendar year minus the amount of such revenue so received by the transit authority during the calendar year ending immediately before the date the district is designated.

(3) The "fiscal officer" of a municipal corporation means the city auditor, village clerk, or other municipal officer having the duties and functions of a city auditor or village clerk.

(B)(1) The legislative authority of a municipal corporation or board of trustees of a township that has designated a tourism development district may adopt a resolution or ordinance expressing the legislative authority's or board's intent to receive annual payments from the county or transit authority whose territory overlaps with the territory of that district equal to the incremental sales tax growth from vendors located in the district. The

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revenue fund to the income tax reduction fund the amount determined under that division ~~(C)(1) of this section, less one-half of the amount of that tax remitted during fiscal year 2013 by remote sellers that voluntarily registered under section 5741.17 of the Revised Code~~. Amounts transferred to the income tax reduction fund under this ~~section~~ division shall be included in the determination of the percentage under division (B)(2) of section 131.44 of the Revised Code required to be made by the thirty-first day of July of the calendar year in which the commissioner makes the certifications under this division.

Sec. 5741.12. (A) Each seller required by section 5741.17 of the Revised Code to register with the tax commissioner, and any seller authorized by the commissioner to collect the tax imposed by or pursuant to section 5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code is subject to the same requirements and entitled to the same deductions and discount for prompt payments as are vendors under section 5739.12 of the Revised Code, and the same monetary allowances as are vendors under section 5739.06 of the Revised Code. The powers and duties of the commissioner with respect to returns and tax remittances under this section shall be identical with those prescribed in section 5739.12 of the Revised Code.

(B) Every person storing, using, or consuming tangible personal property or receiving the benefit of a service, the storage, use, consumption, or receipt of which is subject to the tax imposed by or pursuant to section 5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code, when such tax was not paid to a seller, shall, on or before the twenty-third day of each month, file with the tax commissioner a return for the preceding month in such form as is prescribed by the commissioner, showing such information as the commissioner deems necessary, and shall pay the tax shown on the return to be due. Remittance shall be made payable to the treasurer of state. The commissioner may require consumers to file returns and pay the tax at other than monthly intervals, if the commissioner determines that such filing is necessary for the efficient administration of the tax. If the commissioner determines that a consumer's tax liability is not such as to merit monthly filing, the commissioner may authorize the consumer to file returns and pay tax at less frequent intervals.

Any consumer required to file a return and pay the tax under this section whose payment for any year equals or exceeds the amount shown in division (A) of section 5741.121 of the Revised Code is subject to the accelerated tax payment requirements in divisions (B) and (C) of that section.

(C) ~~Every~~ Except as provided in division (B)(5) of section 4505.06 of

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the Revised Code, every person storing, using, or consuming a motor vehicle, watercraft, or outboard motor, the ownership of which must be evidenced by certificate of title, shall file the return required by this section and pay the tax due at or prior to the time of filing an application for certificate of title.

Sec. 5741.17. (A)(1) Except as otherwise provided in divisions (A)(2), (3), and (4) of this section, every seller of tangible personal property or services who has substantial nexus with this state shall register with the tax commissioner and supply any information concerning the seller's contacts with this state that may be required by the commissioner.

(2) A seller who is licensed as a vendor pursuant to section 5739.17 of the Revised Code shall not be required to register with the commissioner pursuant to this section if all sales to consumers in this state are made under the authority of the seller's vendor's license.

(3) ~~A~~ Unless the seller has substantial nexus with this state pursuant to division (I)(2)(g) of section 5741.01 of the Revised Code, a seller is not required to register under this section if the seller has no contact with this state other than an agency relationship with a person engaged in the business of telemarketing in this state and engaged by the seller exclusively for the purpose of solicitation of customers in other states.

(4) A seller is not required to register under this section if the seller has no contact with this state other than the ownership of property that is located at the facility of a printer with which the seller has contracted for printing and that consists of the final printed product, property that becomes a part of the final printed product, or copy from which the final printed product is produced.

(B) A seller who does not have substantial nexus with this state may voluntarily register with the commissioner. A seller who voluntarily registers with the commissioner under this section is entitled to the same benefits and is subject to the same duties and requirements as a seller required to be registered with the commissioner under this chapter.

The commissioner shall maintain an alphabetical index of all sellers registered under this chapter and records of the use tax reported and paid. Upon request, this information shall be made available to the treasurer of state.

(C) A remote small seller is not required to register under this section.

Sec. 5743.02. To provide revenues for the general revenue fund, an excise tax on sales of cigarettes is hereby levied at the rate of ~~sixty-two and one-half~~ eighty mills on each cigarette.

Only one sale of the same article shall be used in computing the amount

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~~Code,~~ all business income to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year.

(32) Deduct an amount equal to the fair market value of services provided free of charge by dentists and dental hygienists under the hope for a smile program established by section 3701.139 of the Revised Code.

(B) "Business income" means income, including gain or loss, arising from transactions, activities, and sources in the regular course of a trade or business and includes income, gain, or loss from real property, tangible property, and intangible property if the acquisition, rental, management, and disposition of the property constitute integral parts of the regular course of a trade or business operation. "Business income" includes income, including gain or loss, from a partial or complete liquidation of a business, including, but not limited to, gain or loss from the sale or other disposition of goodwill.

(C) "Nonbusiness income" means all income other than business income and may include, but is not limited to, compensation, rents and royalties from real or tangible personal property, capital gains, interest, dividends and distributions, patent or copyright royalties, or lottery winnings, prizes, and awards.

(D) "Compensation" means any form of remuneration paid to an employee for personal services.

(E) "Fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or any other person acting in any fiduciary capacity for any individual, trust, or estate.

(F) "Fiscal year" means an accounting period of twelve months ending on the last day of any month other than December.

(G) "Individual" means any natural person.

(H) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended.

(I) "Resident" means any of the following, provided that division (I)(3) of this section applies only to taxable years of a trust beginning in 2002 or thereafter:

(1) An individual who is domiciled in this state, subject to section 5747.24 of the Revised Code;

(2) The estate of a decedent who at the time of death was domiciled in this state. The domicile tests of section 5747.24 of the Revised Code are not controlling for purposes of division (I)(2) of this section.

(3) A trust that, in whole or part, resides in this state. If only part of a trust resides in this state, the trust is a resident only with respect to that part.

For the purposes of division (I)(3) of this section:

(a) A trust resides in this state for the trust's current taxable year to the

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adult training or education program funded under the "Workforce Innovation and Opportunity Act," 29 U.S.C. 3101, shall create an account with OhioMeansJobs at the time of enrollment in the program.

(B) Division (A) of this section does not apply to any individual who is legally prohibited from using a computer, has a physical or visual impairment that makes the individual unable to use a computer, or has a limited ability to read, write, speak, or understand a language in which OhioMeansJobs is available.

Sec. 6301.17. There is hereby created in the state treasury the workforce development projects fund. The fund may consist of intrastate agency transfers, nonfederal grants, and other similar revenue sources. The department of job and family services shall use the fund to support program and administrative expenses related to the implementation of workforce development initiatives within the department.

SECTION 101.02. That existing sections 1.05, 9.312, 9.333, 9.83, 9.833, 9.90, 9.901, 102.02, 102.022, 103.412, 105.41, 109.57, 109.572, 109.77, 109.79, 113.06, 113.07, 118.023, 118.04, 119.04, 119.12, 121.03, 121.04, 121.22, 121.36, 121.372, 121.40, 122.17, 122.171, 122.174, 122.175, 122.177, 122.64, 122.68, 122.85, 122.87, 122.942, 122.95, 122.951, 123.10, 123.28, 123.281, 124.11, 124.14, 124.15, 124.152, 124.181, 124.34, 124.382, 124.392, 125.02, 125.04, 125.041, 125.05, 125.07, 125.08, 125.081, 125.082, 125.10, 125.11, 125.112, 125.13, 125.27, 125.28, 125.31, 125.36, 125.38, 125.39, 125.42, 125.43, 125.45, 125.49, 125.51, 125.58, 125.601, 125.607, 125.609, 125.76, 125.901, 126.32, 128.021, 128.40, 128.54, 128.55, 128.57, 131.09, 131.15, 131.34, 131.35, 131.43, 131.44, 133.01, 133.04, 133.05, 133.07, 133.34, 135.01, 135.04, 135.14, 135.144, 135.145, 135.18, 135.181, 135.35, 135.353, 135.354, 135.37, 135.74, 140.01, 141.04, 145.114, 145.116, 145.56, 145.571, 149.04, 149.43, 153.08, 153.70, 156.01, 156.02, 156.04, 167.06, 173.47, 173.48, 173.522, 173.523, 173.543, 173.544, 173.545, 174.02, 187.03, 191.04, 191.06, 305.31, 306.35, 319.63, 321.24, 323.13, 325.03, 325.04, 325.06, 325.08, 325.09, 325.10, 325.11, 325.14, 325.15, 339.06, 340.03, 340.034, 340.04, 340.05, 340.07, 340.12, 340.15, 341.34, 343.01, 349.01, 349.03, 349.04, 349.06, 349.07, 349.14, 355.02, 355.03, 355.04, 505.101, 505.24, 505.701, 505.86, 507.09, 507.11, 517.07, 517.15, 717.01, 718.01, 718.04, 718.05, 718.07, 718.37, 731.59, 737.41, 742.114, 742.116, 742.462, 742.47, 759.36, 901.08, 901.21, 901.22, 902.01, 903.01, 903.03, 903.07, 903.082, 903.09, 903.10, 903.11, 903.12, 903.13, 903.16, 903.17, 903.25, 905.31, 905.323, 918.41, 931.01, 931.02, 941.14, 953.22, 955.12, 955.121, 955.14, 955.15, 955.20, 955.27,

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The above boxed and initialed text was disapproved.

Date: 6-30-15

John R. Kasich, Governor

5101.54, 5101.60, 5101.61, 5101.611, 5101.62, 5101.69, 5101.71, 5101.72, 5101.91, 5101.92, 5101.98, 5101.99, 5103.02 5104.01, 5104.013, 5104.015, 5104.016, 5104.017, 5104.018, 5104.03, 5104.036, 5104.04, 5104.09, 5104.30, 5104.31, 5104.34, 5104.37, 5104.38, 5104.99, 5107.05, 5107.64, 5115.04, 5119.01, 5119.10, 5119.11, 5119.161, 5119.18, 5119.186, 5119.21, 5119.23, 5119.25, 5119.28, 5119.31, 5119.33, 5119.34, 5119.341, 5119.36, 5119.361, 5119.365, 5119.41, 5119.44, 5119.61, 5119.94, 5119.99, 5120.112, 5120.135, 5120.28, 5120.38, 5120.381, 5120.382, 5122.31, 5122.36, 5123.032, 5123.033, 5123.08, 5123.16, 5123.161, 5123.162, 5123.163, 5123.164, 5123.166, 5123.167, 5123.169, 5123.1610, 5123.19, 5123.196, 5123.198, 5123.86, 5124.101, 5124.15, 5124.33, 5124.60, 5124.61, 5124.67, 5126.042, 5126.0510, 5126.15, 5126.201, 5139.02, 5139.03, 5139.50, 5147.07, 5160.37, 5162.01, 5162.11, 5162.12, 5162.13, 5162.36, 5162.361, 5162.363, 5163.03, 5163.06, 5163.21 5163.30, 5163.33, 5164.01, 5164.38, 5164.57, 5165.15, 5165.151, 5165.152, 5165.157, 5165.16, 5165.17, 5165.19, 5165.192, 5165.23, 5166.01, 5166.16, 5167.03, 5168.01, 5168.06, 5168.07, 5168.10, 5168.11, 5168.23, 5168.26, 5168.40, 5168.44, 5168.45, 5168.47, 5168.48, 5168.49, 5168.53, 5168.60, 5168.63, 5168.64, 5168.67, 5301.68, 5301.69, 5501.73, 5505.068, 5505.0610, 5505.22, 5505.261, 5513.01, 5537.05, 5575.01, 5703.057, 5703.21, 5703.36, 5705.19, 5705.194, 5705.21, 5705.212, 5705.214, 5705.34, 5709.17, 5709.62, 5709.63, 5709.632, 5709.67, 5709.73, 5713.30, 5715.01, 5715.39, 5725.22, 5725.33, 5725.98, 5726.01, 5726.50, 5726.54, 5727.031, 5727.06, 5727.11, 5727.111, 5727.15, 5727.75, 5727.80, 5727.81, 5727.811, 5727.84, 5727.85, 5727.86, 5729.16, 5729.98, 5733.0610, 5733.58, 5736.01, 5736.02, 5736.50, 5739.01, 5739.02, 5739.026, 5739.029, 5739.09, 5739.101, 5739.102, 5739.103, 5739.13, 5741.01, 5741.03, 5741.12, 5741.17, 5743.02, 5743.05, 5743.32, 5747.01, 5747.02, 5747.05, 5747.055, 5747.058, 5747.08, 5747.113, 5747.21, 5747.37, 5747.50, 5747.51, 5747.53, 5747.71, 5747.98, 5751.01, 5751.02, 5751.20, 5751.21, 5751.22, 5751.50, 5902.02, 5903.12, 5904.01, 5910.08, 5919.341, 6101.16, 6109.21, 6109.30, 6111.01, 6111.02, 6111.027, 6111.03, 6111.04, 6111.044, 6111.12, 6111.30, 6111.44, 6111.99, and 6131.23 of the Revised Code are hereby repealed.

SECTION 105.01. That sections 103.132, 111.181, 122.26, 122.952, 124.183, 125.021, 125.022, 125.023, 125.03, 125.051, 125.06, 125.17, 125.32, 125.37, 125.47, 125.48, 125.50, 125.52, 125.53, 125.54, 125.55, 125.57, 125.68, 125.91, 125.92, 125.93, 125.96, 125.98, 149.13, 183.26,

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Date: 6-30-15

John R. Kasich, Governor

The Director of Budget and Management shall include the recovery of costs to operate the Shared Services Center in the accounting and budgeting services payroll rate and through direct charges using intrastate transfer vouchers to agencies for services rendered. The Director of Budget and Management shall determine the cost recovery methodology. Such cost recovery revenues shall be deposited to the credit of the Accounting and Budgeting Fund (Fund 1050).

INTERNAL AUDIT

The Director of Budget and Management shall include the recovery of costs to operate the Internal Audit Program in the accounting and budgeting services payroll rate and through direct charges using intrastate transfer vouchers to agencies reviewed by the program. The Director of Budget and Management, with advice from the Internal Audit Advisory Council, shall determine the cost recovery methodology. Such cost recovery revenues shall be deposited to the credit of Fund 1050.

FORGERY RECOVERY

The foregoing appropriation item 042604, Forgery Recovery, shall be used to reissue warrants that have been certified as forgeries by the rightful recipient as determined by the Bureau of Criminal Identification and Investigation and the Treasurer of State. Upon receipt of funds to cover the reissuance of the warrant, the Director of Budget and Management shall reissue a state warrant of the same amount. Any additional amounts needed to reissue warrants backed by the receipt of funds are hereby appropriated.

SECTION 227.20. HEALTH SERVICES PROVIDERS COST ESTIMATES

There is hereby established under the Office of Health Transformation, the Health Services Cost Estimate Study Committee. The Committee shall study the impact and feasibility of requiring health services providers to provide, upon request by a consumer, estimates of the consumer's out-of-pocket cost, including an estimate of the total charge to be billed, for common products, procedures, and services offered by the provider for the purpose of cost comparison on the part of the consumer. Not later than December 31, 2015, the Health Services Cost Estimate Study Committee shall make a report of its findings and shall deliver that report to the Governor, the President and Minority Leader of the Senate, and the Speaker and Minority Leader of the House of Representatives. If the report views the implementation of such a requirement favorably, the report shall include recommendations regarding legislation and associated rules for enactment and adoption.

The above boxed and initialed text was disapproved.

Date: 6-30-15

John R. Kasich, Governor

TOTAL DPF Dedicated Purpose Fund Group	$ 427,184	$ 434,019
TOTAL ALL BUDGET FUND GROUPS	$ 2,990,143	$ 2,970,438

SECTION 253.10. DEN STATE DENTAL BOARD

Dedicated Purpose Fund Group

4K90	880609	Operating Expenses	$ 1,591,884	$ 1,591,884
TOTAL DPF Dedicated Purpose Fund Group			$ 1,591,884	$ 1,591,884
TOTAL ALL BUDGET FUND GROUPS			$ 1,591,884	$ 1,591,884

SECTION 255.10. BDP BOARD OF DEPOSIT

Dedicated Purpose Fund Group

4M20	974601	Board of Deposit	$ 1,876,000	$ 1,876,000
TOTAL DPF Dedicated Purpose Fund Group			$ 1,876,000	$ 1,876,000
TOTAL ALL BUDGET FUND GROUPS			$ 1,876,000	$ 1,876,000

BOARD OF DEPOSIT EXPENSE FUND

Upon receiving certification of expenses from the Treasurer of State, the Director of Budget and Management shall transfer cash from the Investment Earnings Redistribution Fund (Fund 6080) to the Board of Deposit Expense Fund (Fund 4M20). The latter fund shall be used pursuant to section 135.02 of the Revised Code to pay for any and all necessary expenses of the Board of Deposit or for banking charges and fees required for the operation of the State of Ohio Regular Account.

SECTION 257.10. DEV DEVELOPMENT SERVICES AGENCY

General Revenue Fund

GRF	195402	Coal Research and Development Program	$ 234,400	$ 234,400
GRF	195405	Minority Business Development	$ 1,822,191	$ 1,722,191
GRF	195407	Travel and Tourism	$ 1,250,000	$ 1,250,000
GRF	195415	Business Development Services	$ 2,483,187	$ 2,483,187
GRF	195426	Redevelopment Assistance	$ 525,000	$ 525,000
GRF	195453	Technology Programs and Grants	$ 14,577,641	$ 14,577,641
GRF	195454	Business Assistance	$ 3,506,474	$ 3,256,474
GRF	195455	Appalachia Assistance	$ 5,748,749	$ 5,748,749
GRF	195497	CDBG Operating Match	$ 1,053,200	$ 1,053,200
GRF	195537	Ohio-Israel Agricultural Initiative	$ 200,000	$ 200,000
GRF	195540	Port Authority Assistance	$ 2,500,000	$ 0
GRF	195542	The Wilds	$ 250,000	$ 0
GRF	195544	Dayton Regional Workforce	$ 350,000	$ 350,000

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in Ohio's Appalachian counties, to support four local development districts, and to pay dues for the Appalachian Regional Commission. These funds may be used to match federal funds from the Appalachian Regional Commission. Programs funded through the foregoing appropriation item shall be identified and recommended by the local development districts and approved by the Governor's Office of Appalachia. The Development Services Agency shall conduct compliance and regulatory review of the programs recommended by the local development districts. Moneys allocated under the foregoing appropriation item may be used to fund projects including, but not limited to, those designated by the local development districts as community investment and rapid response projects.

Of the foregoing appropriation item 195455, Appalachia Assistance, in each fiscal year, $170,000 shall be allocated to the Ohio Valley Regional Development Commission, $170,000 shall be allocated to the Ohio Mid-Eastern Government Association, $170,000 shall be allocated to the Buckeye Hills-Hocking Valley Regional Development District, and $70,000 shall be allocated to the Eastgate Regional Council of Governments. Local development districts receiving funding under this section shall use the funds for the implementation and administration of programs and duties under section 107.21 of the Revised Code.

CDBG OPERATING MATCH

The foregoing appropriation item 195497, CDBG Operating Match, shall be used as matching funds for grants from the United States Department of Housing and Urban Development pursuant to the Housing and Community Development Act of 1974 and regulations and policy guidelines for the programs pursuant thereto.

OHIO-ISRAEL AGRICULTURAL INITIATIVE

The foregoing appropriation item 195537, Ohio-Israel Agricultural Initiative, shall be used for the Ohio-Israel Agricultural Initiative.

PORT AUTHORITY ASSISTANCE

The foregoing appropriation item 195540, Port Authority Assistance, shall be used to distribute a grant to the Montgomery County Port Authority for the Midtown Redevelopment Initiative.

THE WILDS

The foregoing appropriation item 195542, The Wilds, shall be used to distribute a grant to The Wilds, a nonprofit conservation center in Muskingum County, for the development of a public water connection.

DAYTON REGIONAL WORKFORCE NETWORK

The foregoing appropriation item 195544, Dayton Regional Workforce Network, shall be used to support the Montgomery County Workforce Study

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Committee as described in Section 763.10 of this act. JAC

SAINT LUKE'S MANOR

The foregoing appropriation item 195547, Saint Luke's Manor, shall be allocated to Cleveland Neighborhood Progress to support the completion of the Saint Luke's Manor project.

PATHWAY PILOT PROJECT

The foregoing appropriation item 195549, Pathway Pilot Project, shall be allocated to Pathway, a Community Action Agency in Lucas County, for a pilot program to connect individuals with sustainable employment opportunities.

COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation line item 195901, Coal Research and Development General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period July 1, 2015, through June 30, 2017, on obligations issued under sections 151.01 and 151.07 of the Revised Code.

THIRD FRONTIER RESEARCH & DEVELOPMENT GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation item 195905, Third Frontier Research & Development General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2015, through June 30, 2017, on obligations issued under sections 151.01 and 151.10 of the Revised Code.

JOB READY SITE DEVELOPMENT GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation item 195912, Job Ready Site Development General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2015, through June 30, 2017, on obligations issued under sections 151.01 and 151.11 of the Revised Code.

SECTION 257.30. BUSINESS ASSISTANCE PROGRAMS

The foregoing appropriation item 195649, Business Assistance Programs, shall be used for administrative expenses associated with the operation of tax credit programs, loan servicing, the Ohio Film Office, workforce initiatives, and the Office of Strategic Business Investments.

STATE SPECIAL PROJECTS

The State Special Projects Fund (Fund 4F20), may be used for the deposit of private-sector funds from utility companies and for the deposit of

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(a) The Ohio Centers for Intellectual Disabilities formed by the Ohio Health Care Association;

(b) The Values and Faith Alliance;

(c) The Ohio Association of County Boards Serving People with Developmental Disabilities;

(d) The Ohio SIBS;

(e) The Arc of Ohio;

(f) The Ohio Provider Resource Association.

(2) One or more persons with developmental disabilities who advocate for such persons.

(C) Members of the Workgroup shall serve without compensation or reimbursement, except to the extent that serving on the Workgroup is considered part of their usual job duties.

(D) The Workgroup shall complete its study, and complete a report with recommendations regarding accountability measures for ICFs/IID, not later than November 4, 2015. The Workgroup shall submit copies of the report to the Governor and, in accordance with section 101.68 of the Revised Code, the General Assembly.

SECTION 259.280. COMMUNITY SUPPORT AND RENTAL ASSISTANCE

The foregoing appropriation item 322509, Community Support and Rental Assistance, may be used by the Director of Developmental Disabilities to provide funding to county boards of developmental disabilities for rental assistance to individuals with developmental disabilities receiving home and community-based services as defined in section 5123.01 of the Revised Code pursuant to section 5124.60 of the Revised Code or section 5124.69 of the Revised Code and to former residents of a developmental center. The director shall establish the methodology for determining the amount and distribution of such funding.

SECTION 259.290. MEDICAID RATES FOR SHELTERED WORKSHOP SERVICES

The Medicaid payment rates for adult day services provided by sheltered workshops during the period beginning July 1, 2015, and ending June 30, 2017, under a Medicaid waiver component administered by the Department of Developmental Disabilities shall be not less than Medicaid payment rates for those services in effect on June 30, 2015.

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GRF	200576	Adaptive Sports Program	$	50,000	$ 50,000
GRF	200588	Competency Based Education Pilot	$	1,000,000	$ 1,000,000
GRF	200597	Education Program Support	$	2,250,000	$ 2,000,000
TOTAL GRF General Revenue Fund			$	7,605,232,635	$ 7,925,458,867
Dedicated Purpose Fund Group					
4520	200638	Fees and Refunds	$	1,000,000	$ 1,000,000
4540	200610	GED Testing	$	250,000	$ 250,000
4550	200608	Commodity Foods	$	24,000,000	$ 24,000,000
4L20	200681	Teacher Certification and Licensure	$	14,150,000	$ 14,250,000
5980	200659	Auxiliary Services Reimbursement	$	1,328,910	$ 1,328,910
5H30	200687	School District Solvency Assistance	$	10,000,000	$ 10,000,000
5KX0	200691	Ohio School Sponsorship Program	$	487,419	$ 528,600
5MM0	200677	Child Nutrition Refunds	$	550,000	$ 550,000
5RB0	200644	Straight A Fund	$	27,250,000	$ 15,000,000
5RE0	200697	School District TPP Supplement	$	50,600,000	$ 78,300,000 JDK
5U20	200685	National Education Statistics	$	300,000	$ 300,000
6200	200615	Educational Improvement Grants	$	175,000	$ 175,000
TOTAL DPF Dedicated Purpose Fund Group			$	130,091,329	$ 145,682,510
Internal Service Activity Fund Group					
1380	200606	Information Technology Development and Support	$	6,850,090	$ 6,850,090
4R70	200695	Indirect Operational Support	$	7,600,000	$ 7,600,000
4V70	200633	Interagency Program Support	$	500,000	$ 500,000
TOTAL ISA Internal Service Activity Fund Group			$	14,950,090	$ 14,950,090
State Lottery Fund Group					
7017	200612	Foundation Funding	$	987,650,000	$ 1,042,700,000
7017	200629	Community Connectors	$	10,000,000	$ 10,000,000
7017	200684	Community School Facilities	$	14,900,000	$ 20,700,000
TOTAL SLF State Lottery Fund Group			$	1,012,550,000	$ 1,073,400,000
Federal Fund Group					
3090	200601	Neglected and Delinquent Education	$	1,600,000	$ 1,600,000
3670	200607	School Food Services	$	9,240,111	$ 9,794,517
3700	200624	Education of Exceptional Children	$	1,702,040	$ 1,274,040
3AF0	200603	Schools Medicaid Administrative Claims	$	750,000	$ 750,000
3AN0	200671	School Improvement Grants	$	32,400,000	$ 32,400,000
3C50	200661	Early Childhood Education	$	14,554,749	$ 14,554,749
3CG0	200646	Teacher Incentive	$	12,500,000	$ 200,000
3D10	200664	Drug Free Schools	$	521,000	$ 282,000
3D20	200667	Math Science Partnerships	$	7,500,000	$ 7,500,000
3EH0	200620	Migrant Education	$	2,900,000	$ 2,900,000
3EJ0	200622	Homeless Children Education	$	2,600,000	$ 2,600,000

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individuals taking the online General Educational Development (GED) test for the first time for application/test fees in excess of $40. Each career-technical planning district shall designate a site or sites where individuals may register and take the exam. For each individual that registers for the exam, the career-technical planning district shall make available and offer career counseling services, including information on adult education programs that are available. Any remaining funds in each fiscal year shall be reimbursed to the Department of Youth Services and the Department of Rehabilitation and Correction for individuals in these facilities who have taken the GED for the first time. The amounts reimbursed shall not exceed the per-individual amounts reimbursed to other individuals under this section for each section of the GED.

Of the foregoing appropriation item 200550, Foundation Funding, up to $29,900,000 in fiscal year 2016 and up to $38,000,000 in fiscal year 2017 shall be used to support school choice programs.

Of the portion of the funds distributed to the Cleveland Municipal School District under this section, up to $11,901,887 in each fiscal year shall be used to operate the school choice program in the Cleveland Municipal School District under sections 3313.974 to 3313.979 of the Revised Code. Notwithstanding divisions (B) and (C) of section 3313.978 and division (C) of section 3313.979 of the Revised Code, up to $1,000,000 in each fiscal year of this amount shall be used by the Cleveland Municipal School District to provide tutorial assistance as provided in division (H) of section 3313.974 of the Revised Code. The Cleveland Municipal School District shall report the use of these funds in the district's three-year continuous improvement plan as described in section 3302.04 of the Revised Code in a manner approved by the Department of Education.

Of the foregoing appropriation item 200550, Foundation Funding, up to $500,000 in each fiscal year may be used for payment of the College Credit Plus Program for students instructed at home pursuant to section 3321.04 of the Revised Code.

Of the foregoing appropriation item 200550, Foundation Funding, an amount shall be available in each fiscal year to be paid to joint vocational school districts in accordance with division (A) of section 3317.16 of the Revised Code, section 3317.26 of the Revised Code, and the section of this act entitled "TEMPORARY TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS." JRK

Of the foregoing appropriation item 200550, Foundation Funding, up to $700,000 in each fiscal year shall be used by the Department of Education for a program to pay for educational services for youth who have been

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community to support innovative education programs or a high-quality school accelerator as provided for in section 3302.10 of the Revised Code.

The remainder of appropriation item 200550, Foundation Funding, shall be used to distribute the amounts calculated for formula aid under sections 3317.022 and 3317.26 of the Revised Code and the section of this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." JRK

Appropriation items 200502, Pupil Transportation, 200540, Special Education Enhancements, and 200550, Foundation Funding, other than specific set-asides, are collectively used in each fiscal year to pay state formula aid obligations for school districts, community schools, STEM schools, college preparatory boarding schools, and joint vocational school districts under this act. The first priority of these appropriation items, with the exception of specific set-asides, is to fund state formula aid obligations. It may be necessary to reallocate funds among these appropriation items or use excess funds from other general revenue fund appropriation items in the Department of Education's budget in each fiscal year in order to meet state formula aid obligations. If it is determined that it is necessary to transfer funds among these appropriation items or to transfer funds from other General Revenue Fund appropriations in the Department of Education's budget to meet state formula aid obligations, the Superintendent of Public Instruction shall seek approval from the Director of Budget and Management to transfer funds as needed.

The Superintendent of Public Instruction shall make payments, transfers, and deductions, as authorized by Title XXXIII of the Revised Code in amounts substantially equal to those made in the prior year, or otherwise, at the discretion of the Superintendent, until at least the effective date of the amendments and enactments made to Title XXXIII by this act. Any funds paid to districts or schools under this section shall be credited toward the annual funds calculated for the district or school after the changes made to Title XXXIII in this act are effective. Upon the effective date of changes made to Title XXXIII in this act, funds shall be calculated as an annual amount.

SECTION 263.230. TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS

(A) The Department of Education shall distribute funds within appropriation item 200550, Foundation Funding, for temporary transitional aid in each fiscal year to each qualifying city, local, and exempted village school district.

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Consortia including public or private universities in Ohio shall be eligible to submit proposals. Awards made by the Department of Education may support graduate coursework for high school teachers at a regionally accredited college or university in Ohio leading to credentialing to teach college courses, as well as employment of teachers credentialed to teach college courses as a bridging strategy until a sufficient number of teachers at the high school hold the required credentials.

Of the foregoing appropriation item 200644, Straight A Fund, $5,000,000 in fiscal year 2016 shall be awarded by the Chancellor of Higher Education, in consultation with the State Superintendent of Public Instruction, as competitive grants to universities to provide free or reduced-cost courses for teachers to become credentialed for the College Credit Plus Program. Priority shall be given to proposals that enable teachers to become credentialed in the 2015–2016 school year.

Of the foregoing appropriation item 200644, Straight A Fund, $2,000,000 in fiscal year 2016 shall be distributed to the Ohio-West Virginia Youth Leadership Association for the development of the Cave Lake Center for Community Leadership.

Of the foregoing appropriation item 200644, Straight A Fund, $250,000 in fiscal year 2016 shall be used to support programming provided by the We Can Code IT organization in Cleveland.

The remainder of the foregoing appropriation item 200644, Straight A Fund, shall be used by the Department of Education to make competitive grants in accordance with the section of this act entitled "STRAIGHT A PROGRAM."

SECTION 263.325. SCHOOL DISTRICT TPP SUPPLEMENT

The foregoing appropriation item 200697, School District TPP Supplement, shall be distributed to city, local, and exempted village school districts for supplemental foundation aid as provided in this section.

JRK For each fiscal year, the Department of Education shall compute and pay supplemental foundation aid to each school district as follows:

(A)(1) Calculate the school district's combined state aid for fiscal year 2015, which equals the sum of:

(a) The district's state education aid for fiscal year 2015, as defined in division (A)(4)(a) of section 5709.92 of the Revised Code; and

(b) The district's current expense allocation, as defined in division (A)(8) of section 5709.92 of the Revised Code.

(2) Calculate the school district's combined state aid for fiscal year 2016, which equals the sum of:

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(a) The sum of the amounts computed for the district for fiscal year 2016 under section 3317.022 of the Revised Code, as amended by this act, and under divisions (E), (F), and (G) of section 3317.0212 of the Revised Code, as amended by this act, plus any amount calculated for temporary transitional aid for fiscal year 2016 under division (A) of Section 263.230 of this act, and after any reductions made for fiscal year 2016 under division (B) of Section 263.230 of this act;

(b) The additional funds paid to the school district in fiscal year 2016 under section 3317.26 of the Revised Code; and JRK

(c) If the district is not a qualifying school district, as defined in division (A) of section 5709.92 of the Revised Code, the sum of the payments received by the school district in fiscal year 2016 for current expense levy losses pursuant to division (C)(1)(a) or (b) of section 5709.92 of the Revised Code, excluding the portion of such payments attributable to levies for joint vocational school district purposes. JRK

(d) If the district is a qualifying school district, as defined in division (A) of section 5709.92 of the Revised Code, the sum of payments received by the school district in fiscal year 2016 for current expense levy losses pursuant to division (C)(1) of section 5709.92 of the Revised Code, excluding the portion of such payments attributable to levies for joint vocational school district purposes. JRK

(3) Calculate the school district's combined state aid for fiscal year 2017, which equals the sum of:

(a) The amounts computed for the district for fiscal year 2017 under section 3317.022 of the Revised Code, as amended by this act, and under divisions (E), (F), and (G) of section 3317.0212 of the Revised Code, as amended by this act, plus any amount calculated for temporary transitional aid for fiscal year 2017 under division (A) of Section 263.230 of this act, and after any reductions made for fiscal year 2017 under division (B) of Section 263.230 of this act; JRK

(b) The additional funds paid to the school district in fiscal year 2017 under section 3317.26 of the Revised Code; and JRK

(c) If the district is not a qualifying school district, as defined in division (A) of section 5709.92 of the Revised Code, the sum of the payments received by the school district in fiscal year 2017 for current expense levy losses pursuant to division (C)(1)(a) or (b) of section 5709.92 of the Revised Code, excluding the portion of such payments attributable to levies for joint vocational school district purposes. JRK

(d) If the district is a qualifying school district, as defined in division (A) of section 5709.92 of the Revised Code, the sum of payments received JRK

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by the school district in fiscal year 2017 for current expense levy losses pursuant to division (C)(1) of section 5709.92 of the Revised Code, excluding the portion of such payments attributable to levies for joint vocational school district purposes.

(B)(1) For fiscal year 2016, each district's payment shall be in an amount equal to the amount calculated in division (A)(1) of this section minus the amount calculated in division (A)(2) of this section. If the result is a negative number, the district's payment shall be zero.

(2) For fiscal year 2017, each district's payment shall be in an amount equal to the following:

(The amount calculated in division (A)(1) of this section – the sum of the amounts calculated under divisions (A)(8) and (A)(9) of section 3317.022 of the Revised Code for fiscal year 2016) – (The amount calculated in division (A)(3) of this section - the sum of the amounts calculated under divisions (A)(8) and (A)(9) of section 3317.022 of the Revised Code for fiscal year 2017)

If the result is a negative number, the district's payment shall be zero.

(C) On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer $12,000,000 cash from the General Revenue Fund to the School District TPP Supplement Fund (Fund 5RE0).

SECTION 263.330. LOTTERY PROFITS EDUCATION FUND

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

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

COMMUNITY CONNECTORS PROGRAM

The foregoing appropriation item 200629, Community Connectors, shall be used by the State Superintendent of Public Instruction to create the Community Connectors Grant Program. The Superintendent shall develop guidelines for the grants. The program shall award competitive matching grants to provide funding for local networks of volunteers and organizations to sponsor career advising and mentoring for students in eligible school

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5ED0	440651	Smoke Free Indoor Air	$	400,000	$	400,000
5G40	440639	Adoption Services	$	20,000	$	20,000
5PE0	440659	Breast and Cervical Cancer Services	$	300,000	$	300,000
5QH0	440661	Dental Hygiene Resources Shortage Area	$	5,000	$	5,000
5QJ0	440662	Dental Hygienist Loan Repayment	$	80,000	$	80,000
5RZ0	440663	Hope For A Smile	$	700,000	$	0
5Z70	440624	Ohio Dentist Loan Repayment	$	140,000	$	200,000
6100	440626	Radiation Emergency Response	$	1,086,098	$	1,086,098
6660	440607	Medically Handicapped Children - County Assessments	$	19,739,617	$	19,739,617
6980	440634	Nurse Aide Training	$	120,000	$	120,000
TOTAL DPF Dedicated Purpose Fund Group			$	87,615,968	$	87,220,460
Internal Service Activity Fund Group						
1420	440646	Agency Health Services	$	3,279,509	$	3,130,613
2110	440613	Central Support Indirect Costs	$	30,052,469	$	30,052,469
TOTAL ISA Internal Service Activity Fund Group			$	33,331,978	$	33,183,082
Holding Account Fund Group						
R014	440631	Vital Statistics	$	44,986	$	44,986
R048	440625	Refunds, Grants Reconciliation, and Audit Settlements	$	20,000	$	20,000
TOTAL HLD Holding Account Fund Group			$	64,986	$	64,986
Federal Fund Group						
3200	440601	Maternal Child Health Block Grant	$	22,000,000	$	22,000,000
3870	440602	Preventive Health Block Grant	$	8,000,000	$	8,000,000
3890	440604	Women, Infants, and Children	$	240,000,000	$	240,000,000
3910	440606	Medicare Survey and Certification	$	18,000,000	$	18,000,000
3920	440618	Federal Public Health Programs	$	107,198,791	$	107,198,791
3GD0	654601	Medicaid Program Support	$	22,392,094	$	22,392,094
3GN0	440660	Public Health Emergency Preparedness	$	27,941,795	$	27,941,795
TOTAL FED Federal Fund Group			$	445,532,680	$	445,532,680
TOTAL ALL BUDGET FUND GROUPS			$	659,443,141	$	660,898,737

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SECTION 289.20. MOTHERS AND CHILDREN SAFETY NET SERVICES

Of the foregoing appropriation item 440416, Mothers and Children Safety Net Services, $200,000 in each fiscal year shall be used to assist

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FQHC PRIMARY CARE WORKFORCE INITIATIVE

The foregoing appropriation item 440465, FQHC Primary Care Workforce Initiative, shall be provided to the Ohio Association of Community Health Centers to administer the FQHC Primary Care Workforce Initiative. The Initiative shall provide medical, dental, behavioral health, physician assistant, and advanced practice nursing students with clinical rotations through federally qualified health centers.

TOBACCO PREVENTION CESSATION AND ENFORCEMENT

Of the foregoing appropriation item 440473, Tobacco Prevention Cessation and Enforcement, $1,000,000 in each fiscal year shall be used to award grants in accordance with the section of this act entitled "MOMS QUIT FOR TWO GRANT PROGRAM."

INFANT VITALITY

The foregoing appropriation item 440474, Infant Vitality, shall be used to fund initiatives including:

(A) The Infant Safe Sleep Campaign to educate parents and caregivers with a uniform message regarding safe sleep environments;

(B) The Progesterone Prematurity Prevention Project to enable prenatal care providers to identify, screen, treat, and track outcomes for women eligible for progesterone supplementation; and

(C) The Prenatal Smoking Cessation Project to enable prenatal care providers who work with women of reproductive age, including pregnant women, to have the tools, training, and technical assistance needed to treat smokers effectively.

EMERGENCY PREPARATION AND RESPONSE

Of the foregoing appropriation item 440477, Emergency Preparation and Response, $500,000 in each fiscal year shall be used for local public health emergency response and training activities. Local board of health emergency declarations and requests for local public health emergency response reimbursement and training shall be submitted to the Ohio Public Health Advisory Board and reviewed at their next regularly scheduled meeting. A majority of Board members present at the following meeting will decide by a majority vote the funding amounts for local activities. The Department shall prepare payment to the local health department in the amount prescribed by the Board.

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The foregoing appropriation item 440477, Emergency Preparation and Response, shall be used to support public health emergency preparedness and response efforts at the state level or at a regional sub-level within the state, and may also be used to support data infrastructure projects related to public health emergeney preparedness/response.

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LUPUS AWARENESS

The foregoing appropriation item 440481, Lupus Awareness, shall be used for the Lupus Education and Awareness Program established in section 3701.77 of the Revised Code.

TARGETED HEALTH CARE SERVICES OVER 21

The foregoing appropriation item 440507, Targeted Health Care Services Over 21, shall also be used to administer the Cystic Fibrosis Program and to implement the Hemophilia Insurance Premium Payment Program. The Department shall expend $100,000 in each fiscal year to implement the Hemophilia Insurance Premium Payment Program.

The foregoing appropriation item 440507, Targeted Health Care Services Over 21, shall also be used to provide essential medications and to pay the copayments for drugs approved by the Department of Health and covered by Medicare Part D that are dispensed to Bureau for Children with Medical Handicaps (BCMH) participants for the Cystic Fibrosis Program.

The Department shall expend all of these funds.

MEDICALLY HANDICAPPED CHILDREN AUDIT

The Medically Handicapped Children Audit Fund (Fund 4770) shall receive revenue from audits of hospitals and recoveries from third-party payers. Moneys may be expended for payment of audit settlements and for costs directly related to obtaining recoveries from third-party payers and for encouraging Medically Handicapped Children's Program recipients to apply for third-party benefits. Moneys also may be expended for payments for diagnostic and treatment services on behalf of medically handicapped children, as defined in division (A) of section 3701.022 of the Revised Code, and Ohio residents who are twenty-one or more years of age and who are suffering from cystic fibrosis or hemophilia. Moneys may also be expended for administrative expenses incurred in operating the Medically Handicapped Children's Program.

GENETICS SERVICES

The foregoing appropriation item 440608, Genetics Services (Fund 4D60), shall be used by the Department of Health to administer programs authorized by sections 3701.501 and 3701.502 of the Revised Code. None of these funds shall be used to counsel or refer for abortion, except in the case of a medical emergency.

HOPE FOR A SMILE

The foregoing appropriation item 440663, Hope For A Smile, shall be used to provide for the start-up costs of one bus for the Hope For A Smile Program. The source of funding shall be a cash transfer from the General Revenue Fund under Section 512.30 of this act into the Hope For a Smile

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Fund (Fund 5RZ0).

An amount equal to the unexpended, unencumbered portion of the foregoing appropriation item, 440663, Hope For A Smile, at the end of fiscal year 2016 is hereby reappropriated for the same purpose in fiscal year 2017.

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS

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

SECTION 289.30. IMMUNIZATIONS

Beginning on January 1, 2016, the Department of Health shall no longer provide GRF-funded vaccines or GRF funding for vaccines from GRF appropriation item 440418, Immunizations. Local health departments and other local providers who receive GRF funded vaccines or GRF funding for vaccines from the Department of Health before January 1, 2016, shall instead bill private insurance companies as appropriate to recover the costs of providing and administering vaccines. However, the Department of Health may continue to provide GRF-funded vaccines or GRF funding for vaccines to cover uninsured adults, to cover individuals on grandfathered private insurance plans that do not cover vaccines, and in certain exceptional cases as determined by the Director of Health.

SECTION 289.33. MOMS QUIT FOR TWO GRANT PROGRAM

(A) The Department of Health shall create the Moms Quit for Two Grant Program. Recognizing the significant health risks posed to women and their children by tobacco use during and after pregnancy, the Department shall award grants to private, nonprofit entities or government entities that demonstrate the ability to deliver evidence-based tobacco cessation interventions to women who reside in communities that have the highest incidence of infant mortality, as determined by the Director of Health, and who are pregnant or live with children. The Department may adopt any rules it considers necessary to administer the Program.

(B) The Department shall create a grant application and develop a process for receiving and evaluating completed grant applications on a competitive basis. The Department shall select grant recipients not later than December 31, 2015, giving first preference to the entities described in division (A) of this section that are able to target the interventions to

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shall certify to the Director of Budget and Management the cash balance relating to public health emergency preparedness and response activities in the General Operations Fund (Fund 3920) and the Central Support Indirect Cost Fund (Fund 2110), both used by the Department of Health. Upon receiving this certification, the Director of Budget and Management may transfer the amount certified to the Public Health Emergency Preparedness Fund (Fund 3GN0) and/or the General Operations Fund (Fund 3920), both used by the Department of Health.

SECTION 289.60. HOSPITAL COST ESTIMATES

(A) Within one year after the effective date of this section, all hospitals registered under section 3701.07 of the Revised Code shall have either of the following:

(1) A process in place under which the hospital can provide, upon a consumer's request, a reasonable, good faith estimate of a patient's out of pocket expenses associated with the hospital's one hundred most frequently provided non-emergency, outpatient services;

(2) A process under which the hospital can direct consumers to a source, including the consumer's health plan issuer, where the consumer can get that information.

(B) Within two years after the effective date of this section, all hospitals registered under section 3701.07 of the Revised Code shall have either of the following:

(1) A process in place under which the hospital can provide, upon a consumer's request, a reasonable, good faith estimate of a patient's out of pocket expense associated with the hospital's one hundred most frequently provided inpatient services;

(2) A process under which the hospital can direct consumers to a source, including the consumer's health plan issuer, where the consumer can get that information.

(C) A good faith estimate for health care services provided by a hospital pursuant to divisions (A)(1) and (B)(1) of this section shall include information for consumers that is conspicuously displayed, if the estimate is written, or shared verbally, if the estimate is oral, informing the patient that the information provided pursuant to divisions (A) and (B) of this section is a good faith estimate based on information available to the hospital at the time the estimate is given, and that the actual costs to the patient could be different than the estimate based on the services actually received by the patient, the patient's health insurance plan coverage, and other factors.

(D) Any health plan issuer contacted by a hospital in order for the

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hospital to obtain information regarding a health plan enrollee's out of pocket expenses so that the hospital can comply with divisions (A) and (B) of this section shall provide such information to the hospital within a reasonable time of the hospital's request.

(E) On or about one year after the effective date of this section and on or about two years after the effective date of this section, a representative of the Ohio hospital association shall report to the joint medicaid oversight committee hospitals' experience in providing the information required by divisions (A) and (B) of this section.

(F) As used in this section, "health plan issuer" means an entity subject to the insurance laws and rules of this state, or subject to the jurisdiction of the superintendent of insurance, that contracts, or offers to contract, to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services under a health benefit plan, including a sickness and accident insurance company; a health insuring corporation; a fraternal benefit society; a self-funded multiple employer welfare arrangement; or a nonfederal, government health plan. "Health plan issuer" includes a third party administrator licensed under Chapter 3959. of the Revised Code to the extent that the benefits that such an entity is contracted to administer under a health benefit plan are subject to the insurance laws and rules of this state or subject to the jurisdiction of the superintendent. "Health plan issuer" also includes a contracting entity as defined under Chapter 3963. of the Revised Code to the extent that the contracted for health care services are provided under a health benefit plan subject to the insurance laws and rules of this state or subject to the jurisdiction of the superintendent.

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SECTION 291.10. HEF HIGHER EDUCATIONAL FACILITY COMMISSION

Dedicated Purpose Fund Group

4610 372601	Operating Expenses	$ 12,500	$	12,500
TOTAL DPF Dedicated Purpose Fund Group		$ 12,500	$	12,500
TOTAL ALL BUDGET FUND GROUPS		$ 12,500	$	12,500

SECTION 293.10. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS

General Revenue Fund

GRF 148100	Personal Services	$ 368,459	$	368,459
GRF 148402	Community Programs	$ 44,924	$	44,924
TOTAL GRF General Revenue Fund		$ 413,383	$	413,383

Dedicated Purpose Fund Group

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(a) Support for the individual to obtain a high school diploma or the equivalent of a high school diploma;

(b) Job placement;

(c) Job retention support;

(d) Other services that aid the individual in achieving the plan's goals.

(2) The services an individual receives in accordance with the individualized employment plan are inalienable by way of assignment, charge, or otherwise and exempt from execution, attachment, garnishment, and other similar processes.

(F)(1) Not later than May 15, 2016, each board of county commissioners shall designate one of the local participating agencies as the lead agency for purposes of the Comprehensive Case Management and Employment Program. Each board shall inform the Department of its designation. The lead agency shall do all of the following:

(a) Submit to the Department a plan that establishes standard processes for determining and maintaining individuals' eligibility to participate in the Comprehensive Case Management and Employment Program;

(b) Administer the program;

(c) In partnership with the other local participating agency and any subcontractors, both of the following:

(i) Actively coordinate activities regarding the program with the other local participating agency and any subcontractors;

(ii) Help both local participating agencies and any subcontractors to use their expertise in administering the program.

(2) The lead agency is responsible for all funds that any of the following determines have been expended or claimed for the Comprehensive Case Management and Employment Program, by or on behalf of the county that the lead agency serves, in a manner that federal or state law or policy does not permit:

(a) The Department;

(b) The Auditor of State;

(c) The United States Department of Health and Human Services;

(d) The United States Department of Labor;

(e) Any other government entity.

(G)(1) The Comprehensive Case Management and Employment Program Advisory Board shall establish an evaluation system in accordance with the section of this act titled "Comprehensive Case Management and Employment Program Advisory Board."

(2) The Department shall evaluate local participating agencies' administration of the Comprehensive Case Management and Employment

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Program in accordance with the evaluation system established under division (G)(1) of this section.

(H) In an effort to increase the number of individuals who participate in the Comprehensive Case Management and Employment Program and the availability of services under the program, the Department, in consultation with local participating agencies, shall review the agencies' existing functions to discover opportunities to make their administration of the functions more efficient.

(I)(1) Notwithstanding the second sentence of division (A)(1)(b) of section 307.981 of the Revised Code, the Comprehensive Case Management and Employment Program is a family services duty and therefore subject to all statutes applicable to family services duties, including sections 5101.183, 5101.21, 5101.212, 5101.214, 5101.216, 5101.22, 5101.221, 5101.23, 5101.24, and 5101.243 of the Revised Code.

(2) The Comprehensive Case Management and Employment Program is a Title IV-A program for the purpose of division (A)(4)(c) of section 5101.80 of the Revised Code and, therefore, is subject to all statutes applicable to such a program, including sections 5101.16, 5101.35, 5101.80, and 5101.801 of the Revised Code.

(3) The Comprehensive Case Management and Employment Program is a workforce development activity and therefore subject to all statutes applicable to workforce development activities, including sections 5101.20, 5101.214, 5101.241, and 5101.243 of the Revised Code and Chapter 6301. of the Revised Code.

(J) The Director of Job and Family Services shall adopt rules as necessary to implement this section. The rules may address any of the following issues:

(1) Eligibility for the Comprehensive Case Management and Employment Program;

(2) Employment and training services available under the program;

(3) Partnerships between local participating agencies and subcontractors;

(4) The plan required by division (F)(1)(a) of this section;

(5) Internal management concerning day-to-day staff procedures and operations of the Department or financial and operational matters between the Department and another government entity or a private entity receiving a grant from the Department;

(6) Any other issues that the Director determines should be addressed in rules to implement this section.

Rules other than those described in division (J)(5) of this section shall

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be adopted in accordance with Chapter 119. of the Revised Code. Rules described in division (J)(5) of this section shall be adopted in accordance with section 111.15 of the Revised Code.

SECTION 305.193. Comprehensive Case Management and Employment Program Advisory Board

(A) There is hereby created the Comprehensive Case Management and Employment Program Advisory Board. The Board shall consist of the following members:

(1) The Executive Director of the Governor's Office of Workforce Transformation, or the Executive Director's designee;

(2) The Director of Job and Family Services, or the Director's designee;

(3) One member of the Senate, appointed by the President of the Senate;

(4) One member of the House of Representatives, appointed by the Speaker of the House of Representatives;

(5) One member representing the County Commissioners' Association of Ohio, appointed by the Governor;

(6) One member representing the Ohio Job and Family Services Directors' Association, appointed by the Governor;

(7) One member of a local workforce investment board established under section 117 of the "Workforce Investment Act of 1998," 29 U.S.C. 2832, as amended, appointed by the Governor.

(B) Initial appointments to the Board shall be made not later than thirty days after the effective date of this section.

(C) A member shall serve at the pleasure of the member's appointing authority. Members may be reappointed to the Board. Vacancies on the Board shall be filled in the same manner as the original appointments.

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

(E)(1) The Board shall develop an evaluation system for the local participating agencies' administration of the Comprehensive Case Management and Employment Program created under the section of this act titled "Comprehensive Case Management and Employment Program." The evaluation system shall specify data required to be collected, performance metrics, and a performance report card.

(2) The Board shall submit its proposed evaluation system to the Department of Job and Family Services for review. If the Department disapproves the proposal, the Board shall revise the proposal and submit it to the Department for review. This process shall continue until the

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Department approves a proposal. An evaluation system approved by the Department must be in place not later than July 1, 2016. JRK

SECTION 305.195. COUNTY TANF FUNDING ALLOCATION REVIEW

(A) As used in this section, "TANF block grant" means the Temporary Assistance for Needy Families block grant established by Title IV-A of the "Social Security Act," 42 U.S.C. 601 et seq.

(B) The Department of Job and Family Services shall study funding allocations to each county for programs funded in whole or in part by the TANF Block Grant for the most recently completed federal fiscal year. As part of its study, the Department shall determine the benefits and services provided in each county through the Prevention, Retention, and Contingency Program established by section 5108.02 of the Revised Code and the benefits and services provided through other programs funded in whole or in part by the TANF block grant. The Department shall complete the study not later than June 30, 2016.

SECTION 305.198. OHIO WORKS FIRST AND SNAP WORK REQUIREMENTS AND SERVICES

Of the foregoing appropriation item 600410, TANF State/Maintenance of Effort, $500,000 in each fiscal year shall be used by the Department of Job and Family Services for both of the following:

(A) To establish a pilot program to implement reforms to the work requirements of the Ohio Works First program and Supplemental Nutrition Assistance Program. The pilot program shall be operated during fiscal years 2016 and 2017 in Cuyahoga County.

(B) To provide services to Supplemental Nutrition Assistance Program recipients who face significant barriers to employment, including recipients who have disabilities or mental or physical health problems, are long-term welfare recipients, or have been incarcerated.

SECTION 305.200. STATE AND COUNTY SHARED SERVICES TRANSFER

Upon receipt of a request from the Director of the Department of Job and Family Services and the Director of the Department of Medicaid, the Director of Budget and Management may transfer up to $7,200,000 cash from the State and County Shared Services Fund (Fund 5HL0) in the

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an ICDS participant.

(E) The Director of Budget and Management shall transfer the amounts certified in accordance with division (D) of this section into the Managed Care Performance Payment Fund created under section 5162.60 of the Revised Code. The amounts transferred may be used to make performance payments to Medicaid managed care organizations providing care to ICDS participants in accordance with rules that may be adopted by the Medicaid Director under Chapter 119. of the Revised Code.

(F) A Medicaid managed care organization subject to this section is not subject to section 5167.30 of the Revised Code for premium payments attributed to ICDS participants during fiscal year 2016 and fiscal year 2017.

SECTION 327.80. INTEGRATED CARE DELIVERY SYSTEM PERFORMANCE PAYMENT PROGRAM

At the beginning of each quarter, or as soon as possible thereafter, the Medicaid Director may certify to the Director of Budget and Management the amount withheld in accordance with the section in this act titled "PERFORMANCE PAYMENTS FOR MEDICAID MANAGED CARE." On receipt of certification, the Director of Budget and Management shall transfer cash in the amount certified from the General Revenue Fund to the Managed Care Performance Payment Fund (Fund 5KW0). The federal share may also be appropriated in a federal appropriation item specified in the request. The transferred cash and the corresponding federal share is hereby appropriated. Appropriation item 651525, Medicaid/Health Care Services, is hereby reduced by the amount of the transfer and the corresponding federal share of the transfer.

SECTION 327.90. HOSPITAL FRANCHISE FEE PROGRAM

The Director of Budget and Management may authorize additional expenditures from appropriation item 651623, Medicaid Services - Federal, appropriation item 651525, Medicaid/Health Care Services, and appropriation item 651656, Medicaid Services - Hospital/UPL, in order to implement the programs authorized by sections 5168.20 through 5168.28 of the Revised Code. Any amounts authorized are hereby appropriated.

SECTION 327.95. DENTAL PROVIDER RATES AND PILOT PROJECT

Of the foregoing appropriation item 651525, Medicaid/Health Care

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Services, $6,000,000 in each fiscal year shall be provided for the purpose of establishing a demonstration pilot project which pays Medicaid dental providers in Brown, Scioto, Adams, Lawrence, Jackson, Gallia, Vinton, Perry, Hocking, Meigs, Morgan, Washington, Pike, Athens, Noble, and Monroe counties at 65 per cent of the American Dental Association survey of fees for dental services.

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SECTION 327.100. ADMINISTRATIVE ISSUES RELATED TO TERMINATION OF MEDICAID WAIVER PROGRAMS

(A) As used in this section, "MCD or ODA Medicaid waiver component" means the following:

(1) The Medicaid waiver component of the PASSPORT program created under section 173.52 of the Revised Code;

(2) The Medicaid waiver component of the Assisted Living program created under section 173.54 of the Revised Code.

(3) The Ohio Home Care Waiver program as defined in section 5166.01 of the Revised Code;

(4) The Ohio Transitions II Aging Carve-Out program as defined in section 5166.01 of the Revised Code;

(B) If an MCD or ODA Medicaid waiver component is terminated under section 173.52, 173.53, 173.54, 5166.12, or 5166.13 of the Revised Code, all of the following apply:

(1) All applicable statutes, and all applicable rules, standards, guidelines, or orders issued by the Medicaid Director or Department of Medicaid or Director or Department of Aging before the component is terminated, shall remain in full force and effect on and after that date, but solely for purposes of concluding the component's operations, including fulfilling the Departments' legal obligations for claims arising from the component relating to eligibility determinations, covered medical assistance provided to eligible persons, and recovering erroneous overpayments.

(2) Notwithstanding the termination of the component, the right of subrogation for the cost of medical assistance given under section 5160.37 of the Revised Code to the Department of Medicaid and an assignment of the right to medical assistance given under section 5160.38 of the Revised Code to the Department continue to apply with respect to the component and remain in force to the full extent provided under those sections.

(3) The Department of Medicaid and Department of Aging may use appropriated funds to satisfy any claims or contingent claims for medical assistance provided under the component before the component's termination.

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(4) Neither the Department of Medicaid nor the Department of Aging has liability under the component to reimburse any provider or other person for claims for medical assistance rendered under the component after it is terminated.

(C) The Medicaid Director and Director of Aging may adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

SECTION 327.110. MONEY FOLLOWS THE PERSON ENHANCED REIMBURSEMENT FUND

The federal payments made to the state under subsection (e) of section 6071 of the "Deficit Reduction Act of 2005," Pub. L. No. 109-171, as amended, shall be deposited into the Money Follows the Person Enhanced Reimbursement Fund. The Department of Medicaid shall continue to use money deposited into the fund for system reform activities related to the Money Follows the Person demonstration project.

SECTION 327.115. PEOPLE WORKING COOPERATIVELY

Of the foregoing appropriation item 651631, Money Follows the Person, $250,000 in each fiscal year shall be allocated to People Working Cooperatively to perform home modification/repair services to low-income, frail, or cognitively impaired persons sixty years of age and older to achieve independent living in their private residence and to avoid institutional placement.

SECTION 327.120. MEDICARE PART D

The foregoing appropriation item 651526, Medicare Part D, may be used by the Department of Medicaid for the implementation and operation of the Medicare Part D requirements contained in the "Medicare Prescription Drug, Improvement, and Modernization Act of 2003," Pub. L. No. 108-173, as amended. Upon the request of the Department of Medicaid, the Director of Budget and Management may transfer the state share of appropriations between appropriation item 651525, Medicaid/Health Care Services, and appropriation item 651526, Medicare Part D. If the state share of appropriation item 651525, Medicaid/Health Care Services, is adjusted, the Director of Budget and Management shall adjust the federal share accordingly. The Department of Medicaid shall provide notification to the Controlling Board of any transfers at the next scheduled Controlling Board

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reimbursements, has drawn for this transaction.

Any increase in funding shall be provided to county departments of job and family services and shall only be used for costs related to transitioning to a new public assistance eligibility determination system. These funds shall not be used for existing and ongoing operating expenses. The Medicaid Director shall establish criteria for distributing these funds and for county departments of job and family services to submit allowable expenses.

County departments of job and family services shall comply with new roles, processes, and responsibilities related to the new eligibility determination system. County departments of job and family services shall report to the Ohio Department of Job and Family Services and the Ohio Department of Medicaid, on a schedule determined by the Medicaid Director, how the funds were used.

SECTION 327.230. ABOLISHMENT OF THE HOME AND COMMUNITY-BASED SERVICES FUND (FUND 4J50)

On July 1, 2015, or as soon as possible thereafter, the Director of Budget and Management shall transfer the cash balance in the Home and Community - Based Services Fund (Fund 4J50) to the Nursing Facility Franchise Permit Fee Fund (Fund 5R20), both used by the Department of Medicaid. Upon completion of the transfer, Fund 4J50 is hereby abolished.

SECTION 327.243. HOLZER CLINIC PAYMENT

Of the foregoing appropriation item 651525, Medicaid/Health Care Services, $1,000,000 in fiscal year 2016 and $500,000 in fiscal year 2017 shall be used to make, subject to division (B) of this section, Medicaid payments in accordance with rule 5160-1-60.1 of the Administrative Code, as the rule is in effect on the day immediately preceding the effective date of this section, for physician, pregnancy-related, evaluation, and management services provided by physician groups that meet the criteria described in the rule.

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SECTION 327.244. COMMUNITY HEALTH WORKER SERVICES

Of the foregoing appropriation item 651525, Medicaid/Health Care Services, $13,400,000 in each fiscal year shall be used to provide community health worker services and other services to certain Medicaid recipients as specified in section 5167.15 of the Revised Code.

JRK

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Medicaid program under the categorical risk levels established pursuant to Subpart E of Part 455 of Title 42 of the Code of Federal Regulations.

SECTION 327.300. MEDICAID RATES FOR AMBULETTE SERVICES

The Medicaid payment rates for ambulette services provided during the period beginning July 1, 2015, and ending June 30, 2017, shall be at least ten per cent higher than the amount of the rates for the services in effect on June 30, 2015.

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SECTION 327.310. TERMINATION OF 209(b) OPTION

As used in this section, "209(b) option" means the option described in section 1902(f) of the "Social Security Act," 42 U.S.C. 1396a(f), under which the Medicaid program's eligibility requirements for aged, blind, and disabled individuals are more restrictive than the eligibility requirements for the Supplemental Security Income program.

The Department of Medicaid shall not terminate the implementation of the 209(b) option before July 1, 2016.

SECTION 327.320. GRADUATE MEDICAL EDUCATION STUDY COMMITTEE

(A) There is hereby created the Graduate Medical Education Study Committee. The Committee shall consist of all of the following members:

(1) The Executive Director of the Office of Health Transformation;

(2) The Medicaid Director;

(3) The Chancellor of Higher Education;

(4) Four deans of medical schools of colleges and universities located in this state, appointed by the President of the Senate;

(5) Four presidents of colleges and universities that are located in this state and have medical schools, appointed by the Speaker of the House of Representatives;

(6) The chief executive officer of each of the following:

(a) The Ohio State Medical Association;

(b) The Ohio Osteopathic Association;

(c) The Ohio Hospital Association;

(d) The Ohio Children's Hospital Association.

(B) Appointments to the Committee shall be made not later than fifteen days after the effective date of this section. A member of the Committee

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all such actions and proceedings, the Department of Mental Health and Addiction Services or its director shall be substituted as a party.

On July 1, 2015, or as soon as possible thereafter, the Director of Budget and Management shall cancel any existing encumbrances against appropriation item 505321, Institutional Medical Services, used by the Department of Rehabilitation and Correction, that pertain to the Bureau of Recovery Services in the Department of Rehabilitation and Correction. The canceled encumbrances shall be reestablished against appropriation item 336423, Addiction Services Partnership with Corrections, used by the Department of Mental Health and Addiction Services. The reestablished encumbrance amounts are hereby appropriated. Any business commenced but not completed under appropriation item 505321, Institutional Medical Services, pertaining to the Bureau of Recovery Services, shall be completed under appropriation item 336423, Addiction Services Partnership with Corrections, in the same manner, and with the same effect, as if completed with regard to appropriation item 505321, Institutional Medical Services.

SECTION 331.110. RECOVERY HOUSING

The foregoing appropriation item 336424, Recovery Housing, shall be used to expand and support access to recovery housing. "Recovery housing" means housing for individuals recovering from alcoholism or drug addiction that provides an alcohol and drug-free living environment, peer support, assistance with obtaining alcohol and drug addiction services, and other alcohol and drug addiction recovery assistance where the length of stay is not limited to a specific duration. Recovery housing does not include residential facilities subject to licensure pursuant to section 5119.34 of the Revised Code. Medication-assisted treatment may be allowed in recovery housing. Support for projects in counties of the state that are underserved or do not currently have recovery housing stock shall be given priority. For expenditures that are capital in nature, the Department of Mental Health and Addiction Services shall develop procedures to administer these funds in a manner that is consistent with current community capital assistance guidelines.

New recovery housing projects awarded grants through this appropriation item shall have at least one public meeting to present the project to the community before purchase. Following the public meeting, a resolution of support from the county commissioners shall be submitted to the Department by the grantee before purchasing the property using grant funds. The Department shall not release grant monies awarded under this section until receiving the resolution of support from the county

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commissioners. JRK

SECTION 331.113. SPECIALIZED DOCKET SUPPORT

(A) The foregoing appropriation item 336425, Specialized Docket Support, shall be used to defray a portion of the annual payroll costs associated with the employment of one full-time, or full-time equivalent, specialized docket staff member by a specialized docket of a common pleas court, municipal court, county court, juvenile court, or family court that meets all of the eligibility requirements in division (B) of this section, including a family dependency treatment docket. A specialized docket staff member employed under this section shall be considered an employee of the court.

(B) To be eligible, the specialized docket must have received Supreme Court of Ohio final certification and include participants with a drug addiction or dependency in its target population. In addition, the specialized docket staff member must have received training for or education in alcohol and other drug addiction, abuse, and recovery and have demonstrated, prior to or within ninety days of hire, competencies in fundamental alcohol and other drug addiction, abuse, and recovery. Fundamental competencies shall include, at a minimum, an understanding of alcohol and other drug treatment and recovery, how to engage a person in treatment and recovery, and an understanding of other health care systems, social service systems, and the criminal justice system.

(C) For the purposes of this section, payroll costs include annual compensation and fringe benefits.

(D) The Department, solely for the purpose of determining the amount of the state share available to a court under division (F) of this section for the employment of one full-time or full-time equivalent specialized docket staff member, shall use the lesser of:

(1) The actual annual compensation and fringe benefits paid to that staff member proportionally reflecting the staff member's time allocated for specialized docket duties and responsibilities; or

(2) $78,000.

(E) In accordance with any applicable rules, guidelines, or procedures adopted by the Department pursuant to this section, the municipal auditor, for a municipal court that is not a county-operated municipal court and that is located in the municipal corporation, or the county auditor, for any other court located within the county, that is applying for or receiving funding under this section, shall certify to the Department the information necessary to determine that court's eligibility for, and the amount of, funding under

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Distance Learning, up to $24,150 in each fiscal year shall be distributed by the Chancellor of Higher Education on a grant basis to eligible school districts to establish "distance learning" in the school district. Per an agreement with Ameritech, school districts are eligible for funds if they are within an Ameritech service area. Funds to administer the program shall be expended by the Chancellor of Higher Education up to the amount specified in the agreement with Ameritech.

Within thirty days after the effective date of this section, the Director of Budget and Management shall transfer to Fund 4X10 in the Dedicated Purpose Fund Group any investment earnings from moneys paid by any telephone company as part of a settlement agreement between the company and the Public Utilities Commission in fiscal year 1995.

SECTION 369.453. REGIONAL PARTNERSHIP AND TRAINING CENTER

The foregoing appropriation item 235620, Regional Partnership and Training Center, shall be used by Ohio University Southern in Ironton to establish the Higher Education Regional Partnership and Training Center at the Point Industrial Park to bring necessary technical degree and training programs to Lawrence County and the surrounding region.

SECTION 369.455. DEFENSE/AEROSPACE WORKFORCE DEVELOPMENT INITIATIVE

The foregoing appropriation item 235668, Defense/Aerospace Workforce Development Initiative, shall be used by the Applied Research Corporation to collaborate with the aviation, aerospace, and defense industries, to strengthen job training programs, equip Ohio's workforce with needed skills, and strengthen and grow research and educational linkages among Ohio's defense and aerospace aviation industry, federal agencies, state-assisted Ohio universities, and the University System of Ohio. A portion of these funds shall be used to support the Aerospace Professional Development Center to establish processes necessary to link underemployed or unemployed persons to job openings in these industries. The funds appropriated in this appropriation item shall be matched by private industry or educational partners or federal agencies in the aggregate amount of $4,000,000 over the FY 2016–FY 2017 biennium.

Of the foregoing appropriation item 235668, Defense/Aerospace Workforce Development Initiative, $100,000 in fiscal year 2016 shall be awarded to the largest Chamber of Commerce in each JobsOhio region to

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support workforce development and talent attraction efforts for in-demand career opportunities in order to provide parents, students, and teachers with information about the skills needed in targeted industries, with the goal of building a strong regional pipeline of future workers who can fill high-paying, sustainable positions in the key industries of each JobsOhio region. In addition to reaching parents, students, and teachers, the projects shall also work to retain the talent developed by engaging interns and potential employees from outside the area in the region's quality of life issues and exploration of in-demand jobs within the region's targeted industries.

SECTION 369.470. OHIOMEANSJOBS WORKFORCE DEVELOPMENT REVOLVING LOAN PROGRAM

The foregoing appropriation item 235684, OhioMeansJobs Workforce Development Revolving Loan Program, shall be used for the OhioMeansJobs Workforce Development Revolving Loan Program to provide loans to individuals for workforce training.

Of the foregoing appropriation item 235684, OhioMeansJobs Workforce Development Revolving Loan Program, up to $250,000 in fiscal year 2016 may be used by the Chancellor of Higher Education to administer the program.

An amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 235684, OhioMeansJobs Workforce Development Revolving Loan Program, at the end of fiscal year 2015 is hereby reappropriated to the Treasurer of State appropriation item, 090610, OhioMeansJobs Workforce Development Revolving Loan Program, for the same purpose for fiscal year 2016.

Any unexpended and unencumbered portion of the foregoing appropriation item 235684, OhioMeansJobs Workforce Development Revolving Loan Program, at the end of fiscal year 2016 is hereby reappropriated for the same purpose in fiscal year 2017. To the extent that reappropriated funds are available, of the foregoing appropriation item 235684, OhioMeansJobs Workforce Development Revolving Loan Program, up to $250,000 in fiscal year 2017 may be used by the Chancellor of Higher Education to administer the program.

SECTION 369.473. WORKFORCE AND HIGHER EDUCATION PROGRAMS

Of the foregoing appropriation item 235616, Workforce and Higher

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COMMERCIALIZATION RECOMMENDATIONS

By July 1, 2016, the Chancellor of Higher Education shall study and make recommendations regarding ways to improve technology transfer and commercialization, including the potential for intellectual property auctions after a set number of years.

SECTION 369.590. No recommendation of the Ohio Task Force on Affordability and Efficiency in Higher Education established on February 10, 2015, by Executive Order 2015-01K of the Governor shall be implemented without the approval of the General Assembly or, if a change to Ohio law is necessary for the recommendation to take effect, without the enactment of the required changes in Ohio law by the General Assembly.

JRK

SECTION 369.600. (A) The board of trustees of each state institution of higher education shall develop and implement a plan to provide all in-state, undergraduate students the opportunity to reduce the student cost of earning a degree by five per cent.

(B) The plan may include, but shall not be limited to, the following:

(1) Reducing the credit hours required to complete an associate or baccalaureate degree offered by the institution;

(2) Offering a tuition discount or rebate to any student that completes a full load of coursework, as determined by the board of trustees;

(3) Offering a tuition discount or rebate or reduced tuition option to students enrolling in a summer semester or quarter;

(4) Offering online courses or degrees;

(5) Reducing the cost of textbooks using cost-saving measures identified and implemented by the board of trustees;

(6) Incorporation of remediation in the coursework and curriculum of credit-bearing courses;

(7) Offering a fixed rate of instructional and general fees for any additional credits taken by students above a full course load, as determined by the board of trustees;

(8) Offering fast-track degree completion programs;

(9) Eliminating, reducing or freezing auxiliary fees;

(10) Increased participation in the college credit plus program established in Chapter 3365. of the Revised Code;

(11) Offering programs to reduce or eliminate the need for remediation

The above boxed and initialed text was disapproved.

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SECTION 373.10. RCB RESPIRATORY CARE BOARD

Dedicated Purpose Fund Group					
4K90	872609	Operating Expenses	$ 572,005	$	570,123
TOTAL DPF Dedicated Purpose Fund Group			$ 572,005	$	570,123
TOTAL ALL BUDGET FUND GROUPS			$ 572,005	$	570,123

SECTION 375.10. RDF STATE REVENUE DISTRIBUTIONS

General Revenue Fund Group					
GRF	110908	Property Tax Reimbursement – Local Government	$ 664,740,000	$	675,760,000
GRF	200903	Property Tax Reimbursement - Education	$ 1,181,760,000	$	1,201,340,000
TOTAL GRF General Revenue Fund Group			$ 1,846,500,000	$	1,877,100,000
Revenue Distribution Fund Group					
5JG0	110633	Gross Casino Revenue County Distribution	$ 123,500,000	$	114,100,000
5JH0	110634	Gross Casino Revenue County Student Distribution	$ 82,300,000	$	76,100,000
5JJ0	110636	Gross Casino Revenue Host City Distribution	$ 12,100,000	$	11,100,000
7047	200902	Property Tax Replacement Phase Out-Education	$ 361,773,101	$	251,560,497
7049	336900	Indigent Drivers Alcohol Treatment	$ 2,250,000	$	2,250,000
7050	762900	International Registration Plan Distribution	$ 20,000,000	$	20,000,000
7051	762901	Auto Registration Distribution	$ 345,000,000	$	345,000,000
7060	110960	Gasoline Excise Tax Fund	$ 395,000,000	$	395,000,000
7065	110965	Public Library Fund	$ 389,520,000	$	404,310,000
7066	800966	Undivided Liquor Permits	$ 14,100,000	$	14,100,000
7068	110968	State and Local Government Highway Distributions	$ 196,000,000	$	196,000,000
7069	110969	Local Government Fund	$ 383,520,000	$	399,310,000
7081	110907	Property Tax Replacement Phase Out-Local Government	$ 66,070,450	$	40,444,766
7082	110982	Horse Racing Tax	$ 100,000	$	100,000
7083	700900	Ohio Fairs Fund	$ 1,200,000	$	1,200,000
7102	110644	Production Equipment Property Tax Replacement	$ 95,000,000	$	95,000,000
TOTAL RDF Revenue Distribution Fund Group			$ 2,487,433,551	$	2,365,575,263
Fiduciary Fund Group					
4P80	001698	Cash Management Improvement Fund	$ 3,100,000	$	3,100,000
6080	001699	Investment Earnings	$ 100,000,000	$	120,000,000
7001	110996	Horse-Racing Tax Municipality Fund	$ 125,000	$	125,000

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4R60	110610	Tire Tax Administration	$ 244,193	$ 244,193
5BP0	110639	Wireless 9-1-1 Administration	$ 290,000	$ 290,000
5BW0	110630	Tax Amnesty Promotion and Administration	$ 2,500,000	$ 0
5JM0	110637	Casino Tax Administration	$ 75,000	$ 75,000
5MN0	110638	STARS Development and Implementation	$ 3,000,000	$ 3,000,000
5N50	110605	Municipal Income Tax Administration	$ 150,000	$ 150,000
5N60	110618	Kilowatt Hour Tax Administration	$ 100,000	$ 100,000
5NY0	110643	Petroleum Activity Tax Administration	$ 1,000,000	$ 1,000,000
5V70	110622	Motor Fuel Tax Administration	$ 5,035,374	$ 5,035,374
5V80	110623	Property Tax Administration	$ 11,178,310	$ 11,178,310
5W70	110627	Exempt Facility Administration	$ 49,500	$ 49,500
6390	110614	Cigarette Tax Enforcement	$ 1,750,000	$ 1,750,000
6880	110615	Local Excise Tax Administration	$ 775,015	$ 775,015
TOTAL DPF Dedicated Purpose Fund Group			$ 69,012,210	$ 66,512,210
Fiduciary Fund Group				
4250	110635	Tax Refunds	$ 1,546,800,000	$ 1,546,800,000
5CZ0	110631	Vendor's License Application	$ 340,000	$ 340,000
6420	110613	Ohio Political Party Distributions	$ 267,500	$ 265,000
7095	110995	Municipal Income Tax	$ 8,100,000	$ 7,900,000
TOTAL FID Fiduciary Fund Group			$ 1,555,507,500	$ 1,555,305,000
Holding Account Fund Group				
R010	110611	Tax Distributions	$ 230,000	$ 230,000
R011	110612	Miscellaneous Income Tax Receipts	$ 50,000	$ 50,000
TOTAL HLD Holding Account Fund Group			$ 280,000	$ 280,000
TOTAL ALL BUDGET FUND GROUPS			$ 1,692,737,583	$ 1,690,035,083

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MUNICIPAL INCOME TAX

The foregoing appropriation item 110995, Municipal Income Tax, shall be used to make payments to municipal corporations under section 5745.05 of the Revised Code. If it is determined that additional appropriations are necessary to make such payments, such amounts are hereby appropriated.

TAX REFUNDS

The foregoing appropriation item 110635, Tax Refunds, shall be used to pay refunds under section 5703.052 of the Revised Code. If it is determined that additional appropriations are necessary for this purpose, such amounts are hereby appropriated.

VENDOR'S LICENSE PAYMENTS

The foregoing appropriation item 110631, Vendor's License Application, shall be used to make payments to county auditors under

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Administration Fund to the credit of the STARS Development and Implementation Fund (Fund 5MN0). The transfers of cash shall not exceed $6,000,000 in the biennium.

TAX AMNESTY PROMOTION AND ADMINISTRATION

The foregoing appropriation item 110630, Tax Amnesty Promotion and Administration, shall be used to pay expenses incurred to promote and administer the tax amnesty program to be conducted from January 1, 2016, to February 15, 2016, by the Department of Taxation. The Department of Taxation and Attorney General's Office shall work in close collaboration on promotion activities in relation to the Tax Amnesty Promotion and Administration program.

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SECTION 399.10. DOT DEPARTMENT OF TRANSPORTATION

General Revenue Fund					
GRF	775451	Public Transportation - State	$ 7,300,000	$	7,300,000
GRF	776465	Rail Development	$ 2,000,000	$	2,000,000
GRF	777471	Airport Improvements - State	$ 6,000,000	$	6,000,000
TOTAL GRF General Revenue Fund			$ 15,300,000	$	15,300,000
Highway Operating Fund Group					
7002	772601	Beachwood Noise Wall	$ 383,000	$	0
TOTAL HOF Highway Operating Fund Group			$ 383,000	$	0
TOTAL ALL BUDGET FUND GROUPS			$ 15,683,000	$	15,300,000

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SECTION 399.15. PUBLIC TRANSPORTATION – STATE

Of the foregoing appropriation item 775451, Public Transportation – State, not less than $500,000 in each fiscal year shall be allocated to rural transit systems.

AIRPORT IMPROVEMENTS – STATE

The foregoing appropriation item 777471, Airport Improvements – State, shall be used by the Department of Transportation to continue the Ohio Airport Grant Program in supporting capital improvements, maintaining infrastructure, and ensuring safety at publicly owned, public use airports in the state, provided that the airports receive neither Federal Aviation Administration Air Carrier Enplanement Funds nor Air Cargo Entitlements.

SECTION 399.20. BEACHWOOD NOISE WALL

The foregoing appropriation item 772601, Beachwood Noise Wall, shall be used to construct a noise wall for a section of Interstate Route 271 in Beachwood stretching from Shaker Boulevard to Woodland Road.

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Treasury of accrued interest costs related to federal unemployment account borrowing;

(E) Fifth, the Director shall transfer a cash amount of up to $20,000,000 to the Disaster Services Fund (Fund 5E20);

(F) Sixth, the Director shall transfer a cash amount of up to $7,500,000 to the Systems Transformation Support Fund (Fund 5QM0);

(G) Seventh, the Director shall transfer a cash amount of up to $12,000,000 to the Natural Resources Special Purposes Fund (Fund 5MW0), which is hereby created in the state treasury;

(H) Eighth, the Director shall transfer a cash amount of up to $10,000,000 to the Local Government Innovation Fund (Fund 5KN0).

(I) Ninth, the Director shall transfer a cash amount of up to $32,900,000 to the School District TPP Supplement Fund (Fund 5RE0).

(J) Tenth, the Director shall transfer a cash amount of up to $50,000,000 to the Health and Human Services Fund.

(K) Eleventh, the Director shall transfer a cash amount of $12,750,000 to the Electronic Pollbook Fund (Fund 5RT0).

(L) Twelfth, the Director shall transfer a cash amount of $1,250,000 to the Absent Voter's Ballot Fund (Fund 5RU0).

(M) Thirteenth, the Director shall transfer a cash amount of up to $31,250,000 to the Workforce and Higher Education Programs Fund (Fund 5RA0).

(N) Fourteenth, the Director shall transfer a cash amount of $20 million to the Local Government Safety Capital Grant Fund (Fund 5RD0).

(O) Fifteenth, the Director shall transfer a cash amount of $11,500,000 to the Healthier Buckeye Fund (Fund 5RC0).

(P) Sixteenth, the Director shall transfer a cash amount of $5,000,000 to the Ohio Military Facilities Fund (Fund 5RV0), which is hereby created in the state treasury.

(Q) Seventeenth, the Director shall transfer a cash amount of $4,000,000 to the Community Police Relations Fund (Fund 5RS0), which is hereby created in the state treasury.

(R) Eighteenth, the Director shall transfer a cash amount of $700,000 to the Hope For A Smile Fund (Fund 5RZ0).

(S) Nineteenth, the Director shall transfer a cash amount of $500,000 to the ODM Maternal and Child Health Fund (Fund 5SA0), which is hereby created in the state treasury.

(T) Twentieth, the Director shall transfer a cash amount of $350,000 to the Mentor Stormwater Project Fund (Fund 5SA1), which is hereby created.

(U) Twenty-first, the Director shall transfer a cash amount of $250,000

The above boxed and initialed text was disapproved.

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4P30	100603 – DAS Information Services	1330	100607 – IT Services Delivery
5LA0	100660 – Building Operation	1320	100631 – DAS Building Management
6600	715629 – Infectious Waste Management	4K30	715649 – Solid Waste
4U70	715660 – Construction and Demolition Debris	4K30	715649 – Solid Waste
5E30	230644 – Operating Expenses	GRF	230321 – Operating Expenses
4130	050601 – Information Systems	5990	050603 – Business Services Operating Expenses

(C) The following funds, used by the Department of Rehabilitation and Corrections, shall be abolished on the effective date of their repeal by this act: the Laboratory Services Fund (Fund 5930), the Adult Parole/Probation Service Fund (Fund 5A30), the Sex Offender Supervision Fund (Fund 5CL0), and the Confinement Cost Reimbursement Fund (Fund 5D50).

(D) The following funds, used by the Department of Public Safety shall be abolished on the effective date of their repeal by this act: the Justice Assistance Grant – FFY06 Fund (Fund 3CB0), the Justice Assistance Grant – FFY07 Fund (Fund 3CC0), the Justice Assistance Grant – FFY08 Fund (Fund 3CD0), the Justice Assistance Grant – FFY09 Fund (Fund 3CE0), the Justice Assistance Grant Supplemental FFY08 Fund (Fund 3CV0), the Justice Assistance Grant Fund (Fund 3DE0), and the Federal Stimulus Justice Programs Fund (Fund 3DH0).

SECTION 512.70. MEDICAID RESERVE FUND TRANSFERS AND BALANCE

On July 1, 2015, or as soon as possible thereafter, the Director of Budget and Management shall transfer $158,000,000 cash from the Medicaid Reserve Fund (Fund 5Y80) to the General Revenue Fund and $72,000,000 cash from Fund 5Y80 to the School District TPP Supplement Fund (Fund 5RE0), used by the Department of Education. The remaining balance in Fund 5Y80 shall be transferred to the Budget Stabilization Fund.

SECTION 512.90. Notwithstanding any provision of law to the contrary, not later than thirty days following the effective date of this section, the Director of Budget and Management shall transfer $2,500,000 in cash from

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the Budget Stabilization Fund (Fund 7013) to the Tax Amnesty Promotion and Administration Fund (Fund 5BW0), which is hereby created in the state treasury. The money shall be used by the Department of Taxation to pay expenses incurred in promoting and administering the tax amnesty program that is to be conducted from January 1, 2016, to February 15, 2016, pursuant to Section 757.130 of this act.

After receiving the revenue receipts from the tax amnesty program, the Director of Budget and Management shall transfer the first $2,500,000 in payments from the amnesty program to the Budget Stabilization Fund as repayment, the next $10,000,000 to the General Revenue Fund, and the remaining excess fund balance to the Budget Stabilization Fund.

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SECTION 515.10. (A) On the effective date of the enactment of section 3734.49 of the Revised Code by this act, the functions, together with the assets and liabilities, of the Solid Waste Management Advisory Council created in section 3734.51 of the Revised Code, as repealed by this act, and the Recycling and Litter Prevention Advisory Council created in section 3736.04 of the Revised Code, as repealed by this act, are transferred to the Materials Management Advisory Council created in section 3734.49 of the Revised Code, as enacted by this act.

(B) Any business commenced but not completed by the Solid Waste Management Advisory Council and the Recycling and Litter Prevention Advisory Council on the effective date of the transfer shall be completed by the Materials Management Advisory Council. Any validation, cure, right, privilege, remedy, obligation, or liability is not lost or impaired solely by reason of the transfer required by this section and shall be administered by the Materials Management Advisory Council in accordance with this act.

(C) All of the determinations of the Solid Waste Management Advisory Council and the Recycling and Litter Prevention Advisory Council in relation to those Advisory Councils continue in effect as determinations of the Materials Management Advisory Council until modified or rescinded by the Materials Management Advisory Council.

(D) Whenever the Solid Waste Management Advisory Council or the Recycling and Litter Prevention Advisory Council or the chairperson of the applicable Advisory Council is referred to in any law, contract, or other document, the reference shall be deemed to refer to the Materials Management Advisory Council or to the chairperson of the Materials Management Advisory Council, whichever is appropriate in context.

(E) Any action or proceeding pending on the effective date of the enactment of section 3734.49 of the Revised Code by this act is not affected

The above boxed and initialed text was disapproved.

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for one of the grant items under this program may not receive a second award for that same grant item.

STATE AGENCY PLANNING/ASSESSMENT

The foregoing appropriation item C230E5, State Agency Planning/Assessment, shall be used by the Facilities Construction Commission to provide assistance to any state agency for assessment, capital planning, and maintenance management.

GEAUGA COUNTY HISTORICAL SOCIETY

Of the foregoing appropriation item C230M2, Geauga County Historical Society, $12,000 shall be used for Geauga Historical Society – White Barn Restoration, $18,000 shall be used for Geauga Historical Society – Maple Museum, and $26,000 shall be used for Geauga Historical Society – Lennah Bond Center.

SCHOOL BUILDING PROGRAM ASSISTANCE

The foregoing appropriation item C23002, School Building Program Assistance, shall be used by the School Facilities Commission to provide funding to school districts that receive conditional approval from the Commission pursuant to Chapter 3318. of the Revised Code.

SECTION 610.54. That existing Section 239.10 of Am. H.B. 497 of the 130th General Assembly, as most recently amended by Am. Sub. S.B. 243 of the 130th General Assembly, is hereby repealed.

SECTION 690.10. That Sections 701.10 and 701.61 of Am. Sub. H.B. 59 of the 130th General Assembly, Section 13 of Sub. H.B. 477 of the 130th General Assembly, Sections 551.10 and 733.20 of Am. Sub. H.B. 483 of the 130th General Assembly, and Section 13 of Am. Sub. H.B. 487 of the 130th General Assembly are hereby repealed.

SECTION 695.10. That Section 5 of Am. Sub. H.B. 486 of the 130th General Assembly is hereby repealed.

SECTION 701.05. There is the Grace Commission, a joint committee of the General Assembly, to review all expenditures of the state government for fiscal year 2015. The committee shall:

(A) Identify opportunities for increased efficiency and reduced costs achievable by executive action or legislation;

(B) Determine areas where managerial accountability can be enhanced

The above boxed and initialed text was disapproved.

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Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives. After submitting the report, the Committee shall cease to exist.

SECTION 745.20. The Director of Transportation shall relocate the traffic light that is currently located at the intersection of the off ramp of the northeast bound lanes of interstate route seventy-one and state route seventy-three to the intersection of state route seventy-three and state route three hundred eighty. JRK

SECTION 745.30. The Department of Transportation shall submit a quarterly report on MBE/EDGE compliance to the majority and minority leaders of the General Assembly and the Governor to reaffirm compliance with federal and state mandates.

SECTION 747.10. The intent of the General Assembly, when enacting Am. Sub. H.B. 394 of the 130th General Assembly, was to amend section 4731.22 of the Revised Code. The inclusion of the section in H.B. 394's first repeal clause (Section 2) as an outright repeal was a typographical error. The General Assembly's intent that section 4731.22 of the Revised Code be amended, rather than repealed outright, is demonstrated in H.B. 394's title, the first amending clause (Section 1), and the portion of the first repeal clause (Section 2) that listed the section among other Revised Code sections that were being repealed only to the extent that their existing versions were being replaced by amended versions. This intent is further demonstrated by H.B. 394's amendment of a future version of section 4731.22 of the Revised Code, effective April 1, 2015 (Sections 3 and 4).

SECTION 747.20. The two hours of study in prepackaged soft contact lens dispensing required by division (A)(1) of section 4725.411 of the Revised Code shall satisfy the requirements of division (A)(1)(a)(ii) of section 4725.51 of the Revised Code.

SECTION 749.10. (A) Not later than ninety days after the effective date of this section, the Public Utilities Commission shall establish a collaborative process with all of the following, to address the internet-protocol-network transition:

The above boxed and initialed text was disapproved.

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(E) The net proceeds of the sale shall be deposited into the state treasury to the credit of the General Revenue Fund.

(F) Upon payment of the purchase price, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the subject real estate. The deed shall state the consideration and shall be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the grantee. The grantee shall present the deed for recording in the office of the Lucas County Recorder.

(G) This section expires three years after its effective date.

SECTION 757.10. For the purpose of division (A)(18)(d) of section 5709.93 of the Revised Code as enacted by this act, the county auditor of each county shall certify to the Tax Commissioner not later than July 31, 2015, the amount distributed from the county library fund in 2014 to each public library that received a distribution under section 5727.86 or 5751.22 of the Revised Code in 2014.

SECTION 757.20. For the purpose of sections 5709.92 and 5709.93 of the Revised Code as enacted by this act, a school district, joint vocational school district, public library, or local taxing unit may appeal a levy classification or any amount used in the calculation of total resources as defined under those sections. Such an appeal shall be filed in writing, including via electronic mail, with the Tax Commissioner. Upon receiving such an appeal, the Tax Commissioner shall make a determination of the merits of the appeal and, if the appeal is upheld, make necessary changes within the classifications or calculations. The determination of the Tax Commissioner is final and not subject to appeal. After June 30, 2016, no changes shall be made in the classifications or calculations.

SECTION 757.40. The Tax Commissioner shall evaluate the effectiveness of any measures the Commissioner uses to reduce fraud with respect to the tax levied under section 5747.02 of the Revised Code by requiring a taxpayer to verify information about the taxpayer for the purpose of verifying the taxpayer's identity. On or before August 30, 2016, the Commissioner shall submit a report of that evaluation and recommended improvements to such measures to the Speaker of the House of

JRK

The above boxed and initialed text was disapproved.

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Representatives, the President of the Senate, and each member of the House of Representatives and Senate standing committees dealing primarily with issues related to taxation.

JRK

SECTION 757.50. (A) There is hereby created the Ohio 2020 Tax Policy Study Commission to review the state's tax structure and policies and make recommendations to the General Assembly on how to maximize Ohio's competitiveness by the year 2020, on how to transition Ohio's personal income tax to a flat tax of three and one-half per cent or three and three-quarters per cent beginning in tax year 2018, on how to make the tax credit authorized in section 149.311 of the Revised Code more efficient and effective, including converting it to a refundable tax credit or grant program, and on how to reform Ohio's severance tax in a way that maximizes competitiveness and enhances the general welfare of the state. The Commission shall also review and evaluate every credit against a tax levied by the state and authorized in the Revised Code. The Commission shall consist of the following members:

(1) Three members of the House of Representatives appointed by the Speaker of the House of Representatives who meet the following requirements:

(a) Two shall be members of the majority party, one of whom shall be the Chairperson of the House Ways and Means Committee;

(b) One shall be a member of the minority party.

(2) Three members of the Senate appointed by the President of the Senate who meet the following requirements:

(a) Two shall be members of the majority party, one of whom shall be the Chairperson of the Senate Ways and Means Committee;

(b) One shall be a member of the minority party.

(3) One person appointed by the governor.

(B)(1) The Chairpersons of the House and Senate Ways and Means Committees shall serve jointly as Co-chairpersons of the Commission.

(2) Members of the Commission shall serve without compensation or reimbursement.

(3) Vacancies on the Commission shall be filled in the same manner as original appointments.

(C) The Legislative Service Commission shall provide necessary services to the Commission.

(D) To aid in its review, the Commission shall utilize dynamic analytical tools. Not later than October 1, 2015, the Commission shall publish its findings and recommendations regarding Ohio's severance tax

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and submit its report to the members of the General Assembly. Not later than October 31, 2016, the Commission shall publish its findings and recommendations regarding the tax credit authorized in section 149.311 of the Revised Code and submit its report to members of the General Assembly. Not later than October 1, 2017, the Commission shall publish its findings and recommendations regarding all other matters before the Commission and submit its report to the members of the General Assembly. Upon submission of all three reports, the Commission shall cease to exist.

SECTION 757.60. The Director of Transportation, in collaboration with the aviation industry and other interested parties, shall prepare draft legislation to require that all revenue from the sales and use tax on sales of aviation fuel be used exclusively for the airport improvement-related purposes described in section 399.15 of this act. The Director shall submit the draft legislation to the Ohio Aerospace and Aviation Technology Committee not later than June 30, 2016.

JRK

SECTION 757.90. The amendment by this act of section 5727.80 and division (A) of section 5727.031 of the Revised Code is intended to clarify and be declaratory of the law as it existed before such amendments.

SECTION 757.100. (A) On or before August 1, 2015, the Tax Commissioner, in consultation with the Director of Budget and Management, shall do all of the following:

(1) Identify every provision, including every appropriation, of this act that was vetoed by the Governor and that would have required an expenditure from the General Revenue Fund of at least five million dollars in fiscal year 2016 and at least six million dollars in fiscal year 2017;

(2) Determine the total amount of expenditures that will not be made as a result of the veto of the provisions identified in division (A)(1) of this section;

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(3) Determine the percentage that the amount determined in division (A)(2) of this section is of the amount of revenue the Director and Commissioner estimate will be received from the tax levied under section 5747.02 of the Revised Code in the current fiscal biennium without regard to any reduction in rates under this section or division (B) of that section.

(B) The income tax rates prescribed in section 5747.02 of the Revised Code as amended by this act shall be reduced by the percentage certified

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under division (A)(3) of this section. The reduction shall apply to all taxable years beginning on or after January 1, 2015. The reduction shall not apply to the rates at which employers are required to withhold taxes under section 5747.06 of the Revised Code before July 1, 2017.

(C) Nothing in this section shall affect the right of the General Assembly to reconsider and repass any provision of this act in accordance with Section 16, Article II of the Ohio Constitution.

JRK

SECTION 757.110. (A) The amendment by this act of division (B)(42) of section 5739.02 of the Revised Code applies on and after the effective date of this section.

(B)(1) Except as provided in division (B)(2) of this section, the Tax Commissioner shall abate any unpaid taxes, penalties, and interest charged and payable under Chapters 5739. and 5741. of the Revised Code for transactions described by division (B)(42)(p) of section 5739.02 of the Revised Code occurring before the effective date of this section regardless of whether an assessment has been issued therefor. The Commissioner shall not make an assessment under Chapter 5739. or 5741. of the Revised Code for taxes, penalties, and interest charged and payable with respect to transactions described by division (B)(42)(p) of section 5739.02 of the Revised Code and occurring before the effective date of this section.

(2) Division (B)(1) of this section does not apply to any person that has not, as of September 1, 2015, paid all taxes, penalties, and interest charged and payable on or before that date under Chapters 5739. and 5741. of the Revised Code for transactions other than those described by division (B)(42)(p) of section 5739.02 of the Revised Code.

SECTION 757.120. The amendment by this act of division (A)(31) of section 5747.01 of the Revised Code shall not affect the additional deduction authorized by Section 512.70 of Am. Sub. H.B. 59 of the 130th General Assembly as amended by Section 610.20 of Am. Sub. H.B. 483 of the 130th General Assembly.

SECTION 757.130. (A) As used in this section:

(1) "Qualifying delinquent taxes" means any tax levied under Title LVII of the Revised Code, including the taxes required to be withheld under Chapters 5747. and 5748. of the Revised Code, which were due and payable from any person as of May 1, 2015, were unreported or underreported, and

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remain unpaid.

(2) "Qualifying delinquent personal property taxes" means a tax for which a return is filed under section 5711.02 of the Revised Code.

(3) "Qualifying delinquent taxes" and "qualifying delinquent personal property taxes" do not include any tax for which a notice of assessment or audit has been issued, for which a bill has been issued, which relates to a tax period that ends after the effective date of this section, or for which an audit has been conducted or is currently being conducted.

(B) The Tax Commissioner shall establish and administer a tax amnesty program with respect to qualifying delinquent taxes and qualifying delinquent personal property taxes. The program shall commence on January 1, 2016, and shall conclude on February 15, 2016. The Tax Commissioner shall issue forms and instructions and take other actions necessary to implement the program. The Tax Commissioner shall publicize the program so as to maximize public awareness and participation in the program.

(C)(1) During the program, if a person pays the full amount of qualifying delinquent taxes owed by that person and one-half of any interest that has accrued as a result of the person failing to pay those taxes in a timely fashion, the Tax Commissioner shall waive or abate all applicable penalties and one-half of any interest that accrued on the qualifying delinquent taxes.

(2) During the program, if a person who owes qualifying delinquent personal property taxes files a return with the Tax Commissioner, in the form and manner prescribed by the Tax Commissioner, listing all taxable property that was required to be listed on the return required to be filed under section 5711.02 of the Revised Code, the Tax Commissioner shall issue a preliminary assessment certificate to the appropriate county auditor. Upon receiving a preliminary assessment certificate issued by the Tax Commissioner pursuant to this division, the county auditor shall compute the amount of qualifying delinquent personal property taxes owed by the person and shall add to that amount one-half of the interest prescribed under sections 5711.32 and 5719.041 of the Revised Code. The county treasurer shall collect the amount of tax and interest computed by the county auditor under this division by preparing and mailing a tax bill to the person as prescribed in section 5711.32 of the Revised Code. If the person pays the full amount of tax and interest thereon on or before the date shown on the tax bill all applicable penalties and one-half of any interest that accrued on the qualifying delinquent personal property taxes shall be waived.

(3) No payment required under division (G) of section 321.24 of the

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Revised Code shall be made with respect to any person who pays qualifying delinquent personal property taxes under division (C)(2) of this section.

(4) Notwithstanding any contrary provision of the Revised Code, the Tax Commissioner shall not furnish to the county auditor any information pertaining to the exemption from taxation under division (C)(3) of section 5709.01 of the Revised Code insofar as that information pertains to any person who pays qualifying delinquent personal property taxes under division (C)(2) of this section.

(D) The Tax Commissioner may require a person participating in the program to file returns or reports, including amended returns and reports, in connection with the person's payment of qualifying delinquent taxes or qualifying delinquent personal property taxes.

(E) A person who participates in the program and pays in full any outstanding qualifying delinquent tax or qualifying delinquent personal property tax and the interest payable on such tax in accordance with this section shall not be subject to any criminal prosecution or any civil action with respect to that tax, and no assessment shall thereafter be issued against that person with respect to that tax.

(F) Taxes and interest collected under the program shall be considered as revenue arising from the tax to which the payment relates, and shall be distributed accordingly.

SECTION 757.140. The amendment by this act of section 5726.01 of the Revised Code is remedial in nature and is intended to clarify the law as it existed prior to the amendment of that section by this act. The amendment of that section shall apply to tax years beginning on and after January 1, 2014.

SECTION 757.150. The amendment by this act of section 5736.01 of the Revised Code applies to tax periods beginning on or after July 1, 2015.

SECTION 757.160. The amendment by this act of section 5736.02 of the Revised Code applies to tax periods beginning on or after July 1, 2015.

SECTION 757.170. (A) As used in this section:

(1) "Certificate owner" and "qualified rehabilitation expenditures" have the same meanings as in section 149.311 of the Revised Code.

(2) "Taxpayer," "tax period," "excluded person," "combined taxpayer,"

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Commissioner finds that the property is not now being used for an exempt purpose or is otherwise ineligible for abatement of taxes, penalties, and interest under this section, the Commissioner shall issue an order denying the application.

If the Commissioner finds that the property is not entitled to tax exemption and the abatement of unpaid taxes, penalties, and interest, the Commissioner shall order the county treasurer of the county in which the property is located to collect all taxes, penalties, and interest due on the property in accordance with law.

The Commissioner may apply this section to any qualified property that is the subject of an application for exemption pending before the Commissioner on the effective date of this section without requiring the property owner to file an additional application.

SECTION 757.190. The amendment by this act of section 5709.17 of the Revised Code applies to applications for exemption that are pending on, or are filed on or after, the effective date of this section.

SECTION 759.10. (A) The Director of Veterans Services shall adopt rules as required by section 5101.98 (5902.05) of the Revised Code as amended by this act. Upon the taking effect of those rules, rules 5101:10-2-01 and 5101:10-2-02 of the Administrative Code are void.

(B) Pending the taking effect of rules adopted by the Director of Veterans Services under division (A) of this section, rules 5101:10-2-01 and 5101:10-2-02 of the Administrative Code remain in effect, but the Director and Department of Veterans Services, rather than the Director and Department of Job and Family Services, shall administer the rules, and references in the rules to the Director of Job and Family Services shall be read as if they referred to the Director or Department of Veterans Services. In applying the rules, the Director of Veterans Services shall read the eligibility of an individual for a grant from the Military Injury Relief Fund as if it had been expanded to include individuals who served after October 7, 2001.

SECTION 763.10. (A) There is hereby established the Montgomery County Workforce Study Committee, which shall study all of the following:

(1) Workforce development system options for in-demand jobs in the Montgomery County region;

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The above boxed and initialed text was disapproved.

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(2) Establishing a workforce sector network to develop a common agenda and shared performance measures in aerospace and manufacturing;

(3) Identifying the supply and demand of in-demand job areas over multi-time horizons and using this data to establish short-term and long-term targets for the Montgomery County region's in-demand jobs that are approved and shared by the network's partners;

(4) Identifying and implementing clear pathways and incentives for meeting educational and experiential objectives;

(5) Identifying a collaborative strategy to expand the number of internships that are available and to recommend targeted matching or seed funding to complement existing efforts or to generate new "gap filler" efforts for students interested in careers in aerospace and manufacturing industries;

(6) Creating innovative loan forgiveness programs and providing targeted matching or seed funding to complement existing efforts or generating new "gap filler" efforts for students who are completing a post-secondary credential in a high-demand workforce area.

(B) Not later than June 30, 2017, the Committee shall issue a report of its findings and shall deliver that report to the Governor, the President and Minority Leader of the Senate, and the Speaker and Minority Leader of the House of Representatives.

(C) The Committee shall consist of the following members:

(1) Four representatives of the manufacturing industry, two of whom shall be appointed by the President of the Senate and two of whom shall be appointed by the Speaker of the House of Representatives;

(2) Four representatives of the aerospace industry, two of whom shall be appointed by the President of the Senate and two of whom shall be appointed by the Speaker of the House of Representatives;

(3) Six representatives from institutions of higher education, three of whom shall be appointed by the President of the Senate and three of whom shall be appointed by the Speaker of the House of Representatives;

(4) Four representatives of the Department of Higher Education, the Governor's Office of Workforce Transformation, the Montgomery County Educational Services Center, OhioMeansJobs - Montgomery County, or another state or county agency involved with education or workforce development, two of whom shall be appointed by the President of the Senate and two of whom shall be appointed by the Speaker of the House of Representatives.

(D) The President of the Senate and Speaker of the House shall appoint members in accordance with division (C) of this section within thirty days

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after the effective date of this section. Within thirty days after the last appointment is made to the Committee, the Committee shall meet and select a chairperson and vice chairperson from among its members. Thereafter, the Committee shall meet at the call of its chairperson as necessary to carry out its duties.

(E) Members of the Committee are not entitled to compensation for serving on the Committee but may continue to receive the compensation and benefits accruing to them from their regular offices or employment.

(F) The Committee may hire staff in consultation with Learn to Earn Dayton.

(G) The Montgomery County Educational Services Center shall be the Committee's fiscal agent.

(H) Upon submission of the report required under division (B) of this section, the Committee is abolished.

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SECTION 803.01. The amendment by this act of section 718.01 of the Revised Code applies to municipal taxable years beginning on or after January 1, 2016.

SECTION 803.03. The amendment by this act of section 718.05 of the Revised Code applies to municipal taxable years beginning on or after January 1, 2016.

SECTION 803.05. The amendment of section 5124.67 of the Revised Code is not intended to supersede the earlier repeal, with delayed effective date, of that section.

SECTION 803.07. The amendment by this act of section 5725.22 of the Revised Code applies to taxable years ending in and after 2016.

SECTION 803.70. The amendment by this act of sections 5747.01, 5747.05, 5747.055, 5747.08, 5747.21, 5747.37, 5747.71, and 5747.98 of the Revised Code applies to taxable years beginning on or after January 1, 2015.

SECTION 803.140. The amendment by this act of section 5713.30 of the Revised Code applies to tax year 2015 and every tax year thereafter.

The above boxed and initialed text was disapproved.

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SECTION 803.160. The amendment by this act of sections 718.01, 718.04, and 718.05 of the Revised Code is not intended to accelerate the application of the amendment of those sections by H.B. 5 of the 130th General Assembly as provided by Section 3 of that act.

SECTION 803.170. The repeal by this act of section 5739.212 of the Revised Code applies to any tax or rate increase imposed under section 5739.021, 5739.023, 5739.026, 5741.021, 5741.022, or 5741.023 of the Revised Code on or after July 1, 2015.

SECTION 803.180. The amendment or enactment by this act of sections 5703.057, 5703.36, and 5703.361 of the Revised Code apply on and after January 1, 2016. JRC

SECTION 803.210. The amendment by this act of sections 3769.03, 3769.08, 3769.083, 3769.086, 3769.087, and 3769.101 of the Revised Code apply on and after January 1, 2016.

SECTION 803.220. (A) As used in this section, "net additional tax" means, in the case of a wholesale dealer, the net additional amount of tax resulting from the amendment by this act of section 5743.02 of the Revised Code, less the discount allowed under section 5743.05 of the Revised Code as a commission for affixing stamps, that is due on all packages of Ohio stamped cigarettes and on all unaffixed Ohio cigarette tax stamps that the wholesale dealer has on hand as of the beginning of business on July 1, 2015, and, in the case of a retail dealer, means the net additional amount of tax resulting from the amendment by this act of section 5743.02 of the Revised Code that is due on all packages of Ohio stamped cigarettes that the retail dealer has on hand as of the beginning of business on July 1, 2015.

(B) In addition to the return required under section 5743.03 of the Revised Code, each wholesale dealer and each retail dealer shall make and file a return on forms prescribed by the Tax Commissioner showing the net additional tax due and any other information that the commissioner considers necessary to apply sections 5743.01 to 5743.20 of the Revised Code in the administration of the net additional tax. On or before September 30, 2015, each wholesale dealer and each retail dealer shall deliver the

The above boxed and initialed text was disapproved.
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SECTION 803.300. The amendment by this act of section 5747.113 of the Revised Code applies to taxable years beginning on or after January 1, 2015.

SECTION 803.310. Subject to the limitations on the time to apply for a refund or issue an assessment under section 5751.08 or 5751.09 of the Revised Code, respectively, the amendment by this act of division (F)(2)(jj) of section 5751.01 of the Revised Code applies to tax periods beginning on or after July 1, 2011, and shall be construed as clarifying the law as it existed prior to the effective date of that amendment.

SECTION 803.330. The amendment by this act of division (II) of section 5739.01 of the Revised Code applies on and after October 1, 2015.

SECTION 803.350. Notwithstanding division (C) of section 5736.02 of the Revised Code as amended by this act, the Department of Taxation shall post the first average wholesale price of a gallon of propane not later than July 31, 2015, for the calendar quarter that begins July 1, 2015.

SECTION 803.353. The amendment by this act of sections 5727.06, 5727.11, 5727.15, and 5727.75 and divisions (B) and (C) of section 5727.031 of the Revised Code applies to tax years beginning on or after January 1, 2016. JRI JRK

SECTION 803.360. The developmental center closure process, established in the amendment by this act to section 5123.032 of the Revised Code, applies to a developmental center for which the Governor has given notice of the Governor's intention to close the developmental center, but for which the closure of the center has not been completed. Not later than seven days after the effective date of the amendment to section 5123.032 of the Revised Code by this act, the officials who are to appoint members to a developmental center closure commission shall appoint members to a developmental center closure commission for each center for which the Governor has given the closure notice. JRC

SECTION 803.370. The amendment by this act adding division (A)(32) to JRK

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section 5747.01 of the Revised Code applies to taxable years beginning on or after January 1, 2015. JRK

SECTION 806.10. The items of law contained in this act, and their applications, are severable. If any item of law contained in this act, or if any application of any item of law contained in this act, is held invalid, the invalidity does not affect other items of law contained in this act and their applications that can be given effect without the invalid item of law or application.

SECTION 809.10. An item of law, other than an amending, enacting, or repealing clause, that composes the whole or part of an uncodified section contained in this act has no effect after June 30, 2017, unless its context clearly indicates otherwise.

SECTION 812.10. Except as otherwise provided in this act, the amendment, enactment, or repeal by this act of a section is subject to the referendum under Ohio Constitution, Article II, section 1c and therefore takes effect on the ninety-first day after this act is filed with the Secretary of State or, if a later effective date is specified below, on that date.

The amendment of sections 173.47, 5165.15, 5165.151, 5165.152, 5165.192, and 5165.23 of the Revised Code takes effect July 1, 2016. JRK

The amendment of section 4501.01 of the Revised Code in Section 101.01 of this act takes effect January 1, 2016.

For multiple employer welfare arrangements that have a valid certificate of authority from the superintendent of insurance on the effective date of the amendments to section 1739.13 of the Revised Code, the requirements imposed by that section as amended by this act shall take effect two years from the effective date of those amendments.

The enactment of new section 5165.25 of the Revised Code takes effect July 1, 2016.

The repeal of sections 5165.25 and 5165.26 of the Revised Code takes effect July 1, 2016.

The amendment or enactment of sections 145.56, 145.571, 742.462, 742.47, 2919.21, 3115.101 3115.102, 3115.103, 3115.104, 3115.105, 3115.201, 3115.202, 3115.203, 3115.204, 3115.205, 3115.206, 3115.207, 3115.208, 3115.209, 3115.210, 3115.211, 3115.301, 3115.302, 3115.303,

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(2) "~~the division of soil and water resources in the department of natural resources,~~" and "Chapter ~~1515.~~ 940." in division (A) of section 903.11 of the Revised Code;

(3) "~~1511.01~~ 939.01", "~~chief of the division of soil and water resources in the department of natural resources under section 1511.02~~ director of agriculture under section 939.02", and "~~1515.08~~ 939.02" in section 903.25 of the Revised Code;

(4) "~~1515.14~~ 940.15" in division (A)(2) of section 3734.901 of the Revised Code;

(5) All of the amendments to section 1501.011 of the Revised Code, except a notice published by the department of natural resources regarding an activity, project, or improvement shall be published as contemplated in section 7.16 of the Revised Code.

(6) Renumbering of sections 1515.14 to 940.15 of the Revised Code; and "~~natural resources~~ agriculture", "~~local~~", "~~1515.10~~ 940.12", "~~local~~", "~~1515.10~~ 940.12", and "~~local~~" in division (A) of renumbered section 940.15 of the Revised Code.

SECTION 815.10. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:

Section 109.572 of the Revised Code as amended by both Am. Sub. H.B. 483 and Am. Sub. S.B. 143 of the 130th General Assembly.

Section 122.85 of the Revised Code as amended by both Am. Sub. H.B. 508 and Am. Sub. H.B. 510 of the 129th General Assembly.

Section 124.181 of the Revised Code as amended by both Am. Sub. H.B. 1 and Am. Sub. H.B. 16 of the 128th General Assembly.

Section 124.392 of the Revised Code as amended by both Am. Sub. H.B. 1 and Am. Sub. H.B. 16 of the 128th General Assembly.

Section 321.24 of the Revised Code as amended by both Sub. S.B. 353 of the 127th General Assembly and Am. Sub. H.B. 1 of the 128th General Assembly.

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Section 2151.421 of the Revised Code as amended by both Am. Sub. H.B. 213 and Am. Sub. H.B. 483 of the 130th General Assembly.

Section 3301.57 of the Revised Code as amended by both Am. Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.

Section 3314.03 of the Revised Code as amended by Sub. H.B. 264,

The above boxed and initialed text was disapproved.

Date: 6-30-15

John R. Kasich, Governor